

# CML 2018 Legislative Summary

## FOREWORD

During the 2018 session of the Colorado General Assembly, CML tracked 263 of the 729 bills and resolutions introduced. Of the 43 bills that CML supported, more than 72 percent passed. Of the 29 bills that CML opposed, 100 percent were defeated or were amended such that the League dropped its opposition.

Each year, CML analyzes the laws passed by the General Assembly that affect cities and towns. *2018 Colorado Laws Enacted Affecting Municipal Governments* focuses on selected acts that have a particular significance for municipal operations, services, and powers — it is not a comprehensive listing of all new legislation enacted into law affecting municipal government. For information or assistance on any legislative questions, contact CML at 303-831-6411 or 866-578-0936.

CML is continuing its commitment to its members by providing the information they need as inexpensively and easily as possible. *2018 Colorado Laws Enacted Affecting Municipalities* will be available to all for free — along with several past years' editions — online at [www.cml.org](http://www.cml.org) under Information > Publications.

Kevin Bommer  
CML deputy director  
June 2018

## CML Advocacy Team



### **Deputy Director: Kevin Bommer**

Kevin is responsible for managing the legislative program, advocating municipal interests before the state legislature, and overseeing CML's strategic plan. His advocacy issues include beer and liquor; marijuana; employment and labor; telecommunications and broadband; and other issues of municipal interest. He also assists in training and answering inquiries for other municipal officials on various topics. In addition, Kevin authors the "CML Legislative Matters" blog. Kevin joined the League in 1999.



### **Legislative Counsel: Dianne Criswell**

Dianne is responsible for advocating municipal interests before the state legislature, oversees the League's legal advocacy activities, and supports CML members. Her legislative advocacy issues include elections; municipal finance; open meetings and open records; governmental immunity; tax and fiscal policy, and retirement and pensions. She also assists in training and answering inquiries for municipal officials on various topics. Dianne joined the League in 2015.



### **Legislative & Policy Advocate: Morgan Cullen**

Morgan is responsible for advocating municipal interests before the state legislature. His issues include economic development; environment and sustainability; natural resources; severance taxes and energy impacts; transportation and transit; and utilities. He also assists in training and answering inquiries for other municipal officials on various topics. He joined the League in 2016.



### **Legislative & Policy Advocate: Meghan Dollar**

Meghan is responsible for advocating municipal interests before the state legislature. Her issues include affordable housing, criminal justice and courts; immigration; public safety; land use; lottery and gaming; historic preservation, and special districts. She also assists in training and answering inquiries for other municipal officials on various topics. Meghan joined the League in 2011.

*This publication is available free at [www.cml.org](http://www.cml.org), Information > Publications.*

**SB 18-007** **AFFORDABLE HOUSING**  
**Low Income Housing Tax Credit**

The act continues the Colorado Low-Income Housing Tax Credit, which is scheduled to expire after 2019, for an additional five years. Effective: May 22, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 18-1096** **BEER & LIQUOR**  
**Special Event Permits**

The act codifies existing liquor rules. It adds to the list of organizations authorized to obtain a special event permit any organization that is incorporated under Colorado law for educational purposes. It removes the requirement that a special event permit be issued to a municipality only if the municipality owns an art facility and instead allows a special event permit to be issued to any municipality, county, or special district. Effective: Aug. 8, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 18-067** **BEER & LIQUOR**  
**Auction of Alcohol in Sealed Containers**

SB 18-067 provides exceptions to prohibitions precluding an organization holding a special event at a premises licensed to sell alcohol beverages for consumption on the licensed premises from bringing alcohol beverages in sealed containers onto the premises in order to auction the alcohol beverages for fundraising purposes. The act specifically allows certain organizations to bring onto and remove from the premises where the event will be held, whether licensed or unlicensed, alcohol beverages in sealed containers that were donated to or otherwise lawfully obtained by the organization and will be used for an auction for fundraising purposes. The alcohol beverages must remain in sealed containers at all times, and the licensee cannot realize any financial gain related to the alcohol beverage auction. The act specifies eligibility for the exceptions created and exempts the value of donated alcohol beverages from a retail liquor store, liquor-licensed drugstore, or fermented malt beverage retailer from the calculation of the \$2,000 limit on the purchase of alcohol beverages from those retailers by persons licensed to sell alcohol beverages for on-premises consumption. SB 18-067 clarifies the liability for unlawful acts committed where the event is held, and contains other provisions related to the types of organizations that can hold such an event. Effective: March 1, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**SB 18-138** **BEER & LIQUOR**  
**Transfer of Alcohol from Surrendered License**

The act allows persons with a beer and wine, hotel and restaurant, tavern, retail gaming tavern, brew pub, club, arts nonprofit, racetrack, vintner's restaurant, distillery pub, or lodging and entertainment facility license to purchase alcohol beverages from another retail licensee when there is common ownership between the licensees and the seller has surrendered its license, had the license revoked, or lost legal possession of the premises within the past 60 days. The seller must return all alcohol beverages bought

on credit, allow wholesalers 30 days to purchase back inventory, have paid all wholesale bills, and sell to only one licensed premises. Contains other provisions. Effective: Aug. 8, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 18-173** **BEER & LIQUOR**  
**Removal of Partially Consumed Vinous Liquor**

