

**Federal, State and Intergovernmental Relations (FSIR)
Meeting
February 8, 2019
1:30 PM ♦ Mount 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 January 24, 2019 Minutes Richardson
2. Consent Items (None)
3. State Legislative Session Bill Review Stephens/LaCrue 15 min
4. Miscellaneous Matters for Consideration
5. Set/Confirm Next Meeting Richardson

Next meeting – February 22, 2019

Federal, State and Intergovernmental Relations (FSIR) Meeting
January 24, 2019

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

Others Present: Scott Berg, Stephen Clark, Michael Crews, Shawn Day, Jeff Edwards, Matthew LaCrue, Debora O'Connor, Robin Peterson, Nancy Rodgers, Roberto Venegas, Nancy Wishmeyer

1. APPROVAL OF MINUTES FROM NOVEMBER 30, 2018 MEETING

Minutes from November 30, 2018 were approved as written.

2. Federal Update & State Updates

Summary of Issue and Discussion: At the discretion of the Chair federal and state updates were not presented.

Outcome: Information only.

Follow-up Action: None.

3. State Legislative Session Bill Review:

Senate Bill 19-030 Remediating Improper Guilty Pleas: The bill 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they were not advised that there may be additional penalties that attach to the plea even if the plea is later withdrawn and the case is dismissed.

Discussion: Judge Shawn Day, following up on an email sent recently about the bill, explained that this is a very broad bill, and it covers areas that are not required by law right now. A specific concern is regarding immigration issues that can be addressed by adding additional advisement requirements. He recommended an active 'oppose' position.

Matthew LaCrue shared that he and Megan Dollar of CML met with the bill's sponsor Senator Julie Gonzales. The Senator is working on amending some of the language contained in the bill to specifically address immigration cases. The amendment is expected to be released on January 29 the day before the bill is scheduled to be heard in committee. The committee agreed to monitor the bill pending review of the revised bill language.

Position: Monitor

House Bill 19-1018 End Local Government Opt Out Of Unclaimed Property: The bill would eliminate the current exception provided to local governments to opt out of the Unclaimed Property Act.

Discussion: Robin Peterson explained that with this bill, Aurora would have to give the dollar value of unclaimed property to the state; there is no mention of what the state will do with the money.

Ms. Peterson then explained the city's unclaimed checks process: vendors with unclaimed checks of \$1,000 or more receive a phone call and a reissued check. This has been successful as we do not have any unclaimed checks over \$1,000. For amounts of \$100-\$999, we send certified letters; approximately 25% of vendors respond and we reissue a check. Aurora gets maybe two calls per year from a vendor asking where their check is. Approximately once a month the city receives open records requests for unclaimed checks from for-profit companies trying to connect people with their money. These companies do not have better results than the city does in trying to return unclaimed checks to their rightful owner. R. Peterson noted that the city is giving the state \$30,000 per year that we haven't been able to collect.

Nancy Rodgers added that there is also concerns regarding transparency. Currently, local governments have an exception from the state unclaimed property act and this bill would remove that exception. The bill is about local control. N. Rodgers noted that the Police would also be affected by the bill because they also handle unclaimed property.

Matthew LaCrue stated that on this bill CCI is neutral, but CML is opposed because of the issues with municipalities and local control. House Transportation & Local Government Committee Chairman Rep. Matt Gray wants this bill to be readdressed, looked at by Counsel, and to have the title and bill content match. CML is working with the sponsor to re-write the bill. The committee agreed to monitor the bill pending review of the revised bill language.

Position: Monitor

House Bill 19-1035 Remove Fee Cap Electrical Inspection Local Government Higher Education: The bill would enable local governments to charge more than 15% over what the state charges to perform an electrical inspection.

Discussion: Scott Berg explained that the state dictates what electrical fees can be charged for electrical permits. If passed, this bill will allow local jurisdictions to charge fees that allow for cost recovery. The committee agreed to actively support.

Position: Active Support

House Bill 19-1033 Local Governments May Regulate Nicotine Products: The bill would enable local governments to impose an additional sales tax on nicotine products.

Discussion: Jeff Edwards explained that Aurora is exempt from nicotine sales tax because the state gives us money from its own nicotine tax collected in the city. If we drop our exemption we would lose the share back in tax revenue from the state. The state charges a flat 84¢-per-pack flat

tax; Aurora gets 27% of that amount for nicotine sold in the city. Council could tax cigarettes/nicotine and there is no cap for the amount to be charged. The committee agreed to actively support.

Position: Active Support

4. MISCELLANEOUS MATTERS FOR CONSIDERATION

FSIR meetings will be held at 1:30pm the 2nd and 4th Fridays of each month through May.

