

**Federal, State and Intergovernmental Relations (FSIR) Meeting**  
February 8, 2019

**Members Present:** Council Member Charlie Richardson, Chair; Council Member Marsha Berzins, Vice-Chair; Council Member Crystal Murillo, Member

**Others Present:** Rachel Allen, Scott Berg, Michael Crews, Zelda DeBoyes, Diana Groetzing, Matthew LaCrue, Debora O'Connor, Nancy Rodgers, Kim Skaggs, Amy Stephens, Trevor Vaughn, Terri Velasquez, Roberto Venegas

1. **APPROVAL OF MINUTES FROM JANUARY 24, 2019 MEETING:** Minutes from January 24, 2019 were approved as written with one amendment: on page 25 regarding electrical inspection, CM Berzins abstained.
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2. **STATE LEGISLATIVE SESSION BILL REVIEW:**

- **House Bill 19-1115: Assault on Detention Workers:** The bill adds to the definition of an "emergency medical care provider" a person providing emergency care at a detention facility. It then adds emergency medical care providers to the list of potential victims of assault in the first or second degree under certain circumstances.

**Discussion:** Per M. LaCrue, this was in judiciary February 7, and there is no agreement among stakeholders on the penalty length upon conviction. The House Judiciary voted to postpone the bill indefinitely.

- **House Bill 19-1096: Colorado Right to Rest:** The bill creates the "Colorado Right to Rest Act", which establishes basic rights for people experiencing homelessness, including but not limited to the right to rest in public spaces, to shelter themselves from the elements, to eat or accept food in any public space where food is not prohibited, to occupy a legally parked vehicle, and to have a reasonable expectation of privacy of their property.

**Discussion:** Per M. LaCrue, Rep. Melton has pulled the bill and is awaiting the outcome of the Right to Survive initiative which will be on the ballot in Denver. Depending on the outcome of the Denver ballot measure Rep. Melton may bring the bill back next session.

- **House Bill 19-1011: Scope of Manufactured Home Sales Tax Exemption:** Concerning clarification of the scope of an existing sales tax exemption for manufactured homes.

**Discussion:** M. LaCrue stated that we have no position on this.

**Position:** No Position

- **House Bill 19-1037: Colorado Energy Impact Assistance Act:** Concerning energy asset management, and, in connection therewith, authorizing the issuance of low-cost ratepayer-

backed bonds and creating the Colorado energy impact assistance authority to mitigate the impacts of power plant retirements on Colorado workers and communities.

**Discussion:** The bill does not have a local government impact.

**Position:** No Position

- **House Bill 19-1042 Extend Court Jurisdiction for Vulnerable Youth:** The bill extends the jurisdiction of the court for guardianship proceedings and proceedings concerning the allocation of parental responsibilities for certain unmarried youth under 21 years of age who meet the requirements for such orders, as well as criteria specified in the bill, and for whom findings are sought from the court that may support an application for special immigrant juvenile classification under federal law.

**Discussion:** Per M. Crews, staff has yet to comment on the bill.

**Position:** No Position

- **House Bill 19-1064 Victim Notification Criminal Proceedings:** The bill eliminates requirements that victims must opt in to affect their rights in criminal proceedings involving their alleged offender or offender.

**Discussion:** The bill would not have an impact on municipal courts.

**Position/Action:** No Position

- **House Bill 19-1067 Motor Vehicle Tint:** Current law normally requires motor vehicles registered in Colorado to transmit at least 70% of light through the windshield and 27% of light through other windows. The bill requires motor vehicles registered outside Colorado but operated in Colorado to transmit at least 20% of light through windows other than the windshield.

**Discussion:** Per M. LaCrue, a motor vehicles registered in CO must transmit at least 70% of light through its windshield, and 27% of light through other windows. This bill requires motor vehicles registered outside of Colorado but operated in CO to transmit at least 20% of light through windows other than the windshield. CM Richardson asked if this is pro-law enforcement. M LaCrue said that it is. M. Crews said that we don't have a comment back from APD. CM Richardson said that if it's less tint than now thus making it safer for police officers, we will support it.

**Position:** No Position

- **House Bill 19-1084 Notice to Property Owners Whether Area Blighted:** Concerning a requirement that notice of a determination on whether a particular land area is blighted be given to owners of private property within the area.