The act adds certain liquor licensees that may allow a customer to reseal and remove from the licensed premises one opened container of partially consumed vinous liquor if the licensee has meals or sandwiches and light snacks available for consumption on the licensed premises. Effective: Aug. 8, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 18-243** **BEER & LIQUOR**  
**Retail Alcohol Beverage Sales**

SB 18-243 makes substantive changes to laws governing the sale of fermented malt beverages, which become identical in law to malt liquor beginning on Jan. 1, 2019. Upon enactment, new or relocating fermented malt beverage licensees will be subject to specified distance restrictions from educational institutions and other establishments licensed for off-premise consumption, with certain exceptions. With certain exceptions, fermented malt beverage retail stores will be subject to food sale requirements. The act modifies requirements pertaining to delivery of alcohol beverages by certain licensees, and updates provisions related to alcohol beverage tastings in retail liquor stores and liquor licensed drug stores. The act clarifies local control over public consumption of alcohol beverages in public places, with certain restrictions and also changes the maximum number of licenses a retail liquor store and liquor licensed drugstore licensee may have. Contains numerous other provisions. Effective: Most sections effective June 4, 2018; other sections effective July 1, 2018, or Jan. 1, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**HB 18-1041** **CRIMINAL JUSTICE**  
**Crime of Cruelty Police Working Horse**

The act adds working police horses to cruelty to the statute defining cruelty to a service animal or certified police working dogs. Contains other provisions. Effective: March 7, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 18-1287** **CRIMINAL JUSTICE**  
**Commission on Criminal and Juvenile Justice**

The act continues the commission on criminal and juvenile justice for 10 more years. It also makes changes to the membership of the commission. The commission now includes a municipal representative. Effective: May 30, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 18-1314** **CRIMINAL JUSTICE**  
**Drone Interference with Public Safety**

Under this act, it is a class 2 misdemeanor offense to obstruct a peace officer, firefighter, emergency medical service provider, rescue specialist, or volunteer with an

unmanned aircraft system, commonly referred to as a drone. The act further defines obstructs as acting in a manner that obstructs, impairs, or hinders emergency public safety operations. Effective: Aug. 8, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## **SB 18-026**

## **CRIMINAL JUSTICE**

### **Sex Offender Registration**

The act changes requirements for the state's sex offender registry. It removes the requirement that a sex offender register in Colorado when the person's duty to register in the state or jurisdiction of conviction has been lawfully discontinued. The bill also establishes new local sex offender registration procedures. After the initial registration, the bill allows a local law enforcement agency to waive the requirement that registration be conducted in person when the registrant has medical records that document a chronic physical or intellectual disability that creates a severe hardship for registering in person. The local law enforcement agency must reregister the offender after it verifies the registrant's address and provides written verification of the waiver to the Colorado Bureau of Investigation and other law enforcement agencies with which the registrant is required to register. Any agency that issues a waiver must determine that the registrant still meets the waiver requirements and reauthorize the waiver every three years. If the law enforcement agency issues or reauthorizes such as a waiver, it must also notify the victim of the offense if he or she has requested notice and provided contact information. The act also clarifies that the court is required to grant a petition if the registrant has successfully completed his or her sentence, has not been convicted of a subsequent sex offense, and the required waiting period has expired, unless the victim or district attorney objects and the district attorney provides credible evidence that the registrant is likely to commit a subsequent offense of unlawful sexual behavior. Effective: Aug. 8, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## **SB 18-068**

## **CRIMINAL JUSTICE**

### **False Reporting of an Emergency**

The act makes false reporting of an imminent threat to public safety by use of a deadly weapon a misdemeanor. It further defines that the crime is a felony if the emergency response to the false report results in serious bodily harm or death. Effective: June 6, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## **SB 18-169**

## **CRIMINAL JUSTICE**

### **Offenses Against Civil and Administrative Witnesses**

The act clarifies that the prohibition against intimidating or retaliating against a witness or victim also applies to civil cases and administrative proceedings. Effective: April 25, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## **HB 18-1047**

## **ELECTIONS**

### **Fair Campaign Practices Act**

HB 18-1047 makes technical modifications to the Fair Campaign Practices Act to facilitate its administration by excluding certain legal fees from definitions of "contribution" and "expenditure;" eliminating double reporting of certain campaign contribution; removing certain paper-filing provisions that are obsolete; clarifying procedures for failure to file and investigations; and otherwise cleaning-up and correcting errors. Effective April 23, 2018. Lobbyist: Dianne Criswell, dcriswell@cml.org.

