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Legislative Review Committee Agenda

Meeting Notes

January 27, 2014, 4:00 p.m.

Commons Conference Room

Present: Wade Troxell, Councilmember; Ross Cunniff, Councilmember; Lisa Poppaw, Councilmember; Wendy Williams, Assistant City Manager; Carrie Daggett, Interim City Attorney; Dan Weinheimer, Legislative Policy Manager

Absent: None

Guests: Dale Adamy, Kevin Jones; Dan Betts, District Representative Senator Cory Gardner's office

Councilmember Troxell called the meeting to order at 4:20 pm.

Adoption of the minutes from the October 28, 2014 meeting were moved for approval by Councilmember Cunniff and seconded by Councilmember Troxell. Minutes were adopted without amendment.

Dan Weinheimer conducted a brief review of the **process for City review of bills**. Dan presented an overview of the process for staff review including use of the State Bill website, staff lists used to analyze proposals in specific issue areas, City Attorney comments, and information gathered from Colorado Municipal League and other outside groups. Several process improvements will be adopted

After this discussion, Dan reviewed the bills listed on the bill tracker.

HB15-1003 – Funds Safe Routes to School Program by putting at least \$3m into the program. Dan noted support from transportation staff who indicated the success of the program locally. LRC adopted a **support** position.

HB15-1007 – clarifies **Local Government Retail Marijuana Taxes** in statute. Dan noted there is concern that the bill also could allow a county to levy a sales tax in a home rule municipality – and in a case where that municipality has already levied a retail marijuana sales tax. For this reason, LRC adopted an position of **oppose unless amended**.

HB15-1012 – amends the **Sales and Use Tax Exemption for Dyed Diesel** which is tax exempt fuel used for construction and farm equipment that does not travel/operate on roads or highways. Dan noted a concern with this bill in that it would impact cities' constitutional right to determine and assess municipal sales tax. LRC adopted a position of **oppose unless amended**.

HB15-1016 – is a bill that would amend an existing program to **Promote Precipitation Harvesting Pilot Projects**. Councilmember Troxell sought additional information on the proposed expansion of the program particularly whether Fort Collins or the Water Cluster could host a pilot. LRC adopted a **monitor** position on this bill.

HB15-1057 – is a bill regarding the **State Initiative Process** and would prioritize a fiscal impact statement once an initiative was qualified for the ballot. This 2-sentence fiscal impact statement would then be published on each page of a petition as it was circulated for signature. LRC adopted a **monitor** position.

HB15-1073 – is a bill allowing **Drivers to Challenge Initial Police Contact** when stopped for suspected driving under the influence. Dan stated that he flagged this bill for LRC attention but was not sure there was a City concern except that Fort Collins police would be the initial contact for drivers. LRC adopted a **monitor** position.

HB15-1077 – would **Modify Late Vehicle Registration Fee** from a maximum late fee of \$100 to a maximum of \$10. Dan noted that late fees are assessed after a grace period at a rate of \$25/month up to \$100 and that amounts to about \$17m annually for the Highway Users Trust Fund. LRC adopted an **oppose** position.

HB15-1094 – concerns expanding and enhancing the **Restorative Justice Council and Pilot**. Fort Collins' restorative justice staff was involved in crafting this bill and support it as it may increase program funding. LRC adopted a **support** position.

HB15-1098 – seeks to eliminate the use of **Red Light Camera** for traffic enforcement. This bill is annually brought forward and traffic safety in Fort Collins and other communities would be negatively impacted if this tool is outlawed. LRC adopted an **oppose** position.

HB15-1119 – would make **Local Governments with Fracking Bans Liable for Royalties**. This could affect Fort Collins – though the City has adopted a moratorium, not a ban – and cost millions. This measure is aimed against any local action on oil and gas. LRC adopted an **oppose** position.

SB15-006 – would **Prohibit Forfeitures without Criminal Conviction**. LRC members support this provision but Dan explained that an additional component of the bill would prevent local police from cooperating on federal law enforcement task forces. Fort Collins police oppose this aspect of the bill. LRC adopted a position of **monitor** pending additional information from staff.

SB15-018 – would **Repeal the Late Vehicle Registration Fee**. Dan noted that this bill goes further than the other related late vehicle fee bill and would simply eliminate any late fee. LRC adopted a position of **oppose**.

SB15-032 – would **Lift Restrictions on Carrying of Firearms** by allowing anyone eligible to carry a handgun to carry that weapon as a concealed weapon without a concealed weapon permit. Dan mentioned that Police Services does not support this bill. LRC adopted an **oppose** position.

SB15-040 – would provide **County Authorization to Levy Retail Marijuana Tax**. This bill is similar to HB 1007 and presents similar concerns about taxation within home rule cities. LRC adopted a position of **oppose unless amended**.

SB15-044 – seeks an **Electric Renewable Energy Standard Reduction** which would reduce the percentages of energy derived from renewable sources that investor-owned utilities would need to have in certain timeframes. The LRC discussed this bill as it might impact the City's electric utility in achieving its renewable goals as well as citizens not served by Platte River Power Authority (PRPA). LRC adopted a **monitor** position pending additional information.

SB15-046 – is a bill to alter the **Renewable Energy Standard, Adjusting Rural Electric Associations' Distributed Generation** calculation to meet the adopted renewable standards. The bill would allow REA's to claim a 3:1 ratio of kilowatt hours produced from distributed generation. LRC adopted a **monitor** on this bill.

SB15-079 – would institute a **Document Recording Fee to Fund Affordable Housing**. The \$2 proposed fee would be split between \$1 for the clerk recording the document and \$1 for an affordable housing fund to be managed by the Colorado Housing and Finance Authority. LRC members had questions about the number of citizens likely to be impacted by the fee and by the anticipated \$1m per year generated from the fee. LRC adopted a **monitor** position.

SB15-081 – Would allow the **Use of Lottery Money for Recreational Bicycle Trails**. Dan noted that the GOCO/lottery money is already eligible for this use if a community chooses and that, while adding bicycle trails might be a good use of the money it is a concern that the legislature is attempting to tell home rule cities how to use funds. LRC adopted a **monitor** position.

SB15-091 – would **Reduce the Statute of Limitations on Construction Defect** litigation. The bill would reduce from six years to three years the allowable time to file a lawsuit related to construction defects. LRC discussed that this bill does not provide adequate balance to consumer and developer interests. LRC adopted a **monitor** position.

SB15-092 – would create a **Multi-Agency Review of the State Carbon Emission Plan**. This review would add additional review including requiring a vote of each house of the General Assembly and that each approve the plan with a 2/3 majority. Dan noted that these requirements would effectively kill the plan implementation. LRC adopted an **oppose** position.

SB15-093 – is a bill to **Compensate Owners of Mineral Interests when a community adopts Extraction Regulations**. This bill would require a local government that enacts a ban or moratorium on hydraulic fracturing that impacts a mineral owner's rights to compensate that owner for a full value of the right. This bill would have a direct impact on Fort Collins. LRC adopted an **oppose** position.

SB15-095 – concerns rules related to **Manufactured Home Communities** and would adopt changes to existing laws concerning those communities. LRC adopted a **monitor** position.

The LRC then briefly discussed the **March National League of Cities conference in Washington DC**.

The meeting was adjourned at 5:06 pm.