



GENERAL GOVERNMENT

Thursday March 16, 2017

CCI Office

10 a.m.

(This meeting is recorded)

Teleconference: 1.857.216.6700 Passcode: 171009

AGENDA

WELCOME

Commissioner Rose Pugliese, Chair
 Commissioner Karla Shriver, Vice-Chair
 Eric Bergman, CCI

INTRODUCTIONS

LEGISLATION

Bill #	HB 17-1017
Title	County Surveyor Duties
H-Spon	C. Kennedy
S-Spon	Baumgardner/Jahn
Summary	The bill clarifies the specific duties of a county surveyor and provides that certain services may be provided at the surveyor's discretion and when compensated by agreement between the surveyor and the board of county commissioners. The board of county commissioners may elect to have some of the discretionary services contracted out to a private surveyor or have other county departments perform the services. If the office of the county surveyor is vacant, current law requires the board of county commissioners to fill the vacancy within 90 days. The bill extends this period to 6 months. The bill modifies the process used to fix and define an indefinite boundary line between 2 counties.
Position	Monitor
Bill #	HB 17-1029
Title	Open Records Subject To Inspection Denial
H-Spon	P. Lawrence
S-Spon	B. Gardner
Summary	The bill allows a custodian to deny access to confidential personal information

	records and employee personal e-mail addresses. The bill also makes the provisions of the Colorado Open Records Act (CORA) that relate to civil or administrative investigations and trade secrets and other privileged and confidential information apply to the judicial branch.
Position	Support – P.I.'d
Bill #	HB17-1034
Title	Medical Marijuana License Issues
H-Spon	D. Pabon
S-Spon	R. Baumgardner
Summary	The retail marijuana code requires a license for retail marijuana business operators. The bill creates a corresponding medical marijuana business operator license. Under current law, a medical marijuana licensee may move his or her location within the city or county where the business is licensed upon approval of the local and state licensing authority. Under the retail marijuana code, a licensee can move his or her business anywhere in Colorado upon approval of the state and local jurisdiction. The bill allows a medical marijuana licensee to move his or her business anywhere in Colorado upon approval of the state and local jurisdiction to conform with the retail marijuana code.
Position	Support
Bill #	HB17-1054
Title	Community/Military Cooperation
H-Spon	T. Carver, D. Nordberg
S-Spon	N. Todd
Summary	The bill makes findings regarding partnerships between military installations and their host communities in the state with regard to the shared-service opportunities that can cut costs and increase efficiencies in providing governmental services. The bill encourages host communities to create and support such partnerships and identifies the Department of Local Affairs as the appropriate state agency to support such partnerships through existing programs.
Position	Support
Bill #	HB17-1123
Title	Extend On-premises Retail Alcohol Beverages Sales Hours
H-Spon	S. Lebsack, D. Thurlow
S-Spon	V. Marble
Summary	Ability of a local government to extend the hours during which alcohol beverages may be sold for consumption on a licensed premises.

Position	Support
Bill #	HB17-1128
Title	Salary Adjustment for Lake County Officials
H-Spon	M. Hamner
S-Spon	K. Donovan
Summary	The bill changes the salary subcategorization for locally elected officials in Lake County.
Position	Support
Bill #	HB17-1134
Title	Hold Colorado Government Accountable - Sanctuary Jurisdictions
H-Spon	D. Williams
S-Spon	V. Marble
Summary	<p>The bill is known as the Colorado Politician Accountability Act. The bill includes a legislative declaration that states that addressing sanctuary jurisdictions is a matter of statewide concern and that makes findings about how sanctuary policies are contrary to federal law and state interests. The bill creates a civil remedy against the state or a political subdivision of the state and against its elected officials for creating sanctuary policies. The bill also creates a crime of rendering assistance to an illegal alien that can be brought against an elected official for creating a sanctuary jurisdiction. An elected official is responsible for the creation of a sanctuary jurisdiction if the elected official votes in favor of imposing or creating a law, ordinance, or policy that allows the jurisdiction to operate as a sanctuary jurisdiction, fails to take steps to try to change a law, ordinance, or policy that allows the jurisdiction to operate as a sanctuary jurisdiction, or is a county sheriff who imposes or enforces a policy that allows the jurisdiction to operate as a sanctuary jurisdiction in a county in which the elected officials have not voted to impose or create a sanctuary jurisdiction. The bill allows any person who claims that he or she is a victim of any crime committed by an illegal alien who established residency in a sanctuary jurisdiction to file a civil action for compensatory damages against a jurisdiction and against the elected officials of the jurisdiction who were responsible for creating the policy to operate as a sanctuary jurisdiction. The maximum amount of compensatory damages for injury to persons is \$700,000 per person or \$1,980,000 for injury to 2 or more persons; except that no person may recover in excess of \$700,000. The maximum amount of compensatory damages for injury to property is set at \$350,000 per person or \$990,000 for injury to multiple persons; except that no person may recover in excess of \$350,000.</p> <p>The bill defines a sanctuary jurisdiction as a jurisdiction that adopts a law, ordinance, or policy on or after the effective date of this bill that prohibits or in any way restricts an official or employee of the jurisdiction from:</p> <ul style="list-style-type: none"> • Cooperating and complying with federal immigration officials or enforcing federal immigration law; • Sending to or receiving from or requesting from federal immigration officials

