

**Federal, State and Intergovernmental Relations (FSIR)
Meeting
May 23, 2019
1:30 PM ♦ Mt. Elbert**

**Council Member Charlie Richardson, Chair
Council Member Marsha Berzins, Vice Chair
Council Member Crystal Murillo, Member**

Serve as leaders and partner with other governments and jurisdictions

- | | |
|--|-------------------|
| 1. Approval of April 26, 2019 Minutes | Richardson |
| 2. State Legislative Session Bill Review | LaCrue/Stephens |
| 3. Aurora Water State Legislative Update | Kitzmann |
| 4. Census Complete Count Committee Report | Khribeche/Morning |
| 5. Miscellaneous Matters for Consideration | |
| 6. Set/Confirm Next Meeting | Richardson |

Next meeting – TBD



Federal, State and Intergovernmental Relations Agenda Item Commentary

Item Title: State Legislative Session update
Item Initiator: Michael Crews, Intergovernmental Relations Coordinator
Staff Source: Michael Crews, Intergovernmental Relations Coordinator
Deputy City Manager Signature:
Outside Speaker: Matt La Crue, Dentons
Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for peopl

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Dentons has served as the city's state lobbyist since January of 2017. They regularly provided updates to the FSIR committee, including reviewing state legislative activity and recommending positions as appropriate

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

Staff and Denton's will provide the committee with an end of session update.

QUESTIONS FOR Committee

EXHIBITS ATTACHED:

110997586_1.pdf
FSIR Leg. final update 5.23.19.docx

City of Aurora 2019 End of Legislative Session Report

May 2019

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THANK YOU!

It has been a pleasure to work with the City of Aurora and with the FSIR Committee for the 2019 legislative session in Denver. This end-of-session report includes the bill-tracking reports we've done for the City, and an overview of bills supported, opposed or monitored by the City and FSIR. Our goal has been to ensure your success as a City at the Capitol and to make sure that the direction of the FSIR Committee and City Council is communicated to the Aurora delegation and other stakeholders.

Colorado's 2019 legislative session ended the evening of May 3, 2019, after marathon 20-hour work sessions. Members of both the House and Senate struggled to keep the calendar going despite lack of sleep and frayed nerves.

The 2019 session was marked by some major pieces of legislation, including putting oil and gas under local control, "red flag" extreme risk protection orders, FAMLI (Family Medical Leave Insurance), local government determination of minimum wage, changing the vendor fee in tax collection to use for affordable housing, marijuana delivery and marijuana hospitality establishments, sports betting, full-day kindergarten, health insurance affordability, Residential Tenants Health and Safety Act, pre-trial services, and bond reform.

This year 598 bills were introduced in the General Assembly. Of those, 460 passed and are either already signed or on their way to Governor Polis. The House introduced 335 bills and the Senate, 263 bills. As of May 3, 2019, the Governor had signed 154 pieces of legislation into law.

The biggest story of the 2019 session was not what was funded, but what was *not*, specifically: transportation. Legislators were supposed to fund transportation this year based on last year's 2018 SB1 legislation. That unfortunately didn't materialize. Although the legislature was expected to have about \$624.8 million in General Fund dollars to spend in FY 2019/2020, the dollars went to a host of new programs and legislators' "pet projects" rather than to transportation.

Instead, two pieces of legislation made their way through the legislature. HB19-1257 and HB19-1258 are TABOR "time outs" asking voters if the legislature can keep taxpayer refunds due to them in 2019 to spend in 2020 on education and transportation. SB263 asks voters if they can delay the 2019 promise (from 2018 in SB1) of transportation spending and move it to 2020. Legislators worried if they asked voters this year for all three measures (i.e., refund and increase transportation dollars), all would fail.

This delay literally puts off large transportation dollars for at least two years. The question remains whether these questions to the voters will all fail anyway because the legislature didn't keep its word to taxpayers in 2018 regarding transportation.

Below is a review of the positions the City of Aurora took during the 2019 session, and the legislative outcome of those bills.

It is our honor to work with you,



Amy Stephens
Principal



Matthew La Crue
Associate Managing Director

Review of City of Aurora FSIR committee and City Council Action Bills

Local Government Oversight

SB19-181–Protect Public Welfare Oil and Gas Operations : This legislation moves statewide oversight of the oil and gas industry from the state to local governments. This bill is expansive as it changes from state oversight to allow local government to set up independent rules and regulations for oil and gas ,giving them “1041 powers,” which allow local governments to identify, designate and regulate areas and activities of state interest through a local permitting process. The general intention of these powers is to allow for local governments to maintain their control over particular development projects. Sections 1 and 2 of the legislation repeals local government limitation.

- Sections 4 and 5 of the bill clarifies local governments can regulate oil and gas operations, regulating the use of land for residential, commercial, recreational, industrial and other purposes, including mineral resource development on the basis of the impact of the use to include avoiding adverse impacts from oil and gas operation.
- Sections 8,9,10 and 11 outline the composition of the Oil and Gas Commission and its powers. It continues to make the Commission Governor-appointed and Senate-approved. The bill continues the Commissions of Air Quality Control, Water Quality, and Solid & Hazardous Waste and Disposal. The Colorado Department of Public Health and Environment (CDPHE) will continue to work with the Oil and Gas commission on standards of safety for the public.
- Section 12 deals with pooling interests in a community. The bill says within owners more than 50% of the mineral interests to be pooled may enter a pooling for oil and gas development. Non-consenting owners are immune from costs that arise from any spill, damage or injury resulting from a drilling unit.
- Section 15 addresses conflicts between local and state governments. The bill does this by amending the preemption law in two ways: (i) specifying that both state agencies and local governments have authority to regulate oil and gas operations and (ii) establishing that where there is conflict in the exercise of that authority, the more protective standard of health, safety and welfare, environment stewardship and wildlife care takes precedent.

This was one of the most contentious battles of the legislative session, the bill was signed into law by the Governor on April 16, 2019.

HB19-1210 - Local Government Minimum Wage: This bill allows a local government to establish minimum wage law for individuals who perform work in its jurisdiction. Prior to 2007, Colorado’s minimum wage law was set by federal law. In 2006, Colorado voters approved an amendment to the state constitution that raised the minimum wage, beginning in 2007, to \$6.85 per hour (from \$5.15 per hour) and, for tipped workers, to \$3.83 per hour (from \$2.13 per hour). In 2016, Colorado voters again amended the state constitution to increase the state minimum wage to \$9.30 per hour (from \$8.31 per hour) beginning on January 1, 2017, after which it increases annually by \$0.90 per hour until it reaches \$12 per hour on January 1, 2020. Beginning January 1, 2021, it will be adjusted annually based on the Consumer Price Index. The federal minimum wage is currently set at \$7.25 per hour (\$2.13 per hour for tipped workers).

The bill was amended in the Senate to add Medicaid-paid home visit staff as well as other health positions that serve a Medicaid population, with the sponsor saying that if a local government raised its minimum wage, the state would pick up the difference in that raise for Medicaid. This became contentious as the state itself couldn’t give a raise in reimbursement rates to Medicaid providers—but could do so under this bill. The amendment passed on a straight party line vote—but not without a long contentious fight.

In order to pass the bill the Governor asked for Amendment L040, which states, *“If at any point ten percent of local governments in the state have enacted a local minimum wage law pursuant to this section, a local government that has not previously enacted a local minimum wage law shall not enact a local minimum wage law pursuant to this section until*

the General Assembly has amended this section to authorize additional local governments to enact local minimum wage laws. A local government that enacted a local minimum wage law prior to the point at which ten percent of local governments have enacted a local minimum wage law may continue to amend that law.”

The bill passed on May 2, 2019, and is awaiting the Governor’s signature.

