

# 2019 End of Session Report

*City and County of Denver*

MAY, 2019

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 2019 Session Overview .....	1-2
Section 2 Affordable Housing .....	2-3
Section 3 Landlord/Tenant .....	3
Section 4 Business Tax .....	4-6
Section 5 Liquor .....	6
Section 6 Energy/Environment.....	6-7
Section 7 Marijuana .....	7-9
Section 8 Opioid and Substance Abuse .....	9-10
Section 9 Election .....	10-11
Section 10 Other Bills of Interest .....	11-16
Section 11 Looking Ahead .....	16

## SECTION 1 SESSION OVERVIEW

The Seventy Second Session of the Colorado General Assembly convened on January 4, 2019 with more than 30 new members, a new Administration and several vacancies to fill. With control of all three branches resting with the Democrats, many ambitious measures were introduced ranging from an overhaul of the oil and gas industry, paid family and medical leave, funding for full day kindergarten, equal pay, landlord tenant and affordable housing bills, ambitious environmental goals, and efforts to address rising health care costs.

Of these contentious issues, oil and gas reform was the only bill to move through the process without significant changes. As the session wore on, Republicans forced some contentious measures to be abandoned or modified such as sex education, personal exemptions from immunizations and increased funding for transportation.

HB19-1257 and HB19-1258 were adopted by the legislature, signed by Governor Polis and will put forward to the voters in 2019 a permanent De-Brucing option for the State. Should the measure pass any additional revenue above the TABOR cap will be kept in the General Fund and will be required to be allocated one third to Higher Education, Transportation and K-12 funding.

Other highlights of legislative activity this year were the passage of HB19-1327, a bill to authorize and tax sports betting and the defeat of the Governor's priority bill, HB19-1333 referring a measure to the

voters to increase taxes on tobacco products in order to provide additional funding for health care and pre-school.

As has been the case in most legislative sessions, there was no shortage of bills affecting municipalities. One notable difference however was an increase in bills providing greater authority to municipalities rather than pre-empting local control.

Two perennial measures that did attempt to preempt local authority and were opposed by Denver, a ban on red light cameras and photo radar and a homeless bill of rights, were postponed indefinitely in the first committee.

Bills introduced this session to increase local authority included the regulation of electric scooters, local minimum wage, the authority to ban certain plastic products, and allowing rent control restrictions.

In the area of judicial reform, several measures were adopted that could be considered unfunded mandates. While the City supported the objective of these bills, the lack of resources from the State to implement new requirements will prove to be challenging.

Lastly, we followed several affordable housing and landlord/tenant bills this session. Bills providing a record amount of funding toward increasing the amount of affordable housing units, subsidizing rent and assistance to homebuyers were adopted this session. In addition, bills to provide greater rights toward tenants were also passed by the Legislature.

## SECTION 2 AFFORDABLE HOUSING

**HB19-1228 Increase Tax Credit Allocation Affordable Housing** sponsored by Reps. Bird and Titone and Senators Zenzinger and Tate. The bill increases the current amount of tax credits that may be allocated by the Colorado Housing and Finance Authority from the current \$5 million a year to \$10 million a year. *The bill was signed by the Governor.*

**HB19-1245 Affordable Housing Funding from Vendor Fee Changes** sponsored by Rep. Weissman and Senators Gonzales and Foote. The bill requires the State Treasurer to credit an amount equal to the increase in sales taxes attributable to the vendor fee changes that result from the bill to the Housing Development Grant Fund and to fund the State's Reinsurance Program. *The bill was signed by the Governor.*

**HB19-1319 Incentives Developers Facilitate Affordable Housing** sponsored by Reps. Bird and McKean and Senators Winter and Hisey. The bill requires each State agency to provide a list of vacant buildings and property under its control to the Office of the State Architect. The office will compile an inventory to be posted online. In addition, the bill revises the administration of a property tax exemption for low-income housing. *The bill was signed by the Governor.*

**HB19-1322 Expand Supply Affordable Housing** sponsored by Reps. Roberts and Will and Senators Moreno and Coram. This bill aims to increase funding for the Housing Development Grant Fund. The

bill allocates money from the Unclaimed Property Trust Fund to the Housing Development Grant Fund starting in the 2019-20 fiscal year until the 2025-26 fiscal year. ***The bill was signed by the Governor.***

**SB19-225 Authorize Local Government to Stabilize Rent** sponsored by Senators Gonzales and Rodriguez and Reps. Lontine and Gonzales-Gutierrez. This bill aims to remove the current state preemption on rent stabilization. An amendment added language which stated, it is not the legislative intent to create a state-wide rent control program. ***The bill was laid over in the Senate on Second Reading, effectively killing the bill.***

### SECTION 3 LANDLORD/TENANT

**HB19-1085 Grants for Property Rent and Heat** sponsored by Rep. Exum and Senator Zenzinger. The bill adjusts the criteria for low-income seniors or individuals with a disability to receive annual state assistance grants related to their property. For low-income seniors and individuals with disabilities, this bill expands the property tax and rent assistance grant by repealing the requirement that rent must be paid to a landlord that pays property tax. The bill also expands the flat grant amount for both the property tax and rent and heat assistance grants. The grant amounts will be adjusted annually for inflation. ***The bill was signed by the Governor.***

