

2018 End of Session Report

City and County of Denver

MAY, 2018

Brandeberry McKenna (BBMK) is pleased to provide the following report on legislation of interest to the City and County of Denver.

TABLE OF CONTENTS

Section 1 2018 Session Overview	1
Section 2 Affordable Housing	3
Section 3 Landlord/Tenant	4
Section 4 Homelessness	4
Section 5 Liquor	5
Section 6 Civil Forfeiture	6
Section 7 Marijuana	6
Section 8 Opioid and Substance Abuse	7
Section 9 Election	8
Section 10 Other Bills of Interest	8
Section 11 Looking Ahead	10

SECTION 1 SESSION OVERVIEW

The 2018 session was significant in that for the first time in a long time the Colorado economy is growing at a healthy rate without triggering a refund to taxpayers. Because of the improving economy coupled with the federal tax reform, Colorado is expected to bring in as much as \$1 billion more in uncommitted funds this year. This economic good news set the stage for competing demands on the extra revenue to meet a wide variety of needs that have long gone unmet.

In his State of the State speech, Governor John Hickenlooper called upon the Colorado General Assembly to make investments in infrastructure including roads and bridges, broadband, and water delivery systems. The Governor also highlighted the need for state financial commitments to fight the opioid crisis, shore up the state’s public pensions plans, as well as increase spending for higher education and K-12.

BUDGET HIGHLIGHTS

- \$495 million to the State Transportation fund
- \$265 million to avoid growing the education budget stabilization factor
- \$35 million for school safety measures
- \$114 million for higher education
- \$225 million contributions to PERA, the Public Employees Retirement Association

On the opening day of the session, the Senate introduced **SB18-001 Transportation Infrastructure Funding**. This bill provides a one-time General Fund appropriation to the State Highway Fund of \$495 million.

- The \$495 million is allocated as follows:
 - **\$346.5M** to State Highway Fund (SHF)
 - **\$74.25M** to Highway Users Tax Fund (HUTF) for allocation to local governments
 - **\$74.25M** to the Multimodal Transportation Options Fund (MTOF)
- In 2019 another one-time General Fund transfer of \$150 million will be split as follows:
 - **\$105M** to SHF
 - **\$22.5M** to HUTF
 - **\$22.5M** to MTOF
- 2020-2039 annual General Fund transfers to HUTF of \$122.6 million for payments on newly issued TRANS bonds. Net Proceeds from TRANS bonds allocate as follows:
 - **85% to SHF for CDOTs Tier 1 project list**
 - **15% to the MTOF**
- SB18-001 creates the Multimodal Transportation Options Fund and requires CDOT to conduct a study of the use of managed lanes

This effort was followed by the introduction of **SB18-002 Financing Rural Broadband Deployment**. The bill phases in funding from the High-Cost Fund (used to provide financial assistance to telecommunications companies providing basic landline service in rural areas) to support broadband deployment grants and was signed by the Governor.

For the first time since 2010, progress was made toward addressing the \$32 billion unfunded liability in the state's pension plan. It came down to the wire, but **SB18-200 Modifications to PERA to Eliminate Unfunded Liability** passed both chambers on the last night of the 2018 legislative session. Highlights of the bill include:

- Increased legislative oversight with representation from qualified private sector citizens. This new oversight committee is in addition to the governing Board of PERA.
- A DC option provision will be available to all state employees (it was previously available to only certain categories of state employees) and all local employees.
- SB200 appropriates \$225 million annually from the general fund to be transferred to PERA to pay down the debt.
 - Changes to contribution rates:
 - Employee contribution rates will increase by 2%
 - Employer contribution rates will increase by ¼%
 - For new employees, the contribution rate will be based on gross pay rather than net pay.
 - Both rates can increase by up to an additional 2% if the plan is not on pace to be fully funded by 2049. If the plan reaches a 120% funded level, then contribution rates will decrease.
 - Changes in benefits:
 - Retirement age increases for new hires to 64 for all divisions.
 - Highest annual salary calculation increases to 5 years.

- Annual Cost of Living Adjustment (COLA) is capped at 1.5%, and there will be a 3-year time out on all COLA's. COLA's will also decrease if the plan is not on pace to be fully funded by 2049.

