

Federal, State, and Intergovernmental Relations (FSIR) Meeting
In person and Webex Meeting
April 7, 2023

Members Present: Council Member Lawson – Chair, Council Member Jurinsky – Vice Chair,
Council Member Zvonek

Others present: Council Member Marcano, D. Wilson, T. Rees, J. Heckman, R. Venegas,
L. Rogers, S. Day, W. Mitchell, M. Parnes, R. Pena, H. Morris, J. Moore,
J. Prosser, L. Hettinger, C. Grant, K. Kitzmann, G. Koumantakis, P.
O’Keefe, J. Rustad, P. Schulte, B. Mendoza, A. Botham, C. McDonald

1. CONSENT ITEMS: None.

2. APPROVAL OF MINUTES

March 23 and March 29, 2023 meeting minutes were approved.

3. FEDERAL LEGISLATIVE UPDATE

Summary of Issue and Discussion: Lauri Hettinger presented this item.

Congress was in recess but would return soon to begin drafting Appropriation Bills to determine if earmark requests were included. L. Rogers and L. Hettinger were working on having HUD visit Aurora to tour housing projects. The Assistant Secretary for Congressional and Intergovernmental Relations, Dr. Kimberly McClain, expressed interest in visiting Aurora to learn more about the projects related to housing and funding during the D.C. Trip. Aurora Water was scheduled to visit D.C. in two weeks and planned to discuss the city's conservation efforts and water projects. Further updates were expected when Congress returned in a week and a half.

Outcome: Information only.

Follow-up Action: No follow-up is needed.

4. STATE LEGISLATIVE UPDATE

Summary of Issue and Discussion: P. O’Keefe provided an update on current legislation.

Community Discussion:

P. O’Keefe gave an update that the legislative session had four weeks left, with the Joint Budget Committee meeting next week to finalize the budget and associated bills. Many bills that are still being followed by Aurora, including Senate Bill 23-213, which was up for discussion the previous

night. The Land Use committee hearing went on until 11:15 pm, and the bill was laid over while sponsors worked on amendments. There was a huge turnout at the hearing, with over 260 witnesses expressing concerns about the bill. L. Rogers and her team compiled a list of potential amendments, which they shared with Senator Buckner and Senator Fields, as well as the bill sponsor. They hoped to get one-on-one time with the Majority Leader, the bill sponsor, to walk through those amendments. P. O'Keefe offered to answer any questions related to the bill.

L. Rogers provided an update on Bill's hearing, stating that there were panels for both opposition and support, and the Mayor provided testimony. L. Rogers noted that it was more of a stakeholder listening session, and there were no changes to the Legislation.

CM Zvonek informed the committee that DRCOG voted Wednesday night to oppose the Bill.

L. Rogers mentioned that the amended changes were still in the conceptual stage, and no actual bill language was available. CM Lawson asked for the amendments to be sent to the whole committee. P. O'Keefe highlighted some of the Bills, including Senate Bills 75, 97, 1132, 1222, and 111. They are scheduled for different committees and have some opposition. She also mentioned that Liz will go through some of the introduced Bills, and a Worker's Comp Bill may be introduced next week, which will change the payment allocation for workers' compensation. P. O'Keefe will send the latest draft of the Bill to L. Rogers.

T. Rees said they expect the CORA to drop in the next week and has already sent it to L. Rogers and Kadee.

Judge Day Update

Judge Day reported on several criminal justice bills that were discussed in the Legislature. Regarding Senate Bill 1132, Judge Day expressed his support for a proposed amendment to add representatives from the Office of Child Protection, the Department of Human Services, and the Sex Assault or Domestic Violence Rights Community to the task force.

He also noted that House Judiciary passed Senate Bill 249, which raises the age for criminal culpability for juveniles to 10, 11, and 12, except for homicide, despite concerns from various groups.

House Bill 1169, which dealt with non-arrest for low-level offenses, was postponed indefinitely. Judge Day also mentioned that the Remote Public Access for Criminal Court Proceedings bill passed unanimously, but there were concerns from various parties about protecting the record and victims.

CM Jurinsky expressed concern about two bills, one involving juveniles and the other about homicide convictions. She asked if there was any opportunity for testimony on the juvenile bill and requested to be kept updated. CM Lawson shared her concern about the juvenile bill, stating that it could lead to older individuals using children to commit crimes. CM Zvonek agreed with CM Lawson's concerns. Judge Day informed the CMs that there would be an opportunity for testimony on the juvenile bill if it went to the Senate.

CM Lawson expressed frustration about the lack of attention to the potential negative consequences of a bill related to juvenile criminal prosecution. Judge Day informed CM Lawson that concerns were raised and debated during the Committee but rebutted by groups who opposed criminal prosecution for recruited juveniles. The Committee ultimately passed the bill with a 9-4 vote. Judge Day mentioned the possibility of additional carve-outs for crimes such as sexual assault and noted the limited testimony from schools regarding the bill's impact on safety.

