

# Possible Legislation for 2018

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Raegan Robb, CMCA Legislative Committee Chair

Provided is a summary of potential legislation that may arise during the 2018 legislative session. Legislative proposals typically stem from interim committees and interest groups that meet each summer. Proposals also come from the Colorado Municipal League (CML) and proposals from its membership, which can include ideas from the Municipal Clerks!

The CML Policy Committee met on October 13<sup>th</sup> and has made some recommendations to the CML Executive Board. These recommendations are highlighted in the summary below. Most recommendations will be considered by the Committee at its next meeting on December 8th. Please let us know if you have any responses to the legislation summarized below, which includes:

- [Possible 2018 Legislation-Clerk Related](#);
- [Possible 2018 Legislation from Interim Committees/Interest Groups-Clerk Related](#);
- [Possible 2018 Legislation from CML Policy Committee \(Not Clerk Related\)](#); and
- [Possible 2018 Legislation from Interim Committees/Interest Groups \(Not Clerk Related\)](#).

The 2018 legislative session will commence on January 10th and the League will begin to populate the ["2018 Legislative Session" page on the CML website](#) with bill logs, a box score of support and oppose bills, and position papers on selected legislation.

A preview of these and other items will be given by CML lobbyists during a webinar on January 9th from noon to 1:00 p.m. Details and registration information for the webinar will be posted soon on the [CML website under Events](#).

# Possible 2018 Legislation-Clerk Related

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## Request for CML-initiated Legislation – City of Edgewater

### **Beer & Liquor: Authority to Replace Lost Liquor License**

The City of Edgewater is requesting CML initiate a bill seeking liquor licensing authority for cities/towns under 10,000 in population to issue liquor licenses in the case of a license ending or being transferred out of that city/town.

“The bill itself will allow for the issuance of a new/replacement license any time that a community of less than 10,000 was to lose a license for any reason. This is currently not the case due to changes imposed by SB 197 which broadened licensing for grocers and pharmacies, but severely restricted the ability of cities/towns to issue licenses. This, of course, could include closure of a business, loss of a lease, sale to a party in another community, redevelopment, death or illness, fire, or a natural disaster (tornado, flood, hail storm, etc.). Our current statute does not allow for this replacement license and small communities could experience a significant economic impact to their sales tax base if such a business was lost and that community was not able to be replace the license. This is not intended to impact or interfere with large grocers’ transition into the liquor sales business.” *Lobbyist: Kevin Bommer*

**POLICY COMMITTEE RECOMMENDATION: CML-INITIATED LEGISLATION**

**CLERKS’ POSITION/COMMENTS:**

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### **Beer & Liquor: Special Event Permit**

A change in Colorado Liquor Rules in 2012 allowed for the operation of special event permits by municipalities and special districts, as well for special event permits for educational purposes. Some municipalities have since operated special events under that authority. The Liquor Enforcement Division (LED) now believes that the underlying statutes do not allow for the more expansive rule and have thus proposed rescinding the rule. Staff is requesting support for CML-initiated legislation that would clarify the statute, allowing the rule to remain unchanged and municipalities to continue operating special events.

**Staff recommendation: CML-initiated legislation.** *Lobbyist: Kevin Bommer*

**POLICY COMMITTEE RECOMMENDATION: CML-INITIATED LEGISLATION**

**CLERKS’ POSITION/COMMENTS:**

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### **Beer & Liquor: Fermented Malt Beverage Licenses**

In the wake of SB 16-197, a task force was required to be formed to analyze several aspects of the landmark legislation, including the transition on January 1, 2019 allowing fermented malt beverage (FMB) licensees, otherwise known as “3.2 licenses,” to sell full strength malt liquor. The task force began meeting over a year ago and recommendations of the members were recently voted on, and the final results be

presented to the General Assembly in January. One of the issues the League focused on was the potential proximity of convenience stores and possibly grocery stores to schools, since there is no distance restriction on FMB licenses. Staff deemed it politically infeasible to propose any retroactive solution but did submit a proposal that, at a minimum, would put distance restrictions on new FMB licenses issued after 1/1/19 and allow the local licensing authority to deny a license based on the determination of an undue concentration of other FMB licenses, retail liquor stores, or liquor licensed drug stores. While the many issues related to SB 197 interpretation and implementation are shifting sands, staff believes enough support for bill can be cobbled together to ensure public safety and appropriate application of local control to new FMB licenses.