5. CONFIRM NEXT MEETING

February 8, 2019 at 1:30pm in Mt. Elbert.

Approved:

CM Charlie Richardson Date
Committee Chair



Federal, State and Intergovernmental Relations Agenda Item Commentary

Item Title: State Legislative Session bill review
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: 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.)*

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

City staff is requesting active support/ oppose positions from FSIR for the following bills: 1. HB19-1115: Assault On Detention Workers (Support) 2. SB19-103: Legalizing Minors' Businesses (Oppose)

QUESTIONS FOR Committee

Does the Committee approve of the department recommendations for the bills discussed?

EXHIBITS ATTACHED:

HB 1096.pdf
HB 1115.pdf
SB 103.pdf

MEMORANDUM

TO: FSIR
FROM: MICHAEL CREWS, INTERGOVERNMENTAL RELATIONS
COORDINATOR
SUBJECT: STATE LEGISLATION UPDATE
DATE: 2/8/2019

Staff Active Support Recommended

Assault on Detention Workers: HB19-1115 Assault on Detention Workers would expand the definition of an emergency medical care provider to include those providing emergency care at a detention facility. Under current statute, it is only a felony to assault a detention officer and not those providing emergency medical care at a detention facility. The bill would expand protections given to detention officers to on-site nurses, firefighters, and rescue teams (EMT). The bill would positively affect personnel working in or responding to the city's detention center.

Court Administration and the City Attorney's Office recommends an active support position. The bill is scheduled to be heard in House Judiciary on February 7. The bill has bi-partisan support in both chambers.

Staff Active Oppose Recommended

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 primary concern is that the bill would preempt the city's home rule authority. Under the city's current requirements a minor's lemonade stand would not be considered to meet the definition of engaged in business and would not need a license. Additionally, the bill allows for an unlicensed business operation for up to 84 days per year anywhere in the city as long as the owner is identified as a minor. The bill should include additional language or a revenue limitation to ensure that the intent is followed.

Tax & Licensing and the City Attorney's Office recommends an active oppose position. The bill has yet to be scheduled in committee. The bill has bi-partisan support in both chambers.

Plumbing Inspections: HB19-1086 Plumbing Inspections Ensure Compliance would require plumbing inspections to be performed only by state-licensed plumbers. Under current law, only plumbing inspectors employed by qualified state institutions of higher education are required to have the same qualifications as state plumbing inspectors. The bill would expand that requirement to plumbing inspectors employed by a municipality.

The bill would have a significant negative impact on plumbing inspections carried out by the city. Currently, the city has 3 licensed plumbers on staff and 18 plumbers that are ICC certified.

Public Works recommends an active oppose position. The bill was pulled from the House Business Affairs & Labor Committee and laid over to allow stakeholders time to identify a compromise.

Informational Items

FSIR Active Support Update

Nicotine Taxation: HB19-1033 Local Governments May Regulate Nicotine Products would enable local governments to impose an additional sales tax on nicotine products. Under the current statute in order to participate in the revenue share back provided by the state sales tax on nicotine products local governments are prohibited from enacting their own sales tax on such products. This bill would allow local governments to continue to receive state revenue share back and levy an additional sales tax on nicotine products. The bill would allow the city to collect sales tax twice on the sale of nicotine products.

The bill passed out of the House Health & Insurance Committee on February 1st.

Electrical Inspections: HB19-1035 Remove Fee Cap Electrical Inspection Local Government Higher Education would enable local governments to charge more than 15% over what the state charges to perform an electrical inspection. Under the current statute, local governments are prohibited from charging more than 15% of what the state charges to perform an electrical inspection. The bill would allow the city to set and charge a higher fee for electrical inspections performed by the building department.

An amended version of the bill passed out of the House Transportation & Local Government Committee on an 8-1 vote on January 23rd. The bill passed the House Third Reading of Bills on January 31st.

FSIR Monitor Update

Unclaimed Property: HB19-1018 End Local Government Opt Out Of Unclaimed Property would eliminate the current exception provided to local governments to opt out of the Unclaimed Property Act. The current exception allows local governments that enact local laws related to the disposition of abandoned intangible property to opt out of the state's Unclaimed Property Act. The bill would institute a state preemption of any local laws regulating abandoned property. The bill would impact

Aurora City Code, Sec. 2-721, et. seq. and various departmental policies on abandoned property. Additionally, this bill would require Aurora to either pay or deliver the unclaimed property not kept in accordance with the state back to the state by January 1, 2020.

The bill is scheduled to be heard in House Transportation & Local Government on February 5th.

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.

An amended version of the bill passed out the Senate Judiciary Committee on a 3-2 vote on January 30th. With the added amendment Judge Day would not oppose the bill.