OPIOID LEGISLATION

Lastly, several bills were passed in an attempt to stem the impact of the opioid crisis on Coloradoans.

- **HB18-1003** will create a special legislative committee to continue to study the state's substance abuse problem.
- **HB18-1007** will require insurance providers and the state's Medicaid program to provide faster approval of alternative medications for those addicted to opioids.
- **HB18-1136** will expand Medicaid coverage of residential and inpatient substance abuse treatment programs for opioid-addicted patients.
- **SB18-022** will limit how many pills a practitioner can prescribe for first-time opioid users, and
- **SB18-024** will help providers create treatment programs around the state where there are no or few services.

SECTION 2 AFFORDABLE HOUSING

SB18-006 Recording Fee to Fund Attainable Housing sponsored by Sen Zenzinger and Rep Winter. Under current law, county clerk and recorders collect a \$3 surcharge for each recording or filing the county receives. Beginning January 1, 2019, this bill would have permitted but not required the county clerks to collect an additional \$5 surcharge; clerks would have been permitted to retain \$1 of the surcharge, with the remaining \$4 to be deposited in the newly created Statewide Attainable Housing Investment Fund, administered by the Colorado Housing and Finance Authority. ***This bill was postponed indefinitely by the Senate State Affairs Committee.***

SB18-007 Affordable Housing Tax Credit sponsored by Sen Tate, Sen Guzman, Rep Duran, and Rep J Becker. This bill changes the name of the existing Low-Income Housing Tax Credit to the Affordable Housing Tax Credit. The bill also extends the period during which the Colorado Housing and Finance Authority may allocate affordable housing tax credits from December 31, 2019, to December 31, 2024. ***The Governor has signed this bill.***

HB19-1195 Tax Credit Contributions Organization Affordable Housing sponsored by Rep Pabon and Sen Tate. This bill would have created a state income tax credit for donations made to eligible nonprofit residential real estate developers that build qualified affordable housing units in Colorado. The credit would have been available for tax years 2020 through 2029. State income taxpayers, both individual and corporate filers, who donate to eligible housing developers could have claimed an income tax credit of 50 percent of the donation, up to a maximum \$250,000 per year. The tax credit would be neither transferable or nonrefundable but could have been carried forward for up to five subsequent income tax years. The credit would have been available for tax years 2020 through 2029. The bill would have capped the total amount of credits that can be issued to \$20 million per tax year. The taxpayer would not have been able to claim the credit allowed under this bill if they claim any other state income tax credit for the same charitable contribution. ***This bill was postponed indefinitely in Senate State Affairs Committee.***

SECTION 3 LANDLORD/TENANT

SB18-010 Residential Lease Copy and Rent Receipt sponsored by Sen Williams, Sen Martinez-Humenik, and Rep Exum. The bill requires a residential landlord to provide each tenant with a copy of a written rental agreement signed by the parties and to give a tenant a contemporaneous receipt for any payment made in person with cash or a money order. For payments not made in person with cash or a money order, the landlord must provide a receipt if the tenant requests it. The landlord may provide the tenant with an electronic copy of the agreement or the receipt unless the tenant requests a paper copy. *This bill has been signed by the Governor.*

SB18-057 Use of Criminal Records with Respect to Housing sponsored by Sen Kagan. This bill would have expanded the definition of restrictive covenant to include limitations imposed on potential renters or purchasers of housing based on: arrest records; charges that did not result in a conviction; a criminal case that is not actively pending; or criminal justice records that have been sealed or expunged. Additionally, the bill would have prohibited landlords or any housing authority from requiring that an applicant disclose any information contained in sealed or expunged criminal records in connection with showing, selling, transferring, renting, leasing, or providing financial assistance or loans for any housing. *This bill was postponed indefinitely by the Senate State Affairs Committee.*