**Staff recommendation: CML-initiated legislation.** *Lobbyist: Kevin Bommer*

**POLICY COMMITTEE RECOMMENDATION: CML-INITIATED LEGISLATION**

**CLERKS' POSITION/COMMENTS:**

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### **Beer & Liquor: Modification of Alcohol Beverage Tastings Statute**

Part of the requirements placed on the SB 197 Task Force (mentioned above) was to also examine the current alcohol beverage tastings (tastings) statute. There were proposals in 2016 to force changes into SB 197, but CML objected to potential loss of local control and suggested the task force route. The final recommendation out of the task force to the legislature is for modest modifications to the law that would allow for more days and more hours for tastings to occur but would not impair local control over the final determination. Other provisions in the recommendation were supported by staff on the task force. Should legislation be introduced to implement the recommendations?

**Staff recommendation: Support.** *Lobbyist: Kevin Bommer*

**POLICY COMMITTEE RECOMMENDATION: SUPPORT**

**CLERKS' POSITION/COMMENTS:**

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### **Elections: Nomination Committees**

Each year, the Statutory Revision Committee solicits statutory clean-up ideas. This year, the municipal clerks brought forward an idea to remove three unnecessary subsections in the Municipal Election Code of 1965 (title 31, Article 10) regarding the nominating committee process for dealing with vacancies in nomination when a potential municipal election official withdraws from candidacy. Such a vacancy occurs when someone decides, after filing a nomination petition and having that petition certified, that he/she no longer wishes to run for municipal office. The statutes provide that if a vacancy committee has been designated on the petition (this is a "may" designate, rather than "must/shall"), then that committee is notified of the candidate's withdrawal. However, the statute does not statute require the vacancy committee to fill that vacancy (and, to our knowledge, a committee filling a vacant nomination has never happened). These provisions are probably modeled after state partisan vacancy committees, whose charge is to actually vote on someone to fill a vacancy, whether in nomination or in office. The statutory nomination committee process for municipal candidate petitions is an unused process and causes confusion for both municipal

clerks and candidates.

**Staff recommendation: Staff discretion to support.** *Lobbyist: Dianne Criswell*

**POLICY COMMITTEE RECOMMENDATION: STAFF DISCRETION TO SUPPORT**

**CLERKS' POSITION/COMMENTS:**

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**Marijuana: Statutory cleanup on sale of marijuana to out of state residents**

HB 16-1261 amended CRS 12-43.4-402 (3) (a) by repealing (II), which previously restricted the sale to out-of-state residents to ¼ ounce of marijuana or its equivalent in marijuana products. However, the legislation failed to repeal the related unlawful act from the appropriate section the law, 12-43.4-901 (f) that states it is a crime to sell more than ¼ ounce to an out-of-state resident. Even though the unlawful act is not being enforced, it is still a conflict within the retail marijuana code. In lieu of an official member request for CML-initiated legislation, the Town of Crestone has requested the League seek an opportunity in any marijuana legislation in 2018 to make this clarification. Staff believes the sponsor of HB 1261 would be amenable to do that, as he is likely to carry additional bills in 2018. **Staff recommendation: Support.** *Lobbyist: Kevin Bommer*

**POLICY COMMITTEE RECOMMENDATION: SUPPORT**

**CLERKS' POSITION/COMMENTS:**

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**Marijuana: On Premise Consumption**

Staff recently received a proposed draft of legislation for 2017 that would allow for “accessory consumption permits” connected with medical marijuana center license or a retail marijuana license for the purposes of consuming marijuana products, other than smoking. (The draft recognizes and does not attempt to alter the Colorado Clean Indoor Air Act) The draft includes provisions for local opt-in, as opposed to opt-out. In municipalities that allow accessory permits, however, means of approval of individual applications problematically mirrors the manner in which beer or distillery tasting rooms or tap houses are approved, in that the state is the only decider. While the state may consider a request from the local authority to deny an application, the state is not bound to the request. The language from the tasting room statute is appropriate because they are only licensed by the state, but that is not appropriate for dually-licensed marijuana establishments. Since the bill is only a first draft at this time, **CML staff would like to bring a recommendation to the Policy Committee on December 8th.**

