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Legislative Review Committee Agenda

Meeting Notes

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

City Manager's Conference Room

Present: Kelly Ohlson, Mayor Pro Tem; Wade Troxell, Councilmember; Lisa Poppaw, Councilmember; Wendy Williams, Assistant City Manager; Ingrid Decker, Assistant City Attorney; Dan Weinheimer, Legislative Policy Manager

Absent: Steve Roy, City Attorney

Guests: Christie Ward, citizen

Mayor Pro Tem Ohlson called the meeting to order at 4:10 pm.

Adoption of the minutes from the February 26, 2013 meeting were moved for approval by Councilmember Troxell and seconded by Mayor Pro Tem Ohlson. Minutes were adopted without amendment.

Dan Weinheimer discussed the status of bills with LRC adopted positions and new bills using the bill tracker spreadsheet. Mayor Pro Tem Ohlson mentioned his interest was in bills where the Committee had adopted a "monitor" position or new bills.

HB13-1002, which the LRC has an adopted **support** position on has not been heard in Appropriations and had no action since January 29th.

HB13-1012 which would **extend wildfire mitigation financial incentives**, a bill that LRC has a **monitor** on, has moved to the Governor for his consideration. Mayor Pro Tem Ohlson stated that he recalled the concern about this bill was balancing the use of incentives with the need for them. He asked whether the LRC position should change. Dan noted the bill has reached the Governor and that therefore it was not necessary to change the City's position.

HB13-1031 which concerns **fire resource mobilization and control** has an **amend** position. Dan mentioned that this bill was amended significantly to address local concerns and now has a hearing scheduled April 1st in House Appropriations. He indicated that he was not recommending a change to the City's position until Poudre Fire Authority had been assured that their concerns were addressed. No change was made to the City's position.

HB13-1061, implementing **responsible vendor standards for medical marijuana businesses**, is a bill that LRC has an adopted **monitor** position on. Dan noted the bill is another one that has reached the Governor. He also indicated that he was aware of conversations to include this program within the implementation of Amendment 64. Councilmember Troxell expressed concern with the implementation of Amendment 64. The LRC did not change its position on this bill.

HB13-1096 which seeks to create a **waste tire recycling grant program** was discussed. Mayor Pro Tem Ohlson sought to understand why the City's position is listed as **monitor** when it would seem that it aligns with City priorities. Dan noted that the bill died in its first hearing but further stated that he had not received feedback from staff but would seek follow-up information. Mayor Pro Tem Ohlson requested additional information about the bill.

HB13-1105 which would establish an energy saving mortgage program was considered. Councilmember Poppaw asked why the City position is a monitor, she highlighted that the City would seem to support this concept. Dan stated that the position is monitor but could also be neutral, he said that because Fort Collins already does the programs delineated within the bill it would not have impact on the City. Dan stated he is aware of occasions where the City adopts positions that reflect the desire to influence statewide policy change. The LRC did not change its position on this bill.

HB13-1110 was discussed. This bill is a new bill for the LRC and the bill seeks to establish a more fair system of taxation to support **transportation construction funding** needs. Dan reviewed the bill saying that it will change the natural gas vehicle program from a decal, making it calculated by volume instead, and to create a decal program for electric vehicles. The bill would promote a more fair system to tax all vehicles that use public roads to pay their way to repairs. The LRC adopted a **support** position on this bill.

HB13-1114 which establishes limits and standards for determining when a driver is considered to be **under the influence of marijuana** was discussed. This bill was listed as a support but Mayor Pro Tem Ohlson said that his recollection of the discussion at the last LRC meeting was the direction was to monitor unless there was a determination that the standards imposed were not more onerous than the standards for driving under the influence of alcohol. Councilmember Poppaw agreed, that her recollection was the position was not "support" but a conditional support. Reviewing the summary of the bill the Committee was not able to determine the standard described and how it compared to the standards for alcohol. Mayor Pro Tem Ohlson said that he supports the concepts but wanted science-based standards and an assurance the bill was not an undue burden. City Attorney Decker described the bill parameters but said that she was unsure of the

comparable standards for alcohol. She explained that the standards as she understood them were actually more restrictive in prosecution of driving while under the influence of marijuana. The LRC amended its position from support to **monitor** pending additional information.

HB13-1142 was discussed and this bill would **implement reforms to the enterprise zone act**. Mayor Pro Tem Ohlson asked for additional information on the bill, citing the abuses that had been reported over the last several years by the Denver Post. The LRC did not change its **monitor** position at this time pending additional information from staff.

HB13-1183 which would **extend the conservation easement tax credit program** was discussed. Mayor Pro Tem Ohlson highlighted that this bill was also one where additional information is necessary before the LRC updates its position from monitor. Mayor Pro Tem Ohlson noted that the Denver Post had done stories on abuses in the program and that there were past abuses where the credit was applied to backyards or to other inconsistent conservation areas. Staff will provide more information about the bill and the conservation tax credit program. The LRC did not change its **monitor** position.