**Discussion:** Per M. Crews, the City Attorney's Office and Development Services

recommended a monitor Position. Per M. LaCrue, this bill was drafted by CML.

**Position:** No Position

- **House Bill 19-1076 Clean Indoor Air Act Add E-cigarettes Remove Exceptions:** Concerning updates to the "Colorado Clean Indoor Air Act", and, in connection therewith, removing certain exceptions and adding provisions relevant to the use of electronic smoking devices.

**Discussion:** M LaCrue said that this bill changes the distance between a smoking area and public or private property, including at casinos. It also includes e-cigarettes.

T. Vaughn explained that we have five or six hookah bars in Aurora, and if this bill passes in its current format, these businesses will be shut down. Currently they are considered retail tobacco establishments, which is how smoking inside is permitted. His question for Council: do we want that to occur, these businesses closing? CM Richardson asked if they authors of the bill know about hookah businesses; T. Vaughn doesn't think they do.

A. Stephens read that the bills states that "a local authority may pursue a municipal homeroom charter that enacts and enforces the same subject matter, but you can't go less." C. Richardson responded saying that Aurora is extremely diverse; we need to make it so that we can allow for more local control and allow for the hookah businesses – we've had no complaints. R. Venegas then said that the marijuana cigarette lobby is working on a few amendments; Stephens said the same with casinos.

**Position:** Oppose unless amended.

- **House Bill 19-1090: Publicly Licensed Marijuana Companies:** Concerning measures to allow greater investment flexibility in marijuana businesses.

**Discussion:** The bill does not have a local government impact.

**Position:** No Position

- **House Bill 19-1106 Rental Application Fees:** Concerning the rental application process for prospective tenants.

**Discussion:** M. LaCrue explained that the landlord must use the entire application fee amount for admin fees. The renters will have a right to how the fees are being used and can get this information from the landlord upon request. CM Berzins is concerned that this would create even more fees. CRI: need to take this to Council on Feb 25. MB: this would create even more fees. Per CM Richardson, this needs to be taken to Council on February 25, 2019.

**Position:** No Position

- **House Bill 19-1108: Non-resident Electors and Special Districts:** Concerning measures to expand the ability of nonresident electors to participate in the governance of special districts, and, in connection therewith, allowing nonresident electors who own taxable property within the special district to vote in special district elections and allowing such electors to serve on special district boards in a nonvoting capacity

**Discussion:** A. Stephens explained that this means that if you own property here and don't live here, you should be able to vote here, but only in special districts.

**Position:** Monitor

- **House Bill 19-1119: Peace Officer Internal Investigation Open Records:** The bill makes an internal investigation file of a peace officer for in-uniform or on-duty conduct that involves a member of the public subject to an open records request. The bill requires some information to be redacted before complying with the open records request. The bill allows the custodian of the file to first provide a summary of the file to the requester and then allows the requester access to the file after the requester has reviewed the summary.

**Discussion:** Per CM Richardson, this is a lightning rod for the police. APD opposes if asked, and CML opposes. Per CM Richardson, send this to Council in a Study Session.

**Position:** No Position

- **House Bill 19-1143: Distribute Plastic Straws Only upon Request:** Concerning a requirement that a retail food establishment only provide a single-use plastic beverage straw to a customer upon request of the customer.

**Discussion:** City Attorney opposes if asked because there is a specific line in the bill that limits local control. If that line is removed, we'd be neutral. Per M. LaCrue, let CML handle this one. CML opposes.

**Position:** Monitor

- **House Bill 19-1148: Change Maximum Criminal Penalty One Year to 364 Days:** Concerning changing the maximum jail sentence for certain crimes from one year to three hundred sixty-four days.

**Discussion:** M. LaCrue explained that this adds the number of days rather than "one year"; and "one year" will equal 364 days. A. Stephens said that this is a clean-up.

**Position:** No Position

- **House Bill 19-1157 Modify Specific Ownership Tax Rates:** Concerning the modification of specific ownership tax rates, and, in connection therewith, requiring additional specific ownership tax revenue generated by the rate modifications to be credited to the highway users'

tax fund and allocated to the state highway fund, counties, and municipalities in accordance with an existing statutory formula.