SB19-032–Hazardous materials transportation routing: Under current law, it is the governmental entity with the direct oversight, maintenance and public safety responsibility that maintains the petitioning authority to the Colorado State Patrol for HazMat routing designations on roads within their political subdivision. During the 2018 interim session, the Colorado/Wyoming Petroleum Marketers Association brought to the Transportation Legislative Review Committee (TLRC) an aggressive proposal targeting the City of Aurora that would have prevented local governments from ensuring the public safety of their residents by allowing the Colorado Department of Transportation (CDOT) to petition HazMat routing designations on city or county roads over which it does not have jurisdiction. That proposed language did not pass the TLRC prior to the 2019 legislative session.

However, a similar bill, SB19-032, has been introduced that would allow a public highway authority or other governmental entity that is in a public-private partnership to apply for a new route or changes to an existing hazmat routing designation.

In March the bill was turned into a study and impact to Aurora was taken out of the legislation as amended in committee that will assess the feasibility of allowing the transportation of hazardous materials through the Eisenhower Tunnel and will include findings and recommendations as to whether and under what conditions the transportation of hazardous materials through the tunnel should be allowed. CDOT is to complete the study no later than December 2020 and will provide copies of the report to the Transportation Commission, the Colorado State Patrol and the bill’s prime sponsors. The bill will look now at Summit and Clear Creek Counties; the towns of Dillon, Georgetown, Silver Plume and Silverthorne; the residents of unincorporated community of Keystone; Summit Fire & EMS; Clear Creek Fire Authority; Colorado ski industry and its trade associations; Keystone, Loveland and Arapahoe Basin resorts; Colorado Department of Public Safety; Colorado State Patrol, motor carriers that transport fuel; distributors and sellers of fuel; and Club 20.

The bill now looks at the I-70 corridor between exits 204 – 223 and the US Highway 6 corridor adjacent to Loveland pass.

The bill was signed into law by the Governor on April 8, 2019. The FSIR committee voted to Monitor SB12-032.

HB19-1309 –Mobile Home Park Act Oversight: This bill creates certain protections for mobile home owners and establishes the Mobile Home Park Act Dispute Resolution and Enforcement program fund. Additionally, the bill gives counties and municipalities greater authority to enact certain ordinances for mobile home parks. The bill extends to 10 days from 5 the time to cure lot rent arrears and, in the event of an eviction, provides more time to move or sell one’s home. Currently Colorado allows just 48 hours post-judgment of eviction. This bill extends that to 30 days.

The bill will take effect upon the Governor’s signature. The FSIR Committee voted to Support HB19-1309.

HB19-1246– - Local Government Regulation of Food trucks: Understanding that food trucks are a growing part of Colorado’s economy and intend to operate in various locations and municipalities across the state, the original intention of the bill was to lessen the local jurisdiction’s authority to regulate permitting and licensing of food trucks. However after issues were raised by municipalities and the Colorado Municipal League (CML), the bill was turned into a study. The amended language provides an opportunity for CML, local governments and other stakeholders to meet and solicit recommendations and report their findings to the General Assembly on or before Nov. 1, 2019. The FSIR voted to remove the Oppose position and Monitor HB19-1246.

HB19-1035 - Electrical Inspections Fee Cap: This bill removes the current cap on the fees local governments and institutions of higher education can charge for electrical inspections. Starting this summer, they may assess up to 15 percent more than the fees charged by the state on January 1, 2015.

This bill takes effect August 2, 2019. The FSIR Committee voted to Support HB19-1035.

HB19-1086 - Plumbing Inspections: This bill modifies the renewal and reinstatement requirements for plumber licenses and requires that all entities conducting plumbing inspections create procedures for conducting a compliance review contemporaneous with the inspection. Specifically, Section 2 requires that state plumbing inspectors, or plumbing inspectors employed by the state, a county, or a town or city, incorporated or unincorporated, to conduct a contemporaneous review of each plumbing project inspected to ensure compliance with the plumbing law, including specifically licensure and apprentice requirements. The FSIR committee voted to remove the Oppose option and Monitor HB19-1086 as amended..

HB19-1033– Local Governments May Regulate Nicotine products: This bill allows local governments to enact an ordinance regulating the sale of cigarettes and other tobacco or nicotine-based products to minors. In addition, it allows local governments to impose fees, licenses and taxes on cigarette sales without losing their share of state cigarette tax revenues. Should a county decide, a ballot question could go to the vote of the people within that county to impose a special sales tax on the sale of cigarettes and tobacco and nicotine products. If approved, the county and municipality may then enter into an intergovernmental agreement authorizing the county to continue to levy, collect and enforce its special sales tax within the corporate limits of the municipality.

This bill has been signed by the Governor and will take effect on July 1, 2019. The FSIR committee voted to Support HB19-1033.

SB19-103- Legalizing Minors' Businesses: This bill prohibits a local government from requiring a license or permit for a business operated by a minor (i.e., a person under the age of 18) on an occasional basis (less than 84 days) so long as it is located a sufficient distance from a commercial entity.

This bill was signed into law on April 1, 2019. The FSIR committee voted to Oppose SB19-103.

Marijuana, Hemp and E- cigarettes

HB19-1230 -Marijuana Hospitality Establishments: Beginning January 1, 2020, the bill allows for the operation of “marijuana hospitality establishments” and “retail marijuana hospitality and sales establishments,” as approved by local governments a “marijuana hospitality establishment” means a facility (which can be mobile) that allows consumption of marijuana. A “retail marijuana hospitality and sales establishment” cannot be mobile. A local jurisdiction can authorize the operation of a marijuana hospitality establishment within its jurisdiction through the enactment of an ordinance, or via a referred or initiated measure.

The bill takes effect August 2, 2019.

HB19-1234–Regulating marijuana delivery: This bill phases in a marijuana delivery permit for licensed medical and retail marijuana businesses and transporting. Beginning January 2, 2020, medical marijuana centers may apply to the Marijuana Enforcement Division (MED) for delivery permits. Beginning on January 2, 2021, retail marijuana stores may apply to the MED for delivery and transporter permits. The bill establishes the following marijuana delivery requirements, among others:

- Vendor and delivery training.
- A \$1 surcharge on each delivery to be remitted to the municipality or county where the establishment is in business, to be used for law enforcement purposes.
- No more than one delivery to the same person per day.
- No delivery in jurisdictions that prohibit the operation of other licensed marijuana businesses.

The bill takes effect on Aug. 2, 2019. The FSIR Committee voted to Monitor HB19-1234

SB19-240—Regulating Industrial hemp products Regulation: This bill authorizes local governments to adopt ordinances or resolutions regulating the storage, extracting, processing and/or manufacturing of industrial hemp and other products. Ordinances and resolutions may not conflict with state law.

The bill takes effect upon the Governor's signature

HB19-1076 - Clean Indoor Air Act Add E- Cigarettes and Remove Expectations: Under this bill, electronic cigarettes and other vaping products are included in the Colorado Clean Indoor Air Act. Local governments are prohibited from promulgating smoking regulations less restrictive than the analogous provision in the CCIAA. In addition, the bill increases the smoke-free radius from a building entryway to 25 feet from the current 15 feet.

Upon the Governor's signature, the bill takes effect July 1, 2019. The FSIR voted to Oppose Unless Amended HB19-1076.

Law Enforcement and Public Safety

HB19-1073—Law Enforcement Information Sharing: This bill creates the Law Enforcement, Public Safety, and Criminal Justice Information Sharing Grant Program. The purpose of this grant program is to provide grants to assist local law enforcement agencies with gaining access to the Colorado Information Sharing Consortium (CISC). The CISC acts as a facilitator between Colorado law enforcement agencies to enable each department to better share data. This bill allows rural and other police agencies to apply for grant monies to join the CISC and take part in the consortium. The bill directs the general assembly to appropriate \$500,000 to the fund from the marijuana tax cash fund for the 2019-20 fiscal year.

The bill passed the last day of session and is awaiting the Governor's signature. The FSIR committee voted to Support HB19-1073.

HB19-1177—Extreme Risk Protection Orders: This bill creates procedures for courts to issue extreme risk protection orders (ERPOs) requiring an individual found to pose a significant risk of causing personal injury to themselves or others to surrender all firearms until the order expires or is terminated.