*Lobbyist: Kevin Bommer*

**CLERKS' POSITION/COMMENTS:**

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# Possible 2018 Legislation from Interim Committees/Interest Groups-Clerk Related

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## **Attorney General's Stakeholders: Data Storage/Treatment and Data Breach Notification**

According to CML, there is draft legislation being reviewed by the stakeholder's group that would address how municipalities retain and dispose of personal identification information and establishing a notification process in the event of a data breach to any affected residents. Specifically, the first requirement under this legislation is a written policy concerning the retention and destruction of personal identifying information. This requirement would be satisfied by any public entity that has formally adopted the Municipal Retention Schedule, according to C.R.S. 24-80-101 *et seq.*

The second portion of the legislation requires a public entity to provide notification of any data breach to affected residents and provides specific information that must be contained in that notice. Such notice must be provided to impacted residents no later than 30 days after a breach. Notice must also be provided to the Attorney General's Office within 7 days after a breach is discovered.

The stakeholder group is meeting again on December 5th.

**CML COMMENTS:** The draft legislation doesn't seem as if it would negatively impact municipalities, except for entities that have not adopted the Municipal Records Retention Schedule that helps provide guidance to municipalities in the case of a security breach."

## **CLERKS' POSITION/COMMENTS:**

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### **Beer and Liquor: Alternative licensing proposal for FMB licenses**

Recently, another one of the many interest groups in beer and liquor licensing, sales, and distribution issues contacted the League with another potential manner in which to address the future of malt liquor sales. The group is made up of 250 of the largest liquor stores in the state. If introduced, their proposal would be an alternative to the recommendation presented by staff for CML-initiated legislation and would likely have more support. Instead of the proposal that CML has contemplated, this proposal would:

- Create a new license that would be effective for all establishments currently holding a fermented malt beverage (FMB) license after 12/31/19
- Would require a period of transition from the FMB license beginning on 1/1/19. Any

licensee failing to make the transition would be without a license from that point forward.

- The legislation would contain a local option to review each license as it transitions and determine whether or not to issue the new license based on needs and desires – as if it were a brand-new license.
- Other than any grandfathered establishments, the new license would incorporate the same 1500-foot/3000-foot distance restrictions (urban/rural) that SB 16-197 contains.
- Restrictions on the amount of malt liquor that could be sold by a licensee would be in the bill to aid in preventing “beer stores” – all beer convenience stores selling gas and lottery tickets.

There are numerous other proposed provisions, but this proposal has not been fully vetted and is not ready to present to the Policy Committee with a position recommendation. What it likely means is that a more robust discussion of what may come in the 2018 session will be reserved for the December Policy Committee meeting.

*Lobbyist: Kevin Bommer*

**CLERKS’ POSITION/COMMENTS:**

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**Municipal Courts: ACLU Working Group**

The American Civil Liberties Union (ACLU) and municipal judges continue to meet to discuss potential criminal justice reforms. Implementing legislation will be required, and staff is working with the governor’s office, legislators, the Department of Local Affairs (DOLA), and CML members to design the program. *Lobbyist: Meghan Dollar*

**CLERKS’ POSITION/COMMENTS:**

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**Open Records: Open Data**

Senator John Kefalas, D-Fort Collins, has indicated that he may introduce legislation to reach the “open data” issue that was left unaddressed in his bill from last year, SB 17-040. Although there may be some requesters who believe that data is subject to the Colorado Open Records Act (CORA), the custodial community continues to interpret the provisions of CORA as being focused on records. Therefore, we expect to see some sort of legislative proposal but do not yet have details. *Lobbyist: Dianne Criswell*

**CLERKS’ POSITION/COMMENTS:**

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## **Sales and Use Taxes: Sales Tax Task Force**

HB 17-1266 created the legislative Sales Tax Task Force. At the third meeting of the Task Force on September 15<sup>th</sup>, Representative Lang Sias, R- Arvada, moved the only Task Force legislative proposal (which was in the form of a request to staff to draft). The proposal is a bill directing the Department of Revenue to issue a request for information to vendors for:

- An accurate address locator database;
- A single application and point for state & local sales tax licenses;
- A single point of state and local sales tax remittance;
- An accurate taxability matrix;
- A solution that integrates with existing systems; and
- Costing options.