**HB19-1106 Rental Application Fees** sponsored by Reps. Titone and Gonzales-Gutierrez and Senator Pettersen. The bill states a landlord may not charge a prospective tenant a rental application fee unless the landlord uses the entire amount of the fee to cover the landlord's costs in processing the rental application. The landlord also cannot charge applicants different amounts. If a landlord chooses to do a background check, they can only look at the last seven years of credit history and last five years of criminal history (except crimes related to methamphetamine, sex offenses, or homicides). Finally the bill requires all landlords denying a rental application to provide a written notice of the denial that states the reasons for the denial. ***The bill was signed by the Governor.***

**HB19-1118 Time to Cure Lease Violation** sponsored by Reps. Jackson and Galindo. The bill extends the notice required before a landlord can file for an eviction for a nonsubstantial lease violation, including unpaid rent, from 3 to 10 days. ***The bill was signed by the Governor.***

**HB19-1170 Residential Tenants Health and Safety Act** sponsored by Reps. Jackson and Weismann and Senators Williams and Bridges. The bill modifies the implied warranty of habitability inherent in a residential lease between a landlord and a tenant. ***The bill was signed by the Governor.***

**HB19-1328 Landlord and Tenant Duties Regarding Bed Bugs** sponsored by Rep. Herod and Senator Rodriguez. The bill requires tenants to promptly notify a landlord when a lessee knows or reasonably suspects that a rented residential unit contains bed bugs. The landlord must inspect the dwelling unit and any contiguous dwelling units not more than 96 hours after receiving notice. ***The bill was sent to the Governor.***

## SECTION 4 BUSINESS/TAX

**SB19-006 Electronic Sales and Use Tax Simplification System** sponsored by Senator Williams and Reps. Kraft Tharp and Van Winkle. The bill directs the Office of Information Technology (OIT) to solicit an electronic sales and use tax simplification system through the State's procurement code. The Office of Information Technology and the Department of Revenue (DOR) must work with stakeholders to determine the scope of work for the system before soliciting bids for the creation of the system. DOR is required to use the system once it is in place to accept sales tax returns and payments for State and State-collected local jurisdictions. Home rule jurisdictions may choose to use the system. ***The bill was signed by the Governor.***

**SB19-085 Equal Pay for Equal Work Act** sponsored by Senators Danielson and Pettersen and Reps. Buckner and Gonzales-Gutierrez. The bill would modify existing sex-based wage discrimination law and create new provisions regarding transparency in wages and promotion. The bill will achieve this goal by allowing employees to seek a civil action law suit against employers for wage discrimination on the basis of sex; prohibiting an employer from seeking payment history of an employee and/or retaliating against employees who do not disclose payment history; and, requires employers to present all advancement opportunities, job openings, and the pay range for the openings to all employees. The bill allows exemptions to this bill if the employer can prove wage differential is based on a seniority system, a merit system, or a system which measures earnings by quantity or quality of employee output. The bill grants enforcement authority to the Director of the Division of Labor Standards and Statistics to charge fines between \$500-\$10,000 for actions against an employer concerning transparency in pay and employment opportunities. ***The bill was signed by the Governor.***

**SB19-103 Legalizing Minor's Businesses** sponsored by Senator Williams and Tate and Reps. Coleman and Carver. The bill prevents any local government from requiring minors under the age of 18 to get a permit or license for a business. The business cannot be located within a distance, determined by the local government, that may make it a direct competitor of any entity. The bill also states that the business operates on an occasional basis meaning the business does not operate more than 84 days in a year. The goal of this bill to allow minors to engage and learn more about entrepreneurship without being penalized. This bill passed the Senate with an amendment supported by Denver that clarifies that minors' businesses may be required to comply with any other city laws and regulations of general applicability related to the manner in which they conduct their business. ***The bill was signed by the Governor.***

**SB19-188 FAMLI Family Medical Leave Insurance Program** sponsored by Senators Winter and Williams and Reps. Gray and Duran. The bill creates a task force, appointed by the Governor and General Assembly, to study options for a third party to run a family medical leave program. The bill also requires an actuarial analysis of a family medical leave program. The task force will present their findings to the General Assembly and the Governor for action in next year's legislative session. ***The bill was signed by the Governor.***

**HB19-1025 Limit on Job Application Criminal History Inquiries** sponsored by Reps. Melton and Herod and Senators Foote and Rodriguez. The bill prohibits most employers from asking about criminal history on an initial employment application. This legislation is commonly referred to as “ban the box” law and, when signed by the Governor, Colorado will join eleven other States that have passed this law. *The bill was signed by the Governor.*

**HB19-1210 Local Government Minimum Wage** sponsored by Reps Melton and Galindo and Senators Danielson and Moreno. This bill aims to repeal the prohibition on local governments establishing minimum wage laws within their jurisdictions. The bill establishes the process of increasing minimum wage and clarifies to whom the minimum wage can apply. To increase the minimum wage in a given jurisdiction, the jurisdiction must meet with stakeholders. Then the jurisdiction must establish a minimum wage no more than a 15% increase or \$1.75 per year from the established minimum wage. This wage will apply to all adults which work a minimum of 4 hours in the jurisdiction. Tipped wages must maintain the same offset ratio as established in the Colorado Constitution. After 10% of the jurisdictions within the State increase their minimum wages, jurisdictions must request permission from the General Assembly to increase their minimum wage. The bill also includes a statement of legislative intent to increase Medicaid reimbursement rates for those jurisdictions which increase minimum wage. Finally, the bill requires CDLE to report which jurisdictions have increased their minimum wages. *The bill was signed by the Governor.*

