



2017 State Legislation: New Authorities and Mandates

The following table is designed to serve as a brief general reference source. Commissioners, Councilmembers and mayors should always seek advice and counsel from the county or city attorney concerning specific implementation requirements.

General Government

2017 Legislation	Local Option	Local Requirement	Effective Date
HB17-1017 County Surveyor Appointments (Kennedy, Baumgardner & Jahn)	Current statute requires counties to appoint a surveyor (following a vacancy) within 90 days. (CRS 30-10-904) This legislation expands that timeframe to six months.		August 9, 2017
HB17-1177 Mediation for CORA Disputes (Wist & Garnett, Cooke)		If a records requestor is denied access and intends to sue, this legislation establishes a 2-week “cooling off period” during which the records custodian and the requestor must meet (phone call is acceptable) to see if mediation or other resolution is possible. (CRS 24-72-204(5)(a))	August 9, 2017
HB17-1203 County Authority to Enact a Special Sales Tax on Retail Marijuana (Lebsock, Martinez Humenik & Crowder)	Clarifies that counties have the explicit statutory authority to enact (subject to voter approval) a special sales tax on retail marijuana. Said tax can only be collected within a municipality if the municipality does not have a special sales tax of its own. (CRS 29-2-115 (2)(a))		May 4, 2017
HB17-1220 Marijuana Plant Caps (Becker & Wist, Fields & Gardner)	Establishes a new statewide “default” plant cap of 12 plants per residence if a local plant cap has not been adopted. Allows a local government to go up to 24 plants for patients and caregivers, but does not require that they do so. (CRS 18-18-406(3)(a)(II)(A) and 25-1.5-106(8.5))		January 1, 2018

<p>HB17-1293 Commissioners on Non-Profit Boards (Melton, Todd)</p>	<p>Clarifies that county commissioners sitting on the governing boards of non-profit organizations do not have a conflict of interest. (CRS 24-18-109(5)(a) et seq.)</p>		<p>August 9, 2017</p>
<p>SB17-40 CORA Requests for Documents in Native Formats (Kefalas, Pabon)</p>		<p>Allows records requestors conducting Colorado Open Records Act (CORA) requests to request a document in a searchable or sortable format. Custodian must provide the document in either a searchable or sortable format, unless 1) producing the record would violate the terms of a copyright or licensing agreement; 2) it is not technologically or practically feasible to provide a copy of the document in this format; 3) it is not technologically or practically feasible to remove information that the custodian is required or allowed to withhold in this format; or 4) there would be a cost to the custodian to purchase software or create additional programming in existing software to remove this information. In these instances, the custodian can deny the format request and instead provide the document in a pdf. (CRS 24-72-203(3.5)(a) et seq.)</p>	<p>August 9, 2017</p>

Health and Human Services

2017 Legislation	Local Option	Local Requirement	Effective Date
HB17-1355 County TANF Block Grant Money to Child Care Quality Programs (Young, Lambert)	Counties may use their temporary assistance for needy families (TANF) funding for child care quality initiatives. (CRS 26-2-804 (3.5)).		August 9, 2017
SB17-016 County Choice Child Protection Teams (Neville & Donovan, Nordberg & Kraft Tharp)	Prior to the bill, counties receiving more than 50 referrals of child abuse were required to use child protection teams. All counties may now choose whether they want to establish these teams. (CRS 19-3-308).		August 9, 2017
SB17-244 Retail Food Establishment Fees (Priola, Gray)	<ul style="list-style-type: none"> • Counties may set retail food establishment (restaurants, grocery stores, convenience stores, etc.) fees lower than those established in statute if they can meet all the state's program expectations. (CRS 25-4-1607 (1)(B)). • Counties can reduce their county general fund support for their food inspection programs beginning January 1, 2019. (CRS 25-4-1607 (13)). 		August 9, 2017

Taxation and Finance

2017 Legislation	Local Option	Local Requirement	Effective Date
HB17-1049 Eliminate Property Tax Abatement Refund Interest (Thurlow & Gray, Coram)		For abatement petitions that are filed after January 1, 2018, interest starts accruing when the petition is filed (not when taxes are paid). This only applies to abatements resulting from government-responsible errors on tax bills (not for taxpayer errors). (CRS 39-10-114 (1)(a)(I)(A) & (b))	August 9, 2017
HB17-1342 County Public Safety Improvements Tax (Benavidez, Crowder)	Counties may seek voter approval for a public safety improvement tax at the general election – or, thanks to HB 1342 - the next biennial county election or in November of odd-numbered years. (CRS 30-11-107.9(3)). (HB07-1344 allowed counties to seek voter approval for a sales tax increase of up to 2% to support capital or operational expenditures for the DA’s office, local law enforcement and other entities that provide public safety services.)		May 24, 2017
HB17-1349 Residential Assessment Ratio (Pabon & Van Winkle, Court & T. Neville)		For property tax years beginning on or after January 1, 2017, the new residential assessment rate is 7.2% (down from 7.96%) (CRS 39-1-104.2 (3)(p)).	Upon Governor’s Signature
SB17-267 Sustainability of Rural Colorado (Guzman & Sonnenberg, J. Becker & K. Becker)	Counties may choose to exempt retail marijuana from their general county sales tax (CRS 29-2-105 (1)(O)).	For income tax years commencing on or after January 1, 2019, businesses may claim an income tax credit against the taxes paid on up to \$18,000 of actual business personal property value. (CRS 39-22-537.5)	May 30, 2017

<p>SB17-279 Applicability Recent Urban Renewal Legislation (Zenzinger & Martinez Humenik, Beckman & Gray)</p>		<p>Cities must notify counties, special districts, and schools if they are substantially modifying their urban renewal plan. Substantial modification includes changes to the urban renewal land area, land use, extent of the use of tax increment financing, the scope or nature of the project, the scope or method of financing, design, building requirements, timing or where such modification will substantially clarify a plan that, when approved was lacking if specificity (CRS 31-25-107 (7)).</p> <ul style="list-style-type: none"> • Counties should review the description of the proposed modification they receive from cities and determine if they wish to invoke their rights under HB15-1348 and seek representation on the URA board AND negotiate on the amount of increment the county can contribute. • Counties may wish to share their decision on whether or not to engage with their special districts and schools. • Legal remedies exist for non-municipal governments if a modification ensues and there is a need to enjoin the urban renewal authority's actions. (CRS 31-25-107 (7.5)) 	<p>May 25, 2017</p>
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Tourism and Resorts

2017 Legislation	Local Option	Local Requirement	Effective Date
SB17-213 Automated Vehicles (Moreno & Hill, Winter & Bridges)		Counties may not prohibit, adopt, or enforce a policy, rule, or ordinance that sets standards that are different from standards set for a human driver (CRS 42-4-110).	August 9, 2017

Transportation & Telecommunications

2017 Legislation	Local Option	Local Requirement	Effective Date
HB17-1174 Local Improvement Districts for Broadband (Wilson, Guzman & Crowder)	Allows counties with populations under 60,000 to form local improvement districts for purposes of constructing broadband infrastructure in unserved areas. (CRS 30-20-603(1)(g)(I) et seq.)		August 9, 2017