



CCI Final 2018 Legislative Report

May 14, 2018

2018 Session Ends with Numerous County Wins!

In accordance with the constitution, the Colorado General Assembly adjourned after 120 days of work on Wednesday, May 9, 2018. Combined, the House of Representatives and the Senate debated 721 bills. Of those, 289 (40 percent) were postponed indefinitely or lost and 432 (60 percent) were passed. To date, the Governor has acted on roughly one-third of the bills that passed, which means he will be busy between now and Friday, June 8, which is the last day the Governor has to determine his final action on bills. For more preliminary statistics on the 2018 session and how it compared to previous sessions, click [here](#).

Over the course of the session, CCI tracked over 100 bills that had potential fiscal or policy implications for county government. The bills covered a variety of issues including affordable housing, transportation funding, child welfare, health care, broadband expansion in rural Colorado, jail and courthouse funding, and oil and gas regulations. CCI's members supported a vast majority of the bills that they considered but also proposed amendments that rendered bills revenue neutral or changed the policy implications for counties.

CCI initiated six bills covering topics related to child welfare, use of the county lodging tax, local safety requirements for off-highway vehicles, effective use of broadband deployment grants, and the local determination of speed limits on county roads. (Click [here](#) to see our progress on CCI initiated bills.) Staff also took the lead on the annual county officials' salary bill, the package of courthouse and jail bills that originated from the 2017 Courthouse and County Jail Funding and Overcrowding Solutions interim committee, and the unattended campfires bill that originated from the 2017 Wildfire Matters Review Committee.

This summer and fall, CCI will be heavily engaged in the Gallagher Amendment Interim Committee. Requested by Sen. Bob Rankin and supported by 26 other House members and 15 Senators, the committee will study a number of factors related to Gallagher, including the impact of the statewide residential assessment rate, the impact on nonresidential property, the impact on local governments, and the state budget. The committee is expected to meet five times. Click [here](#) to read the committee's charge.

In addition, the work of three multi-year committees will draw CCI's attention. They are the Wildlife Matters Review Committee, which studies wildfire prevention and mitigation; the Prison Population Issues Committee, which will look at long- and short-term prison capacities and the impact of justice policy initiatives enacted by the General Assembly; and the Opioid Misuse Prevention Committee, which will identify possible legislative options to address gaps and hurdles to accessing prevention, intervention, harm reduction, treatment, and recovery resources.

CCI staff extends our sincere gratitude to our members for their assistance during the session. Your outreach and the relationships you have with legislators make the difference and are critical components of CCI's legislative success. A heartfelt thank you is also directed to the sponsors of CCI's legislative priorities and the countless legislators who went to bat on issues of importance to counties.

In the information that follows, staff has documented the final disposition of a number of bills CCI tracked. If you need additional information on a bill and/or are interested in a bill not profiled in this report, please call CCI policy staff at 303.861.4076.



CCI's legislative team celebrated the success of the 2018 session. Left to right are Legislative and Policy Advocates Alli Daley and Brandy Delange, Executive Director John (Chip) Taylor, Legislative Director Gini Pingnot, and Policy Director Eric Bergman.

Agriculture, Wildlife & Rural Affairs

SB18-045, Repeal Architectural Paint Stewardship Act

SB 45 would have repealed the Architectural Paint Stewardship Act, which requires architectural paint producers to create and fund recycling programs for architectural paint.

Position: Oppose

Sponsors: Lundberg, Ransom

Status: Postponed Indefinitely

SB18-197, Exempt Motor Vehicles Carrying Agricultural Commodities

Under current law, vehicles weighing 16,000 pounds or more must clear a port of entry if the port is within five miles of the vehicle's route. SB 197 would have created an exemption for vehicles carrying agricultural commodities.

Position: Support

Sponsors: Sonnenberg & Crowder, Lewis

Status: Postponed Indefinitely

General Government

HB18-1051, Unattended Campfire Signage and Penalties

HB 1051 removes an antiquated unfunded mandate in statute requiring all counties to erect a minimum of twenty signs notifying citizens that they have to extinguish campfires or face a fine. The bill also increases the penalty for leaving a campfire unattended in a forested or grassland area, making it a Class 3 misdemeanor with a fine of up to \$750.

Position: Support

Sponsors: Hamner & Carver, Coram & Merrifield

Status: Signed by Governor

HB18-1092, Pilot Program for Marijuana Delivery

HB 1092 would have created a pilot program for up to three municipalities to enter into a Memorandum of Understanding with the Marijuana Enforcement Division to begin licensing recreational marijuana deliveries to the home within these jurisdictions.

Position: Oppose

Sponsors: Singer & Melton, T. Neville

Status: Postponed Indefinitely

HB18-1096, Clarification of Special Event Permit Authority

HB 1096 clarifies in the liquor statute that counties, municipalities and special districts may obtain special event permits. The bill also expands the eligibility of higher education institutions to apply for these special event permits.

Position: Support

Sponsors: Gray, Priola

Status: Signed by Governor

HB18-1128, Strengthening Protections for Consumer Data Privacy

HB 1128 requires counties to update their records retention policies (if they have not done so already) to include electronic documents. The bill also requires counties to have cybersecurity measures in place to protect personal identifying information on electronic documents. Finally, in the event of a breach the bill requires governmental entities to conduct an investigation, notify the Attorney General and contact any citizens whose personal identifying information may have been compromised during the breach.

Position: Monitor
Sponsors: Wist & Bridges, Lambert & Court
Status: Sent to Governor

HB18-1242, County Salary Classification Changes

HB 1242 makes salary subcategory changes in statute for the following counties: Grand, Jackson, Rio Grande, Saguache, and Sedgwick.

Position: Support
Sponsors: K. Becker & Valdez, Crowder & Baumgardner
Status: Signed by Governor

HB18-1258, Marijuana Accessory Consumption Establishments

HB 1258 authorizes licensed medical marijuana centers or retail marijuana stores to apply for one medical or retail marijuana accessory consumption establishment license to permit selling small amounts of marijuana, marijuana concentrate, and marijuana-infused products for onsite consumption (other than smoking) at the establishment. Local governments have the option to allow or ban these establishments and may adopt more stringent standards for these establishments than are listed in statute.