SB18-120 Time Period for Tenant to Cure Unpaid Rent sponsored by Sen Priola, Sen Williams, Rep Wilson, and Rep Jackson. Current law requires a landlord to provide a tenant 3 days to cure a violation for unpaid rent before the landlord can initiate eviction proceedings based on that unpaid rent. The bill would have allowed landlords to initiate an eviction proceeding after providing a 3-day notice but would have required landlords to accept payment of all outstanding amounts due before the date by which a tenant is required to appear in court in an eviction proceeding. *This bill was postponed indefinitely in the Senate Business Committee.*

HB18-1127 Residential Landlord Rental Application sponsored by Rep Kennedy and Rep Jackson. The bill would have limited the fee to cover a landlord's costs for a personal reference check or for obtaining a consumer credit report or tenant screening report; required a landlord to provide each prospective tenant with written notice of the landlord's tenant selection criteria and the grounds upon which a rental application may be denied before accepting an application or collecting an application fee; and required a landlord to provide a prospective tenant with an adverse action notice if the landlord took adverse action on a prospective tenant after reviewing the prospective tenant's rental application. *This bill was postponed indefinitely by the Senate State Affairs Committee.*

SECTION 4 HOMELESSNESS

HB18-1067 Right to Rest Act sponsored by Rep Salazar and Rep Melton. The bill would have prohibited a state or local government in Colorado from enacting or enforcing laws, ordinances, rules or regulations that limit, prohibit, or penalize the ability of persons to use public space. *This bill was postponed indefinitely in the House Local Government Committee.*

HB18-1292 Pilot Program Assistance Person Experiencing Homelessness sponsored by Rep McKean and Rep Rosenthal. This bill would have created the State Access to Resources and Training (START) Grant Program in the Department of Local Affairs to provide public safety, social services, and nonprofit agencies with funding to provide assistance personnel and to develop community-centered

services to persons experiencing homelessness. ***This bill was postponed indefinitely in Senate State Affairs Committee.***

SECTION 5 LIQUOR

SB18-067 Auction Alcohol in Sealed Container Special Events sponsored by Sen Coram and Rep Hamner. Under the bill, organizations holding a special event permit for an event held on either licensed or unlicensed premises may auction sealed containers of alcohol for off-premises consumption, for fundraising purposes. The permit holder, licensee, or person on whose premises the event is held must ensure that auctioned alcohol remains sealed at all times while on the premises. A licensed retailer who donates alcohol for the special event is not liable for any violation involving the donated alcohol or committed at the event, as long as the retailer was not involved. The state and local licensing authorities must consider mitigating factors in determining whether to hold a licensee on whose premises the event was held responsible for violations that were committed by the organization hosting event on the licensee premises. In addition, the licensee or person on whose premises the event is held may not require any compensation related to the auction, and the value of donated alcohol does not count against the licensee's annual limit on purchases from the donating retailers. ***The Governor has signed this bill.***

SB18-138 Transfer Alcohol from Surrendered License sponsored by Sen Kerr, Sen Gardner, Rep Liston and Rep Gray. The bill allows persons with certain retail licenses to purchase alcohol beverages from another retail licensee when there is common ownership between the licensees and the seller has surrendered its license within the last 60 days. The bill allows persons with the following retail licenses to purchase alcohol beverages from another retail licensee when there is common ownership between the licensees and the seller has surrendered its license within the last 60 days. ***The Governor has signed this bill.***

SB18-198 Fermented Malt Beverage Expanded Malt Liquor sponsored by Sen Scott. The bill would have established the difference between 3.2 and full-strength beer and have created a new expanded retailer's license to allow for the sale of 3.2 and full-strength beer for off-premises consumption. ***This bill was postponed indefinitely in the Senate State Affairs Committee.***

SB18-243 Retail Sales Alcohol Beverages sponsored by Sen Holbert, Sen Guzman, Rep Esgar, and Rep McKean. The bill makes changes to the state law related to the retail sales of alcohol beverages. The bill will allow for the grocery stores to transition from 3.2 to full strength beer on January 1st, 2019. It also allows Walmart the ability to add more locations that can sell wine and spirits as grocery store chains. The provisions that would have prevented 18-20-year-old employees from selling beer in stores, limited shelf space, changed the distance restrictions between new beer sellers and retail liquor store licenses from 1,500 feet to 500 feet, were eliminated from the bill. Along with the prohibition on 20 percent of revenues coming from food sales. ***The Governor has signed this bill.***