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0547.01 Shelby Ross x4510

HOUSE BILL 19-1096

HOUSE SPONSORSHIP

Melton,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE "COLORADO RIGHT TO REST
102 ACT".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

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.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill prohibits discrimination based on housing status.

The bill creates an exemption of the basic right to rest for people experiencing homelessness for any county, city, municipality, or subdivision that can demonstrate that, for 3 consecutive months, the waiting lists for all local public housing authorities contain fewer than 50 people.

The bill allows the general assembly to appropriate money from the marijuana tax cash fund to the department of local affairs for the purpose of enabling governmental entities that do not meet the exemption requirement to reduce the housing waiting lists to fewer than 50 people for at least 6 months per year.

The bill allows any person whose rights have been violated to seek enforcement in a civil action.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 4.5 to title
3 24 as follows:

4 **ARTICLE 4.5**

5 **Colorado Right to Rest Act**

6 **24-4.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 4.5 IS
7 THE "COLORADO RIGHT TO REST ACT".

8 **24-4.5-102. Legislative declaration.** (1) THE GENERAL
9 ASSEMBLY FINDS AND DECLARES THAT:

10 (a) MANY PEOPLE EXPERIENCE HOMELESSNESS BECAUSE OF
11 ECONOMIC HARDSHIP, A SEVERE SHORTAGE OF SAFE AND AFFORDABLE
12 HOUSING, THE INABILITY TO SECURE GAINFUL EMPLOYMENT, AND A
13 DISINTEGRATING AND SHRINKING SOCIAL SAFETY NET;

14 (b) RESPONDING TO THE GROWING CRISIS OF HOMELESSNESS WITH
15 CRIMINAL SANCTIONS TO PUSH PEOPLE WHO ARE HOMELESS OUT OF PUBLIC
16 SPACES AND INTO COURTS AND JAILS IS INHUMANE AND VIOLATES BASIC
17 CONSTITUTIONAL, CIVIL, AND HUMAN RIGHTS OF PEOPLE WHO ARE
18 HOMELESS. IT IS ALSO COSTLY AND INEFFECTIVE AT REDUCING

1 HOMELESSNESS.

2 (c) CITIES THROUGHOUT COLORADO ARE ENACTING AND
3 ENFORCING ORDINANCES THAT CRIMINALLY OR CIVILLY PUNISH BASIC
4 ACTS OF SURVIVAL. SUCH ORDINANCES RESULT IN PEOPLE BEING
5 CRIMINALLY OR CIVILLY PUNISHED FOR DOING WHAT ANY PERSON MUST
6 DO TO SURVIVE.

7 (d) LOCAL ORDINANCES OF THIS KIND DO NOT REDUCE
8 HOMELESSNESS OR CRIME. INSTEAD, THEY INCREASE INCARCERATION
9 RATES AND THE FINANCIAL INDEBTEDNESS OF PEOPLE WHO ARE HOMELESS.
10 MOREOVER, THE COLLATERAL CONSEQUENCES OF THESE ORDINANCES
11 PROLONG HOMELESSNESS BY MAKING IT MORE DIFFICULT FOR PEOPLE TO
12 SECURE NEEDED HOUSING, EMPLOYMENT, BENEFITS, AND MEDICAL CARE.

13 (e) WHILE THESE LOCAL ORDINANCES APPLY TO ALL RESIDENTS OF
14 A CITY OR MUNICIPALITY, THEY DISPROPORTIONATELY IMPACT PEOPLE
15 WHO ARE HOMELESS AND WHO HAVE NO PRIVATE OR LAWFUL PLACE TO
16 REST, SHELTER THEMSELVES, STORE THEIR BELONGINGS, OR SEEK
17 NOURISHMENT. THESE LOCAL ORDINANCES ARE OFTEN ENFORCED WITH
18 DISCRIMINATORY INTENT AGAINST PEOPLE WHO ARE HOMELESS BASED
19 UPON THEIR APPEARANCE OR OTHER INDICATORS OF THEIR HOUSING
20 STATUS, OR THE LOCAL ORDINANCES HAVE A DISCRIMINATORY IMPACT ON
21 PEOPLE BASED ON THEIR HOUSING STATUS.