Position: Monitor
Sponsors: Singer & Melton, T. Neville & Fenberg
Status: Sent to Governor

HB18-1381, Permissive Vertical Integration for Medical Marijuana

HB 1381 phases out the requirement that medical marijuana centers must grow 70 percent of the medical marijuana they sell.

Position: Monitor
Sponsors: Gray & Van Winkle, T. Neville & Jahn
Status: Sent to Governor

HB18-1420, Early Childhood Development Special Districts

HB 1420 would have authorized the creation of early childhood special districts by counties. The districts could have utilized sales taxes or property taxes.

Position: Monitor
Sponsors: Hamner & Rankin
Status: Postponed indefinitely

SB18-156, Publication Requirements for County Financial Information and Salaries

SB 156 changes some of the county publication requirements in statute. First, it allows counties to publish the salaries and audited financial statement just once a year (instead of the previous requirement that they be published twice a year) in a legal newspaper. Beginning in 2022, the bill allows a county to publish the monthly expense reports, the salaries, and the financial statement on a county website instead of in a legal newspaper.

Position: Support
Sponsors: Cooke, Kennedy
Status: Sent to Governor

SB18-186, Allow Retail Marijuana Stores To Sell Consumables

SB 186 would have allowed retail marijuana dispensaries to sell “consumables” (non-infused food and beverages, not to include alcohol) on the premises.

Position: Oppose
Sponsor: Marble
Status: Postponed Indefinitely

SB18-211, Marijuana Consumption Club License

SB 211 would have created a new license type for a marijuana consumption club where guests could purchase and use marijuana on site. The bill contained an opt-in provision for local governments and allowed them to enact more stringent requirements than what was in the bill.

Position: No Position
Sponsors: Marble, Melton
Status: Postponed Indefinitely

SB18-221, Electing County Commissioners by District

SB 221 would have allowed the voters of a county to change the method of election through a referendum or citizen-initiated ballot measure so that a commissioner is elected only by the voters residing in the district from which the commissioner runs for election.

Position: Oppose
Sponsors: Coram, Catlin
Status: Postponed Indefinitely

SB18-247, Local Government Medical Benefits in Work-Related Deaths

SB 247 establishes a new Law Enforcement and Firefighters Continuation of Benefits Fund that counties may contribute to and then draw from in the event that a law enforcement employee is killed in the line of duty in order to extend medical benefits for the family of the deceased. The bill creates a new board in the state treasurer's office that will administer the fund.

Position: Monitor

Sponsors: Gardner, Landgraf

Status: Sent to Governor

SB18-259, Local Government Retail Marijuana Excise Taxes

SB 259 allows counties with a retail marijuana excise tax to calculate the tax based on either the state Average Market Rate or on the actual price (in transactions that happen at arm's length). Beginning in 2021, counties with an excise tax on retail marijuana will be required to use the same methodology as the state.

Position: Support

Sponsors: Smallwood, Pabon

Status: Sent to Governor

Health & Human Services

HB18-1079, Recommend Use of State's Long-term Works Reserve

HB 1079 tasks counties and the state to collaboratively develop non-binding recommendations for the use of the State Temporary Assistance for Needy Families (TANF) reserves.

Position: CCI Legislation - Support
Sponsors: Beckman, Crowder
Status: Signed by the Governor

HB18-1086, Community College Bachelor Science Degree Nursing

HB 1086 allows a community college to offer a bachelor of science degree in nursing. Community and technical colleges wishing to provide such a degree must receive approval from the State Board for Community Colleges and Occupational Education. This board will consider requests based on data points such as student and workforce demand and cost effectiveness for the students.

Position: Support
Sponsors: Buckner & Lundeen, T. Neville & Aguilar
Status: Became Law without Governor's Signature

HB18-1094, Child and Youth Mental Health Treatment Act

HB 1094 extends indefinitely the Child Mental Health Treatment Act to provide mental health treatment services and care management to children and youth who are not eligible for Medicaid. The Act allows parents and guardians to request services with assistance from a family advocate, family systems navigator, or county department of human or social services. Mental health agencies are then responsible for evaluating the child or youth to determine need.

The Act provides an appeals process for families when requested services are denied. HB 1094 nearly doubled the funds available through the Act for a total of about \$3 million annually.

Position: Support
Sponsors: Herod & Wist, Moreno & Martinez Humenik
Status: Awaiting Governor's Signature

HB18-1104, Family Preservation for Parents with a Disability

CCI worked extensively with stakeholders on amendments to address concerns that HB 1104 would negatively impact the safety of children in dependency and neglect hearings.

As amended, HB 1104 states that a parent's disability *alone* must not serve as a basis for denial or restriction of parenting time or parental responsibilities, as a basis for denial of participation in a public or private adoption, or for denial of foster care or guardianship, when it is otherwise determined to be in the best interest of the child. The bill requires the court to consider the benefits of providing supportive parenting services to parents with disabilities.

Position: Monitor

Sponsors: Danielson, Moreno & Lambert

Status: Signed by the Governor

HB18-1118, Create Health Care Legislative Review Committee

HB 1118 would have created the Statewide Health Care Review Committee. The committee would have studied emerging trends in Colorado health care and their impacts on consumers, providers and payers, the ability of consumers to obtain and keep adequate affordable health insurance coverage, health care issues that arise in or are unique to rural areas of the state, and much more.

Position: Support

Sponsors: Ginal & Garcia, Aguilar & Crowder

Status: Postponed Indefinitely

HB 1205, Financial Relief Defray Individual Health Plan Costs

HB 1205 would have provided financial relief to Coloradans living in the three most costly geographic health insurance rating areas of the state. These areas are the mountain, western and eastern portions of our state where the number of health insurance carriers are so limited that families often pay more than 20 percent of their income on health premiums. HB 1205 would have committed \$6 million in state general funds to provide 1.5 years of financial relief to individuals and families who purchase their health insurance on the individual marketplace.

To be eligible for the assistance, Coloradans must have a household income between 400 percent-500 percent Federal Poverty Level (\$48,240-\$60,300 for one person), they must not be enrolled in Medicaid, and they must be paying more than 20 percent of their household income on premiums for the plan they use now.

Position: Support

Sponsors: Roberts, Donovan

Status: Postponed Indefinitely

HB18-1257, Correction to HB16-1316 Reinsert “Not”

HB16-1316 amended the venue statute for transferring child welfare proceedings between counties and inadvertently struck the word "not" in one sentence. Due to this error, courts could not transfer child welfare proceedings between counties after adjudication which made it more difficult for parents to comply with their treatment plans and for counties to provide services if parents moved between counties. HB 1257 reinserts the word ‘not’ to allow such transfers.