**HB19-1240 State Sales Tax Administration** sponsored by Reps. Kraft-Tharp and Van Winkle and Senators Court and Tate. The bill addresses issues related to the State’s rulemaking conducted on the *Wayfair* decision. The bill creates a de minimus exemption for remittance to jurisdictions outside of a taxpayers’ local jurisdiction, requires remote marketplace facilitators to collect sales tax and remit to the State, and repeals certain provisions of the 2013 law. *The bill was signed by the Governor.*

**SB19-130 Sales Tax Administration** sponsored by Senator Gardner and Reps. Rich and Larson. The *Wayfair* decision allowed states to require retailers without a physical presence in the State to collect sales tax on purchases made by in-state customers so long as the sales tax system in the State is not too burdensome for the out-of-state retailer. The bill would have simplified the State sales tax system for retailers without a physical presence and would have limited it to certain conditions specified in the legislation. Additionally, the bill would have allowed local taxing jurisdictions governed by a home rule charter to opt in by passing an ordinance, resolution or accepting the State’s administration and distribution of its local sales tax on sales made by retailers without physical presence that is collected and remitted by such sellers in accordance with the bill. *The bill was postponed indefinitely in the Senate Finance Committee.*

**SB19-131 Exempt Certain Businesses from Destination Sourcing Rule** sponsored by Senator Woodward and Reps. Van Winkle and Arndt. This bill would have specified that the new destination sourcing rule adopted in December of 2018 by the Department of Revenue did not apply to any retailer with a physical presence that has generated less than \$100,000 in gross revenue from the sale of tangible personal property or services outside of the taxing jurisdiction where the retailer is located. For those particular retailers with physical presence, the sale is sourced to the retailer's

location, regardless of whether the tangible personal property or service is delivered outside of the taxing jurisdiction in which the retailer is located. The bill would have also added the same exception to the statutory retailer's use tax collection requirement. ***The bill was postponed indefinitely in the Senate Finance Committee.***

## SECTION 5 LIQUOR

**SB19-011 Fermented Malt Beverage and Malt Liquor License** sponsored by Senators Williams and Tate and Representative Garnett. The bill removes the dual licensing requirement for a person who manufactures, sells, or imports fermented malt beverages and malt liquor. The bill converts existing fermented malt beer licenses into malt liquor licenses and remove the FMB manufacturing, wholesaling, and importing licenses from the Colorado Beer Code. ***The bill was signed by the Governor.***

**SB19-200 Alcohol Beverage Consumption National Western Center** sponsored by Sen. Gonzales and Rep. A Valdez. The bill simply extends the exception for alcohol consumption within a state fair fairground or common consumption area to cover the National Western Stock Show. ***The bill was signed by the Governor.***

## SECTION 6 ENERGY/ENVIRONMENT

**HB19-1003 Community Solar Gardens Modernization Act** sponsored by Representative Hansen. The bill amends the current statute for the creation of CSGs by removing the restriction that subscribers must be in the same (or adjacent) county. The subscriber simply needs to be within the service area. The maximum size of a CSG was increased to five megawatts and may be increased to ten megawatts over a four-year period. Any CSG over two megawatts must have a licensed electrician for supervision and inspection. ***The bill was signed by the Governor.***

**HB19-1033 Local Governments May Regulate Nicotine Products** sponsored by Reps. Tipper and Kennedy. The bill makes several changes to the regulation and taxation of cigarettes, tobacco products and nicotine products. The bill removes the prohibition on cities, counties, and towns from receiving state cigarette tax revenue if they impose their own fees, taxes, or license requirements. ***The bill was signed by the Governor.***

**HB19-1076 Clean Indoor Air Act Add E-cigarettes Remove Exceptions** sponsored by Rep. Michaelson Jenet and Senators Priola and Donovan. This bill modifies the Colorado Clean Indoor Act to add electronic smoking devices and repeal certain exceptions. ***The bill was signed by the Governor.***

**SB19-181 Protect Public Welfare Oil and Gas Operations** sponsored by Senator Fenberg and Rep. Becker. This bill modifies the composition and the regulatory charge of the Colorado Oil and Gas Conservation Commission (COGCC) in the Department of Natural Resources (DNR), expands the regulatory charge of the Colorado Department of Public Health and Environment (CDPHE), imposes new requirements on oil and gas operators, and provides additional regulatory authority over oil and gas operations to local governments. ***The bill was signed by the Governor.***

**SB19-192 Front Range Waste Diversion Enterprise Grant Program** sponsored by Senators Winter and Priola and Rep. Jackson. This bill creates the Front Range Waste Diversion Enterprise in the Department of Public Health and Environment to promote waste diversion. During the Senate Local Government Committee amendments were added to clarify the term limits of the board, the amount of money that can be used on infrastructure from the fund to 50%, and that no one project could receive more than 20% of the fund. *The bill was signed by the Governor.*