- A family or household member, as well as a law enforcement agency, may petition the court to issue an ERPO.
- If an ERPO is issued, the respondent must surrender his or her firearm by selling or transferring it to a federally registered dealer or surrendering it to law enforcement. The respondent must also surrender his or her concealed carry permit.

This was another highly contentious piece of legislation and certain amendments that were added in the Senate are worth noting, particularly one that restore rights if a judge rules that the person who had his or her guns removed no longer poses a significant risk. Other provisions:

- While the filing of the ERPO petition and initial hearing (set for either the same or the next day) can both be by telephone and without telling the accused, if the court approves a temporary ERPO (the ruling is made at the initial hearing based on a preponderance of the evidence), a transcript of that hearing must be provided to the respondent prior to his or her court date (see directly below).
- A law enforcement officer is required to serve upon the respondent the temporary ERPO along with notice of hearing, set for 14 days after delivery, and petition, as well as a notice that includes referrals to appropriate resources, including domestic violence, behavioral health and counseling resources in the same manner as provided for in section 13-14.5-105 for service of the notice hearing where the respondent resides.
- An ERPO does not constitute a finding that a respondent is a "prohibited person" pursuant to 18 U.S.C. sec.922; this subsection does not alter a temporary ERPO or an ERPO, and a respondent subject to a temporary ERPO or

an ERPO is prohibited from possessing a firearm under state law. This subsection (6) does not change the duty to enter a temporary ERPO or ERPO into the appropriate databases pursuant to section 13-14.5-110.

HB19-1177 was signed into law on April 12, 2019, and goes into effect on Jan 1, 2020. The Aurora City Council voted to Support HB19-1177.

Landlord-Tenant - Housing

HB19-1106–Rental Application Fees: This bill prohibits a landlord from charging a rental application fee unless the entire amount of the fee is used to cover the landlord's cost to process a rental application, such as the cost of conducting a personal reference check or obtaining a consumer credit report. In addition, a landlord must provide a prospective tenant with specified notifications if the landlord, after reviewing and evaluating the prospective tenant's application, rejects the applicant or places additional requirements in the rental application.

The bill takes effect on Aug. 2, 2019.

HB19-1228–Increase Allocation Affordable Housing: This bill increases the amount of state Affordable Housing Tax Credits available for annual allocation by the Colorado Housing and Finance Authority (CHFA) to \$10 million from \$5 million per calendar year, starting in January 2020 and ending on December 31, 2024. CHFA currently allocates up to \$380 million in state affordable housing tax credits to developers of qualifying housing projects. This bill allows CHFA to offer more tax credits, particularly to areas affected by natural disasters.

The bill is awaiting signature of the Governor. The FSIR committee voted to Support HB19-1228.

HB19-1118–Time Period to Cure Lease Violation: This bill increases the amount of time a tenant has to cure a lease violation (e.g., unpaid rent or other violation of a condition or covenant of the lease agreement) from the current 3 days to 14 days before the landlord may initiate eviction proceedings. The only exception to this extension would be if the tenant has committed a substantial violation of the lease agreement.

This bill takes effect upon the Governor's signature.

HB19-1170–Residential Tenants Health and Safety Act: Implicit in every residential rental agreement is a warranty of habitability, i.e., a presumption that the premises are fit for human habitation.) The bill will permit a tenant to seek a civil ruling in court and obtain injunctive relief without notifying a local government. Basically, if there are defective conditions of the property, the bill sets up a method for notifying the landlord, time limits to address defective conditions; defines to a greater extent what is non-habitable, such as mold or non-functioning appliances; and if a residence is not habitable, allows the tenant to require the landlord to move the tenant to a reasonably comparable unit and to cover the costs of moving to a temporary location. The bill will shift some workload from district court to county and small claims court.

This bill takes effect upon the Governor's signature.

HB19-1245 - Affordable Housing Funding from Vendor Fee Changes: Currently under state law, retail stores that collect sales and use tax are allowed to retain 3.3 percent of that to cover the cost of collecting and remitting the tax. This bill increases the state vendor fee allowance on sales and use tax accounts to 4 percent, and mandates that retailers with more than one store (such as WalMart) must register all their locations under *one entity*. Retailers registered as one entity will now be allowed to keep \$1,000 per month, with the rest of the money going to the development of affordable housing. The fiscal note of the bill shows that 1,400 sales and use tax accounts would be capped under this bill. The Housing Development Grant Fund consists of moneys appropriated by the General Assembly to acquire, rehabilitate, and construct affordable housing projects through a competitive grant process. Monies from the vendor fee will go to this grant fund.

After a long debate in the Senate, the bill was passed on May 2, 2019, and is currently waiting the Governor's signature.

The FSIR Committee voted to Support HB19-1245.

Employment wage and insurance

SB19-085–Equal Pay for Equal work: This bill removes the authority of the director of the Department of Labor and Employment’s Division of Labor Standards and Statistics 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.

The bill went through a number of amendments in the Senate to include issues of geographic location where work is performed; education, training or experience to the extent that they are reasonably related to the work in question; and travel if the travel is regular and necessary condition of the work performed.

The bill is awaiting the Governor’s signature.

SB19-188–Family Medical Leave Insurance Program: This bill originally created the Family and Medical Leave Insurance (FAMLI) program in the Department of Labor and Employment’s Division of Family and Medical Leave Insurance, to provide partial wage replacement benefits to an eligible individual who takes leave from work to care for a new child or a family member with a serious health condition as well as domestic violence and stalking. The bill had huge pushback from local governments and the business community in terms of cost, utilization and the fact that many businesses provide more generous leave for employees than the legislation offered.

After contentious debate the bill was turned into a study. The Department of Labor and Employment will contract with experts in the field of paid family and medical leave. A task force will be formed to recommend a plan for a paid family medical leave program for the state, and the state will conduct an actuarial study of the final plan.

The bill passed on May 1, 2019, and awaits the Governor’s signature. The Aurora City Council Voted to Oppose SB19-188.

Municipal Courts

SB19-030–Improper Guilty Pleas: Under current law, individuals facing certain criminal offenses may be offered a deferred judgment and sentence. In exchange for pleading guilty, the defendant will have to meet certain conditions, such as a term of probation, and if the individual completes the terms of his deferred sentence, the guilty plea is withdrawn and the case, including any charges and sentences, is dismissed. This bill allows a defendant to petition the court and challenge the guilty plea on the grounds that the defendant was not properly advised of all of the potential consequences associated with the guilty plea, such as immigration action.

This bill takes effect upon the Governor’s signature. The FSIR committee voted to Monitor SB19-030.

HB19-1225–No Monetary Bail for Certain Low-Level Offenses: With some exceptions, this bill eliminates cash bonds for minor crimes and low-level offenses, such as municipal and traffic violations. Monetary bond conditions may still apply in the case of a defendant who fails to appear in court or violates a condition of his or her release on bond.

This bill takes effect upon the Governor's signature. The FSIR committee voted to Monitor HB19-1225.

Referred Measures

HB19-1327—Authorize & Tax Sports Betting This bill initiates the question for Colorado voters to decide if Colorado will expand its gaming laws to allow sports betting. Currently nine states have legalized sports betting. Come November 2019, voters will have the opportunity decide whether to allow sports betting— both in-person at casinos in the state’s three gaming towns (Black Hawk, Central City, and Cripple Creek) and online through internet sports betting operators contracted by casinos—beginning in May 2020. This includes professional, collegiate, sanctioned motor sports and Olympic sporting events.

A 10 percent tax will be levied on the net sports betting proceeds. All of the revenue generated by this tax will be deposited into a newly created Sports Betting Fund.

HB19-1257 and HB19-1258—Allocating voter-approved revenue for education and transportation: This bill provides that HB19-1257 be referred to voters at the 2019 statewide election in November and be designated Proposition CC. With voter approval, Proposition CC permits the state to retain and spend or save all revenue collected in FY 2019-20 and subsequent years as a voter-approved revenue change under the state TABOR limit, and that revenue retained be spent for public schools; higher education; and roads, bridges and transit projects.