Position: Support

Sponsors: Rosenthal, Cooke

Status: Signed by the Governor

HB18-1288 Conflict Free Case-Management

HB 1288 would have implemented federally-required, conflict-free case management so that individuals would not receive case management services from the same agency that provides them with home- and community-based services. The bill would have also required the Department of Health Care Policy and Financing (HCPF) to create a process for individuals to select the case management agency of their choice. This provision went above federal requirements and could have undermined case management services statewide. Instead of implementing HB 1288, several counties are working with HCPF to ensure compliance with federally-required, conflict-free case management.

Position: Oppose

Sponsors: Young & Winter, Martinez Humenik

Status: Postponed Indefinitely

HB18-1306, Improving Educational Stability For Foster Youth

HB 1306 aligns state law with federal “Every Student Succeeds Act” (ESSA) provisions relating to students in foster care. ESSA permits students in out-of-home placement to remain in their school of origin rather than move to a different school upon placement outside of the home or changes in placement, unless the county department of human or social services determines that it is not in the child's best interest to remain in his or her school of origin.

HB 1306 is funded by \$2.2 million from the state’s long term TANF reserve. This funding is transferred to Child Welfare Services and will require a 20 percent local match equal to \$550,066.

Position: Support

Sponsors: Michaelson Jenet, Coram & Moreno

Status: Awaiting Governor’s Signature

HB18-1319, Services for a Successful Adulthood Former Foster Youth

HB 1319 begins to address the needs of former foster youth who exit the child welfare system without a permanent home or stable support network. These youth, who are living with the long-term consequences of abuse and neglect, must navigate the tasks of adulthood – finding housing, paying for groceries, securing medical coverage, and much more – often without supportive adults or a safety net to help them succeed.

HB 1319 provides both a short-term and a long-term approach to this problem. In the short term, HB 1319 allows counties that have available child welfare funds to help former foster youth with services and supports such as rental assistance, tuition assistance, ensuring eligible youth are enrolled in Medicaid, and much more. In the long term, HB 1319 tasks a newly created steering committee to develop an implementation plan that would allow former foster care youth to continue to receive services and/or return to placement.

Position: CCI Legislation - Support
Sponsors: Singer & Young, Gardner
Status: Awaiting Governor's Signature

HB18-1335, County Child Care Assistance Program (CCCAP) Block Grants

Among other provisions, HB 1335 clarifies the entry and exit income eligibility levels for CCCAP. The bill also requires a market rate survey of provider rates each year, rather than every two years. Based on this survey, HB 1335 specifies the block grant funding to be allocated to counties based on the provider rate multiplied by the estimated total number of children eligible to participate in CCCAP in that county.

CCCAP is not an entitlement program, meaning that as soon as funding runs out for working families with kids, counties begin a wait list for the service. In total, CCCAP funding received a \$7.25 million boost in the current fiscal year and a \$19.5 million increase in funding for the fiscal year that begins July 1, 2018.

Position: Support
Sponsors: Young, Lundberg
Status: Awaiting Governor's Signature

HB18-1348, Child Welfare Information and Services

The goal of HB 1348 is to provide information and supports to foster parents and prospective foster parents to decrease the rates of failed foster placements which are disruptive to the foster child. The bill allows foster parents access to certain information regarding a foster child or prospective foster child so that foster parents can better meet the physical, mental, emotional, and behavioral needs of the child. The bill also prioritizes child care assistance for certified foster parents, certified kinship foster parents, and some noncertified kinship care providers.

Position: Support
Sponsors: Singer & Landgraf, Gardner & Kefalas
Status: Signed by the Governor

HB18-1390, Safe Family Option for Families in Crisis

The goal of this bill was to provide short-term (up to six months) support for families to have their child stay temporarily with a certified caregiver. The bill would have created a “substitute care organization license” for any qualified non-profit organization who is interested in finding volunteer families and certifying them as “certified family caregivers.” CCI and several other stakeholders expressed concern about the insufficiency of guardrails around the licensure and certification that would ensure that children would be placed in safe homes.

Position: Oppose
Sponsors: Singer & Ransom, Moreno & Smallwood
Status: Postponed Indefinitely

HB18-1392, State Innovation Waiver Reinsurance Program

HB 1392 would have required the Commissioner of Insurance to seek a State Innovation Waiver under the federal Affordable Care Act to create a state reinsurance program in Colorado. Reinsurance is a type of insurance available to insurance carriers to transfer a portion of the risk to one or more other carriers, thereby reducing the risk of having to pay high-cost claims. By covering a portion of costs for high-cost claims, reinsurance can allow insurance carriers to charge lower premiums to consumers.

Position: Support
Sponsors: Kennedy & Rankin, Coram & Donovan
Status: Postponed Indefinitely

SB18-084, Minor Victims of Human Trafficking

SB 84 would have made victims of human trafficking immune from criminal liability or juvenile delinquency proceedings for certain offenses they commit while victims of trafficking. If law enforcement encountered a youth victim, the officer would have been required to contact human services or call the child welfare hotline. The bill stated that these victims would have been provided access to an assessment for child welfare services by county departments of human services.

While CCI supported the concept of the bill, counties wanted to ensure that the concerns of district attorneys and law enforcement were addressed. Stakeholders were unable to come to an agreement on ways to address these concerns.

Position: Monitor
Sponsors: Kefalas, Lundeen & Landgraf
Status: Postponed Indefinitely

SB18-154, Juvenile Planning Committee Crossover Youth Plans

SB 154 tasks local juvenile services planning committees to develop a plan for identifying youth in the juvenile justice system who also are or have been involved in the child welfare system – also known as crossover youth.

Most judicial districts and their juvenile services planning committees – if not all – already employ an integrated and coordinated approach when it comes to crossover youth. Coordinated case assignments, joint assessment processes and coordinated case plans and supervision help the juvenile and their families and improves outcomes in both the short and long term.