## **HB 18-1138**

## **ELECTIONS**

### **Uniform Oaths of Office**

This act establishes a single uniform text for swearing or affirming an oath of office and the requirements regarding how and when an oath or affirmation of office must be taken, subscribed, administered, and filed. The amendments require municipalities to use a standardized oath of office, as now set forth in Sec. 24-12-101, C.R.S., which potentially applies to home rule municipalities unless superseded by charter or ordinance passed pursuant to such charters. Effective Aug. 8, 2018. Lobbyist: Dianne Criswell, dcriswell@cml.org.

## **HB 18-1140**

## **ELECTIONS**

### **Personal Surety Bonds**

This act removes personal surety bond requirements for certain municipal officials. Effective Aug. 8, 2018. Lobbyist: Dianne Criswell, dcriswell@cml.org.

## **SB 18-107**

## **ELECTIONS**

### **Vacancies on Nomination Petitions**

SB 18-107 removes three unused subsections in the Municipal Election Code of 1965 (Title 31, Article 10) relating to the nominating committee process for dealing with vacancies on petitions (not vacancies in office). Effective: Aug. 8, 2018. Lobbyist: Dianne Criswell, dcriswell@cml.org.

## **SB 18-233**

## **ELECTIONS**

### **Title 1 Updates**

This bill makes changes to Title 1 of Colorado Revised Statutes to update elections laws, of which four provisions apply to deadlines in coordinated elections. It requires comments pertaining to a ballot issue (including TABOR elections) to be filed by noon on the Friday prior to the 45th day of the election (moved up from the close of business that day); sets the filing deadline for petitioners' statements in favor of a ballot measure no later than 44 days prior to the date of the election; changes the deadline by which the designated election official must file the contents of the municipal ballot issue notice with the county clerk no later than 43 days prior to the date of the election; and authorizes the county clerk to complete a mandatory recount 35 days after the date of the election; also allows the municipality which referred an item to the ballot to waive the mandatory recount in writing no later than 23 days after the election. A municipality that has adopted the specific statutory dates

for coordinated elections by charter or ordinance will need to consider amendments to harmonize with these changes to state law. Effective: May 29, 2018. Lobbyist: Dianne Criswell, dcriswell@cml.org.

## **SB 18-242**

## **ELECTIONS**

### **Oath of Office**

This act requires those swearing oath of office for public office or position to do so by “swearing by the everliving God” and to do so with uplifted hand. Effective Aug. 8, 2018. Lobbyist: Dianne Criswell, dcriswell@cml.org.

## **HB 18-1418**

## **EMPLOYMENT**

### **Use of Criminal Convictions in Employment**

This act amends existing law directing a state or local agency, when deciding whether to issue a license or permit, to consider an individual’s criminal record in determining whether the individual is of good moral character. It changes the determination to consider whether only the individual is qualified and allows additional specific considerations. The act prohibits a state or local agency from taking adverse action concerning a license or permit or not extending an offer of employment if an individual has been arrested but not charged, or has been convicted but pardoned, had the conviction record sealed, or had a collateral order entered concerning the conviction. Contains additional provisions related to state licensure. Effective: May 30, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

## **SB 18-247**

## **EMPLOYMENT**

### **Survivors’ Medical Benefits for Line-of-Duty Deaths**

SB 18-247 creates a Law Enforcement Officers’ and Firefighters’ Continuation of Benefits Board in the Department of the Treasury to provide the continuation for 12 months of medical and dental benefits for dependents of an employee who died in a work-related death when an employer has an agreement with the board to make contributions to the Law Enforcement Officers’ and Firefighters’ Continuation of Benefits Fund. Effective: May 30, 2018. Lobbyist: Dianne Criswell, dcriswell@cml.org.

## **SB 18-003**

## **ENERGY**

### **Colorado Energy Office**

This act restores funding for the Colorado Energy Office for four years and makes a number of reforms to the mission of the office to take “an all of the above” approach to promoting both alternative and conventional sources of energy in Colorado. SB 18-003 repeals a number of expired or obsolete programs. Effective: June 1, 2018. Lobbyist: Morgan Cullen, mcullen@cml.org.

## **HB 18-1057**

## **FISCAL POLICY**

### **Collection of Debts**

The act establishes new requirements concerning the collection of debts for the state and its political subdivisions.

Specifically, it limits the amount of fees and costs of collection, exclusive of accrual of interest and court costs, to 18 percent, except if additional reasonable attorney fees are awarded by a court. This applies to any debt collected by a private agency or attorney collecting debt due to the state or a political subdivision, or debt collected by the State Controller. This provision does not apply if the state or political subdivision has sold the debt to a third party. Beginning Jan. 1, 2023, and each January 1 five years thereafter, the state auditor is required to review the percentage rate and aggregate fees and report them to the finance committees of the General Assembly. This report may include recommendations to modify these terms. Effective: July 1, 2019. Lobbyist: Meghan Dollar, mdollar@cml.org.