Miscellaneous

HB19-1239—Census Outreach Grant Program: To promote an accurate count in the next decennial census in 2020, the General Assembly created the Census Outreach Grant Program. Administered by the Division of Local Government of the Department of Local Affairs, the program will provide grants to “eligible recipients.” The bill appropriates \$6 million from the general fund for distribution to local governments, intergovernmental agencies, councils of governments, housing authorities, school districts and nonprofit organizations.

The bill takes effect upon the Governor’s signature.

Unsuccessful Legislation Expected to Resurface in 2020

SB19-225—Authorize Local Governments to Stabilize Rent: On April 1, 2019, Democratic senators introduced legislation to remove the state prohibition on local government ordinances and regulations to control rent prices on private residential properties. Although the legislation made it out of the Senate’s State, Veterans, & Military Affairs Committee, it was never debated on the Senate floor. With the understanding that the bill needed more stakeholder work and votes to get passed out of the Senate, the bill eventually died on the calendar. Currently there are only four states with active rent control laws, and it is questionable whether Colorado will join their ranks.

SB19-012—Use of Mobile Electronic Devices While Driving: This bill makes using a mobile electronic device while driving a class A traffic infraction. Under current law, drivers under the age of 18 are prohibited from using a mobile electronic device while driving, while drivers over 18 are prohibited from texting and driving. This bill prohibits the use of a mobile electronic device while driving for all drivers unless the driver is contacting a public safety entity, there is an emergency, or the driver is using a hands free accessory and over the age of 18. SB19-012 made its way out of the Senate—but met its fate in the House being postponed indefinitely in House Judiciary on April 16, 2019.

HB19-1096- Colorado Right to Rest. 2019 was the fourth attempt by Representative Jovan Melton to introduced the Right to Rest Act. Unlike years past, this legislation was quickly postponed indefinitely with no committee hearing or debate and withdrawn from the calendar. With the recent initiative on Denver’s municipal election ballot, Initiative “300” or also known as “Right to Survive” modeled the Right to Rest language we’ve seen in the Colorado legislature. Asking Denver voters to allow resting and camping in outdoor public places was on the ballot this May election. With the initiative

failing by over 80%, Denver and Colorado still face the challenge on homelessness and public resting/camping bans.

HB19-1226- Bond Reform: In addition to the bipartisan work on bond reform and pretrial services, there is still work to be done to address these issues. HB19-1226 was unsuccessful in the final days of the legislative session. The intent of the bill was to repeal, reenact and amend various statutes related to bail, bond hearings, and pretrial services. We expect 2020 to see legislation related to the same concept.

Appendix

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MEMORANDUM

TO: FSIR
FROM: MICHAEL CREWS, INTERGOVERNMENTAL RELATIONS
COORDINATOR
SUBJECT: STATE LEGISLATION UPDATE
DATE: 5/16/2019

Marijuana/Hemp

Hemp Regulation: SB19-240 Industrial Hemp Products Regulation would authorize local government to adopt ordinances or resolutions regulating the storage, extracting, processing, or manufacturing of industrial hemp or industrial hemp products, however, if the ordinances or resolutions are in conflict with state regulation, then state law controls. The bill is effective upon signature.

Marijuana Delivery: HB19-1234 Regulated Marijuana Delivery creates marijuana delivery permits for licensed medical marijuana centers and transporters and licensed retail marijuana stores and transporters that allow the centers, stores, and transporters to deliver medical marijuana, medical marijuana-infused products, retail marijuana, and retail marijuana products to customers. The bill gives the state licensing authority rule-making authority over the permit and delivery system. Medical marijuana delivery permitting begins January 2, 2020, and retail marijuana delivery permitting begins January 2, 2021. The bill is effective on August 2, 2019.

Public Consumption of Marijuana: SB19-224 Sunset Regulated Marijuana allows local governments to adopt an ordinance or resolution authorizing marijuana consumption locations or circumstances that are exceptions to the prohibitions provided by the definitions of “ Open” or “Openly” and “ Public” or Publicly” related to consumption. The bill is effective on January 1, 2020.

"Open" or "Openly" means observable by the public or a substantial number of the public.

“ Public” or Publicly” means a place to which the public or a substantial number of the public has access without restriction, including but not limited to streets and highways, transportation facilities, places of amusement, parks, playground, and the common areas of buildings and other facilities

“Open and Public” or “Openly and Publicly” does not include any activity occurring on private residential property by the occupant or his or her guests.

Marijuana Hospitality Establishments: HB19-1230 Marijuana Hospitality Establishments. If approval is received by both the state and local licensing authorities, the bill authorizes marijuana hospitality spaces in which marijuana may be consumed on-site and retail marijuana hospitality and sales establishments in which retail marijuana, retail marijuana concentrate, and retail marijuana products may be sold and consumed on site in the establishment's hospitality space. The bill is effective on August 2, 2019.

Marijuana hospitality establishments: Marijuana hospitality establishments are licensed to allow the consumption of marijuana on the premises. These establishments may be mobile, and may not sell or permit the sale of marijuana on the licensed premises.

Retail marijuana hospitality and sales establishments: Retail marijuana hospitality and sales establishments are licensed to allow the consumption of retail marijuana or retail marijuana products that are sold by the establishment. A hospitality and sales establishment may not be a mobile facility, and may not sell any marijuana products that contain nicotine or alcohol if the sale of alcohol would require a liquor license. The hospitality and sales establishment may purchase its product from a licensed retail marijuana store, cultivation facility, or marijuana products manufacturer.

Affordable Housing

Housing Tax Credit: HB19-1228 Increase Tax Credit Allocation Affordable Housing. Currently, under the affordable housing tax credit, during each calendar year of the period beginning in 2015 and ending in 2024 the Colorado housing and finance authority may allocate tax credits in an aggregate amount up to \$5 million annually. The bill increases the annual aggregate cap to \$10 million for the years beginning on January 1, 2020, and ending on December 31, 2024. While the increase in the annual aggregate cap would not directly impact the city it could aid in addressing our affordable housing issues if projects and developments are awarded in the city. The bill is effective on September 1, 2019.

Vendor Fee: HB19-1245 Affordable Housing Funding From Vendor Fee Changes. A retailer who collects state sales tax is currently allowed to retain 3 1/3% of the state sales taxes collected as compensation for the retailer's expenses incurred in collecting and remitting the tax (vendor fee). Beginning January 1, 2020, the bill increases the vendor fee to 4% and establishes a \$1,000 monthly cap on the vendor fee. This limit applies regardless of the number of the retailer's locations. A vendor with multiple locations is required to register all locations under one account with the department of revenue. The changes to the state vendor fee do not apply to a local government that imposes a sales tax and permits a vendor fee that is based on the state's vendor fee. A cap of \$1,000 a month would only impact large retailers. A retailer would have to have \$862,000 in taxable sales in the month to be impacted by the cap. The bill is effective on August 2, 2019.

Expand Supply Affordable Housing: HB19-1322 Expand Supply Affordable Housing. Assuming certain conditions are satisfied affecting the state's fiscal situation, section 1 of the bill requires the state treasurer to transfer \$30 million commencing with the 2020-21 state fiscal year and through and including the 2022-23 state fiscal year from the unclaimed property trust fund to the division of housing in the department of local affairs to be deposited by the division into the housing development grant fund to finance the uses described in the statute. The bill is effective on August 2, 2019.