Position: Support with Amendments
Sponsors: Fields, Salazar
Status: Signed by the Governor

SB18- 254, Child Welfare Reforms

SB 254 makes multiple changes to the child welfare system. Some of those modifications include:

1. A reduction in the amount of funding counties must contribute to adoptions and relative guardianships;
2. An investment of additional dollars to help counties pay a fair rate to out-of-home placement providers; and
3. A provision that allows counties to retain a portion of their allocation for prevention and intervention programs in years when child welfare funding is underspent (a phenomenon that has not occurred in the last three years).

The bill also formally recognizes a group that counties and CDHS initiated a couple of months ago to analyze the implementation needs for the recently passed Family First Prevention Services Act of 2018. Modifications are also made to the composition and operation of the Child Welfare Allocation Committee.

Position: Support
Sponsors: Lambert & Moreno, Young & Rankin
Status: Awaiting Governor's Signature

Justice & Public Safety

HB18-1020, Civil Forfeiture Reform

HB 1020 cleans up several provisions from HB17-1313, which CCI opposed, that clarify which agencies are responsible for reporting civil forfeiture activity to the Department of Local Affairs, including those agencies that perform seizures related to public nuisance laws and ordinances. HB 1020 also creates two grant programs for law enforcement. Finally, under current law, forfeiture proceeds are divided evenly between the seizing agency and the managed service organization (MSO) providing behavioral health in the judicial district of the seizure. HB 1020 adjusts this split so that the seizing agency continues to receive 50 percent of the forfeiture proceeds, the MSO receives 25 percent, and the remaining 25 percent goes toward the law enforcement grants.

Position: Monitor

Sponsors: Herod, Kagan & Gardner

Status: Awaiting Governor's Signature

HB18-1055, Increase Surcharge for Court Security Cash Fund

HB 1055 would have increased the surcharge collected on certain court cases for the Court Security Cash Fund from \$5 to \$10. The first \$5 would have been credited to the Court Security Cash Fund and the second \$5 would have been distributed directly to the court that collected the fee. Funds in the Court Security Cash Fund are available to counties as grants for ongoing security staffing, security equipment costs, training of local security teams, and emergency court security needs.

While CCI did not have a formal position in time for the committee hearing, the benefits of the Court Security Cash Fund and the desire for additional funding were expressed to the bill sponsors and committee members.

Position: n/a

Sponsor: Benavidez

Status: Postponed Indefinitely

HB18-1058, Financial Assistance for County Jails and Courts

HB 1058 would have expanded the Underfunded Courthouse Facility Cash Fund by directing that \$30 million be added annually to the fund from state fiscal year 2018-19 to state fiscal year 2022-23. The bill would have also changed the scope of the cash fund so that both county courts and county jails can apply for grants.

After HB 1058 faced significant opposition, the bill was postponed indefinitely upon request of the sponsor, and CCI pursued and successfully attained an additional \$1 million for the existing

cash fund. The total amount of grant funds available is now \$3 million annually.

Position: Support
Sponsors: Beckman, Coram
Status: Postponed Indefinitely

HB18-1081, State Court Administrator Reminder Call Center

HB 1081 would have created a division in the Office of the State Court Administrator that would administer reminder calls and texts for criminal defendants to appear at their scheduled hearings in court. The objective was to reduce the number of defendants who fail to appear in court.

Position: Support
Sponsors: Benavidez & Lee, Cooke
Status: Postponed Indefinitely

HB18-1089, No Monetary Bond Conditions for Misdemeanors

HB 1089 would have encouraged, but not required, counties, municipalities, and judicial districts to develop a pretrial services program. The bill would have also eliminated the use of monetary bonds for defendants of any misdemeanor, petty offense, or municipal code violation, with a few exceptions. The defendant would have instead been released under his or her own recognizance after signing a written release agreement that includes certain promises. If a court had imposed a monetary bond and, after five days, the defendant had not met the monetary obligation, the court would have conducted a reconsideration hearing upon motion of the defendant.

Position: Oppose
Sponsors: Benavidez, Fields
Status: Postponed Indefinitely

HB18-1131, Court System for Remote Participation Hearings

HB 1131 would have directed the Office of the State Court Administrator to operate a program that implemented telephonic or internet-based networking software to let county courts and district courts conduct judicial procedures with remote participants. The goal of HB 1131 was to speed up court dockets and hold timely hearings.

Position: Support
Sponsors: Michaelson Jenet, Fields & Crowder
Status: Postponed Indefinitely

HB18-1132, Increase DOC Reimbursement to County Jails

Under current law, the Department of Corrections is required to reimburse any county for a portion of the expenses and costs incurred by that county for housing a DOC inmate. The reimbursement rate set by the Joint Budget Committee (JBC) is currently \$54.39 per offender per day. HB 1132, as amended, requires sheriffs to report to the JBC the actual costs of housing inmates to better determine a reasonable and responsible reimbursement rate.

Position: Support
Sponsors: Michaelson Jenet & Crowder
Status: Signed by the Governor

HB18-1178, Hold Colorado Governments Accountable Sanctuary Jurisdictions

HB 1178 would have been a referred measure to be voted upon at the election on November 6, 2018. The bill would have created 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.

Position: Oppose
Sponsors: Williams, Lundberg & Marble
Status: Postponed Indefinitely

HB18-1184, Create Next Generation 911 Board

HB 1184 requires the Public Utilities Commission (PUC) to publish annually a “State of 911” report. The report must include information about the current structure of 911, identified gaps and needs, and the state’s planning for implementation of NG911.

Position: Support
Sponsors: Lawrence & Exum, Aguilar & Gardner
Status: Awaiting Governor’s Signature

HB18-1287, Extension of the Repeal of the Colorado Commission on Criminal and Juvenile Justice

The Colorado Commission on Criminal and Juvenile Justice (CCJJ) was created in 2007 to require a group of experts in criminal justice, corrections, mental health, drug abuse, victims’ rights, higher education, juvenile justice, local government, and other disciplines to study and make recommendations for changes to Colorado’s criminal justice system. The CCJJ is scheduled to repeal on July 1, 2018. HB 1287 extends the repeal date to July 1, 2028.

Position: Support
Sponsors: Weissman, Cooke & Kagan
Status: Awaiting Governor's Signature

HB18-1394, Update Colorado Disaster Emergency Act

HB 1394 is the result of a collaborative process between state and local agencies after the disastrous floods in 2013. The bill updates the Colorado Disaster Emergency Act to include provisions related to recovery, mitigation, and resiliency. The bill also establishes the roles and responsibilities of state and local agencies during all stages of emergency management. All local and interjurisdictional disaster agencies are renamed emergency management agencies and are required to develop a plan that includes preparation, prevention, mitigation, response, and recovery from emergencies and disasters.