Vendors must respond with the understanding that:

- There will not be changes to the tax base (and rate);
- There may not be uniform definitions; and
- There will not be a unified audit authority or process.

Many of our self-collecting home rule municipalities are interested in technological solutions to address simplification. However, all self-collecting home rules must maintain their constitutional authority to set their tax policy and administration locally. Therefore, any proposals from the state legislature need to be evaluated carefully to determine if there are any direct or indirect impacts on local control. CML staff consults with the tax administrators on the CML Sales Tax Committee when evaluating these proposals. This bill could provide useful information about cost and feasibility, so long as it calls for that information in ways that do not threaten home rule authority. The Task Force will entertain a motion to recommend the bill at its final meeting on November 1<sup>st</sup>.

**Staff recommendation: Staff discretion to support.** *Lobbyist: Dianne Criswell*

***POLICY COMMITTEE RECOMMENDATION: STAFF DISCRETION TO SUPPORT***

**CLERKS' POSITION/COMMENTS:**

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# Possible Legislation from CML Policy Committee (Not Clerk Related)

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## **Affordable Housing: Construction Defects**

Given that legislation was passed in 2017 to spur the construction of owner occupied housing, staff does not expect legislation in 2018. However, there was an attempt to preempt local construction defect ordinances in 2017 which was defeated. The City of Thornton submitted a requested change to the CML Policy Statement with language opposing any legislation that attempts to preempt local authority regarding construction defects. Since changes to the Policy Statement must first be recommended to the full membership, which votes on the Policy Statement at the Annual Business Meeting, the city requested CML to take a position in line with the request.

**Staff recommendation: Oppose.** *Lobbyist: Meghan Dollar*

**POLICY COMMITTEE RECOMMENDATION: OPPOSE**

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## **Affordable Housing: Increase in Documentary Fee**

Currently, for real estate purchases over \$500, the county clerk a one cent documentary fee for every \$100. Legislation was introduced in 2017 that increased the documentary fee to two cents every one hundred dollars. That legislation did not pass last year and is expected to be introduced in 2018. The additional one cent would be deposited in an affordable housing fund in the Colorado Housing and Finance Authority (CHFA). The fund is expected to raise \$10 million annually, if approved.

**Staff recommendation: Support.** *Lobbyist: Meghan Dollar*

**POLICY COMMITTEE RECOMMENDATION: SUPPORT**

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## **Affordable Housing: Homeless Right to Rest Act**

Denver Homeless Out Loud and the American Civil Liberties Union will again introduce a version of the "Colorado Right to Rest Act." The legislation attempts to apply certain rights to the homeless and would preempt the adoption and enforcement of certain municipal ordinances. CML has been twice successful in defeating this legislation. Denver Homeless Out Loud plans to reintroduce the bill in the 2018 legislative session.

**Staff recommendation: Oppose.** *Lobbyist: Meghan Dollar*

**POLICY COMMITTEE RECOMMENDATION: OPPOSE**

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## **Lottery: Reauthorization of the Division of Lottery**

Legislation will be introduced in 2018 to reauthorize the Division of Lottery in the Department of Revenue. Per the Colorado Constitution, the lottery funds parks and recreation and open space projects all over Colorado. Many municipalities have

received conservation trust fund dollars as well as grants through Great Outdoors Colorado. The Division of Lottery is scheduled to sunset in 2024 and staff is recommending support of legislation to reauthorize it. Staff is also recommending that the Policy Committee refer a resolution supporting the lottery to the CML Board of Directors for adoption (Attachment 2).

**Staff recommendation: Support.** *Lobbyist: Meghan Dollar*

**POLICY COMMITTEE RECOMMENDATION: SUPPORT WITH RESOLUTION TO CML BOARD**

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### **Oil and Gas: Facilities Distance from School Property**

Last session, CML supported legislation that clarified the setback requirement for oil and gas operations from schools. The Colorado Oil and Gas Conservation Commission require oil and gas production facilities and wells to be located at least 1,000 feet from school buildings. Proposed legislation clarified that the minimum 1,000-foot distance from which newly permitted oil and gas production facilities and wells must be located from any school applies to the school property line and not the school building. The bill further clarified that it does not apply if a school commences operations near oil and gas facilities or wells that are already actively in use or permitted. Similar legislation is expected in 2018.

