



Legislative Breakfast Agenda

Tuesday, June 6 FROM 8:00-10:00AM
CIC ROOM, CITY HALL 300 LAPORTE AVE

8:00-8:15 - Breakfast and Networking

8:15-8:20 - Welcome and Opening Remarks
Mayor Troxell

8:20-8:50 - Share Legislative Priorities
All Representatives share 1-2 priorities (5 minutes each)

8:50-9:50 - City of Fort Collins Focus Items
Transportation – Mayor Pro Tem Horak
Construction Defects
Broadband
Oil & Gas Mapping/Local Control
Other

9:50-10:00 - Wrap Up





Bowditch & Cassell
PUBLIC AFFAIRS

Ed Bowditch
PARTNER
303.489.8680
edbowditch@aol.com

Jennifer M. Cassell
PARTNER
785.393.0472
jennifer.cassell@gmail.com

FORT COLLINS LEGISLATIVE SUMMARY 2017 LEGISLATIVE SESSION

The 2017 legislative session convened on January 11, 2017 and adjourned May 10, 2017. As in the past, many major public policy bills were introduced during the last 5-15 days of the session. We saw a total of 681 bills introduced during the session and roughly half of those bills passed through the legislative process.

The theme of the session was all about the skillful compromise. Because of divided control of the General Assembly – a Republican Senate and a Democratic House – compromise and negotiation were essential for any bill to pass both chambers. The legislature was faced with many big policy questions on construction defects, the Hospital Provider Fee, and transportation funding – with ongoing discussions throughout the session, and numerous bills introduced on each subject.

The 2017 session was active for Fort Collins. Most importantly, rolling coal/nuisance exhaust passed ([SB 17-278](#)) after unsuccessful attempts at the Capitol. This concept was considered twice – the first bill ([HB 17-1102](#)) passed the House but failed in the Senate. Later, the Senate passed SB 17-278, which was ultimately adopted by the House.

Other Major Issues:

Transportation. Transportation was listed as the top priority for legislative leadership. Even though we saw and supported an effort to create a dedicated funding source for transportation ([HB 17-1242](#)), the bill ultimately failed to make it through the full process.

Construction Defects. Construction defects was a hot topic this session and we saw five different bills introduced on the issue. One compromise bill did pass – [HB 17-1279](#), which requires an HOA board to give notice to unit owners of potential litigation against a developer and also requires a majority of unit owners to vote to enter into litigation.

Open Records. For the second year in a row, the legislature considered major changes to the state's open records law. This year, [SB 17-040](#) was introduced on the second day of the

session, and wasn't finalized until day 120. After much negotiations, the bill passed and included requirements on the release of searchable and sortable electronic records.

Overall, it was a successful legislative session for the City of Fort Collins. Provided below is a list of priority bills. Here is the full list of legislation tracked by Fort Collins during the session – [Fort Collins Bill Report](#).

PRIORITY LEGISLATION

HB 17-1102 Prohibit Nuisance Exhaust

Status: Failed

Position: Support

The bill prohibits engaging in a nuisance exhibition of motor vehicle exhaust, which is the act of knowingly blowing black smoke through one or more exhaust pipes attached to a motor vehicle with a gross vehicle weight rating of 14,000 pounds or less in a manner that would harass another driver, bicyclist, or a pedestrian and obstruct or obscure the view of another driver, a bicyclist, or a pedestrian. A person who violates the prohibition commits a class A traffic infraction, punishable by a fine of \$100.

HB 17-1153 Highway Congestion Mitigation

Status: Failed

Position: Monitor

The bill clarifies that high occupancy vehicle lanes are lanes on which a vehicle carrying 2 or more individuals, including the driver, may travel and that high occupancy toll lanes are lanes on which a vehicle carrying fewer than 2 individuals, including the driver, must pay a toll. The bill also raises the priority of currently unfunded projects to expand the capacity of interstate highway 25 between the town of Castle Rock and the town of Monument and between state highway 14 and state highway 66.

