

Action Items

Affordable Housing: State Low Income Housing Tax Credit

During the 2014 legislation session, HB 14-1017 was passed to create a state low income housing tax credit that is operated through the Colorado Housing and Finance Authority (CHFA). CML supported this legislation. The program was reauthorized in 2016 until 2019. CHFA will be running legislation to reauthorize the program in 2018 ahead of its sunset date in 2019. Since its inception, the program has directly supported 4,263 affordable housing units statewide. This program is another tool for the state to develop affordable housing in communities. **Staff recommendation: Support.** *Lobbyist: Meghan Dollar*

POLICY COMMITTEE RECOMMENDATION: SUPPORT

Beer & Liquor: Allow Donated Beverages on Licensed Premise

Because of a technical prohibition in state law, a charity holding a fundraiser or event on a premise licensed for on-premise consumption is unable to allow donated alcohol beverages in sealed containers to be auctioned off or given as prizes. The League was approached to assist with creating a narrow exception in the law that allows for charitable events that auction donated alcohol on a licensed premises so long as the container stays sealed. Draft language is still forthcoming. **Staff recommendation: Support.** *Lobbyist: Kevin Bommer*

POLICY COMMITTEE RECOMMENDATION: DEFER TO 2/16/18

Beer & Liquor: Temporary Sales Rooms

The Colorado Brewers Guild is likely to initiate legislation similar to a 2017 session bill that would allow “temporary sales rooms.” The intent is to allow wholesaler and brewpub licensees the ability to have up to two temporary sales rooms that could operate for up to three days anywhere in the state. The permitted salesrooms could sell malt liquors for on-premises consumption, sealed containers for off-premise consumption, or both – but in all cases would be limited to sell only what they are licensed to distribute. The Brewers Guild’s main goal is to have non-permanent locations primarily at farmers markets, where allowed, and not brick and mortar facilities. There are logistical issues to address regarding brewpubs because they are licensed by both the state and local licensing authority, and the bill would allow the temporary salesroom anywhere in the state. If the issues can be resolved and maintain all local control, staff would anticipate a neutral position. *Lobbyist: Kevin Bommer.* **Staff recommendation: Staff discretion.**

POLICY COMMITTEE RECOMMENDATION: STAFF DISCRETION

Marijuana: Accessory Consumption Establishments

This item was an information item at the October meeting. While a final form of draft legislation is not yet available, staff believes the latest draft presents enough detail to make a recommendation. The bill would apply to both medical marijuana and retail marijuana establishments. In local jurisdictions that have medical and/or retail marijuana and that opt-in to the statute by either adopting an ordinance or that have a successful initiative or referendum, “medical marijuana accessory establishments” and/or “marijuana accessory establishments” would be permitted. While the optional nature of the establishments is preferable, staff has flagged a number of issues of concern on operational aspects of the bill, including:

- 1) The inclusion of medical marijuana, which is intended to be medicine and not a social use. Staff believes this is in conflict with the intent of creating a location for social consumption.
- 2) The accessory premise is not allowed to be attached to the store or center and may be located anywhere within the jurisdiction.
- 3) The draft inappropriately mimics the beer manufacturers tasting room model, which are state-only licenses, whereas the existing marijuana code recognizes dual authority.
- 4) Even though consumption on the accessory premises is restricted to non-smoking consumption, it appears in the draft that any product can be sold at the location.
- 5) Licensed retail stores only operate an accessory premises only without being connected to an actual retail store.
- 6) A store approved for an accessory establishment can sell marijuana to any other accessory establishment
- 7) The language for local opt-in by ordinance or initiated/referred measure complicated and should be streamlined to comport with similar language in the existing marijuana code.
- 8) The requirement that any unconsumed product purchased must be consumed on premise or destroyed may actually incentivize overconsumption.

