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Legislative Review Committee

Meeting Notes

February 14, 2012, 4:00 p.m.

City Manager's Conference Room

Present: Kelly Ohlson, Mayor Pro Tem; Wade Troxell, Councilmember; Wendy Williams, Assistant City Manager; Carrie Daggett, Deputy City Attorney; Dan Weinheimer, Legislative Policy Manager

Absent: Lisa Poppaw, Councilmember; Darin Atteberry, City Manager

Guests: Dan Betts, District Representative, U.S. Representative Cory Gardner

Mayor Pro Tem Ohlson called the meeting to order at 4:44 pm.

Adoption of the minutes from the January 24th meeting were moved for approval by Councilmember Troxell and seconded by Mayor Pro Tem Ohlson.

Dan Weinheimer ran through the new bills being brought to LRC for consideration.

Bills considered included HB12-1232 which concerns health care costs for persons in police custody and in jail. The bill would provide greater protection to the governmental agency for the cost of health care related to self-inflicted injuries or previous medical conditions. Mayor Pro Tem Ohlson stated he would like to hear from Police on their recommendation relative to this bill before taking a position.

HB12-1251 and HB12-1260 concern the use of enterprise zones and seek to impose additional limits on the use of this economic development tool. Again, Mayor Pro Tem Ohlson wished to have greater staff input before a position was adopted. He also stated his concern about abuses that have occurred in many communities relative to the use of this tool. No position was adopted on either of these bills pending additional comment from staff.

HB12-1277 concerns local control of oil and gas regulation. This bill correlates to the greater debate being had over regulation of hydraulic fracturing or "fracking". Dan Weinheimer mentioned that CML is adopting a neutral stance on this bill and that is because CML believes that the controls of oil and gas development already exist – the same local controls that exist for the regulation of business and land use. Carrie Daggett mentioned that staff is taking a hard look at fracking and its potential impact on Fort Collins and that a document would be produced soon.



LRC took no position on this bill pending a study of the issue and more information from staff.

SB12-026 concerns state mandates on local government and seeks to codify Governor Hickenlooper's executive order limiting the implementation of unfunded mandates. LRC took no position on this bill at this time.

SB12-034 would repeal rapid screen for high-emitting vehicles. Based on the air quality provisions of the Policy Agenda, the committee adopted an oppose position on this bill.

SB12-052 would alter the business and personal property tax (BPPT), increasing the amount deductible in the short term and then restricting the growth of BPPT for the next decade. This bill would impact the City's tax revenue in the short term and have a severe impact long term by stagnating growth of BPPT. LRC adopted an oppose position on this bill.

SB12-081 prohibits cities or counties from requiring sprinklers be installed in single-family dwellings. This bill is opposed by the Poudre Fire Authority (PFA). Mayor Pro Tem Ohlson noted the irony in that the bill prevents cities from acting instead of mandating action. Dan Weinheimer noted this bill was to be heard in committee just prior to the LRC meeting and could be killed there. LRC adopted an oppose position consistent with the PFA position.

SB12-088 concerns fracking and the ability that cities have to regulate the industry. This bill explicitly states that oil and gas operations are a matter of statewide concern and therefore the state has exclusive jurisdiction over their regulation. No position was adopted on this bill pending development of a City Council policy on fracking.

SB12-116 proposes to adopt criminal penalties for the use, possession, sale and distribution of bath salts. Police staff had supplied concerns that the bath salts in question are not "bath salts" but instead a powerful drug that has begun to permeate into Fort Collins. LRC adopted a support position for this proposal.

SB12-118 would repeal the 25 percent food threshold required in restaurant/hotel liquor licenses. It was noted that this bill could have an impact on Fort Collins and staff is tracking it but that it is not explicitly in the Policy Agenda. The bill would eliminate the requirement for restaurants and hotels to derive at least 25% of their revenue from the service of meals. Dan Weinheimer noted that CML is working with the Restaurant Association to amend the bill and Fort Collins is one of the communities providing information to that effort. No position was taken on the bill pending further discussion on whether a position could be taken under the current Policy Agenda.



SB12-126 concerns motor vehicle emission inspections and extending the time that a new vehicle would need to be inspected from fourth model year to eighth model year, thereby reducing emission inspections. Based on the Policy Agenda, LRC adopted an oppose position to this bill.

Finally, SB12-133 which places a mandate to divert electronic waste from landfills beginning July 1, 2013 was discussed and a support position was adopted.

Mayor Pro Tem made clear his desire for additional staff input on a number of proposals. Dan Weinheimer stated that he will reach out to staff and actively cultivate feedback on bills of interest.

Dan Betts with U.S. Representative Cory Gardner briefed LRC that he is leading the consideration of a train horn noise bill and that the Congressman may be bringing forth a proposal to study or address the noise issue. Dan mentioned that he had met with representatives from the City of Loveland who had expressed equal concern about the noise from freight trains in their community.

The meeting was adjourned 5:11 pm.