## **HB 18-1190**

## **HISTORIC PRESERVATION**

### **Historic Preservation Tax Credit**

HB 18-1190 extends the Historic Preservation Tax Credit, set to expire in 2019, for 10 more years and expands the program with additional incentives in rural areas and small projects. Effective: May 30, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## **HB 18-1234**

## **LIMITED GAMING**

### **Clarification of Gambling**

HB 18-1234 amends the definitions of key terms used in the criminal statutes governing simulated gambling devices, including the definition of “simulated gambling device” to include devices that combine the elements of chance and skill, in accordance with the state constitution. The bill also provides a safe harbor to businesses that ceased activities before July 1, 2018. Effective: June 6, 2018. Lobbyists: Meghan Dollar, mdollar@cml.org; Dianne Criswell, dcriswell@cml.org. *Reprinted.*

## **SB 18-191**

## **LIMITED GAMING**

### **Local Government Limited Gaming Impact Fund**

This bill modifies the distribution of the state share of the gaming tax by changing the distribution from \$5 million annually to the Local Government Limited Gaming Impact Fund to \$5 million plus an annual increase equal to the growth of the state share of gaming tax revenue. Requires the Department of Local Affairs to study the fund to identify if grants are going to strictly gaming impacted entities. Directs the Department of Human Services to improve the current gambling addiction treatment program. Effective: May 29, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## **SB 18-066**

## **LOTTERY**

### **Division of Lottery**

SB 18-066 reauthorizes the Division of Lottery until July 1, 2049. Effective: Aug. 8, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 18-1259****MARIJUANA****Licensee Manager Sampling**

Permits medical marijuana optional premises cultivation licensee, medical marijuana-infused products manufacturing licensee, retail marijuana cultivation facility licensee, and retail marijuana products manufacturing licensee to provide samples to no more than five managers for quality control and product development purposes. Requires manager and sample to be tracked in seed-to-sale tracking system. Specifies limits on amount that can be provided as sample per batch and places limits on amount of samples a manager can receive on a monthly basis. Prohibits managers from providing or reselling samples to other licensed employees, individuals, or customers. Prohibits licensee from allowing manager to consume sample on site or use sample as means of compensation. Effective: Aug. 8, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**HB 18-1280****MARIJUANA****Marijuana Business Court Appointees**

To address a lack of provisions that address what happens to a regulated marijuana business when a representative is appointed for the business, HB 18-1280 requires a potential appointee to certify to the court prior to the appointment that he or she is suitable to hold a marijuana business license. After the appointment, the appointee shall apply to the state licensing authority for a finding of suitability. The state licensing authority must provide the appointee with a temporary appointee registration after receiving notification of the initial appointment. The bill gives the state licensing authority rule-making authority regarding temporary appointee registrations. Effective: May 15, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 18-1336****MARIJUANA****Local Government Impact Grants**

The act repeals the local government retail marijuana impact grant program administered by the Department of Local Affairs for documented marijuana impacts. It contains provisions to distributed any existing money encumbered under the existing program and repeals a reporting requirement regarding the effectiveness of the grant program. Effective: July 1, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 18-1381****MARIJUANA****Permissive Medical Marijuana Vertical Integration**

The act eliminates the requirement that a medical marijuana center source 70 percent of the medical marijuana it sells from its associated optional premises cultivation facility and that requires an optional premises cultivation facility to have 70 percent of the medical marijuana it cultivates sold through its associated medical marijuana center. The act allows medical marijuana centers to source medical marijuana from any optional premises cultivation facility. HB 18-1381 contains numerous provisions related to transitioning from the limited sourcing model, as well as other provisions. Effective: Some sections effective July 1, 2018. Remaining sections effective July 1, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 18-1389****MARIJUANA****Centralized Marijuana Distribution Permit**

HB 18-1389 creates a centralized distribution permit to an optional premises cultivation facility or retail marijuana cultivation facility authorizing temporary storage on its licensed premises of marijuana concentrate or marijuana products for the sole purpose of transfer to the permit holder's respective commonly owned medical marijuana centers or retail marijuana stores. The act requires an applicant send a copy of its application to the local jurisdiction and for the state licensing authority to notify the local jurisdiction of its determination. Effective: May 24, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**HB 18-1422****MARIJUANA****Testing Facilities Standards**

HB 18-1422 requires medical and retail marijuana testing facilities to be accredited pursuant to the International Organization for Standardization/International Electrotechnical Commission 17025:2005 standard by a body that is itself recognized by the International Laboratory Accreditation Cooperation by Jan. 1, 2019. The state licensing authority can adopt rules providing for an extension of time to comply with the standard. Effective: Aug. 8, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 18-259****MARIJUANA****Local Government Marijuana Taxes**

SB 18-259 requires a county or municipality that levies excise tax on the first sale or transfer of unprocessed retail marijuana by a retail marijuana cultivation facility (retail marijuana excise tax) to levy the tax at a rate of up to 5 percent of the average market rate (the only basis for calculation allowed under current law) of the unprocessed retail marijuana if the transaction is between affiliated retail marijuana business licensees and at a rate of up to 5 percent of the contract price of the unprocessed retail marijuana if the transaction is between unaffiliated retail marijuana business licensees. The act creates a temporary exception to allow the continued collection of excise tax through the end of 2020 for counties or municipalities that received prior voter approval to levy only an excise tax calculated based on the average market rate of the unprocessed retail marijuana. Contains other provisions. Effective: Jan. 1, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 18-271****MARIJUANA****Colocation of Research Licensees with Other Licensees**