Position: Support
Sponsors: Singer & McKean, Kefalas & Cooke
Status: Awaiting Governor's Signature

SB18-220, Public Safety Protection from Sanctuary Policies

SB 220 would have been a referred measure that prohibits state and local governments from acting as a sanctuary jurisdiction. A state or local jurisdiction is determined to be a sanctuary jurisdiction if they restrict information sharing with the federal government about citizenship or immigration status, or if the jurisdiction is informed by the federal government that it is in violation of federal immigration law.

Position: Oppose
Sponsors: T. Neville, Ransom
Status: Postponed Indefinitely

SB18-238, Labor by Persons Confined in County Jails

SB 238 would have clarified that inmates can work on public property, not just in the jail or on public roads, highways, or streets. SB 238 would have also given the sheriff discretion to allow unsentenced inmates to volunteer to work while confined in county jail. Unsentenced inmates would have been paid for their work at a rate comparable to the rates set by the Department of Corrections, subject to available funds. After facing significant opposition, the bill was postponed indefinitely upon request of the sponsor.

Position: Support
Sponsors: Crowder, Valdez
Status: Postponed Indefinitely

HJR18-1012, Medicaid Eligibility of Detained Individuals

This House Joint Resolution came out of the Interim Committee on County Courthouse and County Jail Funding and Overcrowding. Currently, inmates lose Medicaid coverage and the county must pay for the medical expenses of these inmates. The resolution urges Congress to change the Medicaid eligibility so that incarcerated individuals who have not been convicted can retain their Medicaid eligibility until conviction.

Position: Support

Sponsors: Benavidez & Michaelson Jenet, Crowder & Fields

Status: Adopted

Land Use & Natural Resources

HB18-1150, Local Government Liable for Ban/Moratorium on Fracking

HB 1150 would have held a local government that adopts or enforces an ordinance, resolution, moratorium, or any other policy that prohibits oil and gas operations liable to oil and gas operators, mineral lessees and royalty owners for all costs, damages, and losses at fair market value.

Position: Oppose

Sponsor: Buck

Status: Postponed Indefinitely

HB18-1289, Exempt Local Governments and Schools from Forced Pooling

HB 1289 would have exempted a local government or school that owns mineral interests from being forced pooled if they have not agreed to voluntary engage in pooling.

Position: No Position

Sponsors: Foote & Young, Jones

Status: Postponed Indefinitely

HB18-1352, Oil and Gas Distance from School Property

Under current rule by the Colorado Oil and Gas Conservation Commission (COGCC), oil and gas wells must be located at least 1,000 feet from school buildings and other high occupancy buildings. HB 1352 would have required that newly permitted oil and gas production be at least 1,000 feet from any school PROPERTY line and not the school BUILDING. This however, would not have applied if a school is built or commences operation near an oil and gas facility that are already in active use or are permitted.

Position: Oppose

Sponsors: Foote & Gray, Jones & Aguilar

Status: Postponed Indefinitely

HB18-1419, Oil and Gas Operators Disclose Wellhead Integrity

HB 1419 would have required an oil and gas operator to provide (by electronic notice) the location of flow lines and gathering lines that are installed, owned, or operated by the operator to both the Colorado Oil and Gas Conservation Commission (COGCC) and the local governments whose jurisdiction the subsurface facility is located. Additionally, current COGCC rules require that an operator provide municipalities with both development and mapping plans.

HB 1419 would have expanded this requirement (at the request of a local government) to counties.

Position: Support

Sponsors: Foote & Jackson, Jones & Kefalas

Status: Postponed Indefinitely

HB18-1428, Authorize Utility Community Collaboration Contract

As amended, HB1428 would have allowed a local government that is located within the service area of an investor-owned utility (IOU) (i.e. Xcel or Black Hills Energy) to enter into an innovation collaboration agreement with that IOU to establish and promote energy-related goals within the community. Each agreement must not shift costs to consumers outside of the service area nor interfere with the reliability or safety of electric, natural gas, or steam service provided by the utility. Each agreement would have jointly been submitted by the IOU and local government to the Public Utilities Commission for approval.

Additionally, HB 1428 would have increased the allowable size of a community solar garden from two megawatts to five megawatts and appropriate \$67,498 to the Public Utilities Commission (PUC) for the PUC fixed utilities fund.

Position: Support

Sponsors: K. Becker, Cooke

Status: Postponed Indefinitely

SB18-048, Protect Act Local Government Authority Oil and Gas Facilities

SB 48 would have repealed the requirement that the Colorado Oil and Gas Conservation Commission (COGCC) identify an area of oil and gas development as an area of state interest as a pre-condition of using local 1041 powers for siting issues. It would have also made both county and municipal land use authority over the siting of oil and gas facilities explicit. SB 48 would have clarified that the COGCC authority to regulate oil and gas operations does not exempt oil and gas facilities from local governments' siting authority. Finally, SB 48 would have required that in addition to being subject to local government siting authority, operators need to comply with local government regulations that protect the public safety, health and welfare of citizens.

Position: Oppose

Sponsors: Jones, Foote

Status Postponed Indefinitely

SB18-142, Pilot Municipality Project for Sustainable Communities Based on Affordable Housing

SB 142 would have waived (on a one-time basis) all statutory requirements specified in current law for the approval of a municipal incorporation. While CCI did not have a formal position in time for the committee hearing, several concerns had been expressed to the bill sponsors, committee members, and other stakeholders.

Position: n/a

Sponsors: Crowder & Kefalas, Melton & Herod

Status: Postponed Indefinitely

SB18-190, Delegate BOCC Authority to Planning Commission

As introduced, SB 190 would have allowed a board of county commissioners, by resolution, to delegate to their planning commission any power granted to or duty placed upon the board in connection with county planning law. The board, however, would not have been able to delegate the appeals process or the authority to impose fines or penalties.

Position: Oppose

Sponsor: Gardner

Status: Postponed Indefinitely

SB18-192, Local Government Liable for Ban/Moratorium on Fracking

Identical to HB18-1150 (see above), SB 192 would have held a local government that adopts or enforces an ordinance, resolution, moratorium, or any other policy that prohibits oil and gas operations liable to oil and gas operators, mineral lessees and royalty owners for all costs, damages, and losses at fair market value.