HB18-1096 Special Event Permit Alcohol Beverages sponsored by Rep Gray and Sen Priola. The bill removes the provision that allows municipalities owning arts facilities to apply for a special event permit, instead allowing any municipality, county, or special district to do so. In addition, it adds educational organizations to the list of organizations that can apply for a special event permit. ***The Governor has signed this bill.***

SECTION 6 CIVIL FORFEITURE

HB18-1020 Civil Forfeiture Reforms sponsored by Rep Herod, Senator Kagan, and Sen Neville. House Bill 17-1313 required state and local agencies involved in the seizure of property as part of a criminal investigation to submit reports to the Department of Local Affairs and created a \$50,000 threshold for receiving proceeds from federal seizures. This bill defines a reporting agency for the purpose of making it clear which agencies are required to submit seizure reports to DOLA. This bill 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 Governor has signed this bill.*

SECTION 7 MARIJUANA

HB18-1101 Retail Marijuana Sales Tax Appropriation for Schools sponsored by Rep Hamner and Sen Lambert. This bill eliminates the continuous appropriation of the revenue in the state fiscal year in which it is transferred to the state Public School Fund and instead specifies that beginning in state fiscal year 2019-20, the General Assembly may appropriate all or any portion of the revenue transferred to the State Public School Fund during the prior state fiscal year to the Department of Education to help meet the state share of total program funding for school districts and institute charter schools. *The Governor has signed this bill.*

HB18-1258 Marijuana Accessory Consumption Establishments sponsored by Rep Singer, Rep Melton, Sen Neville, and Sen Fenberg. The bill authorizes each licensed medical marijuana center or retail marijuana store to establish one retail marijuana accessory consumption establishment that may sell marijuana, marijuana concentrate, and marijuana-infused products for consumption, other than smoking, at the establishment. The bill contains requirements for obtaining endorsements, authorizing an establishment, and required actions and prohibited actions for persons operating an establishment. *The Governor vetoed this bill.*

HB18-1259 Marijuana Sample for Quality Product Development sponsored by Rep Gray and Sen Marble. The bill permits a medical marijuana optional premises cultivation licensee, a medical marijuana-infused products manufacturing licensee, a retail marijuana cultivation facility licensee, and a retail marijuana products manufacturing licensee to provide samples to managers for quality control and product development purposes. The bill specifies limits on the amount that can be provided as a sample per batch. *The Governor has signed this bill.*

HB18-1422 Marijuana Testing Facilities Standard sponsored by Rep Gray and Sen Jahn. The bill 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 January 1, 2019. The state licensing authority can adopt rules providing for an extension of time to comply with the standard. The bill states that medical and retail marijuana testing is a matter of statewide concern. The bill appropriates \$10,656 from the marijuana cash fund to the department of revenue to implement the act. The money is then reappropriated to the department of law for legal services. *The Governor has signed this bill.*

SECTION 8 OPIOID AND OTHER SUBSTANCE ABUSE

SB18-022 Clinical Practice for Opioid Prescribing sponsored by Sen Tate, Sen Aguilar, Rep Pettersen, and Rep Kennedy. This bill was a product of the work of the Opioid and Other Substance Use Disorders Interim Study Committee. This bill restricts the number of opioid pills that a health care provider may prescribe for an initial prescription to a 7-day supply, with certain exceptions. It also requires health care practitioners to query a database listing previous opioid prescriptions that patients have received before prescribing the first refill prescription of an opioid. ***The Governor has signed this bill.***

SB18-024 Expand Access Behavioral Health Care Providers sponsored by Sen Jahn, Sen Tate and Rep Singer. This bill was a product of the work of the Opioid and Other Substance Use Disorders Interim Study Committee. The bill modifies the Colorado Health Service Corps program administered by the Primary Care Office in CDPHE. Under current law, the CHSC offers loan repayment for certain eligible health care providers who serve in federally-designated health professional shortage areas. The thirteen-member CHSC Advisory Council reviews applications and makes recommendations to the Primary Care Office in CDPHE which administers the program. The bill adds behavioral health care providers and candidates for certain types of professional licensure to the list of health care providers eligible for loan repayment. Candidates for licensure must serve at least two years in a shortage area after obtaining a license, plus the time spent obtaining supervised experience hours. ***The Governor has signed this bill.***

