



**COLORADO**

Department of Transportation

Office of Policy and Government Relations

**DATE:** October 4, 2017  
**TO:** Transportation Commissioners, Executive Director, Executive Management Team, Branch Managers, and Office Directors  
**FROM:** Andy Karsian, Office of Policy & Government Relations  
**RE:** Legislative Report - 2017 Special Session of the Colorado General Assembly

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## Overview

During the 2017 regular legislative session, SB267 passed with bipartisan support. While CDOT and transportation advocates recognize this bill as providing funding for roads, it also included a variety of other policy measures. One part of the bill consolidated marijuana tax revenue collection and in doing so unintentionally omitted the ability of some special districts to collect this tax. This error impacted small districts as far away as Montezuma County and large districts including RTD and the Scientific and Cultural Facilities District in the Denver metro area.

To remedy this mistake, the Governor called a special session, beginning October 2<sup>nd</sup>, with a very narrow focus - fixing the drafting error. Legislators introduced two bills, one in the Senate and the other in the House, both designed to fix the legislative language in SB267.

Prior to the special session, the Senate Republican majority signaled they would oppose a fix without it going to a vote of the people. Their argument centered on two claims: that fixing the language constituted a tax increase which, under TABOR, must be voted on by the public; and, legislators did not have the authority to fix this language under TABOR without a public vote. The House Democratic majority disagreed claiming that case law establishes the Legislature's ability to fix minor tax problems without a vote, and that voters within the impacted special districts already voted to approve this tax.

The House bill passed the House Finance committee with one Republican voting with the Democrats. The same Republican voted for the bill on the floor as it passed along otherwise party lines. Both the House and the Senate bills died in the Senate Transportation committee along party lines. With no other legislation introduced, the special session of 2017 finished in just a day and a half. This special session is unique in that it is the only special session in the last five decades, possibly more, where no piece of legislation passed.

The demise of the 2017 special session does not impact CDOT nor transportation funding, but it signals a difficult 2018 legislative session. The partisanship during the special session, the 2018 election that includes statewide races, sitting legislators seeking reelection and some seeking higher statewide offices, combined will add powder to an already challenging political atmosphere. As always, CDOT's Office of Policy and Government Relations will be there to protect and advocate for the department.

If you have any questions on this or any other legislative issues please contact Andy Karsian at 303-757-9073.