22 (f) IN PRACTICE, THESE LOCAL ORDINANCES THREATEN THE
23 HEALTH AND WELL-BEING OF PEOPLE WHO ARE HOMELESS BY DEPRIVING
24 PEOPLE WHO ARE HOMELESS OR PERCEIVED AS HOMELESS OF A SAFE AND
25 LEGAL PLACE TO REST, SHELTER THEMSELVES, STORE BELONGINGS, AND
26 SEEK NOURISHMENT;

27 (g) LACKING THE RESOURCES NECESSARY TO OBTAIN ADEQUATE

1 LEGAL REPRESENTATION, PEOPLE WHO ARE HOMELESS ARE OFTEN DENIED
2 ACCESS TO JUSTICE TO REDRESS CONSTITUTIONAL, CIVIL, OR HUMAN
3 RIGHTS VIOLATIONS;

4 (h) THE FEDERAL GOVERNMENT, THROUGH ITS INTERAGENCY
5 COUNCIL ON HOMELESSNESS, AND THE UNITED NATIONS HAVE
6 RECOGNIZED THAT CRIMINALIZING HOMELESSNESS VIOLATES THE
7 CONSTITUTIONAL AND HUMAN RIGHTS OF PEOPLE WHO ARE HOMELESS,
8 INCLUDING THE RIGHT TO BE FREE FROM CRUEL AND UNUSUAL
9 PUNISHMENT. THE FEDERAL GOVERNMENT AND THE UNITED NATIONS
10 HAVE CALLED UPON GOVERNMENTS TO CEASE ENACTMENT AND
11 ENFORCEMENT OF SUCH LAWS.

12 (i) GUARANTEEING THE RIGHT TO REST IN PUBLIC SPACES ALLOWS
13 MUNICIPAL GOVERNMENTS TO REDIRECT RESOURCES FROM LOCAL
14 ENFORCEMENT ACTIVITIES TO ACTIVITIES THAT ADDRESS THE ROOT
15 CAUSES OF HOMELESSNESS, DISPLACEMENT OF PEOPLE WHO ARE
16 HOMELESS, AND POVERTY.

17 (2) THE GENERAL ASSEMBLY DECLARES THAT THE INTENT OF THIS
18 ACT IS TO GUARANTEE THE RIGHT TO REST, AS DEFINED IN SECTION
19 24-4.5-103 (8), AND TO PROHIBIT DISCRIMINATION BASED ON HOUSING
20 STATUS.

21 **24-4.5-103. Definitions.** AS USED IN THIS ARTICLE 4.5, UNLESS
22 THE CONTEXT OTHERWISE REQUIRES:

23 (1) "DISCRIMINATION BASED ON HOUSING STATUS" REFERS TO ANY
24 LAW, POLICY, OR PRACTICE REGULATING PUBLIC SPACE THAT RESULTS IN
25 DISPARATE TREATMENT OR HAS A DISPARATE IMPACT ON PEOPLE WHO ARE
26 HOMELESS OR PERCEIVED AS HOMELESS, AS DEFINED IN THIS SECTION.

27 (2) "DISPLACE" MEANS REMOVING A PERSON WHO IS HOMELESS

1 FROM A PUBLIC SPACE THAT THE PERSON CONSIDERS HIS OR HER
2 DWELLING.

3 (3) "HARASSMENT" HAS THE SAME MEANING AS SET FORTH IN
4 SECTION 18-9-111. "HARASSMENT" ALSO MEANS A KNOWING OR WILLFUL
5 COURSE OF CONDUCT BY LAW ENFORCEMENT OR PUBLIC OR PRIVATE
6 SECURITY PERSONNEL OR AGENTS THAT IS DIRECTED AT A SPECIFIC PERSON
7 AND THAT A REASONABLE PERSON WOULD CONSIDER PESTERING,
8 TROUBLING, DISTURBING, OR THREATENING.

9 (4) "HOMELESS" MEANS ANY OF THE FOLLOWING:

10 (a) LACKING A FIXED, REGULAR, AND ADEQUATE RESIDENCE;

11 (b) SHARING THE HOUSING OF OTHER PEOPLE DUE TO LOSS OF
12 HOUSING, ECONOMIC HARDSHIP, OR SIMILAR REASONS;

13 (c) LIVING IN MOTELS, HOTELS, OR CAMPING GROUPS DUE TO A
14 LACK OF ADEQUATE ALTERNATIVE ACCOMMODATIONS;

15 (d) LIVING IN AN EMERGENCY OR TRANSITIONAL SHELTER;

16 (e) LIVING IN A MOTOR VEHICLE OF ANY KIND, AS DEFINED IN
17 SUBSECTION (5) OF THIS SECTION;

18 (f) LIVING IN AN ENCLOSURE OR STRUCTURE THAT IS NOT MEANT
19 FOR HUMAN HABITATION BUT THAT A PERSON CONSIDERS HIS OR HER
20 DWELLING; OR

21 (g) AWAITING FOSTER CARE PLACEMENT.

22 (5) "MOTOR VEHICLE" HAS THE SAME MEANING AS SET FORTH IN
23 SECTION 42-1-102 (58) AND INCLUDES:

24 (a) CAMPER TRAILERS, AS DEFINED IN SECTION 42-1-102 (14);

25 (b) COMMERCIAL VEHICLES, AS DEFINED IN SECTION 42-1-102
26 (17.5); AND

27 (c) MOTOR HOMES, AS DEFINED IN SECTION 42-1-102 (57).