Public Safety

Extreme Risk Protection Order: HB19-1177 Extreme Risk Protection Orders creates the ability for a family or household member or a law enforcement officer to petition the court for a temporary extreme risk protection order (ERPO). The petitioner must establish by a preponderance of the evidence that a person poses a significant risk to self or others by having a firearm in his or her custody or control or by possessing, purchasing, or receiving a firearm. The petitioner must submit an affidavit signed under oath and penalty of perjury that sets forth facts to support the issuance of a temporary ERPO and a reasonable basis for believing they exist. The court must hold a temporary ERPO hearing in person or by telephone on the day the petition is filed or on the court day immediately following the day the petition is filed. Upon issuance of the ERPO, the respondent shall surrender all of his or her firearms and his or her concealed carry permit if the respondent has one. After issuance of a temporary ERPO, the court must schedule a second hearing no later than 14 days following the issuance to determine whether the issuance of a continuing ERPO is warranted. The state court administrator must develop a standard petition form and start accepting petitions on January 1, 2020.

Unlawful Abandonment And Confinement: SB19-172 Protect From Unlawful Abandonment And Confinement. The bill makes it a crime to unlawfully abandon an at-risk person. The intentional desertion of an at-risk person in a manner that endangers the safety of that person constitutes unlawful abandonment. Unlawful abandonment is a class 1 misdemeanor. The bill creates the crime of false imprisonment of an at-risk person if A person confines or detains an at-risk person in a locked or barricaded room under circumstances that cause bodily injury or serious emotional distress; and Such confinement or detention was part of a continued pattern of cruel punishment or unreasonable isolation or confinement of the at-risk person; or The person confines or detains an at-risk person and unreasonably restricts that person's freedom of movement by tying, caging, chaining, or otherwise using similar physical restraints or by threatening or intimidating the at-risk person. False imprisonment of an at-risk person is a class 6 felony. The bill takes effect July 11, 2019, and applies to offenses committed on or after said date.

Vulnerable Road User Penalties: SB19-175 Serious Bodily Injury Vulnerable Road User Penalties. The bill makes it a class 1 traffic misdemeanor when careless driving of a motor vehicle causes serious bodily injury to a vulnerable road user. The bill allows the court to require the violator to attend a driver improvement course and to require the violator to perform useful public service. The bill also subjects a violator to a restitution order and a license suspension of one year. However, the department of revenue shall consider whether to issue a restricted license to a person convicted of careless driving of a motor vehicle that causes serious bodily injury to a vulnerable road user if the person is required to drive a motor vehicle to and from his or her place of employment or to perform duties within the course of his or her employment. The bill is effective upon signature of the Governor and applies to any offense committed on after that date.

Revoke P.O.S.T Certification: SB19-166 Peace Officers Standards And Training Board Revoke Certification For Untruthful Statement. The bill requires the peace officers standards and training board, which certifies peace officers, to revoke the certification of a peace officer if: The P.O.S.T. board receives notification from a law enforcement agency that employs or employed the peace officer that the peace officer knowingly made an untruthful statement concerning a material fact or omitted a material fact on an official criminal justice record, while testifying under oath, or during an

internal affairs investigation or comparable administrative investigation; The law enforcement agency certifies that it completed an administrative process, including any appeals process, defined by a published policy of the law enforcement agency and through that process, the law enforcement agency determined by a clear and convincing standard of the evidence that the officer knowingly made an untruthful statement concerning a material fact or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or comparable administrative investigation; and The P.O.S.T. board notifies the officer that it has received the notification from the law enforcement agency and either the officer does not request a P.O.S.T. board hearing or the P.O.S.T. board has determined, after conducting a hearing requested by the officer, that the officer knowingly made the untruthful statement or omitted a material fact. The bill allows a person whose P.O.S.T. certification is revoked to appeal the revocation in accordance with rules of the P.O.S.T. board and may seek judicial review pursuant to the "State Administrative Procedure Act". The bill takes effect on August 2, 2019.

Motorcyclists Traffic Signals: SB19-144 Motorcyclists And Malfunctioning Traffic Signals. Under current law, when a driver approaches an intersection and faces a traffic control signal which is inoperative or which remains on steady red or steady yellow during several time cycles, the rules controlling entrance to a through street or highway from a stop street or highway apply until a police officer assumes control of traffic or until normal operation is resumed. In the event that any traffic control signal at a place other than an intersection should cease to operate or should malfunction, drivers may proceed through the inoperative or malfunctioning signal only with caution, as if the signal were one of flashing yellow. The bill adds language stating that when a driver approaches an intersection and faces a traffic control signal that does not recognize a motorcycle that is operated by the driver, the rules controlling entrance to a through street or highway from a stop street or highway apply until a police officer assumes control of traffic or until normal operation is resumed. The bill takes effect on August 2, 2019.

Child Abuse Statute of Limitations: SB19-049 Statute Of Limitation Failure Report Child Abuse. The bill makes the statute of limitations 3 years for failure to report child abuse when a mandatory reporter has reasonable cause to know or suspect that a child has been subjected to unlawful sexual behavior or observed the child being subjected to circumstances or conditions that would reasonably result in unlawful sexual behavior. The bill is effective upon signature of the Governor.

Information Sharing Grant: HB19-1073 Law Enforcement Information Sharing Grant Program. The bill creates the law enforcement, public safety, and criminal justice information sharing grant program within the division of homeland security and emergency management in the department of public safety. The grant program provides grants to assist local law enforcement agencies in gaining access to the information-sharing system created by the Colorado information sharing consortium. Grant recipients can use the money to pay for computer hardware, software, and programming costs necessary to connect to CISC's information-sharing systems. As a condition of each grant, the grant recipient and CISC are required to ensure that the information systems comply with federal data security requirements and that the law enforcement data and intelligence information that is shared complies with federal regulations governing the use of criminal justice information systems. The bill is effective upon signature of the Governor.

Internal Investigation Open Records: HB19-1119 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 and allows other 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. Under the bill, a custodian of a file in which there is an ongoing criminal case can deny inspection of the file. The file becomes open for inspection after all the charges are dismissed or the defendant is sentenced. The bill allows a person who has been denied access to any information in a completed internal affairs investigation file to file an application in court to show cause why the withheld or redacted information should not be made available to the applicant. If the court determines, based on its independent judgment, applying for de novo review, that any portion or portions of the completed internal affairs investigation file were improperly withheld, the court shall order the custodian to provide the applicant with a copy of those portions that were improperly withheld. The bill is effective upon signature of the Governor.

Peace Officer Mental Health: HB19-1244 Expand Peace Officer Mental Health Support Program. Under current law, only county sheriffs' offices and municipal police departments may apply for a grant from the peace officers mental health support grant program. The bill opens the program to additional "eligible applicants", which include other types of law enforcement agencies as well as organizations that provide services and programs that promote the mental health wellness of peace officers. The bill also specifies new permissible uses of grant money and requires grant recipients to report to the department of local affairs concerning their use of grant money. The bill is effective on August 2, 2019.

Planning

Notice to Property Owners: HB19-1084 Notice To Property Owners Whether Area Blighted. Under current law, an urban renewal authority must provide a notice to any owner of private property in any area being assessed for blighted conditions. A notice must also be provided by the URA to any private property owner if the area is determined by the study to not be blighted. This bill changes the time period for when the notice of the blight study final determination must be sent from 30 days to 7 days and clarifies that the notice must be sent by the URA or the municipality regardless of the final determination of the study. The bill is effective on September 1, 2019.

Tax and Licensing

Legalizing Minors' Businesses: SB19-103 Legalizing Minors' Businesses would prohibit a municipality from requiring a license or permit for a business that is operated on an occasional basis (not in operation for more than 84 days in a calendar year) by a minor and is located a sufficient distance from a commercial entity as determined by the municipality to prevent the minor's business from becoming a direct economic competitor of the commercial entity. The bill is effective upon signature of the Governor.

Nicotine Taxation: HB19-1033 Local Governments May Regulate Nicotine Products. Allows local governments to enact an ordinance regulating the sale of cigarettes, tobacco products, or nicotine

products to minors. Allows local governments to impose fees, licenses, or taxes on cigarette sales without losing their apportioned state cigarette tax revenues. And authorizes local governments, if approved by a vote of the people to impose a special sales tax on the sale of cigarettes, tobacco products, or nicotine products and provides a mechanism by which a county's special sales tax applies to a municipality within the boundary of the county unless the municipality, if approved by a vote of the people within the municipality, enacts its own such special sales tax; however, the county and municipality may then enter into an intergovernmental agreement authorizing the county to continue to levy, collect, and enforce its special sales tax within the corporate limits of the municipality. The bill is effective on July 1, 2019.