Subject to rules of the Marijuana Enforcement Division and if permitted by the local licensing authority, SB 18-271 authorizes marijuana research and development licensees and marijuana research and development cultivation licensees to transfer unused marijuana within the regulated marijuana industry, as well as for research licensees to be co-located at the premises of a medical marijuana-infused products manufacturer or a retail marijuana products

manufacturer. Effective: May 30, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

## **HB 18-1078** **MUNICIPAL COURTS**

### **Court Programs for Veterans**

The act requires the court to determine if a defendant is a veteran of or actively serving in the U.S. military at the first appearance or upon arraignment, whichever is first. If a defendant is a veteran or active duty member of the military, the court must notify the defendant that he or she may be entitled to receive mental health treatment, substance use treatment, or other veteran services. The court may not accept a guilty plea or plea of no contest without first determining the defendant's veteran or active duty military status and providing the notification required by this bill. The completion of a veteran treatment program must receive favorable consideration by the court when determining whether or not to issue an order to seal a criminal record. Effective: Aug. 8, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## **HB 18-1353** **MUNICIPAL COURTS**

### **Defense Counsel in Municipal Court Grant Program**

The act creates a grant program in the Department of Local Affairs to provide funds to municipalities to cover the costs of defense counsel required by HB 16-1309. It appropriates \$1.85 million for the first year. Effective: May 30, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## **SB 18-060** **MUNICIPAL COURTS**

### **Protective Orders in Criminal Cases**

The act adds two protective orders to the list of orders the court may grant in a domestic violence case. The first protective order prohibits the taking or harming of an animal owned by the alleged victim or witness. The second protective order directs a wireless company to transfer financial responsibility and rights to a wireless number to the petitioner if the petitioner is not the account holder and the petitioner proves that he or she and any minor child under his or her care are the primary users of the number. This order may be granted upon a discretionary motion of the district attorney or the court's own motion. The wireless provider is immune from civil liability for complying with such an order. Effective: Nov. 1, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## **SB 18-203** **MUNICIPAL COURTS**

### **Conflict-free Representation in Municipal Courts**

The act requires municipalities to provide independent indigent defense for each indigent defendant charged with a crime that has a possible sentence of incarceration. Independent defense is to be overseen by the municipality, but must be provided by a nonpartisan entity that is independent of the municipal court by Jan. 1, 2020. Authorized entities that may provide or evaluate independent defense include the Office of the Alternate Defense Counsel (OADC) or any Colorado law school legal aid clinic, or an attorney or group of attorneys as long as they are not affiliated with the municipality receiving the services. Municipalities contracting for the provision of independent indigent defense must

ensure that the independent defense selection process is transparent and merit based, each contracted indigent defense attorney is evaluated by an independent entity no later than one year after being hired and at least every three years thereafter, and evaluation results must be provided in writing to the municipality along with any corrective action recommendations. The act provides that municipalities may also establish a local independent defense commission or coordinate with one or more other municipalities to create a regional independent defense commission. Any such commission must include at least three commissioners. Any commission created has the responsibility and exclusive authority to appoint independent defense counsel for a term of at least one year, has the sole authority to supervise appointed independent defense counsel and may discharge him or her for cause. Finally, the commission must ensure that indigent defendants receive legal services equal to those available for non-indigent defendants and in accordance with Colorado rules of professional conduct and American Bar Association standards. Municipalities that wish to use the OADC for independent defense or evaluation services must request such services on or before Sept. 1, 2018, and on or before each year thereafter. The OADC is required to notify municipalities requesting independent defense or evaluation services of its ability to provide such services on May 1, 2019 and on or before each year thereafter. Effective: Aug. 8, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

## **SB 18-230** **OIL AND GAS**

### **Forced Pooling Requirements**

This act modifies how oil and gas forced pooling orders are conducted in Colorado. Specifically, the legislation expands the notification period to mineral owners from 30 days to 60 days; Reforms the notification process in a manner that informs all mineral owners of their rights and responsibilities under the law; and removes nonconsenting owners of liability for any unforeseen accidents or spills. Effective: July 1, 2017. Lobbyist: Morgan Cullen, mcullen@cml.org. *Reprinted.*

## **HB 18-1031** **PENSIONS & RETIREMENT**

### **FPPA – Simplified Entry**

The act authorizes an employer that provides a money purchase plan to apply to the Fire and Police Pension Association Board to cover some or all of the existing members of its plan in the defined benefit system with a single application. It also allows an employer with a money purchase plan to apply to cover all new employees to participate as a group in either the statewide hybrid plan or the statewide defined benefit plan. Effective Aug. 8, 2018. Lobbyist: Dianne Criswell, dcriswell@cml.org.