SB18-040 Substance Use Disorder Harm Reduction sponsored by Sen Jahn, Sen Lambert, and Rep Singer. This bill would have enacted several harm reduction measures concerning opioid and injection drug use. First, the bill would have established a pilot program in the City and County of Denver for a single supervised injection facility at which, persons may inject previously obtained drugs under medical supervision. Civil and criminal immunity would have been granted to persons using drugs at the site and to staff and volunteers working at the facility. The supervised injection facility would have to have been approved by the Denver Board of Health and may be operated by a contractor under the supervision of the Denver Public Health Agency. The pilot program would have ended on September 1, 2022. ***This bill was postponed indefinitely in the Senate State Affairs Committee.***

SB18-071 Extend Substance Abuse Trend and Response Task Force sponsored by Sen Crowder, Sen Jahn, and Rep Esgar. The state Substance Abuse Trend and Response Task Force is scheduled to be repealed effective July 1, 2018. The bill extends the repeal for 10 years to September 1, 2028. The bill appropriates \$3,000 from the substance abuse prevention, intervention, and treatment cash fund to pay for expenses of the task force. ***The Governor has signed this bill.***

HB18-1003 Opioid Misuse Prevention sponsored by Rep Pettersen, Sen Jahn, and Sen Priola. The bill will allow school-based health care centers to provide treatment for opioid and other substance use disorders and to apply for grants to provide these services. The bill will also establish the Opioid and Other Substance Use Disorders Study Committee in statute until 2020. ***The Governor has signed this bill.***

HB18-1136 Substance Use Disorder Treatment sponsored by Rep Pettersen, Sen Priola, and Sen Jahn. The bill adds residential and inpatient Substance use disorder services as a benefit to the Colorado Medicaid program, improves coordination of services, and repurposes existing funds to improve service delivery and implement community action plans. The benefit is limited to persons who meet nationally recognized, evidence-based level of care criteria for residential and inpatient SUD

treatment. The Department of Health Care Policy and Financing must seek necessary federal approval through a Section 1115 Waiver before implementing the benefit. ***The Governor has signed the bill.***

SECTION 9 ELECTIONS

SCR18-005 Legislative Redistricting sponsored by Sen Grantham, Sen Fenberg, Rep Duran, and Rep Neville. The concurrent resolution amends the state constitution to create the Independent Legislative Redistricting Commission to divide the state into state Senate and state Representative legislative districts. ***This resolution passed both chambers.***

SMJ18-005 Free and Fair Elections sponsored by Sen Moreno, Rep Pabon, and Rep Arndt. Memorializing the United States Congress to call a constitutional convention for the exclusive purpose of proposing an amendment to the United States Constitution to reverse recent United States Supreme Court decisions in the area of campaign and political finance thereby restoring balance and integrity to our elections. ***This bill was postponed indefinitely in the Senate State Affairs Committee.***

SECTION 10 OTHER BILLS OF INTEREST

SB18-062 Snow Removal Service Liability Limitation sponsored by Sen Moreno. The bill enacts the 'Snow Removal Service Liability Limitation Act', which makes void provisions of snow removal agreements that require one party to indemnify the other party for damages, hold the other party harmless for damages, and provide for the defense of the other party in a liability lawsuit. ***The Governor has signed this bill.***

SB18-203 Conflict-free Representation in Municipal Courts sponsored by Sen Marble and Rep Lontine. This bill 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 January 1, 2020. The Office of the Alternate Defense Counsel or any Colorado law school legal aid clinic that is accredited by the American Bar Association is authorized to provide or evaluate independent defense. ***The Governor has signed this bill.***

HB18-1022 DOR Department of Revenue Issue Sales Tax Request for Information sponsored by Rep Sias, Rep Kraft-Tharp, Sen Neville, and Sen Jahn. Sales and Use Tax Simplification Task Force. The bill 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. ***The Governor has signed this bill.***