Position: Oppose

Sponsors: Marble, Buck

Status: Postponed Indefinitely

SB18-230, Modify Laws Drilling Units Pooling Orders

After significant negotiations throughout the session, SB 230 was amended to do the following:

1. Clarifies that an order entered by the Colorado Oil and Gas Conservation Commission (COGCC) establishing a drilling unit may authorize more than one well;
2. Specifies that a nonconsenting owner is immune from liability costs associated with spills, releases, damage, or injury resulting from oil and gas operations on the drilling unit;

3. Identifies that a nonconsenting owner must pay a consenting owner 200 percent of the costs and expenses of staking well preparation, wellhead connection, and other equipment needed for site preparation; and
4. Requires that an offer be given to a mineral owner at least 60 days before the hearing on the order and include a copy (or link) to a brochure that clearly describes the pooling procedures and mineral owner's options.

Position: Monitor

Sponsors: Marble, Saine & Gray

Status: Awaiting Governor's Signature

Public Lands

HB18-1008, Mussel-free Colorado Act

HB 1008 creates a more stable finance structure for the state's aquatic nuisance species (ANS) program. Colorado Parks and Wildlife (CPW) estimates that the state's ANS program needs \$4.5 million/year. To reach this funding goal, HB 1008 allows CPW to seek reimbursement from boat owners for the decontamination of their boats (a service that is currently free), requires boat owners to pay an aquatic nuisance species registration fee (current boat registration fees pay for CPW's boating safety program) and increases penalties for those who knowingly have contaminated boats and yet choose to operate them without first getting them decontaminated. It also allows CPW to continue to rely – in part - on severance tax dollars to help fund the program.

Position: Support

Sponsors: Esgar & Arndt, Donovan & Coram

Status: Signed by the Governor

HB18-1249, Anvil Points Fed Mineral Lease Distribution

HB 1249 authorizes the distribution of the federal mineral lease revenue associated with the naval oil reserve land to Garfield, Rio Blanco, Mesa, and Moffat Counties.

The Anvil Points site was a federal oil shale research facility, which began decades ago to determine the viability of oil shale development by the Department of Energy (DOE). When oil shale reserves were transferred from DOE to the Department of the Interior (DOI), a "trust fund" was established to pay for the cleanup of the site. The federal government withheld all mineral lease funds, royalties and bonus payments from 1997 to 2008 from Garfield, Mesa, Moffat, and Rio Blanco Counties. While the site cleanup concluded in 2011, the affected counties had not received reimbursement of their funds.

DOI released the Anvil Points Federal Mineral Lease dollars to Colorado on March 29, 2018.

Position: Support

Sponsors: Rankin, Lundberg

Status: Signed by the Governor

SB18-039, Continue the Wildfire Matters Review Committee

SB 39 continues the Wildfire Matters Review Committee until September 1, 2025. The WMRC was scheduled to repeal on July 1, 2018.

Position: Support

Sponsors: Jones & Cooke, Thurlow & Exum

Status: Awaiting Governor's signature

SB18-143, Parks and Wildlife Measures to Increase Revenue

SB 143 is in response to the resource needs of the Colorado Parks and Wildlife (CPW). Since 2009, CPW has cut or defunded 50 positions and reduced \$40 million from its wildlife budget. This has led to a backlog of infrastructure, services and program needs.

To address CPW's needs, SB 143 proposes an \$8 increase on most multi day/annual resident hunting and fishing license prices. The Parks and Wildlife Commission would be allowed to increase these fees based on the consumer price index in future years, as is done already with nonresident big-game license fees.

The bill also raises miscellaneous fees to support habitat and recreation including the potential to increase – not to exceed \$1.50 per stamp – the lifetime Colorado wildlife stamp, the migratory waterfowl stamp and the youth small game hunting license. SB 143 was amended in the Senate to task the commission to develop fees for daily and annual passes for individuals – such as hikers and bikers – that enter the park by means other than by motor vehicle.

Position: Support
Sponsors: Fenberg & Coram, Arndt & Wilson
Status: Signed by the Governor

SJM18-001, Memorialize Congress to Fund Wildfire Response

SJM 1 calls on Congress to fund catastrophic wildfire response in a manner analogous to that used for natural disasters. Currently, federal funding that is originally budgeted to mitigate fire risk, protect and restore watersheds, increase forest health, promote recreational opportunities, and conduct forest planning is diverted to fight fires once the amount budgeted for firefighting has been depleted. This means that paying for catastrophic wildfire response comes at the expense of programs that reduce the risk of wildfires.

Position: Support
Sponsors: Jones & Baumgardner, Singer & Thurlow
Status: Adopted

Taxation & Finance

HB18-1022, Department of Revenue Issue Sales Tax Request for Information

HB 1022 requires the Department of Revenue (DOR) to issue a request for information for an electronic sales and use tax simplification system that local governments could choose to use. The system would provide:

1. Accurate address location information
2. Single application process for sales tax licenses;
3. A uniform sales tax remittance form;
4. A single point of remittance for sales and use tax; and
5. A taxability or exemption matrix.

Position: Support

Sponsors: Sias & Kraft-Tharp, T. Neville & Jahn

Status: Signed by the Governor

HB18-1036, Reduce Business Personal Property Taxes

Currently, taxpayers with a total business personal property tax liability of \$7,400 or less are exempt from paying this tax to local governments. HB 1036 would have raised the exemption level to \$50,000. It also would have increased the exemption level for consumable personal property (i.e., television signal boxes) from \$350 to \$500.

Position: Oppose

Sponsors: Leonard, T. Neville

Status: Postponed Indefinitely

HB 18-1084, County Lodging Tax Revenue Allowable Uses

HB 1084 would have allowed local voters to choose how their county lodging tax revenues could be invested. Currently, any revenue generated by this tax must be committed to marketing and advertising the county.

HB 1084 would have granted local voters the option to approve a lodging tax for other community priorities and not just the marketing and advertising of their communities.