Even though the intent of the legislation is to create an option, staff proposing opposing it unless amended, given the number of issues that still need to be resolved. *Lobbyist: Kevin Bommer.* **Staff recommendation: Oppose unless amended**

POLICY COMMITTEE RECOMMENDATION: OPPOSE UNLESS AMENDED

Municipal Courts: Technology for Municipal Court Hearings

This legislation passed out of the County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee. The bill 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 and, if applicable, support the legislation to get more access to technology for municipal courts. **Staff recommendation: Staff discretion to support.**

Lobbyist: Meghan Dollar

POLICY COMMITTEE RECOMMENDATION: STAFF DISCRETION TO SUPPORT

Oil and Gas: Facilities Distance from School Property

The Colorado Oil and Gas Conservation Commission (COGCC) rules require oil and gas production facilities and wells to be located at least 1,000 feet from school buildings. Legislation is expected to be reintroduced in 218 that states 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. An exemption would be provided if a school commences operations near oil and gas facilities or wells that are already actively in use or permitted. The policy committee energetically debated the merits of the proposal and the possibility of whether some additional local control measures could be added to the legislation. The committee agreed to defer the matter to the 12/8/17 meeting and find out whether the bill sponsor would be amenable to the proposed changes. The bill sponsor has indicated that he will be introducing the bill with the same language as last year. **Staff**

Recommendation: Support. *Lobbyist: Morgan Cullen*

POLICY COMMITTEE RECOMMENDATION: SUPPORT

Pensions & Retirement: PERA Reform

This item will replace the previously approved position for “staff discretion” with more specific direction. Some of CML’s 26 PERA-member municipalities have participated in discussions since October with the goal of arriving at specific advocacy recommendations. The discussion was based on comparisons between the PERA Board proposed legislative package and Gov. Hickenlooper’s proposed package as outlined in his November 1 budget request to the state Joint Budget Committee. The PERA Member Municipality Committee makes the following recommendations for policy positions on any 2018 PERA reform bills:

1. CML and PERA Member Municipalities **support** the goal of passing legislation in 2018 that will allow PERA to achieve 100% funded status in all divisions in 30 years or less with the following inclusions:
 - a. **Oppose** any additional employer contribution

- b. **Support** the governor’s proposal that employee contributions for new and current employees are the same
 - c. **Support** a reduction of the proposed additional employee contribution for employees in the Local Government Division
2. CML and PERA Member Municipalities would retain the discretion to oppose fixing in state statutes an automatic ratchet-up contribution mechanism that would:
- a. Unnecessarily create another automatic trigger affecting budget and revenue (i.e. TABOR, Amendment 21, Gallagher)
 - b. Create budgetary impacts when local governments would be reducing costs or personnel
 - c. Bypass the legislative process that should be part of any potential increase in the expenditure of taxpayer dollars

Lobbyists: Kevin Bommer, Dianne Criswell. **Staff recommendation: Support committee recommendations**

POLICY COMMITTEE RECOMMENDATION: SUPPORT COMMITTEE RECOMMENDATION WITH AN AMENDMENT TO 1 (A) AND 1(B) CLARIFYING THAT IT APPLIES TO THE LOCAL GOVERNMENT DIVISION OF PERA

Public Safety: Prevention of Opioid Misuse

This is proposed legislation out of the legislative Interim committee on opioid and substance abuse. The bill sets aside funds for substance abuse programs from the marijuana tax cash fund and well as continues the opioid interim committee for three years. The committee will meet year around. Also allows for school-based health clinics to utilize grant funding to provide treatment for opioid and other substance use disorders. **Staff Recommendation: Support.** *Lobbyist: Meghan Dollar*

POLICY COMMITTEE RECOMMENDATION: SUPPORT

Public Safety: Pilot Program for Supervised Injection Facilities

The proposed legislation, also from the interim committee, creates a pilot program in Denver for supervised injection facilities (SIF). The legislation provides for local opt-in and allows schools to provide narcan. The legislation also requires the Colorado Criminal and Juvenile Justice Commission (CCJJ) to study efficacy of current criminal penalties and whether they deter treatment. The intent of SIFs is to minimize overdose deaths in Colorado. **Staff Recommendation: Staff Discretion.** *Lobbyist: Meghan Dollar*

POLICY COMMITTEE RECOMMENDATION: STAFF DISCRETION

Public Safety: Incentivize Behavioral Health Providers in Rural Areas

This legislation adds behavioral health care providers to list of healthcare providers that are eligible for loan repayment. It also creates a scholarship program for cover costs of certification and medication assisted treatment training. The goal is to get providers in rural areas and increase the opportunities for substance abuse treatment in rural areas.