HB18-1072 Red Light Camera Repeal sponsored by Rep Humphrey and Sen Neville. This bill would have repealed the authorization of the use of automated vehicle identification systems to identify violators of traffic regulations and to issue citations. ***This bill was postponed indefinitely by the House Transportation Committee.***

HB18-1078 Court Programs for Veterans sponsored by Rep Landgraf and Rep Exum. At the first appearance of a defendant in court or upon arraignment, and before accepting a plea of guilty or nolo contendere, the court shall ascertain whether the defendant is currently serving in the United States armed forces or is a veteran of such forces. The court shall inform any such defendant that he or she

may be entitled to receive mental health treatment, substance use disorder treatment, or other services as a veteran. ***The Governor has signed this bill.***

HB18-1089 No Monetary Conditions of Bond for Misdemeanors sponsored by Rep Benavidez. Under this bill, a defendant arrested and charged with a misdemeanor, petty offense, or municipal code violation would no longer have been required to post monetary bail as a condition of being discharged on bond. However, misdemeanor acts of domestic violence, third-degree assault, protection order violations, child abuse, or sexual assault would have still had a cash bond imposed. ***This bill was postponed indefinitely in the House Education Committee.***

HB18-1131 Court System for Report Participation in Hearings sponsored by Rep Michaelson Jenet, Sen Crowder, and Sen Fields. The bill 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. ***This bill was postponed indefinitely by the Senate State Affairs Committee.***

HB18-1234 Internet Sweepstakes Café Revise Legal Terms sponsored by Rep KC Becker, Rep Lundeen, and Sen Gardner. **Section 1** of the bill amends the definitions of key terms such as 'gambling', 'prize', and 'simulated gambling device' as used in the criminal statutes governing simulated gambling devices. 'Prize' is subject to a de minimis exemption for a ticket or coupon redeemable for specified goods of nominal value, and 'simulated gambling device' is defined to include devices that combine the elements of chance and skill, in accordance with the state constitution. **Section 2** specifies that unlawful offering of a simulated gambling device occurs if a person receives payment indirectly or in a nonmonetary form for use of a simulated gambling device, and that the time of payment (i.e., before or after use of the device) is irrelevant. ***The Governor has signed this bill.***

HB18-1256 Sunset Continue Civil Rights Division and Commission sponsored by Rep Duran, Rep Herod, Sen Gardner. The bill implements the recommendation of the Department of Regulatory Agencies in its sunset review of the Colorado Civil Rights Division and the Colorado Civil Rights Commission to continue the commission and the division and their respective functions for 9 years, through September 1, 2027. The bill appropriates \$1,642,843 to the Department of Regulatory Agencies for the 2018-19 fiscal year for use by the civil rights division for personal services, operating expenses, hearings, and commission meeting costs. The appropriation assumes that the division will require 27.2 FTE to implement the bill. The bill also acknowledges, for informational purposes, that the Civil Rights Division will receive \$496,489 in federal funds for the 2018-19 fiscal year. In the conference committee, a deal was struck that stipulates only four of the seven members appointed to the board can come from the same political party, three will be employees and one will be a member from the business community. ***The Governor has signed this bill.***

HB18-1278 Apprentice Utilization in Public Projects sponsored by Rep Benavidez and Sen Moreno. The bill would have required the contractor for any public project that does not receive any federal money to use apprentices registered with an apprenticeship program for at least 25% of the workforce in an apprenticeable occupation that is hired to work on the public project. The apprenticeship program would have had to be registered with the United States Department of Labor, Office of Apprenticeship. For purposes of the bill, a public project was defined as a project under the supervision of any state agency, including the Department of Transportation, that is likely to cost

\$500,000 or more in any fiscal year. ***This bill was postponed indefinitely in the Senate State Affairs Committee.***

HB18-1383 Bonding Requirements for Public Projects Using Private Financing sponsored by Rep Winter and Sen Priola. This bill would have extended certain contractor bonding requirements to projects financed in whole or part by a private entity, so long as a project was located on public real property. The bonding requirements addressed by the bill would have included:

- a payment bond for a public works or construction project costing more than \$50,000 for a county, municipality, or school district;
- a performance bond for a public works or construction project costing more than \$50,000 for a county, city and county, municipality, school district, or other political subdivision of the state; and
- a performance bond for a public works or construction project costing more than \$150,000 for a state entity.