**SB19-034 Local Government Recycling Standards for Food Containers** sponsored by Senator Moreno and Rep. Arndt. This bill would have allowed local governments to set standards for a retail food establishment's ready-to-eat food containers. *The bill was postponed indefinitely in the Senate Local Government Committee.*

**SB19-243 Prohibit Food Establishments' Use of Polystyrene** sponsored by Senators Moreno and Foote and Reps. Cutter and Singer. The bill would have prohibited a retail food establishment from distributing an expanded polystyrene product for use as a ready-to-eat food container off premises beginning in 2024. *The bill was laid over on the Second Reading Calendar in the Senate, effectively killing the bill.*

**HB19-1143 Distribute Plastic Straws Only Upon Request** sponsored by Rep. Lontine and Senators Fields and Priola. The bill would have prohibited a retail food establishment from providing a single-use plastic beverage straw to a customer unless requested by the customer with certain exceptions. *The bill was postponed indefinitely in the House Energy and Environment Committee.*

**HB19-1313 Electric Utility Plans to Further Reduce Carbon Dioxide Emissions** sponsored by Rep. Becker and Senator Winter. The bill repeals laws that allow an electric utility to own new eligible energy sources without competitive bidding under certain circumstances. The bill establishes targets for the reduction of carbon dioxide emissions from electricity generation by large utilities serving more than 500,000 customers. Other utilities have the option to opt in. *This entire bill was amended into SB19-236 Public Utilities Commission Sunset bill.*

## SECTION 7 MARIJUANA

**SB19-013 Medical Marijuana Conditions Opiates Prescribed** sponsored by Senator Ginal and Marble and Reps. Hooton and Ransom. The bill adds a condition to current Colorado law that allows the use of medical marijuana for children under the age of 18 years old. Currently, persons under the age of 18 can only be added to the medical marijuana registry if they are diagnosed with a disabling medical condition from two physicians. This bill essentially credits any provision in which an individual is prescribed an opiate as a reason to be added to the medical marijuana registry. The bill also removes the language that the physicians must be board certified. *The bill was signed by the Governor.*

**HB19-1230 Marijuana Hospitality Establishments** sponsored by Reps. Singer and Melton and Sen. Marble. The bill allows on-site cannabis consumption – contingent on local authorization – at licensed “marijuana hospitality establishments” such as cannabis cafes, dispensary tasting rooms, marijuana

bus tours and designated areas of hotels. The licenses can be issued starting Jan. 1, 2020. ***The bill was signed by the Governor.***

**HB19-1234 Marijuana Delivery** sponsored by Reps. A. Valdez and Singer and Senators Gonzales and Marble. The bill allows for “marijuana delivery permits” for licensed medical marijuana dispensaries and allows “transporters” to deliver their products to private residences no more than once a day. Deliveries are not allowed on college campuses. Medical marijuana deliveries would be allowed beginning January 2, 2020 and recreational marijuana deliveries would be allowed at the same time the following year. The MED would have control over this process, and a dollar surcharge would be added to each delivery that would be given to law enforcement to fund enforcement. Those licensed to make deliveries would also be protected from criminal prosecution while working. The bill states that delivery will only be allowed in a town or jurisdiction if that place allows for deliveries (either by voter referendum or vote by governing body). ***The bill was signed by the Governor.***

**SB19-220 Hemp Regulation Alignment with 2018 Federal Farm Bill** sponsored by Senators Marble and Fenberg and Reps. Saine and Arndt. The bill adds hemp to be subject to agricultural regulations in alignment with federal regulations. ***The bill was signed by the Governor.***

**SB19-224 Sunset Regulated Marijuana** sponsored by Senators Gonzales and Fenberg and Reps. Herod and Van Winkle. The bill renews the regulation of marijuana with recommendations from the Department of Regulatory Agencies. Beyond continuing the original program, this bill combines medical and recreational marijuana regulations and streamlines the process for renewal. Highlighted new regulations on marijuana licensure include:

- the prohibition of licensure application for 3 years after being convicted of a felony,
- eliminating statutory timelines for local licensing and allowing local ordinance to determine application timelines,
- allowing a licensee that has submitted a timely renewal to operate until an application is acted upon, and
- repealing statutes related to the order in which state and local licenses must be processed.

Highlighted new accountability measures included in the bill are:

- publicizing: final agency actions, testing records on an aggregated and de-identified basis, applicant and licensee demographic information on an aggregated and de-identified basis, and enforcement forms and compliance checklists,
- creates three new categories of ownership (controlling beneficial owner, passive beneficial owner, and indirect financial interest holder), and
- directing all fines to the General Fund.