Public Works

Plumbing Inspections: HB19-1086 Plumbing Inspections Ensure Compliance. Current law allows the state plumbing board to require licensees to demonstrate competency before reinstatement of an expired license. Section 1 of the bill expands the competency requirement to registrants. Section 2 requires state plumbing inspectors or plumbing inspectors employed by the state, an incorporated town or city, county, city, and county conduct a contemporaneous review of each plumbing project inspected to ensure compliance with the plumbing law, including specifically licensure and apprentice requirements. However, each entity need not perform a contemporaneous review for each inspection of a project. The bill is effective on January 1, 2020.

Electrical Inspections: HB19-1035 Remove Fee Cap Electrical Inspection Local Government Higher Education. The maximum permit fee for electrical inspections by any city must not be more than one hundred twenty dollars, as adjusted annually, starting January 1, 2021. Additionally, a local government may adjust the permit fee by imposing an additional tiered charge based on size or valuation of the improvement and a multiplier of eight percent of the fee. The maximum inspection fee for electrical inspections by any city must not be more than one hundred twenty dollars, as adjusted annually, starting January 1, 2021. Additionally, a local government may adjust the permit fee by imposing an additional tiered charge based on size or valuation of the improvement and a multiplier of eight percent of the fee. The bill is effective on August 2, 2019.

Electric Scooters: HB19-1221 Regulation of Electric Scooters. The bill defines an electric scooter as a device with handlebars and an electric motor that weighs less than 100 pounds; that is powered by an electric motor and has a maximum speed of 20 miles per hour. The bill adds electric scooters to the definition of motor vehicles and authorizes them for use on the roadway; however electric scooters are not required to be registered. The bill regulates electric scooters in a manner similar to electric-assisted bicycles and also allows local governments to regulate the use of electric scooters in a manner consistent with a class 1 electric-assisted bicycle. The bill is effective upon signature of the Governor.

Highway Users Tax Fund: SB19-262 General Fund Transfer To Highway Users Tax Fund. On July 1, 2019, this bill transfers \$100 million from the General Fund to the Highway Users Tax Fund to be distributed to the State Highway Fund in the Colorado Department of Transportation and local governments. Counties and municipalities will receive \$40 million of the HUTF funding under the bill. Based on the second stream distribution formula, counties will receive \$22 million and

municipalities will receive \$18 million. Allocations to individual counties and municipalities will be based on a current statutory formula. Local governments may expend these funds for transportation projects only. The bill is effective upon signature of the Governor.

Criminal Justice

Improper Guilty Pleas: SB19-030 Remediating Improper Guilty Pleas would address that in some instances when criminal defendants entered a guilty plea in connection to a deferred judgment they were not advised that there may be additional penalties that attach to the plea even if the plea is later withdrawn and the case is dismissed. These defendants did not knowingly, intelligently, and voluntarily enter the plea of guilty as required by law. The bill authorizes these persons to petition the court for an order vacating the guilty plea. The bill will have an impact on municipal courts in that it will add requirements currently not supported by Supreme Court case law. The language of the proposed bill is broad and unclear. The bill takes effect upon signature of the Governor and applies to charges that were dismissed before, on, or after the bill is signed.

Juvenile Record: HB19-1335 Juvenile Record Expungement Clean-up. The bill makes changes and clarifications to the juvenile record expungement provisions. The bill clarifies which dismissals and alternative dispositions are eligible for automatic expungement. The bill allows expungement of a diversion record without filing a case and allows a victim an opportunity to object. The bill clarifies when a sentence is complete, which triggers the expungement process. Under current law, a class 1 misdemeanor sex offense can be expunged. The bill allows class 2 and class 3 misdemeanor sex offenses to be expunged. The bill requires the juvenile court to determine whether a juvenile who has his or her record expunged for a sex offense should have a continuing duty to register as a sex offender. The bill clarifies to whom the notice of expungement needs to be sent so that only the agencies with the records receive the notice. The bill makes clear that juvenile record expungement applies in municipal court by creating a new section for municipal court expungement. The bill is effective upon signature of the Governor

Substance Use Disorder Treatment: SB19-008 Substance Use Disorder Treatment In Criminal Justice System. Section 1 of the bill requires the Colorado commission on criminal and juvenile justice to study and make recommendations concerning: Alternatives to filing criminal charges against individuals with substance use disorders who have been arrested for drug-related offenses; Best practices for investigating unlawful opioid distribution in Colorado; and A process for automatically sealing criminal records for drug offense convictions.

Section 2 of the bill requires the department of corrections to allow medication-assisted treatment to be provided to persons who were receiving treatment in a local jail prior to being transferred to the custody of the DOC. DOC may enter into agreements with community agencies and organizations to assist in the development and administration of medication-assisted treatment. Section 4 of the bill creates a simplified process for sealing convictions for level 4 drug felonies, all drug misdemeanors, and any offense committed prior to October 1, 2013, that would have been a level 4 drug felony or drug misdemeanor if committed on or after October 1, 2013. A defendant may file a motion to seal records 3 years or more after final disposition of the criminal proceedings. Conviction records may be sealed only after a hearing and upon court order.

Section 7 of the bill requires jails that receive funding through the jail-based behavioral health services program to have a policy in place on or before January 1, 2020, that describes how medication-assisted treatment will be provided, when necessary, to individuals in the jail. The jail may enter into agreements with community agencies and organizations to assist in the development and administration of medication-assisted treatment. The bill is effective on August 2, 2019.

Monetary Bail: HB19-1225 No Monetary Bail For Certain Low-level Offenses. Under current law, the court is required to release a person charged with a class 3 misdemeanor, petty offense, or unclassified offense on a personal recognizance bond unless certain conditions exist. The bill removes petty offenses from that requirement. The bill prohibits a court from imposing a monetary condition of release for a defendant charged with a traffic offense, petty offense, or comparable municipal offense, except for a traffic offense involving death or bodily injury, eluding a police officer, circumventing an interlock device, or a municipal offense with substantially similar elements to a state misdemeanor offense. The bill does not prohibit a defendant's release based on a pretrial policy that includes monetary conditions if the defendant is informed that he or she would be released without monetary conditions if he or she waits for a bond hearing. The bill does not prohibit the issuance of a warrant with monetary conditions of bond for a defendant who fails to appear in court as required or who violates a condition of release. The bill is effective upon signature of the Governor.

Human Resources

Equal Pay For Equal Work Act: SB19-085 Equal Pay For Equal Work Act. This bill modifies the wage discrimination law and creates new provisions regarding transparency in wages and promotions. It removes the authority of the Department of Labor and Employment to enforce sex-based wage discrimination complaints and allows a person to commence a civil action in the district court within two years of a violation. A person aggrieved by a violation may obtain relief for back pay for the entire time the violation continued for up to three years. A wage differential is allowed where the employer can demonstrate that the wage differential is based on a seniority or merit system, or a system that measures earnings by quantity or quality of production. Employers are prohibited from seeking the wage history of a prospective employee; discriminating or retaliating against a prospective employee for failing to disclose his or her wage history; or prohibiting an employee from disclosing wage information. Employers who violate sex-based wage discrimination law are liable for economic damages and equitable relief and the employee's reasonable costs, including attorney fees and other legal expenses. The bill also requires employers to make reasonable efforts to notify all current employees of promotion opportunities on the same day and prior to making a promotion decision. Employers are required to disclose an hourly wage rate or range for all job postings. CDLE has the authority to enforce the wage and promotion transparency provisions and employers are subject to penalties of \$500 to \$10,000 per violation. If an employee who brings suit for wage discrimination also demonstrates a violation of the wage and promotion transparency provisions, the court may order appropriate relief, including a presumption that records not kept by the employer can be considered evidence that the violation was not made in good faith. The bill is effective on January 1, 2021

Miscellaneous

Local Government Minimum Wage: HB19-1210 Local Government Minimum Wage. The bill allows a unit of local government to enact laws establishing a minimum wage within its jurisdiction. The city either through ordinance or ballot initiative can enact a minimum wage for individuals performing or expected to perform four or more hours of work for an employer in any given week in the city's jurisdiction. The minimum wage set can exceed the state's minimum wage and may only be increased by a rate up to \$17.75 or 15% whichever is higher in a given year to reach the city's determined minimum wage rate. The bill provides specific guidance for tipped workers and nursing facility providers. At any point, if 10% of local governments throughout the state have enacted a minimum wage law, a local government that has not such a law is prohibited from doing such until the General Assembly amends the bill to allow for additional local governments to enact such laws. The bill is effective on January 1, 2020.

