

Memo

To: Members of the Fin Gov Committee
From: Brandeberry McKenna Public Affairs (BBMK)
Date: February 9, 2021
Re: 2021 Legislative Outlook

The focus of the 2021 legislative session which began on January 13th but paused on the 15th until February 16th will be COVID-19 recovery. Leadership of both Chambers have stressed the importance of focusing on economic recovery, ensuring stimulus monies get distributed quickly and that vaccines are delivered in timely effective manner.

The following legislation aligns with the priorities of Council and/or is of general interest to members. Bills listed with sponsors will be introduced while the fate of other measures on our list is uncertain.

Criminal Justice

- Legislation building upon and/or clarifying provisions of SB 20-217 as follows:
 - Clarify when contact is made by an officer
 - Due process for officer de-certification
 - Body Cam funding
 - Data storage – how long should recordings be kept
- No knock warrants – not certain to date if separate legislation will be pursued on this topic or will be included in any legislative clean up of SB20-217
- Jail population management – Sen. Lee/Benavidez – making COVID-related practices permanent
- Officer involved deaths – adding on requirements to existing 3rd party investigative process
- Outstanding warrants – reintroduction of legislation restricting the ability to suspend driver's licenses
- Reintroduction of legislation requiring a hearing within 48 hours after arrest
- Ban use of Ketamine – Rep. Caraveo
- Juvenile Diversion Programs – Sen. Lee
- Bill to allow peaceful protests without a permit
- Records expungement – Rep. Coleman

Elections

- Recall election clean up bill
- Ranked choice voting legislation – Rep. Kennedy
- Voters with disabilities allow to return ballots electronically – Sen. Danielson

Environment

- Dredge & Fill – CDPHE bill to establish a state program for waters that are not considered Waters of the US – Rep. Arndt
- MS 4 permits – CDPHE wants to address Ecoli in rivers and currently can't use fees for inspection or enforcement activities – Rep. Amabile
- Plastics – reintroduction of legislation to restrict the use of plastics or eliminate state preemption – Rep. Alex Valdez
- Pest Control – Dept. Ag. Wants the authority to work in urban areas to address pests like Japanese beetle/emerald bore

Energy

- Benchmarking – Similar to Denver's existing program, the bill would establish a statewide program to require commercial property owners (50,000 sq. ft or more) to report energy use; underperforming properties could be fined; applies to municipal buildings of 5,000 sq. ft or more
- Community Choice Energy reintroduction of Rep. Hooten bill
- Eliminate Cap on rooftop solar
- Reduce Carbon in construction
- Expand solar garden statute to allow service to urban areas
- Renewable Natural Gas – reintroduction of Sen. Hansen bill

Housing

- Reintroduction of HB 1351 supported by Denver – affordable housing set asides for new development -Reps. Lontine/Gonzales-Gutierrez/Sens. Gonzales/Rodriguez) Denver supported last year.
- Mobile home/modular home statute cleanup (county code/planning/zoning)
- Pilot program to incentivize municipalities to remove barriers to affordable housing and to adopt best practices for affordable housing development
- Rent reporting to build credit – Rep. Ricks/Bacon
- Financial literacy – Rep. Kipp/Sen. Bridges
- Div. of Housing reporting – Rep. Bird/Sens. Story and Woodward – report on how state spends money to promote affordable housing
- Eviction restrictions – Reps. Ricks/Jackson – changes eviction notice from 10 to 14 days for failure to pay rent or other violations; prohibits landlord from increasing rent more often than once a year and other process changes.
- Alternative form of security deposit – Sen. Hansen – Landlord can require a security deposit if notice given and 3 alternatives are offered: 1) renter's insurance; 2) payment over a series of no less than 6 equal monthly installments or 3) pay reduced security deposit that is no more than 50% of monthly rent
- \$2.00 fee on lease agreements that would go into an enterprise established to provide grants for down payment assistance, closing costs or other fees

Marijuana

- Codification of COID executive order allowing medical marijuana on-line sales
- Align MJ delivery with alcohol delivery – Rep. Snyder
- Limit potency recreational marijuana – Rep. Caraveo

Transportation

- Funding legislation – Sens. Fenberg & Winter and Reps. Garnett and Gray
 - Fee based – road usage fees on TNC/DNCs; SOT; gas fee
 - Bonding authorization off of new fees

COVID-19 Recovery/Relief

- Alcohol delivery by restaurants – Sen. Bridges – making the temporary authorization for restaurants to deliver alcohol permanent
- Telemedicine – HCPF telehealth bill
- Measures to address health disparities among communities of color
- Codification of executive orders related to marijuana

Other

- Change the reference to illegal alien in state statute to worker without authorization – Rep. Lontine. This aligns with Denver’s equity work and will allow Denver to change the reference in City contracts.