	<p>information regarding the citizenship or immigration status, lawful or unlawful, of an individual;</p> <ul style="list-style-type: none"> • Maintaining or exchanging information about an individual's immigration status, lawful or unlawful, with other federal agencies, state agencies, or municipalities; • Inquiring about an individual's name, date and place of birth, and immigration status while enforcing or conducting an official investigation into a violation of any law of this state; • Continuing to detain an individual, regardless of the individual's ability to be released on bail, who has been identified as an illegal alien while in custody for violating any state law; or • Verifying the lawful presence and eligibility of a person applying for a state or local public benefit as required by state and federal law. <p>The governing body of any jurisdiction is required to annually submit a written report to the Department of Public Safety that the jurisdiction is in compliance with the cooperation and communication requirements. If the department does not receive those written reports, the department is required to provide the name of that jurisdiction to the state controller. A law enforcement officer of a jurisdiction who has reasonable cause to believe that an individual under arrest is not lawfully present in the United States shall immediately report the individual to the appropriate U.S. immigration and customs enforcement office (ICE) within the department of homeland security.</p> <p>The governing body is also required to report annually to the department on the number of individuals who were reported to ICE by law enforcement officers from that jurisdiction. The department is directed to compile and submit annual reports on compliance to the general assembly and to the state controller. The state controller is required to withhold the payment of any state funds to any jurisdiction that is found by the department to have failed to comply with these reporting requirements. The state controller shall withhold funds until the department notifies the state controller that the jurisdiction is in compliance. The bill creates the crime of rendering assistance to an illegal alien through a sanctuary jurisdiction, which is a class 4 felony.</p>
Position	Oppose – P.I.'d
Bill #	HB17-1177
Title	Mediation For Disputes Arising Under Colorado Open Records Act
H-Spon	A. Garnett, C. Wist
S-Spon	J. Cooke
Summary	<p>Commencing on the effective date of the bill, any person denied the right to inspect documents under the Colorado Open Records Act (CORA) or who alleges other CORA violations may apply to the state district court in which the record is located for an appropriate order. The bill also permits the parties in good faith to participate in mediation to resolve their dispute. The bill provides immunity for the disclosure of privileged or confidential information to the mediator.</p> <p>The bill specifies requirements and procedures governing the mediation, including situations where:</p> <ul style="list-style-type: none"> • The party disputing the custodian's decision has chosen not to participate in the