1 (6) "NONOBSTRUCTIVE MANNER" MEANS IN A MANNER THAT DOES
2 NOT RENDER PASSAGEWAYS IMPASSABLE OR HAZARDOUS.

3 (7) "PUBLIC SPACE" MEANS ANY OUTDOOR PROPERTY THAT IS
4 OWNED OR LEASED BY A STATE OR LOCAL GOVERNMENTAL ENTITY OR ANY
5 PROPERTY UPON WHICH THERE IS AN EASEMENT FOR PUBLIC USE.

6 (8) "REST" MEANS THE STATE OF NOT MOVING AND HOLDING
7 CERTAIN POSTURES IN A NONOBSTRUCTIVE MANNER AND INCLUDES BUT IS
8 NOT LIMITED TO SITTING, STANDING, LEANING, KNEELING, SQUATTING,
9 SLEEPING, OR LYING DOWN. IT ALSO INCLUDES LIFE-SUSTAINING
10 ACTIVITIES CONDUCTED IN CONJUNCTION WITH REST, INCLUDING EATING
11 AND SHELTERING ONESELF IN A NONOBSTRUCTIVE MANNER.

12 **24-4.5-104. Protected rights - exemptions - appropriation.**

13 (1) EVERY PERSON HAS THE FOLLOWING RIGHTS IN PUBLIC SPACES
14 WITHOUT BEING SUBJECT TO CRIMINAL OR CIVIL PENALTIES OR
15 HARASSMENT:

16 (a) THE RIGHT TO REST IN A NONOBSTRUCTIVE MANNER;

17 (b) THE RIGHT TO SHELTER ONESELF FROM THE ELEMENTS IN A
18 NONOBSTRUCTIVE MANNER;

19 (c) THE RIGHT TO EAT, SHARE, ACCEPT, OR GIVE FOOD IN ANY
20 PUBLIC SPACE WHERE FOOD IS NOT PROHIBITED;

21 (d) THE RIGHT TO OCCUPY A MOTOR VEHICLE, PROVIDED THAT THE
22 MOTOR VEHICLE IS LEGALLY PARKED ON PUBLIC PROPERTY OR PARKED ON
23 PRIVATE PROPERTY WITH THE PERMISSION OF THE PROPERTY OWNER; AND

24 (e) THE RIGHT TO A REASONABLE EXPECTATION OF PRIVACY IN HIS
25 OR HER PERSONAL PROPERTY.

26 (2) DISCRIMINATION BASED ON HOUSING STATUS IS PROHIBITED.

27 (3) (a) THE STATE AND ANY COUNTY, CITY, MUNICIPALITY, OR

1 OTHER SUBDIVISION IS EXEMPT FROM THE PROVISIONS OF SUBSECTION
2 (1)(a) OF THIS SECTION IF THE STATE, COUNTY, CITY, MUNICIPALITY, OR
3 OTHER SUBDIVISION CAN DEMONSTRATE THAT, FOR THREE CONSECUTIVE
4 MONTHS, THE WAITING LISTS FOR ALL LOCAL PUBLIC HOUSING
5 AUTHORITIES OR COMPARABLE AGENCIES CONTAIN FEWER THAN FIFTY
6 PEOPLE. FOR PURPOSES OF THIS SUBSECTION (3)(a), THE POSSESSION OF A
7 HOUSING VOUCHER IS NOT COUNTED AS HAVING HOUSING UNTIL A LEASE
8 HAS BEEN SIGNED AND APPROVED BY INSPECTORS FROM THE HOUSING
9 AUTHORITY OR COMPARABLE AGENCY DOCUMENTING THAT THE DOMICILE
10 MEETS ALL HEALTH AND SAFETY CODES.

11 (b) THE GENERAL ASSEMBLY MAY APPROPRIATE UP TO TEN
12 MILLION DOLLARS OVER THREE YEARS, BEGINNING ON JULY 1, 2019, TO
13 THE DEPARTMENT OF LOCAL AFFAIRS FROM THE MARIJUANA TAX CASH
14 FUND CREATED IN SECTION 39-28.8-501 FOR THE PURPOSE OF ENABLING
15 GOVERNMENTAL ENTITIES THAT DO NOT MEET THE EXEMPTION
16 REQUIREMENT SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION TO
17 REDUCE THE HOUSING WAITING LISTS IN RESPECTIVE JURISDICTIONS TO
18 FEWER THAN FIFTY PEOPLE FOR AT LEAST SIX MONTHS PER YEAR.