## **HB 18-1056** **PENSIONS & RETIREMENT**

### **FPPA – Health History Forms**

This act authorizes the Fire and Police Pension Association to adopt an electronic format for the completion and filing of the health history form and clarifies eligibility provisions to specify that pre-existing and permanent medical conditions are disqualified from disability benefits. Effective Aug. 8, 2018. Lobbyist: Dianne Criswell, dcriswell@cml.org.

## PERA – Reform

This act contains numerous provisions affecting employers and employees in all divisions of the Public Employees Retirement Association (PERA), as well as retirees, with the goal of eliminating the unfunded actuarial accrued liability of each of PERA's divisions and thereby reach a 100-percent funded ratio for each division within the next 30 years. The act modifies benefits, increases contributions, ensures alignment of contributions, service credits, and benefits. Local Government Division employers will have no contribution increase as a result of the legislation. Effective: June 4, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

## HB 18-1003

## PUBLIC SAFETY

## Opioid Misuse Prevention

The act establishes the 10-member Opioid and Other Substance Use Disorders Study Committee as an interim study committee through July 1, 2020. It clarifies that school-based health centers that apply for grants from the grant program from the Department of Public Health and Environment can use this funding for education, intervention, and prevention for opioid, alcohol, marijuana, and other substance use disorders. The legislation also requires the Department of Health Care Policy and Financing to make grants to organizations to operate screening, brief intervention, and referral to treatment programs and requiring that a total of \$1.5 million in grants be awarded. It directs the Center for Research into Substance Use Disorder Prevention, Treatment, and Recovery Support Strategies at the University of Colorado Health Sciences Center to develop and implement continuing medical education activities to help prescribers of pain medication to safely and effectively manage patients with chronic pain, and prescribe opioids when appropriate, requiring the center to develop education and training for law enforcement officers and first responders, and appropriates funding for that program. Finally, the act requires the governor to direct the Colorado Consortium for Prescription Drug Abuse Prevention to develop a strategic plan concerning substance use recovery services and issue recommendations to the General Assembly by Jan. 1, 2020. Effective: May 21, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## HB 18-1020

## PUBLIC SAFETY

## Civil Forfeiture Reforms

The act defines a reporting agency for the purpose of making it clear which agencies are required to submit seizure reports to the Department of Local Affairs as required by HB 17-1313. The legislation also adds seizures related to local public nuisance laws or ordinances to the list of seizures to be reported and creates two law enforcement grants. The two grant programs are law enforcement assistance grant program and the law enforcement community services grant program. The act changes the distribution formula to give 25 percent to behavioral service providers and 25 percent to the newly created Law Enforcement Community Services Grant Fund, with the remaining 50 percent still going to the

governing body of the seizing agency. Effective: Sept. 1, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## HB 18-1051

## PUBLIC SAFETY

## Extinguish Unattended Fires

The act increases the penalty for individuals convicted of knowingly or recklessly leaving a fire unattended in a forested area. Effective: March 22, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## HB 18-1184

## PUBLIC SAFETY

## Next Generation 9-1-1

The act requires the Public Utilities Commission to create and submit to the General Assembly a state of 9-1-1 report before Sept. 15, 2018, and each year thereafter. The report must provide an overall understanding of the state of 9-1-1 in Colorado. Effective: May 29, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## HB 18-1200

## PUBLIC SAFETY

## Cybercrime Changes

The act replaces the term “computer crime” with “cybercrime” in the criminal code. The legislation defines the crimes to allow for a charge of anywhere from a petty offense to a class 2 felony depending on the circumstances. Effective: Aug. 8, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## HB 18-1296

## PUBLIC SAFETY

## Vehicle Remote Starter Systems

The act allows persons to leave their cars unattended and running if they use remote starter systems or adequate security measures. The act defines adequate security measures as using a vehicle that requires a key to move or put the vehicle into gear, keeping a keyless start fob out of the car, or using a steering wheel security device. Effective: May 29, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## HB 18-1325

## PUBLIC SAFETY

## Digital Trunked Radio

The act expands the allowable use of the Public Safety Communications Trust Fund. It appropriates \$2 million from the General Fund to the trust fund to fill coverage gaps in the state digital trunked radio system. Effective: April 30, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

## HB 18-1394

## PUBLIC SAFETY

## Colorado Disaster Emergency Act

The act adds statutory definitions regarding emergency management, mitigation, recovery, resiliency, and response. Subject to available grant funding, this act continues the Colorado Resiliency Office (CRO) by codifying it in the Department of Local Affairs (DOLA). The office is to create and maintain the resiliency and community recovery program. In developing the resiliency and community recovery program, the CRO must complete a participatory process that includes local governments; state agencies;

business, labor industry, agriculture, civic and volunteer organizations; academia; community leaders; and other stakeholder participation. The act relocates existing statute regarding the Expert Emergency Response Committee within Title 24, makes changes to update emergency management terminology, and adds the executive director of DOLA or his or her designee to the committee. Finally, the act specifies that by June 30, 2019, and regularly thereafter, the Office of Emergency Management in the Department of Public Safety must update the centralized response computer database to include a listing of all-hazards recovery resources located in the state. Effective: Aug. 8, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 18-1423 PUBLIC SAFETY**