**Staff Recommendation: Support.** *Lobbyist: Morgan Cullen*

**POLICY COMMITTEE RECOMMENDATION: DEFER TO 12/8/17**

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### **Oil and Gas: Compensation for Mineral Interests**

For the past three sessions, legislation has been introduced that specifies that a local government that bans hydraulic fracturing of an oil and gas well is liable to the mineral interest owner for the value of the mineral interest and that a local government that enacts a moratorium on oil and gas activities shall compensate oil and gas operators, mineral lessees, and royalty owners for all costs, damages and losses of fair market value. CML has consistently opposed this legislation and recommends that we oppose the legislation again in 2018.

**Staff Recommendation: Oppose.** *Lobbyist: Morgan Cullen*

**POLICY COMMITTEE RECOMMENDATION: OPPOSE**

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### **Pensions & Retirement: FPPA Employee History Health Data**

This proposed legislation will allow FPPA to implement an electronic statewide health history form, rather than requiring employees to fill out a paper form. In addition, the legislation would close a gap on preexisting conditions omitted from completed health history form. Currently, employees that fail to disclose a preexisting condition upon hire have to be shown to have done so fraudulently in order for FPPA to deny death and disability payments if the condition causes the death or disabling condition. The change

would protect the vitality of the plan by ensuring any applicable omission is able to be considered by FPPA in determining the appropriate application of benefits.

**Staff recommendation: Support.** *Lobbyist: Kevin Bommer*

**POLICY COMMITTEE RECOMMENDATION: SUPPORT**

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### **Pensions & Retirement: FPPA Simplified Reentry into Defined Benefit Plan**

This proposed legislation will allow an employer to enroll new employees in the FPPA defined benefit system, should the employer choose to affiliate with FPPA. Existing employees can stay in their existing plan. The bill also simplifies statutory process for local money purchase (defined contribution) department to join FPPA.

**Staff recommendation: Support.** *Lobbyist: Kevin Bommer*

**POLICY COMMITTEE RECOMMENDATION: SUPPORT**

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### **Pensions & Retirement: PERA**

Over the last year, there has been greater attention to ongoing fiscal issues of the Public Employees Retirement Association (PERA). League staff has been participating in a local government employers advisory council, which will meet again once more before the end of the year. 26 municipalities are members of PERA. CML has reserved taking action on previous legislation, depending on the situation, but recent developments create some concern. The PERA Board recently voted to support the following changes:

1. Increasing contribution rates from employees (3%) and employers (2%)
2. Modifying benefits, including raising the minimum age for full service retirement eligibility to 65 and reducing the COLA as well as suspending the COLA for several years
3. Aligning contributions, service credit and benefits by changing key definitions for “service credit accrual” and “PERA-includable salary”

While there is a long way to go before any PERA recommendations are introduced as legislation, the employer contribution increase alone is highly problematic. If adopted, municipal employers would see their contributions go up to a total of 15.7%. However, some of the benefits modifications would help the stability of the overall plan. Depending on what is proposed, staff would like to be able to weigh in appropriately with the input of affected municipal employers.

**Staff recommendation: Staff discretion.** *Lobbyists: Kevin Bommer, Dianne Criswell*

**POLICY COMMITTEE RECOMMENDATION: STAFF DISCRETION**

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### **Public Safety: Red Light Cameras and Speed Radar**

Since the Governor vetoed HB 16-1231, which was a prohibition on the use of red light cameras, CML expects that similar legislation will be introduced to prohibit the use of both red-light cameras and speed radar in 2018.

**Staff recommendation: Oppose** *Lobbyist: Meghan Dollar*

***POLICY COMMITTEE RECOMMENDATION: OPPOSE***

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### **Telecommunications (Broadband): Preemption of Local Authority**

Toward the end of the 2017 session, several incumbent providers were supportive of draft legislation that would have tied any new funds available from the state high cost fund (HCF) for broadband deployment to preemptions on local government authority granted under SB 152. That legislation granted specific authority for municipalities and counties to own and/or operate broadband infrastructure with approval of voters. Nearly 70 municipalities and 30 counties have granted such approval, although nearly all local governments are looking to partner with the private sector whenever possible. While the League has been supportive of freeing up HCF dollars for broadband deployment, staff believes this can never be tied to preemptions that take authority away from local governments.