19 **24-4.5-105. Enforcement.** A PERSON WHOSE RIGHTS HAVE BEEN
20 VIOLATED PURSUANT TO THIS ARTICLE 4.5 MAY SEEK ENFORCEMENT OF
21 THOSE RIGHTS IN A CIVIL ACTION. THE COURT MAY AWARD APPROPRIATE
22 INJUNCTIVE AND DECLARATORY RELIEF, RESTITUTION FOR LOSS OF
23 PROPERTY, AND ACTUAL AND COMPENSATORY DAMAGES OF UP TO ONE
24 THOUSAND DOLLARS PER VIOLATION. THE COURT MAY AWARD
25 REASONABLE ATTORNEY FEES AND COSTS TO THE PREVAILING PARTY.

26 **24-4.5-106. Severability.** THIS ARTICLE 4.5 MUST BE LIBERALLY
27 CONSTRUED TO ACHIEVE ITS PURPOSES AND PRESERVE ITS VALIDITY. IF

1 ANY PROVISION OR CLAUSE OF THIS ARTICLE 4.5 OR APPLICATION THEREOF
2 TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, SUCH INVALIDITY
3 DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE
4 4.5 THAT CAN BE GIVEN FULL EFFECT WITHOUT THE INVALID PROVISION OR
5 APPLICATION. TO THIS END, THE PROVISIONS OF THIS ARTICLE 4.5 ARE
6 DECLARED SEVERABLE AND ARE INTENDED TO HAVE INDEPENDENT
7 VALIDITY.

8 **SECTION 2. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0510.01 Jerry Barry x4341

HOUSE BILL 19-1115

HOUSE SPONSORSHIP

Liston, Buck, Catlin, Landgraf, Larson

SENATE SPONSORSHIP

Fields, Gardner

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A CLARIFICATION OF VICTIMS OF AN ASSAULT WHILE IN**
102 **A DETENTION FACILITY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

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.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-201, **amend** (1)
3 and (2) as follows:

4 **18-3-201. Definitions.** As used in sections 18-3-201 to 18-3-204,
5 unless the context otherwise requires:

6 (1) "Emergency medical care provider" means a doctor, intern,
7 nurse, nurse's aide, physician's assistant, ambulance attendant or operator,
8 air ambulance pilot, paramedic, or any other member of a hospital or
9 health care facility staff or security force who is involved in providing
10 emergency medical care at a hospital or health care facility; ~~or~~ in an air
11 ambulance or ambulance as defined in section 25-3.5-103 (1) and (1.5);
12 ~~C.R.S.~~ OR IN A DETENTION FACILITY AS DEFINED IN SECTION 18-8-203 (3).

13 (2) "Peace officer, firefighter, ~~or~~ emergency medical service
14 provider, OR EMERGENCY MEDICAL CARE PROVIDER engaged in the
15 performance of his or her duties" means a peace officer, as described in
16 section 16-2.5-101, ~~C.R.S.~~, a firefighter, ~~or~~ an emergency medical service
17 provider, OR AN EMERGENCY MEDICAL CARE PROVIDER who is engaged or
18 acting in, or who is present for the purpose of engaging or acting in, the
19 performance of any duty, service, or function imposed, authorized,
20 required, or permitted by law to be performed by a peace officer,
21 firefighter, ~~or~~ emergency medical service provider, OR EMERGENCY
22 MEDICAL CARE PROVIDER whether or not the peace officer, firefighter, ~~or~~
23 emergency medical service provider, OR EMERGENCY MEDICAL CARE
24 PROVIDER is within the territorial limits of his or her jurisdiction, if the
25 peace officer, firefighter, ~~or~~ emergency medical service provider, OR
26 EMERGENCY MEDICAL CARE PROVIDER is in uniform or the person

1 committing an assault upon or offense against or otherwise acting toward
2 the peace officer, firefighter, ~~or~~ emergency medical service provider, OR
3 EMERGENCY MEDICAL CARE PROVIDER knows or reasonably should know
4 that the victim is a peace officer, firefighter, ~~or~~ emergency medical
5 service provider, OR EMERGENCY MEDICAL CARE PROVIDER. For the
6 purposes of this subsection (2) and this part 2, the term "peace officer"
7 includes county enforcement personnel designated pursuant to section
8 29-7-101 (3). ~~C.R.S.~~

9 **SECTION 2.** In Colorado Revised Statutes, 18-3-202, **amend**
10 (1)(e) as follows:

11 **18-3-202. Assault in the first degree.** (1) A person commits the
12 crime of assault in the first degree if:

13 (e) With intent to cause serious bodily injury upon the person of
14 a peace officer, firefighter, ~~or~~ emergency medical service provider, OR
15 EMERGENCY MEDICAL CARE PROVIDER, he or she threatens with a deadly
16 weapon a peace officer, firefighter, ~~or~~ emergency medical service
17 provider, OR EMERGENCY MEDICAL CARE PROVIDER engaged in the
18 performance of his or her duties, and the offender knows or reasonably
19 should know that the victim is a peace officer, firefighter, ~~or~~ emergency
20 medical service provider, OR EMERGENCY MEDICAL CARE PROVIDER acting
21 in the performance of his or her duties; or

22 **SECTION 3.** In Colorado Revised Statutes, 18-3-203, **amend**
23 (1)(f) as follows:

24 **18-3-203. Assault in the second degree.** (1) A person commits
25 the crime of assault in the second degree if:

26 (f) While lawfully confined or in custody, he or she knowingly
27 and violently applies physical force against the person of a peace officer,

1 firefighter, ~~or~~ emergency medical service provider, OR EMERGENCY
2 MEDICAL CARE PROVIDER engaged in the performance of his or her duties,
3 or a judge of a court of competent jurisdiction, or an officer of said court,
4 or, while lawfully confined or in custody as a result of being charged with
5 or convicted of a crime or as a result of being charged as a delinquent
6 child or adjudicated as a delinquent child, he or she knowingly and
7 violently applies physical force against a person engaged in the
8 performance of his or her duties while employed by, or under contract
9 with a detention facility, as defined in section 18-8-203 (3), or while
10 employed by the division in the department of human services responsible
11 for youth services and who is a youth services counselor or is in the youth
12 services worker classification series, and the person committing the
13 offense knows or reasonably should know that the victim is a peace
14 officer, firefighter, ~~or~~ emergency medical service provider, OR
15 EMERGENCY MEDICAL CARE PROVIDER engaged in the performance of his
16 or her duties, or a judge of a court of competent jurisdiction, or an officer
17 of said court, or a person engaged in the performance of his or her duties
18 while employed by, or under contract with a detention facility or while
19 employed by the division in the department of human services responsible
20 for youth services. A sentence imposed pursuant to this ~~paragraph (f)~~
21 ~~shall~~ SUBSECTION (1)(f) MUST be served in the department of corrections
22 and ~~shall~~ MUST run consecutively with any sentences being served by the
23 offender; except that, if the offense is committed against a person
24 employed by the division in the department of human services responsible
25 for youth services, the court may grant probation or a suspended sentence
26 in whole or in part, and the sentence may run concurrently or
27 consecutively with any sentences being served. A person who participates

1 in a work release program, a furlough, or any other similar authorized
2 supervised or unsupervised absence from a detention facility, as defined
3 in section 18-8-203 (3), and who is required to report back to the
4 detention facility at a specified time is deemed to be in custody.

5 **SECTION 4. Effective date - applicability.** This act takes effect
6 July 1, 2019, and applies to offenses committed on or after said date.

7 **SECTION 5. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0151.01 Bob Lackner x4350

SENATE BILL 19-103

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A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF A MINOR TO OPERATE A BUSINESS ON A**
102 **LIMITED BASIS WITHOUT OBTAINING THE APPROVAL OF A LOCAL**
103 **GOVERNMENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits any county, municipality, or city and county (local government) or any agency of a local government from requiring a license or permit for a business that is:

! Operated on an occasional basis by a minor (a person under the age of 18 years); and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

! Located a sufficient distance from a commercial entity, determined by the local government, that is required to obtain a permit or license from the local government or an agency of the local government to prevent the minor's business from becoming a direct economic competitor of the commercial entity.

The bill defines "occasional basis" to mean the business does not operate more than 84 days in any one calendar year.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 11.3 to
3 title 29 as follows:

4 **ARTICLE 11.3**

5 **Businesses Operated by Minors**

6 **29-11.3-101. Definitions.** AS USED IN THIS ARTICLE 11.3, UNLESS
7 THE CONTEXT OTHERWISE REQUIRES:

8 (1) "BUSINESS" MEANS ANY ENTERPRISE CARRIED ON FOR THE
9 PURPOSE OF GAIN OR ECONOMIC PROFIT; EXCEPT THAT THE ACT OF
10 EMPLOYEES RENDERING SERVICES TO EMPLOYERS ARE NOT INCLUDED IN
11 THIS DEFINITION.

12 (2) "LOCAL GOVERNMENT" MEANS ANY COUNTY, MUNICIPALITY,
13 OR CITY AND COUNTY.

14 (3) "MINOR" MEANS A PERSON UNDER THE AGE OF EIGHTEEN
15 YEARS.

16 (4) "OCCASIONAL BASIS" MEANS A BUSINESS THAT DOES NOT
17 OPERATE MORE THAN EIGHTY FOUR DAYS IN ANY ONE CALENDAR YEAR.