**Discussion:** A. Stephens said that the City Attorney's position is "support if asked". M. LaCrue stated that on or after July 1, 2020, the bill modifies the rate of specific ownership tax imposed on motor vehicles, commercial trailers and specific mobile machinery that is less than 25 years old, increasing the total amount of specific ownership tax revenue collected. Additionally, specific modification is transferred to the highway user tax fund. T. Vaughn said this may be more money for the city because it is distribution-based; there is an increase. CRI: come back with more detail. Vaughn: This is distribution-based, but there is an increase. CM Richardson asked that the team come back with more detail before we declare a position.

**Position:** No Position

- **House Bill 19-1167: Remote Notaries Protect Privacy:** Concerning an authorization for notaries public to perform notarial acts using audio-video communication.

**Discussion:** M. LaCrue explained that this bill protects whether one can email the doc to be notarized. We've received no comment yet; he doesn't recommend fighting this battle.

**Position:** No Position

- **Senate Bill 19-004 Address High-cost Health Insurance Pilot Program:** Concerning measures to address the high costs of health insurance in the state, and, in connection therewith, authorizing the state personnel director to implement a pilot program to allow residents of a specified region to participate in state employee medical benefit plans and modifying the health care coverage cooperatives laws to include consumer protections and allow consumers to collectively negotiate rates directly with providers.

**Discussion:** M. LaCrue explained that this is a pilot program mostly for Eagle and Garfield, and will affect other ski towns and the employees who work there.

**Position:** No Position

- **Senate Bill 19-006 Electronic Sales and Use Tax Simplification System:** Concerning an electronic sales and use tax simplification system, and, in connection therewith, requiring the office of information technology to conduct a sourcing method for the development of the system and requiring the department of revenue to establish the implementation of the system for the acceptance of returns and processing of payments for the sales and use tax levied by the state and any local taxing jurisdictions.

**Discussion:** A. Stephens stated that this is the study and "we brought it up at Council"; it is sailing through. T. Vaughn said that we are neutral on this; we're trying to find something that's more simplified for those who file in multiple jurisdictions.

**Position:** No Position

- **Senate Bill 19-012 Use of Electronic Devices while Driving:** Concerning the use of mobile electronic devices while driving

**Discussion:** Per A. Stephens, the bill says you must have a device that props up; the device can be used, but it can't be in your hand. In cup holder or vent holder is fine. This bill would increase ticket fees and take more points off of a violator's license. The Governor signed this, and it was assigned for next week, but there is a lot of pushback. The Police like it, but, the city has an issue because Water and Public Works both use 2-way radios for work, and they would be in violation. Medical is exempted, but others aren't.

**Position:** Monitor

- **Senate Bill 19-014 Organized Retail Theft Prevention:** Concerning measures to reduce incidents of theft from retail establishments.

**Discussion:** M. LaCrue explained that this bill creates a crime of retail theft within these special circumstances:

- The person is, at the time of the theft, in possession of an item, article, implement, or device used or designed to overcome security systems, including but not limited to lined bags or tag removers, under circumstances indicating an intent to use or employ the item, article, implement, or device for such purposes; or
- To facilitate the theft, the person utilizes an organized effort of multiple persons to remove items from the store with the intent to resell the items.

A. Stephens said that Police oppose this because it is more work for the trial courts and local government. The City Attorney has no position.

**Position:** No Position

- **Senate Bill 19-019 County Fireworks Restrictions July 4<sup>th</sup>:** Concerning the power of a county to restrict the use of fireworks during the period between May 31 and July 5 of any year.

**Discussion:** The bill does not have a local government impact.

**Position/Action:** No Position

- **Senate Bill 19-032 Hazardous Materials Transportation Routing:** Concerning the routing of hazardous materials being transported on the roadways of the state.

**Discussion:** R. Venegas explained that this bill allows the highway authorities and their council members to petition independent of the city through which the materials would be transported. Per CM Richardson, we don't want hazardous materials coming through the city without Public Works and Public Safety knowing about it. CM Murillo said that they can only petition through the city right now.

R. Venegas said that they left out the Aurora portion and are trying to get E-470 for support. We are alone in our defense: Adams County is all for it because their streets run along E-470, and Commerce City & Brighton are for it. We've tried to get South Metro Fire, those jurisdictions to no avail. A. Stephens said that they wrote Elaine Chow for her (federal) involvement on this.