This bill was postponed indefinitely in the Senate Finance Committee.

HB18-1406 Driver's Licenses and Judgments for Traffic Regulations sponsored by Rep Foote and Rep Weissman. Under current law, an individual cited for certain traffic infractions must either pay the penalty assessment or appear in court for a hearing. If the individual fails to do either, the court may issue a judgment or warrant against them. Individuals with an outstanding judgment or warrant may not receive a new or renewed driver license, and the Department of Revenue may cancel the driver license. This bill would have prohibited the DOR from denying or canceling a driver license when an applicant or license holder has an outstanding judgment or warrant issued for failure to pay a penalty or appear at a post-sentencing court appearance, or failure to pay a public transportation fare. Additionally, it would have created a \$30 administrative fee that would have been assessed when a judgment is entered against someone for failing to pay a traffic infraction penalty. ***This bill was postponed indefinitely in the House Appropriations Committee.***

HCR18-1001 Judicial Retention Ballot Format sponsored by Rep Lee, Rep Wist, Sen Court, and Sen Gardner. Under the current language in the constitution, county clerks are required to write a separate retention question for each justice or judge standing for retention. The proposed referendum would allow county clerks to write a single ballot question for each level of courts, shortening and simplifying the ballot. ***This resolution has passed both chambers.***

SECTION 11 LOOKING AHEAD

The 2018 election year will bring significant changes to the makeup of the General Assembly. In addition to the Gubernatorial election this fall, voters will consider candidates for all 65 seats in the House and half of the seats in the Colorado Senate.

The Senate is currently controlled by Republicans who have an 18-16-1 majority. There are seven members of the Colorado Senate who are termed limited including Senate President Grantham and Senate Assistant Minority Leader Lucia Guzman. All eyes will be on the following races, which will determine who runs the State Senate for the next two years.

- Senate District 5 Kerry Donovan (D-Vail) incumbent vs. Olen Lund (R-Paonia).
- Senate District 16 Tim Neville (R-Littleton) incumbent vs. Tammy Story (D-Conifer) and James Gilman (L-Blackhawk).

- Senate District 7 primary challenge, Ray Scott (R-Grand Junction) incumbent vs. current Rep. Dan Thurlow (R- Grand Junction).
- Senate District 20 – open seat, Jessie Danielson (D-Wheat Ridge) vs. Christine Jensen (R-Arvada).
- Senate District 22 – open seat, Brittany Pettersen (D-Lakewood) vs. Tony Sanchez (D-Littleton).
- Senate District 24- Beth Martinez Humenik (R-Thornton) incumbent vs. current Rep. Faith Winter (D-Westminster).
- Senate District 14- Senator Kefalas (D-Fort Collins) running for County Commissioner. If Kefalas wins, the seat would be filled by a vacancy committee likely choosing between Democrat Representatives Jeni Arndt and Joann Ginal.

The House is currently controlled by Democrats who have 36 seats compared to Republicans 29 seats. There are 5 members of the Colorado House who are term limited.

Key House races to watch include the following:

- House District 3 Jeff Bridges (D-Greenwood Village) incumbent vs. Toren Mushovic (R-Greenwood Village).
- House District 17- Tony Exum (D-Colorado Springs) incumbent vs. Kit Roupe (R-Colorado Springs).
- House District 18- Open Seat
- House District 25 Tim Leonard (R-Evergreen) incumbent vs. Lisa Cutter (D-Littleton).
- House District 59 – Barbara McLachlan (D-Durango) incumbent vs. Joe Brinkerhoff (R-Durango).

The legislature has approved the following Interim Committee topics:

- Alternatives to the Gallagher Amendment, and
- K-12 School start times

Additionally, the Transportation Legislation Review Committee, the Water Resources Review Committee, the Early Childhood Legislative Commission, the Title Twelve Recodification Study and the Opioid Misuse Prevention Committee will meet as usual. BBMK will monitor these interim committees and provide updates as needed.