Position: CCI Legislation - Support

Sponsors: Thurlow & Hamner, Coram

Status: Postponed Indefinitely

HB18-1190, Modify Job Creation Main Street Revitalization Act

HB 1190 extends the income tax credit currently available for developers who rehabilitate historical buildings. The income tax credit, which is set to expire in 2020, is extended for another ten years and will expire in 2030. Ten million dollars in tax credits will be available per year, totaling \$100 million over the course of 10 years.

Position: Support

Sponsors: Esgar & McKean, Tate & Garcia

Status: Awaiting Governor's Signature

HB 1234, Internet Sweepstakes Café Revise Legal Terms

HB 1234 clarifies the definitions of key terms related to simulated gambling devices. In 2015, the General Assembly enacted House Bill 15-1047, which established criminal penalties for unlawful offering of a simulated gambling device. This offense occurs when a person offers, facilitates, contracts for, or otherwise makes available any simulated gambling device for money or other consideration, in which use of the device, admission to a café, or a related purchase creates the expectation of a prize. In the last three years, there have been eight cases with at least one charge of this offense. HB 1234 clarifies that these devices are illegal and tightens up the language in statute to address any ambiguities.

Position: Support

Sponsors: K. Becker & Lundeen, Gardner

Status: Awaiting Governor's Signature

HB18- 1283, Classify Residential Land Change In Improvements

Initiated by the County Assessors Association, HB 1283 allows land that is classified as residential to maintain that classification if the residential structures have been destroyed, demolished or relocated and there is intent by the owner to rebuild a residential improvement on the land. Assessors determine a property's classification (residential, commercial, etc.) based on how the property is being used as of January 1 of each calendar year. If a home's foundation is laid as of January 1 the property gets to keep the residential classification. There are instances, however, when a residential property owner may have pulled a building permit, developed construction plans for a home and/or are working to secure financing for a residential improvement but the house's foundation has not yet been laid.

HB 1283 grants the county assessor the ability to extend the residential property classification for 1 year if there is other proof in place indicating that the property will indeed be rebuilt with a home on it.

Position: Support
Sponsors: Benavidez, T. Neville
Status: Awaiting Governor's Signature

HB18-1387, Eliminate Oil & Gas Abatement Refund Interest

Under current law, local governments pay interest on erroneously levied property taxes for up to two years when taxpayers do not file a protest for the taxes paid. HB 1387 would have eliminated the refund interest for property taxes on oil and gas property when the taxes were erroneously levied as a result of an error made by the taxpayer.

Position: Support
Sponsors: Rankin, Moreno
Status: Postponed Indefinitely

SB18- 007, Affordable Housing Tax Credit

SB 7 extends the Colorado low-income housing tax credit that is scheduled to expire after 2019 for an additional five years. Doing so will allow the Colorado Housing and Finance Authority to allocate an additional \$150 million in tax credits to qualified housing projects. The bill also changes the name of the tax credit to the affordable housing tax credit.

Position: Support
Sponsors: Tate & Guzman, Duran & J. Becker
Status: Awaiting Governor's Signature

SB18-066, Extend Operation of State Lottery Division

SB 66 extends the scheduled termination of the state lottery division in the department of revenue from July 1, 2024 to July 1, 2049.

Position: Support
Sponsors: Sonnenberg & Garcia, Arndt & Wist
Status: Signed by the Governor

SB18-70, Church Property Tax Exemption

Under current law, churches (along with private schools and charities) are exempt from paying property taxes on property they own and use. SB 70 would have struck the ownership requirement in statute and allowed churches to receive a property tax exemption on property they may have leased or rented.

Position: Oppose
Sponsors: T. Neville, Leonard & Humphrey
Status: Postponed Indefinitely

SB18-139, Statewide Regulation of Products with Nicotine

SB 139 would have established a statewide licensure requirement for retailers who sell cigarettes, tobacco products or nicotine products. Funding from the tobacco, education and cessation fund would have been used to finance the state's licensing program.

SB 139 would have also prohibited a local government from using tobacco education, prevention and cessation grant dollars to develop a local license requirement, fee or tax on a retailer or impose a tax on cigarettes, tobacco products, or nicotine products in any manner. Finally, SB 139 would have banned local governments that impose fees, licenses or taxes on any person selling not just cigarettes but other tobacco or nicotine products too, from receiving their share of the state's cigarette taxes.

Position: Oppose
Sponsors: Cooke, Singer
Status: Postponed Indefinitely

SB18-191, Local Government Limited Gaming Impact Fund

Currently, the Local Government Limited Gaming Impact Fund receives a total of \$5 million each year from the "state share" of available limited gaming revenues. This funding helps offset the impacts of limited gaming for Gilpin, Teller, Boulder, Clear Creek, Douglas, El Paso, Fremont, Grand, Jefferson and Park, Archuleta, La Plata, and Montezuma Counties and their towns and cities. Funding is awarded as grants and can support county jail costs, local law enforcement, district attorney costs and much more.

SB 191 annually increases the Local Government Limited Gaming Impact Fund by an amount equal to the growth of the state share from the previous fiscal year. Generally speaking, the state's share grows between 2-4 percent each year. This means that, on the upper end of growth, the fund could grow by an additional \$200,000 in good years. In years when the state's share does not grow, SB 191 permits the Local Government Limited Gaming Impact Fund to grow by the same amount as the increase from the previous fiscal year.

The bill also redirects, for the next two years, the funding that would have gone to the gambling addiction program to 1) the Department of Local Affairs to determine what constitutes documented gaming impacts and 2) the Department of Human Services to identify what a successful gambling addiction program in Colorado should look like and how much it would cost.

Position: Support
Sponsors: Gardner, Carver & Hooton
Status: Awaiting Governor's Signature

SB18-248, Additional Revenues Urban Renewal Projects

Initiated by the County Assessors Association, SB 248 clarifies **who** is responsible – from a workload standpoint – for determining how much revenue goes to a taxing entity that has successfully secured voter approval for a new mill levy or a new debrucing. Urban renewal authorities develop their projects and plans based on the projected growth of revenues at the time of their inception. Mill levy increases and debrucing measures that are secured AFTER the creation of an URA by schools, counties, special districts, junior colleges and cities flow entirely to the taxing entity that secured voter approval.

SB 248 tasks the taxing entity (e.g. schools, counties, special districts, junior colleges and cities) to specify in a negotiated agreement the amount that the taxing entity should get back. It also allows the taxing entity to waive the repayment altogether thus allowing the URA to keep the dollars that otherwise would – by default – have gone back to the taxing entity. Finally, SB 248 allows the negotiated agreement to specify a method for resolving disputes about the amount of the payment.