**Rural Fire Protection District Equipment Grants**

The act transfers \$250,000 from the General Fund to the Division of Fire Prevention and Control's Local Firefighter Safety and Disease Prevention Fund for grants for equipment and training. Effective: May 23, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 18-015 PUBLIC SAFETY**

**Protecting Homeowners and Deployed Military**

The act creates an alternate process to remove an unauthorized person from a residential property, and establishes civil and criminal penalties for certain prohibited behavior. The act includes that an owner must provide to law enforcement a declaration that provides certain information in order to request that law enforcement remove the trespassing occupant. Effective: June 6, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 18-024 PUBLIC SAFETY**

**Access to Behavioral Healthcare Providers**

The act adds behavioral health care providers and candidates for certain types of professional licensure to the list of health care providers eligible for loan repayment. It specifies that candidates for licensure must serve at least two years in a rural or shortage area after obtaining a license, plus the time spent obtaining supervised experience hours. Effective: May 22, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 18-269 PUBLIC SAFETY**

**School Security Disbursement Program**

The act creates the School Security Disbursement Program Account within the existing School Safety Resource Center Cash Fund. The account is funded with an appropriation of \$30 million in FY 2018-19. The Department of Public Safety (DPS) may expend up to 1 percent of this appropriation for administrative expenses. A local education provider must apply to the DPS for funding, providing certain information in its request. DPS is responsible for creating program rules, reviewing and approving applications, and issuing disbursements. DPS is required to give priority to applicants that commit to providing financial resources to match the amount of the disbursements. Funds may be used by a local education provider for capital construction that improves the

security of a public school facility or vehicle from threats of physical harm, training in student threat assessment, training for on-site school resource officers, and school emergency response training for all school building staff. The act also includes reporting requirements. Effective June 6, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 18-1128 RECORDS**

**Data Breach Notification**

HB 18-1128 requires private and governmental entities in Colorado that maintain paper or electronic documents containing personal identifying information (PII) to do adopt policies to maintain and destroy PII; implement and maintain reasonable security procedures for PII; and disclose and provide notification of data breaches. Effective: Sept. 1, 2018. Lobbyist: Dianne Criswell, dcriswell@cml.org. *Reprinted.*

**SB 18-086 RECORDS**

**Record Cryptology**

This act directs certain state officials to take actions to protect state records containing trusted sensitive and confidential information from criminal, unauthorized, or inadvertent manipulation or theft. It also prohibits county or municipal governments from imposing taxes, fees, or licensing requirements for distributed ledger technologies. Effective: May 30, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 18-1039 SPECIAL DISTRICTS**

**Special District Election Dates**

The act changes the years that special district elections are held to odd-numbered years, and changes the term for special district directors to three years for 2020 and 2022. It establishes that director terms will reset to four-year terms in 2023 and 2025. Effective: Aug. 8, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 18-1268 SPECIAL DISTRICTS**

**Recall Special District Director**

The act establishes procedures for the recall of a special district director. It creates requirements for petitions, petition protests, elections and other procedures. The act specifies that it is a misdemeanor offense to destroy, delay, or conceal a recall petition, punishable by a fine of up to \$1,000, up to one year in county jail, or both. Effective: May 4, 2018. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 18-1022 TAXATION**

**Sales – Sales Tax Simplification**

HB 18-1022 requires the Department of Revenue to issue a request for information for an electronic sales and use tax simplification system that the state or any local government that levies a sales or use tax, including a home rule municipality and county, could choose to use that would provide administrative simplification to the state and local sales and use tax system. Effective March 1, 2018. Lobbyist: Dianne Criswell, dcriswell@cml.org. *Reprinted.*

**SB 18-106****TAXATION****Sales – Capital Improvement Funds**

SB 18-106 removes unnecessary provisions in law allowing certain local governments, including municipalities, to create a sales and use tax capital improvement fund when seeking voter approval to levy a sales or use tax. Effective Aug. 8, 2018. Lobbyist: Dianne Criswell, dcriswell@cml.org.

**SB 18-002****TELECOMMUNICATIONS****High Cost Support Mechanism Transfer to Broadband Grants**

SB 18-002 amends the definition of “broadband network” to increase the speed at least 10 Mbps or the FCC minimum, which is currently 25 Mbps. It amends the definition of “unserved area” to refer to an area that is unincorporated, or within a municipality with fewer than 7,500 inhabitants. The act requires the Public Utilities Commission to allocate specified amounts of high cost support mechanism (HCSM) money to broadband deployment and makes conforming amendments. The act changes the membership of the Department of Regulatory Agencies Broadband Deployment Board, prohibits funding a proposed project that overlaps or overbuilds another broadband project and requires the grants for a proposed project to match the definition of “broadband network.” Contains numerous other provisions related to grant criteria and procedures. Effective: Aug. 8, 2019. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 18-1103****TRANSPORTATION****Local Government Off-Highway Vehicle Regulation**

This act allows local governments to impose additional safety requirements for off-highway vehicles on roads within their jurisdiction. The bill clarifies that local governments who impose these ordinances will do so consistent with state rules. Effective Date: Aug. 8, 2018. Lobbyist: Morgan Cullen, mcullen@cml.org.