Census Grants: HB19-1239 Census Outreach Grant Program would create a grant program housed within the Department of Local Affairs which would distribute \$6 million dollars to local governments, intergovernmental agencies, councils of government, housing authorities, school districts, and nonprofit organizations to support the accurate counting of the population of the state for the 2020 census. The bill specifies that eligible recipients may use grant money to conduct 2020 census outreach, promotion, and education to focus on hard-to-count communities in the state and to increase the self-response rate and accuracy of the 2020 census. The bill is effective upon signature of the Governor.

Mobile Home Park Act: HB19-1309 Mobile Home Park Act Oversight. The bill provides protections for mobile home owners by granting counties and municipalities the power to enact certain ordinances for mobile home parks; extending the time period between the notice of nonpayment of rent and the termination of any tenancy or other estate at will or lease in a mobile home park; and extending the time a mobile home owner has to vacate a mobile home park after a court enters an eviction order. The bill also creates the "Mobile Home Park Act Dispute Resolution and Enforcement Program". The program authorizes the division of housing of the department of local affairs to Register mobile home parks; collect a registration fee from mobile home parks; collect and annually report upon data related to disputes and violations of the "Mobile Home Park Act"; produce and distribute educational materials concerning the act and the program; create and maintain a database of mobile home parks; create and maintain a database to manage the program; and take complaints, conduct investigations, make determinations, impose penalties, and participate in administrative dispute resolutions when there are alleged violations of the act. The bill is effective upon signature of the Governor.



Federal, State and Intergovernmental Relations Agenda Item Commentary

Item Title: Aurora Water state legislative update
Item Initiator: Michael Crews, Intergovernmental Relations Coordinator
Staff Source: Kathy Kitzmann, Aurora Water Water Resources Principal
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 2.1: Work with appointed and elected representatives to ensure Aurora's interests--2012: 2.1--Work with appointed and elected representatives to ensure Aurora's interest

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Aurora Water will provide the committee with an end of session update.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

QUESTIONS FOR Committee

EXHIBITS ATTACHED:

CWAC Legislative Update 05-14-19.docx
FSIR AW Legislative Update 05-26-19.pptx

MEMORANDUM



City of Aurora

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To: Citizens' Water Advisory Committee

Through: Nancy Freed, Deputy City Manager
Marshall P. Brown, Director, Aurora Water
Greg Baker, Manager of Public Relations
Alex Davis, Deputy Director of Water Resources

From: Kathy Kitzmann, Water Resources Principal

Date: May 14, 2019

Subject: State Legislative Update

The purpose of this memo and presentation is to provide an update on 2019 State legislative efforts by the Aurora Water. The first regular session of the 72nd Colorado General Assembly convened on January 4, 2019 and will adjourn on May 3, 2019. As of April 30th, there have been 598 bills plus 50 resolutions & memorials introduced this session. Aurora Water reviewed 52 of these. The water related bills have been across a variety of issues with 26 being monitored for any potential amendments that might significantly change the bill as introduced. Aurora Water took a "support if asked" position on 20 bills that may support Aurora's ability to protect, maintain, and develop Aurora's water, sewer, and storm water systems for today and the future. Aurora Water took an "oppose if asked" position on 6 bills that may impair the ability for Aurora to perform its mission. This year, there were no bills to "Actively Support" nor "Actively Oppose", and a mild session overall. There were three distinctive areas to highlight:

Oil & Gas Regulation

In the natural resources area, the first two thirds of the session was dominated by the controversial *SB19-181: Protect Public Welfare Oil & Gas Operations*. This bill has been signed by the Governor and will expand the regulatory charge of the Department of Natural Resources related to oil and gas production, and allows local governments to also regulate oil and gas operations within their jurisdictions.

Aurora Water monitored this bill and will work with other City departments to implement any new City process or to develop any requirements for future oil & gas setbacks from water supply infrastructure within Aurora's jurisdiction. In addition, the bill's fiscal note stated the bill "may impact severance tax revenue in the future". Severance taxes provide funding for several State water programs that benefit Aurora, as such the severance tax amounts and health of the State water programs are watched every year.

Instream Flows

There were two bills, HB19-1218 and HB-1271, which would have expanded Colorado Water Conservation Board (CWCB) instream flow program abilities. Instream flow means any water or water rights appropriated by the CWCB for preservation of the natural environment to a reasonable degree, or any water, water rights or interests in water acquired by the Board for preservation or improvement of the

natural environment to a reasonable degree. Instream flows can be flows between specific points on a stream and natural surface levels or volumes for natural lakes.

HB19-1218: Loaned Water For Instream Flows To Improve Environment would have expanded CWCB's ability to utilize loaned water for instream flows from 3-years-in-10 to 15-years-in-30 and also would have allowed loans to occur in river segments without existing instream flows rights. This would have been a major expansion with potential injury to senior water rights and water users.

HB19-1271: Augmentation Of Instream Flows would have clarified that CWCB may augment stream flows with decreed augmentation water in order to preserve or improve the natural environment without requiring a further change of the augmentation water. This bill may have reduced exchange potential in certain rivers and may also have created cost burdens to existing systems for any infrastructure necessary to bypass the CWCB augmentation water.

Both bills were heavily amended through the process in an attempt to reach broader stakeholder consensus, but in the end both bills were killed by their sponsors. This topic may continue into the Interim Water Resources Review Committee to revise and have viable legislation for the 2020 session.

Colorado State Water Plan Funding

There were two bills, SB19-212 and HB19-1327, which will assist with funding of Colorado's Water Plan (Water Plan). In 2015, the State finalized the Water Plan with a framework and pathway to meet future water needs with goals of a productive economy, vibrant and sustainable cities, productive agriculture, a strong environment, and a robust recreation industry. Subsequently, five Water Plan grant categories were created to assist entities throughout the State to achieve the Plan goals: Water Storage & Supply, Conservation & Land Use, Engagement & Outreach, Agriculture, and Environmental & Recreation.

SB19-212: Appropriate General Fund Implement State Water Plan has been signed by the Governor. The bill codifies the Water Plan implementation grant program and makes a \$10 million appropriation. The bill also establishes criteria for the expenditures.

HB19-1327: Authorize & Tax Sports Betting Refer Under Tabor (along with voter approval) will decriminalize certain sports betting activities and levy a 10% tax on sports betting proceeds. The tax will be deposited and distributed from a new Sports Betting Fund. The bill further creates the Water Plan Implementation Cash Fund, which will receive deposits from the Sport Betting Fund. The bill's fiscal note estimates over \$4 million in FY2019-20 and over \$6 million in FY2020-21 for the Water Plan. The bill also creates a sixth grant category for any expenditure for interstate compact compliance, so that these revenues may be used for Colorado River Drought Contingency Plan or Demand Management actions. Lastly, the bill requires the statewide November 2019 election ballot to have the following question – "*Shall State taxes be increased by twenty-nine million dollars annually to fund state water projects and commitments and to pay for the regulation of sports betting through licensed casinos by authorizing a tax on sports betting of ten percent of net sports betting proceeds, and to impose the tax on persons licensed to conduct sports betting operations?*".