**Staff recommendation: Oppose unless amended.** *Lobbyist: Kevin Bommer*

***POLICY COMMITTEE RECOMMENDATION: OPPOSE UNLESS AMENDED***

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### **Transportation: Preemption of Local Establishment of Trucking Routes**

The Colorado Motor Carriers Association has submitted a legislative request to the Transportation Legislative Review Committee (TLRC) to create a statewide process and procedure for the designation of truck routes in Colorado. The proposed legislation would set up procedures for notification of pending action by local government to designate a truck route, require proper signage of a truck route and would stipulate a uniform fine structure for violations.

**Staff Recommendation: Oppose.** *Lobbyist: Morgan Cullen*

***POLICY COMMITTEE RECOMMENDATION: STAFF DISCRETION TO OPPOSE***

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### **Water & Wastewater: Connected Municipality Use**

Proposed legislation in the Water Resources Review Committee would allow water rights that were previously changed for municipal water supply in one system to be used in an interconnected system without having to acquire water court approval. Draft legislation includes various terms to insure this would not injure other water rights, including the other water rights of municipalities. The proposal could be beneficial to municipalities by facilitating water sharing agreements between municipal water providers, such as utilities and districts, by significantly lowering transaction costs and risks that come with the water court process. Agreements could also allow such providers to use water more efficiently, build redundancy and reliability into their

systems. **Staff Recommendation: Support.** *Lobbyist: Morgan Cullen*  
**POLICY COMMITTEE RECOMMENDATION: DEFER TO 12/8/17**

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**Water: Expanded Duration for CWRPDA Revolving Loans**

Pursuant to the federal clean water act and the federal “Safe Water Drinking Act”, the Colorado water resources and power development authority makes loans under its water pollution control revolving fund and its drinking water revolving fund. Under state law, the duration of any water pollution control loan made by the authority must not exceed 20 years after a projects completion. However, the federal clean water act now allows for loans up to the lesser of 30 years or the projected useful life of the project, as determined by the state. Proposed legislation submitted to the Water Resources Review Committee would remove the 20-year limitation on water pollution control loans and authorizes the authority to make loans in compliance with the clean water act and the “Safe Water Drinking Act.”

**Staff Recommendation: Support.** *Lobbyist: Morgan Cullen*

**POLICY COMMITTEE RECOMMENDATION: SUPPORT**

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## Possible Legislation from Interim Committees/Interest Groups (Not Clerk Related)

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**Civil asset forfeiture:** CML opposed legislation (HB 17-1313) in the 2017 session that arbitrarily restricted funds local law enforcement may receive through civil asset forfeiture. CML staff has worked in good faith as a member of the governor’s HB 17-1313 Task Force to create a smooth process for implementation at the local level. A significant issue is the prohibition on local law enforcement receiving forfeiture funds from the federal government in certain cases. As passed, the legislation did not have a remedy to help law enforcement cover the use of taxpayer resources put into an investigation but not receive anything in return to make them whole. CML appreciates that the governor’s office heard that concern and has set aside \$1.5 million from the marijuana tax cash fund. The Task Force will determine the best way to get those funds directly to law enforcement. *Lobbyist: Meghan Dollar*

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**County Courthouse/Jail Funding and Overcrowding Solutions Interim Committee**  
Colorado Counties Inc. asked for this legislative interim committee to study ways to

combat jail overcrowding and the costs to counties and the county level court system. Several bills were proposed in the committee, including one that proposed money bond and bail reform. Municipal ordinance violations, petty offenses, and low-level misdemeanors were included in the legislation. CML currently is working with the ACLU on potential monetary bond and bail reform and had concerns that the proposed legislation left municipal courts with no means to incentivize individuals that frequently fail to appear in court. That legislation did not pass as an interim committee bill, but will likely still be introduced in the legislative session. Another piece of legislation that did pass is Bill 2, which creates a program at the state level to implement the use of technology in order to hold hearings quicker and more efficiently. CML will work with the sponsor to identify ways municipal courts can utilize such a program.