HB 17-1253 Sales and Use Tax Simplification Task Force

Status: Passed

Position: Monitor

The bill creates the sales and use tax simplification task force made up of legislative members and state and local sales and use tax experts. The bill requires the task force to study sales and use tax simplification between the state and local governments, and in particular between the state and home rule jurisdictions. The task force is:

- Authorized to seek, accept, and expend gifts, grants, or donations from private or public sources in order to meet its goals;
- Subject to sunset review in 3 years; and
- Required to make an annual report to the legislative council that may or may not include recommendations for legislation.

HB 17-1242 New Transportation Infrastructure Funding

Status: Failed

Position: Support

The bill requires a ballot question to be submitted to the voters at the November 2017 statewide election that seeks approval for a sales and use tax increase of 0.62 percent for 20 years beginning in 2018. This bill was amended in the Senate – the proposed sales tax increase was lowered to 0.5 percent.

HB 17-1314 Colorado Right to Rest Act

Status: Failed

Position: Oppose

The bill create the ‘Colorado Right to Rest Act’, which establishes basic rights for persons experiencing homelessness, including, but not limited to, the right to use and move freely in public spaces, to rest in public spaces, to eat or accept food in any public space where food is not prohibited, to occupy a legally parked vehicle, and to have a reasonable expectation of privacy of one’s property.

SB 17-014 Limits on Underground Storage Tank Regulation

Status: Failed

Position: Monitor

The bill prohibits a local government from imposing inspection requirements for underground petroleum storage tanks or charging inspection fees for the inspection of underground petroleum storage tanks.

SB 17-040 Public Access to Government Files

Status: Passed

Position: Oppose unless amended

The bill modifies the Colorado Open Records Act (CORA) with respect to digital or electronic records. If a public record is stored in a digital format, the custodian must shall provide the

record in that format. However, custodians are not required to provide records in searchable or sortable formats if that would violate copyright or licensing agreements. Also, custodians can refuse to provide records in searchable or sortable formats if it is not feasible to remove information that the custodian is required or allowed to withhold.

The bill provides additional grounds upon which a custodian may deny a records request, specifically with regard to physical or cyber assets of critical infrastructure.

SB 17-045 Construction Defect Claim Allocation of Defense Costs

Status: Failed

Position: Support

In a construction defect action in which more than one insurer has a duty to defend a party, the bill requires the court to apportion the costs of defense, including reasonable attorney fees, among the insurers with a duty to defend.

SB 17-156 Homeowners' Association Construction Defect Lawsuit Approval Timelines

Status: Failed

Position: Support

The bill requires an HOA to use mediation or arbitration before a lawsuit can be filed in disputes involving construction defects. An HOA's executive board must send an advance notice to all unit owners that includes a general description of the claim, the relief sought, and a good-faith estimate of the benefits and risks involved in entering into litigation.

SB 17-184 Private Marijuana Clubs Open and Public Use

Status: Failed

Position: Oppose

The bill authorizes the operation of a marijuana membership club only if the local jurisdiction has authorized clubs. A club must meet the following qualifications:

- All members and employees of the club must be 21 years of age or older;
- The club's employees must be Colorado residents;
- The club cannot sell or serve alcohol;
- The club cannot be a retail food establishment;
- A club owner shall not sell marijuana on the premises; and
- A club owner shall not permit the sale or exchange of marijuana for remuneration on the premises.

The bill prohibits the open and public consumption of marijuana and defines the terms 'open and public', 'openly', and 'publicly'.

SB 17-278 - Prohibit Nuisance Exhaust

Status: Passed

Position: Support

The bill prohibits engaging in a nuisance exhibition of motor vehicle exhaust, which is the act of knowingly blowing black smoke through one or more exhaust pipes attached to a motor vehicle with a gross vehicle weight rating of 14,000 pounds or less in a manner that obstructs or obscures the view of another driver, a bicyclist, or a pedestrian. A person who violates the prohibition commits a class A traffic infraction, punishable by a fine of \$100.