HB13-1212 which seeks to **allow communities the ability to create a tax increment financed (TIF) job creation district** was considered. Dan stated that the bill was supported by the Aurora City Council but opposed by Colorado Municipal League and other communities. Mayor Pro Tem Ohlson stated that he thought it was one TIF district too many and wondered why the staff recommendation was monitor and not oppose. Mayor Pro Tem Ohlson further pointed out that this new TIF could cause problems for Urban Renewal Authority just by complicating TIF. Councilmember Poppaw agreed, saying that she would support adopting an oppose position this bill. The LRC adopted an **oppose** position to the bill.

HB13-1216 which provides **incentives for distributed energy** was discussed. Dan updated the LRC that this bill was likely to die on the calendar. Councilmember Troxell expressed concern that the City's adopted oppose position on the bill limits the adoption of a more varied energy portfolio. Dan said that Utilities' Energy staff had informed him that this proposal would result in budget uncertainty as well as ending the City's implementation of the feed-in tariff program recently approved by City Council. Councilmember Troxell stated he agreed with the position on this bill but also wanted to ensure options for distributed generation. The LRC did not change its **oppose** position on this bill.

HB13-1222 which seeks to **expand the availability of Family Medical Leave Act (FMLA) benefits** was reviewed. The LRC had adopted an amend position to this bill, seeking to have the term "committed relationship" better defined. Dan informed the Committee that the bill has since been amended to narrow the bill

scope to offering FMLA benefits to those in civil unions. Councilmember Poppaw noted that now she would like the position to remain amend but to ensure that those in heterosexual committed, but non-married, relationships have the same rights. Mayor Pro Tem Ohlson cited an example and agreed that the bill should not be so narrow as to disadvantage a class of people based on sexual orientation. The LRC maintained its amend position with the hope now to **amend to include committed heterosexual relationships**.

Dan the briefly summarized seven new **oil and gas**-related bills, **HB13-1267, HB13-1268, HB13-1269, HB13-1273, HB13-1275 and HB13-1278**. He recommended a support position on each bill and stated that there are expected to be more oil and gas bills adopted but that these bills all seem to be on a fast-track through the General Assembly. He pointed out that two had already received hearings and approval on party-line votes. The LRC adopted **support** positions all each bill.

SB13-018 concerns the **permissible use of credit by employers**. Dan noted that this is a new bill for the LRC to consider but it has already been approved by both houses. He said that Police Services flagged the bill for him and indicated concern that the bill needed to allow public safety groups to continue to use credit to screen applicants. The rationale given was to avoid potential corruption from those that might be hired but deep in debt. Dan noted for the Committee that the recommendation was a neutral position because earlier in the week the bill was amended to meet the Police Services' requirement. The LRC adopted a **neutral** position on the bill.

Dan updated the Committee on several bills with existing positions. Mayor Pro Tem Ohlson questioned the existing position of **monitor** on **SB13-050, the recycling resources economic opportunity fund**, saying that it would seem that the City would support this concept. Dan noted that he would seek additional staff comments to update this position. No change to the LRC position was made to SB13-050.

SB13-059, peace officers obtaining liquor licenses, was another bill that Dan noted was being brought to the LRC late in the process but at the request of Police Services. Dan said that this bill could create ethical concerns and conflict of interest for police officers. Dan said that the bill was amended to prevent an officer from obtaining a liquor license in the service area but that he still recommended an oppose position. The LRC adopted an **oppose** position to this bill.

SB13-202 is another oil and gas bill, this one seeking to **add inspectors to the Colorado Oil and Gas Conservation Commission (COGCC)**. Dan recommended a support position to this bill and noted that it seeks to adopt both a risk-based inspection regime and directs the COGCC to have enough inspectors to

monitor each well in Colorado at least once per year. This increase in inspectors would add significant costs to the COGCC and the state budget. The LRC adopted **support** position.

SB13-203 seeks to **limit local governments' ability to use public land for service stations** and specifically for natural gas fueling stations. Dan recommended an **oppose** position and noted that this bill is similar to a proposal from 2012 that the LRC similarly opposed. Fort Collins and other communities may be the only ones able to help promote of alternative fuels that might reduce greenhouse gas emissions in Fort Collins and the Front Range. The LRC adopted an **oppose** position on this bill.

SB13-226 would **create a dog protection act** aimed at developing training and resources for public safety officers. Dan said that the goal of the bill is to reduce the number of dogs shot by police officers through training and improving police officers' knowledge of animal behavior. Dan said that this bill was newly introduced and so was recommending a **monitor** position until he heard from Police Services. He understood that the bill might increase costs and cause a budget burden to the City but that perhaps it was a worthwhile tradeoff. The LRC adopted a **monitor** position pending more information from staff.

Dan summarized the Fort Collins participation in National League of Cities' Congressional Cities Conference in Washington DC saying that those attending were able to make important connection and to focus on some of the important issues facing the community. Meetings included time spent with the Federal Railroad Administration on train horn noise and with the various members of the Congressional Delegation or their staff.

The meeting was adjourned at 5:03pm.