*Lobbyist: Meghan Dollar*

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### **Oil and Gas: Governor's 7-point Plan**

Last August, in response to the recent tragedy in Firestone and Meade, Colorado, Governor Hickenlooper submitted a seven-point plan to address public safety regulations in and around oil and gas facilities in Colorado. Some of the Governor's proposals can be implemented through new rule making within the Colorado Oil and Gas Conservation Commission (COGCC) and some will require legislation. Some of the noteworthy proposals the administration put forward are the plugging of abandoned and orphan wells, enhanced participation of 8-1-1, a methane detection monitor rebate program, phase out of low pressure test exemptions and third-party safety audits.

*Lobbyist: Morgan Cullen*

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### **Opioid and Other Substance Abuse Interim Committee:**

Many parties - including law enforcement, health care, mental health professionals, and local governments - worked on potential legislation. In December, staff will bring a few pieces of proposed legislation to the CML Policy Committee with the request to support. Bills will range from providing more funding for substance abuse treatment to allowing local opt-in for a pilot program allowing supervised injection facilities. *Lobbyist: Meghan Dollar*

- Bill A – Sets aside funds for substance abuse programs (from marijuana cash fund). The bill also continues the opioid interim committee for three years. Staff will bring this bill to the CML Policy Committee with the recommendation to support.
- Bill C – Creates a pilot program in Denver for supervised injection sites and provides for local opt in and regulation. The pilot program will begin in Denver. The proposed bill also allows schools to provide Narcan, which reverses overdoses. Staff will ask the CML Policy Committee to recommend support for the legislation.

- Bill D – Adds behavioral health care providers to list of healthcare providers that are eligible for loan repayment. Creates a scholarship program for cover costs of certification and medication assisted treatment training. The goal is to get providers in rural areas. Staff is likely to request the CML Policy Committee recommend support.
  - Bill F – Prohibits individual and group health benefit plans from requiring prior authorization for medication-assisted treatment and requires all individual and group health benefit plans to include in the carrier's prescription drug benefit coverage a transdermal analgesic lidocaine patch for treatment of pain. Staff may request the CML Policy Committee recommend a neutral position.
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### **Police Officers' and Firefighters' Pension Reform Commission:**

This interim committee considered two pieces of legislation requested by the Fire and Police Pension Association (FPPA). The CML Policy Committee and CML Executive Board have already considered them, and CML will support both bills. *Lobbyists: Kevin Bommer, Dianne Criswell*

- Bill A – Allows FPPA to implement an electronic statewide health history form, rather than requiring employees to fill out a paper form. In addition, the legislation would close a gap on preexisting conditions omitted from completed health history form. Currently, employees that fail to disclose a preexisting condition upon hire have to be shown to have done so fraudulently for FPPA to deny death and disability payments if the condition causes the death or disabling condition. The change would protect the vitality of the plan by ensuring any applicable omission is able to be considered by FPPA in determining the appropriate application of benefits.
  - Bill B – Allows an employer to enroll new employees in the FPPA defined benefit system, should the employer choose to affiliate with FPPA. Existing employees can stay in their existing plan. The bill also simplifies statutory process for local money purchase (defined contribution) department to join FPPA.
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**Public Employees Retirement Association (PERA):** Shortly following the release of PERA's plan for solvency endorsed by the PERA board, Gov. Hickenlooper proposed some notable differences in his budget request. With 27 municipal members of PERA, CML has historically worked to ensure their collective voices are heard in the PERA discussions that often revolve around the much larger and more underfunded State and School Divisions. PERA's goal is a plan that amortizes unfunded liability in each division in 30 years or less. While the PERA board proposed an across the board 2-percent employer contribution, Gov. Hickenlooper's budget request does not support any employer increase. The governor also proposed a reduction in the automatic cost of living adjustment (COLA). This will be a hotly debated issue in the 2018

**Public Safety: Healthcare Costs for Persons in Custody**

CML staff has convened a working group with municipal attorneys, the public safety community and hospital representatives. The goal is to identify opportunities to mitigate costs for municipalities when they are given the bill for an individual who needed healthcare while in custody. CML staff is identifying the scope of the problem to see whether the issue can be dealt with through contracting or a legislative solution is necessary. *Lobbyist: Meghan Dollar*

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**Public Safety: Implementation of HB 17-1313**