***The bill was signed by the Governor.***

**SB19-218 Sunset Medical Marijuana Program** sponsored by Senator Gonzales and Rep Jaquez Lewis. The bill continues the medical marijuana program with recommendation from the Department of Regulatory Agencies. The bill includes provisions which clarify confidentiality protections as a primary caregiver for a child with a disabling medical condition, creates a medical marijuana advisory committee, and allows medical professionals in good standing to prescribe marijuana. The bill also



allows for the Department of Public Health and Environment to change the length of a patients red card. ***The bill was signed by the Governor.***

**SB19-240 Industrial Hemp Products Regulation** sponsored by Senators Marble and Fenberg and Reps. McLachlan and Saine. The bill requires wholesale food manufacturers that produce an industrial hemp product to pay an annual fee to the Department of Public Health and Environment of either \$60 or \$300 depending on the annual sales of the entity. The Department may convene a stakeholder work group to study the regulation of industrial hemp products in Colorado. Section 2 of the bill permits a board of county commissioners to charge a fee for a local license and establish requirements on businesses engaged in the storage, processing, or manufacturing of industrial hemp. In the House Agriculture and Natural Resources Committee two amendments were added to introduce a safety clause and clarify the stakeholders included in the workgroup study. ***The bill was signed by the Governor.***

#### **SECTION 8 OPIOID AND OTHER SUBSTANCE ABUSE**

**HB19-1009 Substance Use Disorder Recovery** sponsored by Reps. Kennedy and Singer and Senators Priola and Pettersen. This bill expands the housing voucher program within the Department of Local Affairs to include individuals with substance use disorders. \$4.3 million each year for the next five years will be appropriated to support the program. The bill also requires that a recovery residence be licensed by the Department of Local Affairs. The Opioid Crisis Recovery Fund is created in the state treasury for funds the State receives from opioid-related litigation. ***The bill was signed by the Governor.***

**HB19-1287 Treatment for Opioids and Substance Use Disorders** sponsored by Reps. Esgar and Wilson and Senators Pettersen and Priola. The bill requires the Department of Human Services to establish a capacity tracking system that includes real time availability of beds in private and public service centers along with the contact information for those centers. DHS is also required to establish the care navigation system which will help coordinate the needs and treatment options for clients. Finally, DHS will make one-time grants to support substance use disorder treatment services in rural and frontier communities. The grant program will be repealed on July 1, 2024. The bill was amended in the House to allow intergovernmental agreements between any municipality, school district, health service district, or political subdivision of the State for the purchase of mental health services. To fund this agreement, cities and counties may levy a tax if the tax is first approved at a general election. ***The bill was signed by the Governor.***

**SB19-227 Harm Reduction Substance Use Disorders** sponsored by Senators Pettersen and Gonzales and Reps. Kennedy and Herod. The bill gives hospitals the authority to become a clean syringe exchange site. School districts and nonpublic schools can obtain naloxone and train school employees to administer opiate antagonists. The bill also creates an opiate antagonist bulk purchase fund to facilitate the bulk purchase of opiate antagonists as a cost saving measure. The Department of Human Services is required to make mobile response units that can provide medication-assisted treatment (MAT) in jails and community-based training. Persons seeking MAT without an ID cannot be penalized.

A few amendments to the bill were added during the Senate Committee on Health and Human Services. The money allocated to mobile units was removed due to the tight budget. The requirement to show an ID to receive medical assistance treatment was removed therefore the Department will come up with an alternative identification verification. The bill was amended to remove drug testing strips to identify fentanyl in a drug from the definition of drug paraphernalia. Private entities are excused from placing naloxone wherever there are available AEDs. ***The bill was signed by the Governor.***

**SB19-228 Substance Use Disorders Prevention Measures** sponsored by Senators Winter and Moreno and Reps. Buentello and Singer. The bill tackles the issue of substance use disorders through the training of health care providers, implementation of several grant programs, and new requirements for monitoring and reporting data concerning affected communities. The bill requires health care providers that can prescribe medications to complete a training on substance use disorders, holistic treatment options, and the electronic prescription drug monitoring program to get their license renewed. Physicians or physician assistants cannot receive benefits for prescribing specific medications. Two grant programs are established in the office of behavioral health to focus on at-risk youth and their families. Several amendments were added including striking the section of the bill that requires the center to research and conduct a Statewide maternal and perinatal needs assessment. This section was substituted with a pilot program for the perinatal substance use data linkage project. Financial changes made in the bill decreased the money appropriated to the State department from \$5 to \$3 million from the General Fund. The money specifically dedicated to the costs of the pilot program established in the bill decreased from \$3 million to \$2 million. The last amendment adopted authorizes medical examiners and coroners to have access to the medical records of a patient. ***The bill was signed by the Governor.***

## SECTION 9 ELECTIONS

**HB19-1278 Modifications to Uniform Election Code** sponsored by Rep. Lontine and Senator Fenberg. The bill makes changes to the "Uniform Election Code of 1992" (code), including changes to procedures for voter registration, ballot access requirements, political party organization filing requirements, procedures for in-person voting, requirements for the content of an election plan, procedures for curing ballots, and requirements for curing recall petitions. The formulas and hours for drop boxes and voter service and polling centers are revised. The bill allows a 17-year-old who is preregistered and who will be 18 on the date of the next general election to vote in a primary, and allows a person to seek a court order to keep polling locations open past the regular closing time on election day when voting at or access to a polling location has been substantially impaired. During the House and Senate debate several amendments were added to address concerns by the county clerks including changes to the VSPC hours for rural areas, waiver from the drop box requirements and the commitment by the Secretary of State to fix webSCORE. ***The bill was signed by the Governor.***

**SB19-042 National Popular Vote** sponsored by Senator Foote and Reps. Sirota and Arndt. This bill enters Colorado into an agreement to elect the President by national popular vote, which becomes binding on members States once States with the majority of electoral votes ratify the agreement.