**Position:** Monitor

- **Senate Bill 19-049 Statute of Limitation Failure to Report Child Abuse:** Concerning increasing the statute of limitations for certain failure to report child sexual abuse crimes.

**Discussion:** Per M. LaCrue and A. Stephens, we don't want to get involved in this. This got out today and they reduced it from five to three years. CM Richardson agrees that we 'aren't touching that one'.

**Position:** No Position

- **Senate Bill 19-085 Equal Pay for Equal Work Act:** Concerning the creation of the "Equal Pay for Equal Work Act" in order to implement measures to prevent pay disparities.

**Discussion:** M. LaCrue explained that this bill removes the authority of the Director of the Division of Labor Standards and Statistics in the Department of Labor and Employment to enforce wage discrimination complaints based on an employee's sex, and instead permits an aggrieved person to bring a civil action in District Court to pursue remedies specified in the bill.

In addition, the bill allows exceptions to the prohibition against a wage differential based on sex if the employer demonstrates that a wage differential is based upon one or more factors, including a seniority system, merit system or system that measures earnings by quantity or quality of production.

Per M. Crews, HR's comment is to support the concept with recommended changes to CRS-8-5-201, which contains specifics required for promotions and pay decisions that may not be advertised. An example would be to remove a promotion notice that is required prior to the promotion and removing the reference, to having to repost the position when the range rate is outside the posted range. If there is a problem and we want to monitor it, Janet Buckner is on the bill. CM Richardson said that this may make it easier to enforce claims.

**Position:** Monitor

- **Senate Bill 19-103 Legalizing Minors' Businesses:** Concerning the ability of a minor to operate a business on a limited basis without obtaining the approval of a local government.

**Discussion:** T. Vaughn clarified that we don't close lemonade stands. The primary issue with this is that it's a matter of local concern, basically telling Council what they can and cannot license at the state level, and this doesn't appear to be constitutional. A. Stephens warned that this would bad PR; it was for Denver. We should stay away and let CML take it. CML is opposing.

**Position:** No Position

- **House Bill 19-1086 Plumbing Inspections Ensure Compliance:** Current law requires plumbing inspectors employed by qualified state institutions of higher education to possess the same qualifications required of state plumbing inspectors. Section 1 of the bill requires the same of inspectors employed by an incorporated town or city, county, or city and county.

**Discussion:** Per S. Berg, the current scenario is that we have licensed plumbing inspectors and certified plumbers doing inspections; this bill would remove these and have only plumbers do inspections. With Aurora's plumbing staff, it wouldn't work to have just the plumbers do inspections. CM Berzins says this challenges local control. CML is opposing, as shall we.

**Position:** Oppose

- **Senate Bill 19-130: Sales Tax Administration:** Concerning sales tax administration, and, in connection therewith, simplifying the collection of sales tax by retailers without physical presence and reversing the department of revenue's destination sourcing rule for Colorado retailers.

**Discussion:** M. LaCrue read the bill's subtext: 'concerning sales tax administration, and, in connection therewith, simplifying the collection of sales tax by retailers without physical presence and reversing the Department of Revenue's destination sourcing rule for Colorado retailers.' T. Vaughn explained that this is not good as written. It updates language that passed several years ago with the intention of implementation of the Market Fairness Act that never happened. With Wayfair this summer, the rules changed. This bill trying to update that law to make it more current. He further explained that the bill says we have to use the state's base for tax collection from non-physical premise retailers and some digital goods, and we haven't determined that we want to do that. It changes sourcing for in-state businesses; will be non-destination sourced.

The state has a narrow base with many exemptions. This bill overruns electronic simplification application for sales tax; kind of writes a blank check by giving out entire state's vendors' fee. We recommend actively opposing this bill. A. Stephens said that she will ask Bob why he's running this.

**Position:** No Position

- **Senate Bill 19-131 Exempt Certain Businesses from Destination Sourcing Rule:** Concerning an exemption for certain businesses from the destination sourcing rule for sales tax collection requirements.

**Discussion:** Staff did not note any concerns with the bill.

**Position:** No Position

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3. **MISCELLANEOUS MATTERS FOR CONSIDERATION – None.**



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4. **CONFIRM NEXT MEETING**  
February 22, 2019 at 1:30pm in Mt. Elbert.
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Approved:

  
CM Charlie Richardson  
Committee Chair

2-22-19  
Date