Position: Support
Sponsors: Martinez Humenik, Lawrence & Gray
Status: Awaiting Governor's Signature

Tourism, Resorts & Economic Development

SB18-005, Rural Economic Advancement of Colorado Towns

SB 5 authorizes the executive director of the Department of Local Affairs to coordinate nonmonetary resources and assistance to rural communities experiencing a significant economic event such as a mine closure or loss of major industry.

Position: Support

Sponsors: Donovan, Roberts

Status: Signed by the Governor

SB18-006, Recording Fee to Fund Attainable Housing

SB 6 would have given counties the option to increase the current recording and filing fee on real estate documents received in the Clerk and Recorder's Office from \$1 to \$5.

Clerk and Recorders would have retained \$1 to defray recording costs while the remaining \$4 would have been sent to the state treasurer who would credit the amount to the statewide attainable housing investment fund located within the Colorado Housing and Finance Authority (CHFA). Of the total collected and sent to CHFA, no less than 25 percent would have been expended for the purposes of supporting new or existing financial aid programs for individuals and families looking to finance, purchase, or rehabilitate single family homes.

Position: Monitor

Sponsors: Zenzinger, Winter

Status: Postponed Indefinitely

Transportation & Telecommunications

HB18-1099, Broadband Deployment Grants – Fairness in Right of First Refusal

HB 1099 requires that an incumbent provider invoking the right of first refusal and thus taking a broadband deployment grant from another provider must deliver the same or greater Internet speeds and pricing to a community as was promised in the original grant application.

Position: CCI Legislation - Support
Sponsors: Catlin & McLachlan, Coram
Status: Signed by Governor

HB18-1103, Local Government OHV Safety Regulations

HB 1103 clarifies that any local government that passes an ordinance or resolution requiring additional safety requirements for off-highway vehicles (OHVs) traveling on county roads is not in conflict with state rules or statutes. The bill also ensures that local government safety requirements do not apply to agricultural usage of OHVs.

Position: CCI Legislation - Support
Sponsors: McLachlan, Coram
Status: Signed by Governor

HB18-1116, Broadband Deployment Board Application for Federal Funds

HB 1116 authorizes the state Broadband Deployment Board to apply for Connect America Fund (CAF) Phase II auction moneys and deposit those funds into the state Broadband Fund to assist in expanding broadband connectivity around the state.

Position: Support
Sponsors: Rankin, Moreno
Status: Signed by Governor

HB18-1191, Criteria for Changing Local Speed Limits

HB 1191 adds optional criteria in statute that may be considered (alongside the currently-required speed study) by a board of county commissioners when making a decision on changing a speed limit in a residential neighborhood.

Position: CCI Legislation - Support
Sponsors: Winter, Martinez Humenik & Kefalas
Status: Signed by Governor

HB18-1312, Open Internet Customer Protections in Colorado

HB 1312 was an attempt to establish a “Net Neutrality” policy for the state of Colorado. The bill would have disqualified an internet service provider from receiving High Cost Support Mechanism moneys or other funds to finance broadband deployment if the internet service provider engaged in practices that interfere with the open Internet.

Position: No Position

Sponsors: Hansen & Herod, Donovan

Status: Postponed Indefinitely

SB18-001, Transportation Infrastructure Funding

SB 1 makes two transfers from the general fund for transportation; \$495 million in 2018 and \$150 million in 2019. Both of these transfers would feature a local share for counties: \$37.1 million in 2018 and \$11.3 million in 2019. There is also a share given to multi-modal projects, and counties would be eligible to apply for grants from these funds through a new program at the Division of Transit and Rail at CDOT. SB 1 also places a transportation bonding question on the 2019 ballot, asking voters to authorize the issuance of \$2.35 billion in Transportation Revenue Anticipation Notes (TRANS) to begin work on critical state transportation projects across Colorado. By waiting until 2019 to refer the bonding question to the voters, the General Assembly clears the way for a citizen-initiated measure on transportation funding and bonding this fall. If a citizens’ ballot measure is brought forward this fall and passes, the TRANS bonding question in the bill will not go forward in 2019.

Position: Monitor

Sponsors: Baumgardner & Cooke, Buck & Winter

Status: Sent to Governor

SB18-002, Financing Broadband Deployment

SB 2 establishes a mechanism to begin transferring dollars (approximately \$120 million over the next six years) from the state High Cost Support Mechanism (HCSM) to the state Broadband Fund in order to provide grants to bring high-speed Internet to unserved areas of the state.

Position: Support

Sponsors: Coram & Sonnenberg, K. Becker & Duran

Status: Signed by Governor

SB18-104, Broadband Deployment Board Application for Federal Funds

SB 104 authorizes the state Broadband Deployment Board to apply for Connect America Fund (CAF) Phase II auction moneys from the Remote Areas Fund and deposit those funds into the state Broadband Fund to assist in expanding broadband connectivity around the state.

Position: Support
Sponsors: Donovan, Willett & McLachlan
Status: Signed by Governor

SB18-144, Bicycle Operation Approaching Intersection

SB 144 authorizes counties and municipalities to adopt an ordinance or resolution that allows cyclists to slow down but not stop at an intersection.

Position: Monitor
Sponsors: Kerr, Willett
Status: Signed by Governor

SB18-167, Enforcement of Underground Facility Locate Requirements

SB 167 makes comprehensive changes to the Colorado 811/One-Call Law by creating a statewide enforcement authority to enforce current requirements on underground facility owners and excavators. The bill creates a 13-member Underground Damage Prevention Safety Commission that will review complaints and impose penalties for violations of current statute. CCI would appoint one member of the commission. The bill also allows counties to conduct one locate inquiry every six-months for all county roads scheduled for routine maintenance during that six-month time frame.

Position: Support
Sponsors: Scott & Donovan, Winter & Saine
Status: Sent to Governor

SB18-196, Repeal Late Vehicle Registration Fees

Under current law, if someone fails to register their vehicle on time they must pay a late fee of \$25 per month (subject to a cap of \$100). SB 196 would have repealed this late fee altogether.

Position: Oppose
Sponsors: Lundberg & T. Neville, Ransom
Status: Postponed Indefinitely