Under the agreement, Presidential electors in Colorado are bound to support the winner of the national popular vote. Any State and the District of Columbia may enter into the agreement. The bill specifies the terms for States to withdraw from the agreement, and the process that must be undertaken by election officials to determine the national popular vote total and certify national popular vote winner. The agreement terminates if the Electoral College is abolished. ***The bill was signed by the Governor.***

**SB19-202 Voting Rights for Voters with Disabilities** sponsored by Senator Danielson. The bill requires the Secretary of State to establish procedures that allow voters with disabilities to independently mark a paper ballot using nonvisual or low vision access technology. ***The bill was signed by the Governor.***

#### SECTION 10 OTHER BILLS OF INTEREST

**HB19-1042 Extend Court Jurisdiction for Vulnerable Youth** sponsored by Rep. Gonzales-Gutierrez and Senator Gonzales. The bill extends the jurisdiction of the court for guardianship proceedings and proceedings concerning the allocation of parental responsibilities for certain unmarried youth under 21 years of age who meet the requirements for such orders, as well as criteria specified in the bill, and for whom findings are sought from the court that may support an application for special immigrant juvenile classification under federal law. The bill clarifies that juvenile courts exercising jurisdiction for certain purposes may also enter findings establishing eligibility for special immigrant juvenile classification under Federal law. ***The bill was signed by the Governor.***

**HB19-1051 Colorado Department of Public Safety Human Trafficking-related Training** sponsored by Reps. Carver and McLachlan and Senators Gardner and Ginal. This bill requires the Division of Criminal Justice to provide human trafficking training to law enforcement agencies and other organizations that provide services to human trafficking victims. Training may be done through direct training sessions, online training sessions, or train-the-trainer sessions. Training curriculum must be developed with the aid of the Colorado Human Trafficking Council. The training requirements will be repealed September 1, 2023 following a sunset review. ***The bill was sent to the Governor.***

**SB19-030 Remediating Improper Guilty Pleas** sponsored by Senator Gonzales. This bill allows a defendant who has entered a guilty plea that has been withdrawn to petition the Court for an order vacating the guilty plea on the grounds that they were not properly advised. ***The bill was signed by the Governor.***

**SB19-043 Increasing the Number of District Court Judges** sponsored by Senators Lee and Gardner and Reps. Herod and Carver. This bill increases the number of district court judges statewide by 15. ***The bill was signed by the Governor.***

**SB19-031 Child Welfare Allocations Committee Composition** sponsored by Senator Gardner and Reps. Lontine and Liston. This bill changes the appointing authority of two members and adds two

non-voting members to the Child Welfare Allocations Committee. ***The bill was signed by the Governor.***

**HB19-1177 Extreme Risk Protection Orders** sponsored by Reps. Sullivan and Garnett and Senators Court and Pettersen. The bill creates a process for extreme risk protection orders in Colorado. The bill would allow law enforcement to remove firearms from an individual that a judge deems too high risk to themselves or others. ***The bill was signed by the Governor.***

**SB19-138 Bond Requirements Public Projects Using Private Financing** sponsored by Senators Winter and Priola and Rep. Bird. The bill specifies that P3 projects have the same bonding requirements as other public works projects. ***The bill was signed by the Governor.***

**HB19-1128 Lottery Intercepts** sponsored by Reps. Kraft-Tharp and Saine and Senator Fields and Smallwood. The bill would allow lottery winnings to be intercepted for outstanding criminal court fines, fees, costs or surcharges. ***The bill was signed by the Governor.***

**HB19-1133 Colorado Child Abuse Response and Evaluation Network** sponsored by Rep. Caraveo and Senator Fields. This bill creates the Colorado Child Abuse Response and Evaluation Network to develop and maintain a standardized, coordinated response in suspected cases of abuse or neglect of children ages 12 and under. The bill was amended in Committee to add clarifying language that explains the intent of this bill is to focus on medical exams and behavioral health assessments, whereas the County departments of Human Services are the entities that receive reports of suspected abuse/neglect, and facilitate investigations into those reports. ***The bill was signed by the Governor.***

**HB19-1221 Regulation of Electric Scooters** sponsored by Reps. Coleman and A. Valdez and Senators Bridges and Pettersen. The bill excludes scooters from the definition of toy vehicles and includes electric scooters in the definition of motor vehicle allowing their use on roadways. Language that allows Denver to continue with the regulations already adopted by the City was included at Denver's request. ***The bill was signed by the Governor.***

**HB19-1224 Free Menstrual Hygiene Products in Custody** sponsored by Representative Herod. The bill requires that local jails, multijurisdictional jails, and municipal jails publicly and privately operated must provide menstrual hygiene products at no expense to those in custody. ***The bill was signed by the Governor.***

**HB19-1225 No Monetary Bail for Certain Low-level Offenses** sponsored by Reps. Herod and Soper. Under current law, the court is required to release a person charged with a class 3 misdemeanor, petty offense or unclassified offense on a personal recognizance bond. The bill removes petty offenses from that requirement. ***The bill was signed by the Governor.***