Despite opposition from the public safety community, the Gov. Hickenlooper signed HB 17-1313, which impacted civil asset forfeiture authority. In his signing statement, the governor created a task force to implement the legislation and fix confusion surrounding the state civil asset forfeiture process and the legislation's reporting requirements. There have now been three meetings, and one of the issues that has come up is the inclusion of local public ordinances in HB 17-1313. Staff is currently researching the full application of applying HB 17-1313 to forfeiture-like procedures at the local level, and will likely have several recommendations around civil asset forfeiture legislation at the December meeting. *Lobbyist: Meghan Dollar*

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**Public Safety: FirstNet**

Through the creation of the National Public Safety Broadband Network (NPSBN), there is now movement to make a comprehensive network for first responders a reality. The federal body overseeing this network is called the First Responders Network Authority (FirstNet). Each state, including Colorado, created a FirstNet Governing Body to lead the state's efforts to plan, develop and support deployment of the NPSBN in partnership with the FirstNet. The governing body and first responders around the state are currently contemplating the best path toward broad, high-quality public safety communications. Colorado is now faced with making one of three choices. The state can opt in to the national model provided by FirstNet and their chosen vendor AT&T, the state can opt out of the national model and look at other options or vendors, or the state can choose to put resources elsewhere and do nothing. The governor will ultimately make the decision with input from the Colorado FirstNet Governing Body. On September 29, the governor received notice from FirstNet on the delivery of the final state plan, which triggered the 90-day review period. The governor's decision is due by December 28. *Lobbyist: Meghan Dollar*

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**Transportation:** Revenue to the Colorado Department of Transportation (CDOT) is proposed to increase by \$175 million, due almost entirely from new revenue generated

by the passage of SB 17-267 last session. Under SB 17-267, the state may issue up to \$2 billion in certificates of participation between FY 2018-19 and FY 2021-22, with up to \$1.88 billion of this total allocated to CDOT for strategic transportation projects on state and interstate highways. There is no allocation for municipal streets or transit and still no statewide solution for all of Colorado's dire transportation needs.

Lobbyist: *Morgan Cullen*

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### **Sales and Use Tax Simplification Task Force:**

This task force was created by legislation to study sales and use tax simplification between the state and local governments, including home rule municipalities, to identify opportunities and challenges within existing fiscal frameworks to adopt innovative revenue-neutral solutions that do not require constitutional amendments or voter approval. The four committee meetings produced one bill. *Lobbyist: Dianne Criswell*

- Bill A – Requires the department of revenue to issue a request for information for an electronic sale and use tax simplification system that the state or any local government that levies a sales or use tax, including a home rule municipality and county, could choose to use. The goal is to determine if an option for administrative simplification can be identified, while preserving home rule municipalities' choice in how they manage their municipal sales tax.
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### **Sentencing in the Criminal Justice System Interim Committee:**

This interim committee was established to identify opportunities for criminal justice reform in Colorado. Most pieces of proposed legislation did not have a municipal impact. One piece of legislation that did not pass as an interim bill, but may still be proposed during the legislative session put restrictions on when a local agency can deny employment, a permit, or license based on someone's criminal background. CML staff is currently identifying the full impact on municipalities. *Lobbyist: Meghan Dollar*

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### **Water Resources Review Committee:**

The Water Resources Review Committee considered several potential bills during the interim. However, there is only one bill that passed that was of significant municipal interest, and the CML Policy Committee already recommended support to the CML Executive Board. *Lobbyist: Morgan Cullen*

- Bill E – The Clean Water Act now allows for loans up to the lesser of 30 years or the useful life of the project. Consistent with federal law, this bill would remove Colorado's 20-year limitation on loans for water pollution infrastructure and provide municipalities more flexibility and broader financing through the Colorado Water Resources and Power Development Authority. (CWRPDA) CML will support this legislation.
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### **Wildfire Matters Review Committee:**

For several years, the legislature has convened the Wildfire Matters Review Committee. The committee has approved two pieces of legislation this year. The first extends the committee until 2025. The second creates tougher penalties for individuals that leave camp fires unattended or have not extinguished them properly. In addition, the bill removes the requirement that counties post notices regarding unattended campfires. CML staff will likely recommend a neutral position. *Lobbyist: Meghan Dollar*

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