Staff Recommendation: Support. *Lobbyist: Meghan Dollar*

POLICY COMMITTEE RECOMMENDATION: SUPPORT

Public Safety: Opioids and Health Plans

The bill 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. Since municipalities are employers, and many with group plans CML staff will track this legislation, but is recommending a neutral position. **Staff Recommendation: Neutral.** *Lobbyist: Kevin Bommer*

POLICY COMMITTEE RECOMMENDATION: NEUTRAL

Public Safety: 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.

Staff recommendation: Neutral. *Lobbyist: Meghan Dollar*

POLICY COMMITTEE RECOMMENDATION: SUPPORT

Information items

Beer & Liquor: Fermented Malt Beverage Licenses

The Policy Committee recommended and the CML Board approved CML-initiated legislation to allow for more restrictions on fermented malt beverage (FMB) licenses issued on or after January 1, 2019. On that date, all FMB licensees will be allowed to sell malt liquor (full strength beer and equivalents). Since the committee met, staff has confirmed that Senate Majority Leader Chris Holbert, R-Parker, and House Majority Leader KC Becker, D-Boulder, will carry the legislation with compromise language from multiple sources. Staff met with both legislators who agreed to include the CML language with some minor changes. The following will be included in the bill:

1. Allow local licensing authorities to adopt a moratorium on new FMB licenses on or after the effective date of the bill through 12/31/18
2. All FMB licenses shall be subject to distance limitations from schools (i.e. other Article 47 licenses) with identical authority for the municipality to reduce or eliminate distance restrictions for all FMB licenses. Applies to existing and future FMB licenses
3. Authority for the local licensing authority to deny a new FMB license beginning on 1/1/19 based on determination of an undue concentration of other FMB licenses, liquor licensed drugstore licenses, and/or retail liquor store licenses. (Using existing language in Article 47 for retail liquors stores and taverns as a template)

In order to support the legislation, staff will need to verify there are no other components of the bill to which there is opposition. If not, then CML will support the legislation.

Lobbyist: Kevin Bommer

Criminal Justice: County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study 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. A number of 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 is currently working with the ACLU on potential monetary bond and bail reform and had concerns that the proposed legislation left municipal courts with zero remedies to incentivize individuals that frequently fail to appear in court to appear. That legislation did not pass as an interim

committee bill, but will likely still be introduced in the legislative session. *Lobbyist: Meghan Dollar*

Criminal Justice: Sentencing in the Criminal Justice System Interim Committee

The 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*

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 came 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. Recommendations of the task force were voted upon, but it is not yet clear what legislation will be introduced – if any – coming out of this process. *Lobbyist: Meghan Dollar*

Records: Consumer Protection Act updates

The Colorado Attorney General is charged with enforcing the Consumer Protection Act. The Attorney General's Office (AGO) is seeking legislation in the 2018 session to provide updates to the Act to adopt best practices in the management of personally identifiable information (PII) in light of recent data breaches reported in national news outlets (for eg. Equifax) legislation. The draft legislation includes provisions that do not apply to public entities (changes in the notification of consumers/customers after a data breach) and provisions that set standards for public and private entities which collect and retain PII in the regular course of business. These provisions do not amend the underlying statutory scheme, providing that public entities following the statutory guidelines for records management are deemed to be in compliance with the Consumer Protection Act's on related matters too. *Lobbyist: Dianne Criswell*

Utilities: 811 One-Call Program

Legislation will be introduced next session to reform Colorado's 811 One-Call Program. The program was created to prevent personal injury and property damage during excavation. Due to a number of extenuating circumstances, an outside working group

has proposed changes to Colorado's one-call law in an effort to improve safety, efficiency and enforcement authority over the program. Specifically, the legislation will propose the creation of a true "one-call" system by eliminating tiered membership provisions so that all landowners and facilities receive notification directly through the 811 program. It would also create a 12-member Safety Commission to oversee the enforcement of procedures. CML attended a stakeholder meeting last month to discuss the proposal. Among the concerns impacting municipalities are the cost implications of Tier-1 membership, ensuring diversity on the commission and state enforcement authority over local governments. *Lobbyist: Morgan Cullen*