**HB19-1246 Local Government Regulation of Food Trucks** sponsored by Reps. Van Winkle and Kraft-Tharp. The bill, as amended, asks for a stakeholder group to be convened to recommend opportunities to streamline licensing requirements. ***The bill was signed by the Governor.***

**HB19-1257 Voter Approval to Retain Revenue for Education and Transportation** sponsored by Reps. Becker and McCluskie and Senators Court and Priola. The bill allows Colorado residents to vote on the approval of a change in spending of excess funds. Beginning with the 2018-2019 fiscal year, the bill requires that the State retain and spend all excess State revenues that would otherwise be required to be refunded. The change will be put to a vote on November 5, 2019. Once approved, the General Assembly is required to appropriate, or the State Treasurer is required to transfer the money to fund public schools, higher education, and roads, bridges, and transit. ***The bill was signed by the Governor.***

**HB19-1258 Allocate Voter approved Revenue for Education and Transportation** sponsored by Reps. Becker and McCluskie and Senators Priola and Court. The bill is contingent on voters approving the allocation of revenue to education and transportation as listed in HB19-1257. If approved, money allocated to schools will be distributed on a per pupil basis for public schools. The money can be granted to non-recurring expenses and cannot be placed in the District reserve. Higher Education will receive 1/3 and the remaining 1/3 of the money will be transferred to the Highway Users Tax Fund (HUTF), after the Treasurer received the TABOR report. The HUTF money will be divided 60% to the state highway fund, 22% to counties, and 18% to cities and incorporated towns. ***The bill was signed by the Governor.***

**HB19-1263 Offense Level for Controlled Substance Possession** sponsored by Senators Marble and Lee and Reps. Herod and Sandridge. The bill reforms the controlled substance possession of Section I and II drugs and marijuana offenses and sentencing. The bill makes possession of flunitrazepam, ketamine, cathinones, or a controlled substance listed in schedule I or II a level one drug a misdemeanor instead of the original level 4 drug felony. The bill also changes possession of more than 6 ounces of marijuana or 3 ounces of marijuana concentrate a level 1 drug misdemeanor. More than three ounces of marijuana concentrate becomes a level 2 drug misdemeanor. A grant program is established to aid County Courts in establishing and operating a misdemeanor drug court. A one year delay in the implementation of the bill was requested by Denver. Bill sponsors ultimately agreed to a 3 month delay in the implementation of the bill. The Senate made several changes to the bill including clarifying the possession amounts and number of offenses that would trigger a felony charge. ***The bill was signed by the Governor.***

**HB19-1279 Protect Public Health Firefighter Safety Regulation PFAS Polyfluoroalkyl Substances** sponsored by Reps. Exum and Landgraf and Senators Lee and Hisey. The bill creates the Firefighting Foams Control Act which prohibits the use of class B firefighting foam that contains intentionally added PFAS foam for training purposes. A person or fire department that violates this prohibition is subject to a civil penalty. Amendments added to the bill exempts the use of such class B firefighting foam as deemed necessary by the Department of Transportation. Amendments requested by DIA acknowledging the primacy of Federal law and regulation in this area were added to the bill. ***The bill passed both chambers.***

**HB19-1297 Jail Capacity Data Collection** sponsored by Reps. Weissman and McKean. The bill expands the duties of the keeper of a jail to share a quarterly report of persons confined in the jail. The report will be submitted to the Division of Criminal Justice within the Department of Public Safety. The

Division is then required to make the information public in a searchable and sortable format. Law enforcement agencies that do not comply will be subject to a \$500 fine. The Colorado Commission on Criminal and Juvenile Justice will study the development of a system to deliver this information in real time. Amendments made in House Judiciary tightened up definitions to length of stay in the bill and asked DCJ to study the development of the real-time system for publishing data. Additional amendments requested by the City eliminating certain data reporting requirements that jail staff would not be able to comply with were added to the bill. ***The bill passed both chambers.***

**HB19-1308 Foster Care Prevention Services** sponsored by Reps. Singer and Landgraf. The bill authorizes the Department of Human Services to establish a foster care prevention services program. The prevention program is for youth and their legal guardians when their needs are related to safety, permanent placement, or well-being of the child. If a child or youth is placed in a qualified residential treatment program, the court or administrative review division of the Department is required to review the needs of the child and determine if the placement is appropriate. Changes made to the bill aligns the provisions of the bill with the Federal Families First Prevention Services Act. The Office of Behavioral Health in the DHS is required to establish care standards and an approval process that has a trauma-informed treatment model. ***The bill was signed by the Governor.***

**HB19-1310 Interest on Orders of Restitution** sponsored by Reps. Melton and Gonzales-Gutierrez. The bill lowers the interest rate on orders of restitution from 8% to 3% per annum. Interest cannot be accrued when the defendant is in custody or on an agreement for periodic payments. Amendments were added during House Judiciary to reflect exemptions of individuals in county jails because they cannot be tracked. The amendments adopted also include juveniles so that those ineligible to work do not have additional interest accrued. ***The bill was signed by the Governor.***