	<p>mediation before seeking a district court order;</p> <ul style="list-style-type: none"> • The parties participated in mediation but were unable to resolve their dispute without filing a court order; and • The parties did not participate in mediation.
Position	Oppose
Bill #	HB17-1203
Title	Local Government Special Sales Tax On Retail Marijuana
H-Spon	S. Lebsack
S-Spon	
Summary	The bill explicitly authorizes counties to levy, collect, and enforce a special sales tax on retail marijuana and retail marijuana products countywide, unless a municipality has its own special sales tax on retail marijuana. In that instance, a county may only collect inside the municipal boundary through an intergovernmental agreement with the municipality.
Position	
Bill #	HB17-1220
Title	Prevent Marijuana Diversion To Illegal Market
H-Spon	K. Becker, C. Wist
S-Spon	R. Fields, R. Gardner
Summary	The bill places a cap on the number of plants that can be possessed or grown on a residential property at 12 plants in the aggregate, with 6 or fewer being mature. A medical marijuana patient or primary caregiver who cultivates more than 12 plants must cultivate the plants in compliance with applicable city, county, or city and county law. The bill requires a patient or primary caregiver cultivating medical marijuana to comply with all local laws, regulations, and zoning requirements.
Position	Support
Bill #	HB17-1221
Title	Grey And Black Market Marijuana Enforcement Efforts
H-Spon	D. Pabon, Y. Willett
S-Spon	L. Aguilar
Summary	The bill creates the Grey and Black Market Marijuana Enforcement Grant Program (grant program) in the Division of Local Government in DOLA. The grant program awards grants to local governments to reimburse the local governments, in part or in full, for training, education, law enforcement and prosecution costs associated with grey and black marijuana markets. A rural local government with limited law enforcement resources has priority in receiving grants. The General Assembly may appropriate money from the marijuana tax cash fund or the proposition AA refund

	account to the division for the grant program. The division shall adopt policies and procedures for the administration of the grant program, including rules related to the application process and the grant award criteria. The division shall include information regarding the effectiveness of the grant program in its SMART presentation beginning in November 2019.
Position	Support
Bill #	SB17-037
Title	Measure Voter Service and Polling Centers Wait Times
H-Spon	
S-Spon	S. Fenberg
Summary	For any county with at least 25,000 active electors, the bill requires the county clerk and recorder to measure and report the amount of time it takes to vote at each voter service and polling center in a general election and report this information to the secretary of state. The bill also directs the secretary of state to promulgate rules that provide for uniform data-gathering and reporting
Position	Oppose – P.I.'d
Bill #	SB17-040
Title	Public Access to Government Files
H-Spon	D. Pabon
S-Spon	J. Kefalas
Summary	The bill modifies the Colorado Open Records Act (CORA) by creating new procedures governing the inspection and request of public records that are stored as structured data in their native format (Excel spreadsheet, Access database, etc.). The bill allows a custodian to decline to produce public records in a requested format if 1) it is not technologically or practicably feasible; 2) the custodian would be required to purchase software or hardware, or create additional programming or functionality in the existing software; 3) producing the data would violate copyright agreements; or 4) the custodian is incapable of permanently removing information from the document that must be protected. In these instances, the custodian must provide the documents in an alternative format (such as a pdf) and provide a written declaration attesting to the reasons the custodian is not able to produce the records in the requested format. If a court subsequently rules the custodian should have provided the data in the requested format but that the custodian reasonably believed, based upon the reasons stated in the written declaration, that the data could not be produced in the requested format, attorney fees may be awarded only if the custodian's action was arbitrary or capricious. If the custodian can produce the documents, and it requires staff to do programming, coding or custom search queries, the custodian can charge for the actual costs of doing so.
Position	Oppose

Bill #	SB17-063
Title	Marijuana Club License
H-Spon	J. Melton
S-Spon	V. Marble
Summary	<p>The bill creates a marijuana consumption club (club) license. The license is subject to the same licensing requirements as other retail marijuana licenses. The license may be issued to a person who operates an establishment where retail or medical marijuana may be sold and consumed. The club's sales are limited to the same limits as a retail marijuana store or a medical marijuana center. The club may not serve food prepared on site or alcohol. Entry to the club is restricted to those persons at least 21 years of age. A club shall purchase its marijuana, marijuana concentrate, or marijuana products from a licensed marijuana business or get a cultivation license and sell its own marijuana. A club may not permit outside marijuana, marijuana concentrate, or marijuana products. All marijuana, marijuana concentrate, or marijuana products must be consumed or disposed of on site. A club and its employees shall successfully complete a responsible vendor program annually. A club has the same immunity to a lawsuit for an injury caused by a club patron that a bar enjoys. The bill allows a local government to permit clubs in its jurisdiction. If a local government permits clubs, it may require the clubs to be licensed. In order to operate as a club, the club must comply with the local and state licensing regulations. A club is exempt from the Colorado Clean Indoor Air Act for marijuana consumption purposes if it is fully ventilated. Public display, consumption, or use in a club is not a criminal offense.</p>
Position	Monitor as amended - P.I.'d
Bill #	SB17-071
Title	Voter Service And Polling Centers Early Voting General Election
H-Spon	
S-Spon	J. Tate
Summary	<p>For general elections, counties with at least 25,000 active electors are currently required to designate at least one voter service and polling center (VSPC) for each 30,000 active electors during the period of early voting. The bill maintains this provision for the second 7 days of early voting, but changes this figure for the first 7 days of early voting so that at least one VSPC is required for each 75,000 active electors in those counties. For all counties, the bill also removes the requirement that VSPCs be open on the first Saturday during the 15-day period prior to election day.</p>
Position	Support
Bill #	SB17-077
Title	Government Agency Special Event Permit Eligibility
H-Spon	T. Kraft-Tharp, Y. Willett
S-Spon	C. Jahn