Aurora Water State Legislative Update

FSIR Committee

May 26, 2019





2019 Colorado General Assembly

- Convened on January 4, 2019 and ended May 3, 2019
- 598 bills + 56 resolutions/memorials introduced (as of May 9th)
 - ❖ Positions & Score Card of 52 reviewed by Aurora Water Department
 - **Actively Support: none**
 - **20 Support if asked: 13 signed (✓), 7 pending (○)**
 - **26 Neutral/Monitor: 8 signed (✓), 9 pending (○), 9 postponed indefinitely (-)**
 - **6 Oppose if Asked: 1 signed (✓), 5 postponed indefinitely (-)**
 - **Actively Oppose: none**



Water Bill “Categories”

- Water Rights / Water Management
 - Instream Flows, Water Conservation, Water Use, Districts
- Water Project / Program Funding
 - Severance Tax, General Fund, Studies, Projects
- Watershed Protection
 - Healthy Forests, Water Quality
- State Operations
 - Statutory Revisions, Safety, Misc.
- Land Use
 - Oil & Gas, Landowner Rights, Conservation Easements



Water Rights / Water Management (12)

- Instream Flows
 - ~~[HB19-1218](#) Loaned Water For Instream Flows to Improve Environment~~
 - ~~[HB19-1271](#) Augmentation Of Instream Flows~~
- Water Conservation
 - ✓ [HB19-1050](#) Encourage Use Of Xeriscape In Common Areas
 - ✓ [HB19-1200](#) Reclaimed Domestic Wastewater Point Of Compliance
 - [HB19-1231](#) New Appliance Energy And Water Efficiency Standards
- Water Use
 - [SB19-220](#) Hemp Regulation Alignment With 2018 Federal Farm Bill
 - ✓ [HB19-1082](#) Water Rights Easements
- Water Districts/Local Matters
 - ✓ [HB19-1029](#) Republican River Conservation District
 - ✓ [HB19-1087](#) Local Public Meeting Notices Posted On Website
 - ~~[HB19-1108](#) Nonresident Electors And Special Districts~~
 - ✓ [HB19-1213](#) Urban Drainage Flood Control District Director Compensation
 - [HB19-1284](#) Urban Drainage Flood Control District Board Directors



Water Project/Program Funding (14)

- Severance Tax, General Fund, Fees
 - ✓ [SB19-016](#) Severance Tax Operational Fund Distribution Methodology
 - ✓ [SB19-212](#) Appropriation General Fund Implement State Water Plan
 - [SB19-221](#) CO Water Conservation Board Construction FundProject
 - [HB19-1026](#) Parks And Wildlife Violations Of Law
 - [HB19-1259](#) Species Conservation Trust Fund Projects
 - [HB19-1327](#) Authorize & Tax Sports Betting Refer Under TABOR
 - ~~[SCR19-001](#) Transfer Of GOCO Great Outdoors Colorado Money To State Education Fund~~
- Water Studies
 - [SB19-096](#) Collect Long-term Climate Change Data
 - ~~[SB19-184](#) Authority Colorado Water Institute Study Blockchain Technology~~
 - ✓ [HB19-1015](#) Re-creation Of The Colorado Water Institute
- Water Projects
 - ✓ [SB19-138](#) Bond Requirements For Public Projects Using Private Financing
 - ✓ [SJM19-002](#) Corps of Engineers to Dredge Lower Arkansas River
 - ✓ [HJR19-1005](#) Water Projects Eligibility Lists
 - ✓ [HSJM19-001](#) Memorial for Arkansas Valley Conduit



Watershed Protection Bills (10)

- Healthy Forests / Wildfire Protection

- ✓ [SB19-019](#) County Fireworks Restriction July 4th
- [SB19-020](#) Wildland Fire Airspace Patrol System
- ~~[SB19-037](#) Wildfire Mitigation~~
- [SB19-040](#) Establish Colorado Fire Commission
- [HB19-1006](#) Wildfire Mitigation Wildland-Urban Interface Areas
- ✓ [HB19-1047](#) Metropolitan District Fire Protection Sales Tax

- Water Quality

- [SB19-186](#) Expand Agricultural Chemical Management Program Protect Surface Water
- ✓ [HB19-1113](#) Protect Water Quality Adverse Mining Impacts
- ~~[HB19-1204](#) Prohibit Camping Environmentally Sensitive Areas~~
- [HB19-1279](#) Protect Public Health Firefighter Safety Regulation PFAS Substances



Land Use (7)

- Oil & Gas
 - ✓ [SB19-181](#) Protect Public Welfare Oil And Gas Operations
- Landowner Rights
 - ~~[SB19-047](#) Remove Unauthorized Persons From Vacant Land~~
 - ✓ [HB19-1078](#) Landowner Consent Listing National Register
 - ~~[HB19-1096](#) Colorado Right To Rest~~
 - ~~[HB19-1303](#) No Liability If Landowner Grants Free Access Land~~
- Conservation Easements
 - ~~[HB19-1091](#) Conservation Easement Transparency~~
 - [HB19-1264](#) Conservation Easement Tax Credit Modifications



State Operations (9)

- CDPHE
 - ✓ [SB19-082](#) Repeal Board Of Health Authority Over CDPHE Funds
 - ✓ [HB19-1068](#) Repeal CDPHE Preparation Operational Planning
 - ✓ [HB19-1071](#) CDPHE Water Quality Control
- Other
 - ~~– [SB19-012](#) Use Of Mobile Electronic Devices While Driving~~
 - ~~– [SB19-062](#) Limit Agency Rule-making Authority To Amend Rules~~
 - ✓ [SB19-070](#) DNR Language Update
 - [SB19-236](#) Sunset Public Utilities Commission
 - ~~– [SB19-250](#) Limit Tiered Rates Electrical Utilities~~
 - [HB19-1207](#) Winter Conditions And Traction Control Requirements



Next Cycle

➤ Interim Committees

❖ Interim Water Resources Review Committee

- August through October meetings

❖ Interim Wildfire Matters Review Committee

- No Schedule yet

➤ 2020 Colorado General Assembly

QUESTIONS?





Federal, State and Intergovernmental Relations Agenda Item Commentary

Item Title:
Item Initiator: Michael Crews, Intergovernmental Relations Coordinator
Staff Source: Diana Peña Khribeche, Census Coordinator
Deputy City Manager Signature:
Outside Speaker: Lee Ann Morning, Census Partnership Specialist for Aurora
Council Goal: 4.4: Strengthen and build effective partnerships with the city's diverse community; and celebrate and appreciate diversity--2012: 4.4--Strengthen and build effective partnerships with the city's diverse community; and celebrate and appreciate diversit

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

In 2019, City Council approved a Service Level Adjustment Request to add funds in support of the 2020 Census. The decennial Census is mandated in the U.S. Constitution requiring every person to be counted. Federal funds are allocated to communities based on Census population counts. Every person represents approximately \$1,500 in federal funding per year.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

In the first quarter of 2019, staff solicited applications from qualified candidate for a Census Coordinator. With a tight job market and competing with the federal Census hiring effort, the hiring process took longer than expected. In April, Diana Pena-Khribeche, joined the Planning and Development Services Department the Coordinator role. A second position for marketing and branding has not been filled. In early May, staff began reviewing the Complete Count Committee spreadsheet to update contact information and add any missing organizations. Staff also began reaching out to federal and regional partners to coordinate Census 2020 programming and outreach. The date of the first meeting of Aurora's Complete Count Committee is scheduled for July 18, 2019, in the Aurora Room. Lunch will be served and invitations to hold the date will be sent out in early June. Formal invitations will follow in early July. As the honorary chair, Mayor LeGare is scheduled to make welcoming remarks to attendees. Staff will report back to the FSIR Committee frequently throughout the next 15 months. Two early items that will be reviewed by FSIR members are a

resolution that will formally seat the Complete Count Committee members and proposed marketing and branding for Aurora's Census 2020 outreach.

QUESTIONS FOR Committee

This item is for information only.

EXHIBITS ATTACHED: