



City Manager's Office
City Hall
300 LaPorte Ave.
PO Box 580
Fort Collins, CO 80522
970.221.6505
970.224.6107 - fax
fcgov.com

Legislative Review Committee Agenda

Meeting Notes

February 26, 2013, 4:00 p.m.

City Manager's Conference Room

Present: Kelly Ohlson, Mayor Pro Tem; Lisa Poppaw, Councilmember; Wendy Williams, Assistant City Manager; Steve Roy, City Attorney; Dan Weinheimer, Legislative Policy Manager

Absent: Wade Troxell, Councilmember

Guests: None

Mayor Pro Tem Ohlson called the meeting to order at 4:15 pm.

Adoption of the minutes from the January 22, 2013 meeting were moved for approval by Councilmember Poppaw and seconded by Mayor Pro Tem Ohlson. Minutes were adopted without amendment.

Dan Weinheimer briefly summarized the status of bills that the Legislative Review Committee had already considered. He noted that HB13-1044 Authorizing Graywater Use had passed committee but was awaiting further action.

SB13-023 which would Increase Damage Caps to the Colorado Governmental Immunity Act (CGIA) was discussed. Dan reminded the Committee that during the last meeting staff received direction to monitor and amend the bill based upon the information that the CGIA caps had not been raised in twenty years. Dan summarized the points of a compromise worked out by CML and other parties that would raise the CGIA caps from \$600,000 to \$990,000 for claims involving two or more persons and from \$150,000 to \$350,000 for individual claims. The deal stipulated that interest would be included under the caps, that the timeframe to file a claim would remain at 180 days and that every four years the caps would be adjusted to the consumer price index. The LRC altered its position to neutral.

Dan discussed SB13-025 which would Mandate Collective Bargaining for Firefighters. The LRC had adopted an oppose position. Governor Hickenlooper sent a letter to the House and Senate leadership indicating that he would veto the bill as drafted. CML has asked for letters to the Governor and to House members to express cities' opposition. Councilmember Poppaw recommended that staff draft such letters for Councilmembers' signature. Mayor Pro Tem Ohlson agreed and staff will continue to work on this bill.

Dan summarized two bills the LRC had adopted oppose positions on. Both SB13-035 which would have Banned Red Light Cameras and SB13-068 which would have Modified Late Vehicle Registration Fees were both postponed indefinitely. Dan indicated that SB13-048 which would Authorize Local Government Use of HUTF for Transit has moved to the House and that City staff will likely testify in favor of the bill in the House Transportation Committee.

Dan then moved on to new bills using the new bill dashboard tool developed for LRC. The LRC adopted a support position without discussion on HB13-1002 Small Business Development Centers Appropriations.

Mayor Pro Tem Ohlson questioned the staff recommendation to support HB13-1012 Extend Wildfire Mitigation Financial Incentives. He asked what the incentives proposed would be. Councilmember Poppaw agreed directing staff whenever financial incentives are mentioned to identify source of funding. Wendy Williams mentioned the difficulty in doing this because until the budget (Long Bill) is introduced it is not easy to know the state's funding priorities. Staff will gather additional information on the bill and the LRC adopted a monitor position.

HB13-1018 would promote the Beneficial Use of Produced Water for Dust Suppression. Dan noted that this is the only oil and gas-related bill to date introduced in the House. He further stated that staff opposes the use of produced water in this manner. LRC adopted an oppose position.

HB13-1031, a bill about All-hazards Resource Mobilization and Reimbursement was discussed. Dan mentioned that the Poudre Fire Authority (PFA) had indicated opposition to the bill as initially drafted. He explained that the bill had been amended and that he was waiting for word from PFA as to their position. Councilmember Poppaw suggested that if the bill would usurp local control over resources then she would seek to oppose it. The LRC adopted a monitor position.

HB13-1061 would put into place a Responsible Medical Marijuana Vendor Standards program. Staff recommended monitor or amend positions because the bill offers training similar to the responsible alcohol servers program already in existence but also offers a waiver of some liability if a vendor is cited for violations so long as they had completed the program. Mayor Pro Tem Ohlson noted that if it is consistent with the alcohol program then it would be a good thing to support. Councilmember Poppaw agreed that she could support training though she wanted additional information about waivers. LRC adopted a monitor position.

The LRC adopted an oppose position on HB13-1090, a bill dealing with Construction Contractor Subcontractor Prompt Pay.



HB13-1105 is a bill concerning Energy Saving Mortgage Program. Staff indicated that it would not have an impact in Fort Collins but since the issue is one that the City supports the LRC adopted a monitor position.