18 **29-11.3-102. Restrictions on licenses or permits - businesses**
19 **operated by a minor - legislative declaration.** (1) THE GENERAL
20 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

21 (a) IN THE ABSENCE OF COMMON SENSE RELIEF, LAWS IMPOSED

1 AND ADMINISTERED AT THE LOCAL LEVEL REQUIRING BUSINESSES TO
2 OBTAIN PERMITS OR LICENSES TO OPERATE, WITH THE DISTINCT
3 POSSIBILITY OF CRIMINAL OR CIVIL PENALTIES FOR NONCOMPLIANCE, MAY
4 BE USED TO ENSNARE MINORS WANTING TO OPERATE SMALL-SCALE
5 BUSINESSES ON A VERY LIMITED BASIS; AND

6 (b) THESE LAWS IMPOSE INORDINATE AND HEAVY-HANDED
7 REGULATORY BURDENS ON MINOR ENTREPRENEURS WHO ARE NOT SEEKING
8 TO COMPETE WITH FULLY ESTABLISHED COMMERCIAL ENTITIES OPERATED
9 BY ADULTS, FRUSTRATE AND THWART ENTREPRENEURIAL ACTIVITY
10 MINORS HAVE UNDERTAKEN FROM THE FOUNDING OF THE REPUBLIC AS A
11 MEANS TO LEARN ABOUT BUSINESS AND ECONOMIC PRINCIPLES AND TO
12 MAKE MONEY, AND DIVERT LAW ENFORCEMENT RESOURCES OF LOCAL
13 GOVERNMENTS FROM INVESTIGATING AND PROSECUTING MORE SERIOUS
14 CRIMINAL OR CIVIL MATTERS.

15 (2) BY ENACTING THIS ARTICLE 11.3, THE GENERAL ASSEMBLY
16 INTENDS TO PROVIDE A UNIFORM BAN ON THE IMPOSITION AND
17 ADMINISTRATION OF SUCH LAWS ACROSS THE STATE, AVOID THE
18 INCONSISTENT APPLICATION OF THE LAW DEPENDING UPON THE POLITICAL
19 SUBDIVISION IN WHICH A MINOR'S BUSINESS IS BEING OPERATED, AND GIVE
20 EVERY MINOR ENTREPRENEUR ACROSS THE STATE AN EVEN PLAYING FIELD
21 WITHIN WHICH TO GAIN PRACTICAL EXPERIENCE IN BUSINESS AND
22 ECONOMIC MATTERS AND AN OPPORTUNITY TO MAKE MONEY BY
23 OPERATING A BUSINESS ON A LIMITED BASIS THAT DOES NOT INTEND TO
24 COMPETE WITH PERMANENT, ONGOING COMMERCIAL ENTITIES OPERATED
25 BY ADULTS. TOWARD THIS END, THE GENERAL ASSEMBLY FURTHER
26 DECLARES THAT THE MATTERS DISCUSSED IN THIS SECTION ARE MATTERS
27 OF STATEWIDE CONCERN. NOTWITHSTANDING THE ENACTMENT OF THIS

1 ARTICLE 11.3 AND THE PROTECTIONS IT AFFORDS MINOR ENTREPRENEURS,
2 THE GENERAL ASSEMBLY ENCOURAGES MINOR ENTREPRENEURS TO
3 UNDERSTAND THAT, IN ORDER TO SUCCESSFULLY COMPETE AS ADULTS IN
4 THE BUSINESS WORLD, THEY WILL NEED TO FULLY COMPLY WITH THE
5 EXISTING REGULATORY AND LEGAL ENVIRONMENT.

6 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LOCAL
7 GOVERNMENT OR ANY AGENCY OF A LOCAL GOVERNMENT SHALL NOT
8 REQUIRE A LICENSE OR PERMIT FOR A BUSINESS THAT IS:

9 (a) OPERATED ON AN OCCASIONAL BASIS BY A MINOR; AND

10 (b) LOCATED A SUFFICIENT DISTANCE FROM A COMMERCIAL
11 ENTITY, DETERMINED BY THE LOCAL GOVERNMENT, THAT IS REQUIRED TO
12 OBTAIN A PERMIT OR LICENSE FROM THE LOCAL GOVERNMENT OR AN
13 AGENCY OF THE LOCAL GOVERNMENT TO PREVENT THE MINOR'S BUSINESS
14 FROM BECOMING A DIRECT ECONOMIC COMPETITOR OF THE COMMERCIAL
15 ENTITY.

16 **SECTION 2. Applicability.** This act applies to minors'
17 businesses operating on or after the effective date of this act.

18 **SECTION 3. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.