**SB19-088 Revised Uniform Unclaimed Property Act** sponsored by Senator Gardner. The bill enacts the “Revised Uniform Unclaimed Property Act,” as adopted by the National Conference of Commissioners on Uniform State Laws in 2016 with Colorado specific amendments. The act responds to current transactions and practices, in particular electronic records and seeks to promote uniformity among state laws regarding the disposition of unclaimed property. Language supported by the City to recognize local unclaimed property programs remained in the final version of the bill. An amendment was added to require municipalities to hold unclaimed property for five years. ***The bill was signed by the Governor.***

**SB19-090 Peer-to-peer Motor Vehicle Sharing Program** sponsored by Senator Scott. This bill establishes regulations for peer-to-peer car sharing programs. Amendments were added to the bill to adopt a petition clause and strike the provisions of the bill that require traction devices. An amendment proposed by DIA was adopted with clarifying language that all car rental platforms are subject to airport rules and regulations if operating at the airport. ***The bill was signed by the Governor.***

**SB19-191 Prompt Pretrial Liberty and Fairness** sponsored by Senators Bridges and Marble. The bill establishes rights for defendants related to release on bond unless there are extreme circumstances.

The court has to hold a bond setting hearing for a defendant within 48 hours after arrests. Two hours after the sheriff receives bond information the defendant must be able to post bond and cannot be held more than two hours afterwards. The price of bond processing fees cannot exceed \$10 and regardless of ability to pay fees the defendant should be released. The 48-hour time limit will begin when the defendant arrives at the jail and the release time after bond is posted was extended to four hours. Defendants with a GPS monitor may be held an additional 24 hours after the bond is posted. Sheriffs maintain the discretion to keep people overnight in the case of extreme weather, lack of shelter, or no transportation. For rural communities without high speed internet access the courts can conduct hearings telephonically. An amendment was added at Denver's request to provide greater flexibility for sheriffs to determine what extraordinary circumstances might cause a delay in the release of a defendant from jail. ***The bill was signed by the Governor.***

**HB19-1018 End Local Government Opt Out of Unclaimed Property Act** sponsored by Rep. Bockenfeld. Under current law, private property in the custody of a local government that remains unclaimed after five years becomes subject to custody by the State Treasurer as unclaimed property. A local government may enact a local law or ordinance to dispose of property at the local government's discretion. Beginning September 1, 2019, this bill would have only allowed a local government to dispose of tangible private property in their possession. Intangible property would be subject to the custody of the state as unclaimed property, and the local government would have to pay or deliver the intangible property to the State Treasurer no later than January 1, 2020. ***The bill was postponed indefinitely in the House Transportation and Local Government Committee.***

**HB19-1074 Daylight Saving Time Exemption** sponsored by Reps. Ransom and Buck. The bill would have exempted the State from observing daylight saving time, and made Mountain Standard Time the standard time year round. ***The bill was postponed indefinitely in the House Rural Affairs Committee.***

**HB19-1096 Colorado Right to Rest Act** sponsored by Rep. Melton. The Colorado Right to Rest Act would have granted the right to rest in public places, seek shelter from the elements, accept food in public places where food is otherwise prohibited, occupy a legally parked vehicle, and have a reasonable expectation of privacy. The bill would have prohibited discrimination based on housing status and exempted people from this right if the local public housing authorities could have proven that their waiting lists were under 50 people for 3 consecutive months. ***The bill was postponed indefinitely in the House Transportation and Local Government Committee.***

**HB19-1099 Eliminate Red Light Cameras** sponsored by Reps. Humphrey and Melton. This bill would have eliminated all automated vehicle identification systems to identify traffic violations. This legislation would have included the usage of red-light cameras, automated identification systems to detect speeding violations within traffic maintenance zone. The use of photographic evidence for traffic violations in this case would have been completely prohibited. ***The bill was postponed indefinitely in the House Transportation and Local Government Committee.***

**HB19-1235 Limit Encryption of Dispatch Radio** sponsored by Rep. Van Winkle. The bill would have required that any agency belonging to the State or local governments is required to broadcast

dispatch radio communications without encryption. Exceptions to this bill would have included radio communications that must have remained private for tactical operations, the safety of emergency responders, prevent the destruction of property, and investigation of criminal conduct. ***The bill was postponed indefinitely in the House Transportation and Local Government Committee.***

**SB19-012 Use of Mobile Electronic Devices While Driving** sponsored by Senator Court. The bill would have made using a mobile electronic device while driving a class 2 misdemeanor and would have created a class 1 misdemeanor traffic offense for any subsequent offense. ***The bill was postponed indefinitely in the House Judiciary Committee.***

**SB19-027 County Authority Unclaimed Body Final Disposition** sponsored by Senators Crowder and Winter and Rep. D. Valdez. The bill would have authorized the use of any lawful method for the final disposition of an unclaimed dead body. ***The bill was postponed indefinitely in the House Judiciary Committee.***

#### **SECTION 11: LOOKING AHEAD**

As is the case in most non-election years, legislators will have a greater opportunity to focus on substantive policy issues.

Several interim committees have been approved to meet over the Summer and Fall: Committees on Zero Waste, Energy legislation, Tax expenditure, Investor Owned Utilities and Energy Choices, Making Higher Education Attainable and Prison Population Management.

As always, the BBMK team will spend a great deal of time over the Summer and Fall meeting with legislators and engaging in policy discussions with our clients and members of the General Assembly.