**HB 18-1191****TRANSPORTATION****Local Authority to Alter Speed Limits**

This act adds additional criteria (such as road characteristics, crash statistics, and pedestrian and bicycle activity in the vicinity) that can be taken into consideration by local governments when determining whether to raise or lower speed limits. Effective: Aug. 8, 2018. Lobbyist: Morgan Cullen, mcullen@cml.org.

**HB 18-1285****TRANSPORTATION****Free Parking for Persons with Disabilities**

This act changes statutory guidelines for persons with disabilities qualifying for free parking. The bill allows free parking only for individuals who are physically unable to pay a parking meter and have received written medical verification. Those individuals that qualify will receive a special remuneration-exempt parking placard indicating their status. The act repeals existing authority for a person with a disability to park without paying. Effective: Jan. 1, 2019 Lobbyist: Morgan Cullen, mcullen@cml.org. *Reprinted.*

**SB 18-001****TRANSPORTATION****Infrastructure Funding**

The act provides two General Fund contributions with local share backs through the Highway Users Tax Fund (HUTF) formula. The legislation appropriates \$495 million in FY 2018-19 and \$150 million in FY 2019-20, with 15 percent designated to municipalities and counties, and 15 percent to multimodal in both years. This means Colorado municipalities will receive an aggregate total of \$37.1 million this year and \$11.2 million next year. The bill also stipulates that 85 percent of the multimodal funding go solely to local governments. The bill also refers a \$2.35 billion bonding measure for voter approval in 2019, unless a citizen initiative passes in the November 2018 election, and allows the first tranche in lease purchase agreements authorized through SB 17-267 to move forward. Effective: May 31, 2018. Lobbyist: Morgan Cullen, mcullen@cml.org. *Reprinted.*

**SB 18-144****TRANSPORTATION****Bicycles Approaching Intersections**

This act permits a municipality to adopt a local ordinance regulating the operation of bicycles approaching intersections with stop lights or stop signs. The bill authorizes municipalities to allow bikers to pass through an intersection without stopping at a reduced rate of speed if it is safe to proceed. It also adopts a standard set of criteria to ensure the law is applied consistently statewide. Effective: May 3, 2017. Lobbyist: Morgan Cullen, mcullen@cml.org.

**SB 18-248****URBAN RENEWAL****Treatment of Voter Approved Revenue Increases**

For urban renewal plans adopted or substantially modified after Jan. 1, 2016, SB 18-248 removes the responsibility of a county treasurer from calculating the increment used to finance urban renewal projects attributable to taxes approved after the urban renewal plan was adopted or to revenues attributable to a subsequent debrucing. The act permits an urban renewal authority and a municipality or any other taxing entity to negotiate for the purpose of entering into an agreement on the issues of the amount of repayment, the mechanics of how repayment of the additional revenues will be accomplished, a method for resolving disputes regarding the amount of repayment, and whether the municipality or taxing entity will waive the repayment requirement, singularly or in combination, and are further authorized to enter into an intergovernmental agreement regarding any of these issues. Effective: May 30, 2018. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**SB 18-167****UTILITIES****8-1-1 Enforcement Requirements**

This act transforms Colorado’s 8-1-1 “call before you dig” program into a true one-call system by requiring tier-1 membership of all facility owners. Currently in Colorado, facility owners can be either tier-1 or tier-2 members, which provide different levels of notification and costs for locate requests. It also creates a statewide 12-member safety

commission with broad oversight and enforcement authority over the organization, its members and excavators. Effective: Aug. 8, 2018. Lobbyist: Morgan Cullen, mcullen@cml.org. *Reprinted.*

**HB 18-1008**                      **WATER & WASTEWATER**

**Aquatic Invasive Species Nuisance Funding**

This act creates new funding and enforcement mechanisms to support Colorado's Division of Parks and Wildlife's Aquatic Nuisance Species Program, including a stamp for boat use and specified violations and penalties. Effective: Aug. 8, 2018. Lobbyist: Morgan Cullen, mcullen@cml.org.

**SB 18-019**                      **WATER & WASTEWATER**

**Duration of CWRPDA loans**

This act removes the 20-year limitation on water pollution control revolving fund loans and authorizes the Colorado Water Resources and Power Development Authority to issue loans up to the lesser of 30 years or the useful life of the project. Effective Date: Aug. 8, 2018. Lobbyist: Morgan Cullen, mcullen@cml.org.

**SB 18-025**                      **WATER & WASTEWATER**

**Urban Drainage & Flood Control District Elections**

This act makes changes to provisions relating to district elections including definitions of certain terms to conform the district's laws with the Uniform Election Code. The act allows elections to be held at a special election, deletes an obsolete provision, and conforms annexation elections to the Colorado Local Government Election Code, and contains other provisions. Effective Date: March 7, 2018. Lobbyist: Morgan Cullen, mcullen@cml.org.