HB13-1114 concerns setting limits on driving while impaired by the use of marijuana. Dan stated that the bill would place concrete limits for testing marijuana in a person's system and make it possible to enforce a DUI; that this bill provides a law enforcement tool that could keep the community safer. Councilmember Poppaw asked how the testing for the presence of marijuana would be handled and whether allowances would be made for those using medical marijuana. Steve Roy went through to likely process for a law enforcement officer to test a person suspected of driving under the influence of marijuana. He indicated that he thought a blood test could be required. Mayor Pro Tem Ohlson suggested that penalties for driving under the influence of marijuana should not be harsher than those for other drug use. The LRC adopted a support position on the bill.

HB13-1142 concerns Urban and Rural Enterprise Zone Act Reforms and staff had recommended a support position. Dan indicated that the bill is coming from the interim committee formed from legislation passed in 2012 seeking to reform and improve the use of Enterprise Zones in Colorado. Mayor Pro Tem Ohlson asked for a copy of the reforms and a short summary of the benefits. The LRC adopted a monitor position until the Committee had time to better understand the reforms.

HB13-1183 is a bill Extending the Conservation Easement Tax Credit Cap. Dan shared that this bill seeks to extend the current program and has support from staff. Mayor Pro Tem Ohlson again indicated he would like additional information on the bill before taking a position. He explained that the Denver Post has had a couple articles exposing fraud within this program. The LRC adopted a monitor position on the bill.

HB13-1189 would Exempt Business Personal Property Purchased in 2014 from the Business Personal Property Tax (BPPT). Dan noted that two other BPPT proposals had already failed this session and this bill was expected to die in committee on Wednesday. LRC adopted an oppose position.

HB13-1206 offers local governments a permissive ability to expand their authority for business incentive agreements. Dan explained this bill offers cities an economic retention tool for businesses considering relocating out of state. The bill allows cities to waive BPPT as an incentive. The LRC approved a support position on this bill.

HB13-1216 concerns Incentives for Distributed Energy. Dan explained that the bill title is inconsistent with its intent and that the City had already lobbied against the bill with Representative Randy Fischer. The bill is being brought by the

distributed wind lobby and if passed would kill the City's approved feed-in tariff program and usurp local control. Dan said that his sources indicate the bill will likely die on the calendar in committee. LRC adopted an oppose position.

HB13-1222 would offer Family Medical Leave Act (FMLA) benefits to a broader group of people in Colorado. Dan stated that this bill would increase costs for the City but the most troubling aspect was that the bill would extend FMLA benefits to someone in a "committed relationship" without defining what that means. Councilmember Poppaw indicated that she supports extending health benefits to a broader group of people. Wendy Williams said the bill, as written, would expose the City to an unknown increase in health costs. Mayor Pro Tem Ohlson pointed out that the City already offers health benefits to domestic partners and didn't see that resulting in uncontrolled costs. Wendy pointed out that health benefits and FMLA are different things. The LRC adopted an amend position that seeks to clarify the application of "committed relationship" but that with the change the LRC could support this bill.

SB13-012 deals with Child Abuse Reporting in Youth Sports Organizations. The staff recommendation was to monitor this bill and to clarify that it would not have a negative impact on City-run sports programs. Dan stated that protecting children from abuse is very important but it was also necessary to ensure that City staff were not exposed to unknown liability based on a responsibility to report suspected abuse. LRC adopted a monitor position.

SB13-043 is a bill that provides some immunity to establishments regarding On-Premises Alcohol Consumption if a patron removes the alcohol from the establishment. Dan summarized the bill by saying that the business would not be responsible for an open-container violation if a patron took alcohol so long as there was either a sign posted or a person stationed near the door. Dan said that the concern is that this would be a disincentive to the business being responsible about patrons behavior with alcohol. Mayor Pro Tem Ohlson noted that this bill would be inconsistent with community values. The LRC adopted an oppose position on this bill.

SB13-050 concerns Recycling Resources Economic Opportunity Fund and would increase amount collected from waste tipping fees at landfills to fund grants to promote recycling. The LRC adopted a monitor position on this bill.

SB13-052 deals with Transit-Oriented Development Claims related to construction defects and quality. The LRC adopted an oppose position on this bill.

SB13-169 would allow the Reintroduction of Black-footed Ferrets with Landowner Consent. The City Natural Areas Department has expressed support for this bill and would utilize the bill to reintroduce ferrets to Soapstone. LRC adopted a support position.



Dan then reviewed the proposed itinerary and some of the issues that the City may lobby in Washington, DC when several Councilmembers attend the National League of Cities' Congressional City Conference in March. Councilmember Poppaw sought to include funding for affordable housing and sustained funding for the Community Development Block Grant in the issues the City discusses with federal officials. Mayor Pro Tem Ohlson recommended the inclusion of the Internet Sales Tax issue as well as lobbying against the imposition of sequestration cuts.

The meeting was adjourned at 4:57pm.