Summary	The bill authorizes state and local government agencies that have a statutory mandate to promote either alcohol beverages manufactured within the state or tourism to an area of the state where alcohol beverages are manufactured to obtain a special event permit to sell alcohol beverages for a limited period.
Position	Monitor
Bill #	SB17-150
Title	Restrict Employment of Relatives by Public Officials
H-Spon	
S-Spon	A. Kerr
Summary	The bill prohibits a public official from appointing, employing, promoting, or advancing a relative, and from advocating for the appointment, employment, promotion, or advancement of a relative, in or to a position in a state agency (including political subdivisions of the state) in which the public official is serving or over which the public official exercises jurisdiction or control. An individual who is appointed, employed, promoted, or advanced by a public official who is a relative, or who had a relative who is a public official advocate for his or her appointment, employment, promotion, or advancement, is not entitled to salary or benefits in connection with state employment. These requirements do not apply to positions in which the employee is paid hourly. The executive director of the department of personnel is authorized to promulgate rules for the temporary employment of individuals whose employment would otherwise be prohibited in the event of emergencies resulting from natural disasters or similar unforeseen events. The bill does not prohibit an individual from being appointed, employed, promoted, or advanced in a state agency in which he or she has a relative who is a public official, so long as the public official did not violate the provisions of the bill and the appointment, employment, promotion, or advancement is accordance with the requirements of the state personnel system specified in the state constitution and the State Personnel System Act.
Position	P.I.'d
Bill #	SB17-184
Title	Private Marijuana Clubs Open and Definition of Public Use
H-Spon	D. Pabon
S-Spon	R. Gardner
Summary	The bill authorizes the operation of a private marijuana club (club) only if the local jurisdiction has authorized clubs. A club must meet the following qualifications: <ul style="list-style-type: none"> - All members and employees of the club must be 21 years of age or older; - A club owner must be a resident of Colorado for at least 2 years prior to owning the club; - The club's employees must be Colorado residents; - The club cannot sell or serve alcohol or food; - A club owner shall not sell marijuana on the premises; and - A club owner shall not permit the sale or exchange of marijuana for remuneration

	on the premises. The bill prohibits the open and public consumption of marijuana and defines the terms "open and public", "openly", and "publicly".
Position	Monitor
Bill #	SB17-192
Title	Marijuana Business Efficiency Measures
H-Spon	J. Singer, J. Melton
S-Spon	T. Neville
Summary	The bill allows a medical marijuana center and a retail marijuana store to apply for an endorsement that allows the center or store to deliver marijuana. The centers and stores with the delivery endorsement may use an employee or contract with a medical or retail marijuana transporter to make the deliveries. The endorsements for medical marijuana begin January 2, 2018, and the endorsements for retail marijuana begin January 2, 2019. The bill allows the state licensing authority to authorize single-instance transfers of retail marijuana or retail marijuana products from a retail marijuana licensee to a medical marijuana licensee based on a business need due to a change in local, state, or federal law or enforcement policy. If granted, the transfer must be completed within 6 months of the date the transfer was approved. Under current law, the department of revenue determines the average market rate for purposes of excise tax collection on retail marijuana every 6 months. The bill gives the authority to calculate the average market rate to the marijuana state licensing authority and requires calculation on a quarterly basis. The average market rate cannot include taxes paid on sales or transfers. The bill requires a separate average market rate for unprocessed marijuana for extraction that is lower than the average market rate for unprocessed marijuana for direct sale. The bill states that the average market rate should be used to calculate the excise tax on affiliated transactions, and the contract price should be used to calculate the excise tax on unaffiliated transactions.
Position	Oppose

OTHER BUSINESS

NACO/FEDERAL UPDATE

ADJOURN