Deputy Chief Heather Morris commented on the seeming contradiction of allowing murder charges but not charges for lower-level offenses. CM Jurinsky suggested mobilizing to voice concerns in front of the Senate, and Judge Day expressed hope for more opportunities for people to voice their concerns. CM Lawson asked about the sponsors of the bill, Judge Day informed her that there was bipartisan sponsorship from Rep Senator Simpson, and Senator Coleman.

Legislative Position Discussion

Summary of Discussion:

Bill Positions

Senate Bill 23-249: False Reporting of an Emergency

Community Discussion

L. Rogers introduced Senate Bill 23-249, which would make false reporting of a mass shooting or active shooter a felony and a misdemeanor if it causes people to shelter in place. Staff recommended actively supporting the legislation. CM Jurinsky questioned the severity of the penalty. L. Rogers explained that the staff's rationale was to mitigate such incidents and promote public safety.

Deputy Chief Heather Morris expressed concern about false reporting of a mass shooting or active shooter being classified as a misdemeanor, given the seriousness of the situation and the potential for bodily harm or death. She argued that it minimizes the situation and could put people in fear. L. Rogers clarified that false reporting of a mass shooting or active shooter would be a class 6 felony, while false reporting of an emergency that causes shelter in place would be a class 1 misdemeanor.

CM Jurinsky asked about the current charge for calling in a bomb threat and whether it would be the same as a false report of a mass shooter. L. Rogers did not know but stated that she would find out that information and report back to the committee. Deputy Chief H. Morris asked for clarification on what would constitute a false report and whether mistakenly believing there was an active shooter would also result in a misdemeanor charge. CM Lawson suggested taking a monitoring position on the bill until further information is provided. CM Jurinsky expressed dissatisfaction with the bill and called for more information on bomb threat charges. Judge Day did clarify that a bomb threat is a class 6 felony.

Outcome: The Committee unanimously voted to take a Monitor position on the bill.

Follow-up Action: Get more information from Staff regarding the bill.

House Bill 23-1259: Open Meetings Law Executive Session Violations

Community Discussion

L. Rogers presented House Bill 23-1259, which would allow local public bodies or municipalities to cure any violations of the open meetings law by taking corrective action at the next meeting. Staff recommended actively supporting the bill as it would provide a way for home rule municipalities to correct violations without facing legal proceedings.

Outcome: The Committee unanimously voted to take an Actively Support position on the bill.

Follow-up Action: No follow-up is needed.

Senate Bill 23-201: Mineral Resources Property Owner's Rights

Community Discussion

L. Rogers presented Senate Bill 23-201, which addressed several issues related to pooling of oil and gas and mineral interests, including those affecting mineral owners such as the City of Aurora. Staff recommended a support-if-asked position and pursuing an amendment to a section of the bill that would allow jurisdictions to deny pooling rights. The bill could allow the City to prohibit or limit pooling in other jurisdictions where it has mineral interests, but other municipalities could also do the same in Aurora. Jeffrey Moore, Manager of Oil and Gas Department, was present to answer any questions. Staff had recommended support-if-asked and to pursue amendments.

Jeffrey Moore provided a summary of some of the benefits and improvements on the existing law. The bill recognized the uniqueness of local governments and schools and required the operator to prove that they legally have 45% of minerals before they can be allowed to force pool. The commission would determine if there's a pool area that includes willing participants and non-consent participants. If so, the operator would have to only extract the willing participant's minerals. The consenting mineral owner would be allowed to audit the operator every 3 years. However, Moore had some concerns about the bill. The first was that it categorically excluded local governments and school districts from being force-pooled, which could potentially stop the drilling of a unit even if they have one acre of minerals within a 1,000 acre unit. He also mentioned that local governments can own minerals outside of their jurisdictional boundaries, and it's not reasonable to make decisions as a local government in other jurisdictions. Lastly, the bill would reduce the penalty that goes to a non-consenting financial partner from 2 times to 1 time, which Moore believed would not drive people to work together as operators have been doing for decades. J. Moore expressed his intention to pursue amendments to address his concerns about the bill. He suggested a simple amendment limiting a local government's ability to avoid force pooling within their jurisdictional area. CM Lawson supported the idea of pursuing amendments. CM Zvonek

disagreed and suggested that local governments should be able to stop force pooling even if they only owned a minority interest in minerals.

Outcome: The Committee unanimously voted to take an Opposed-If-Asked position on the bill.

Follow-up Action: No follow-up is needed.

Senate Bill 23-207: Sales and Use Tax Refund for Data Center Purchases

Community Discussion

L. Rogers introduced Senate Bill 23-207, allowing data center businesses to claim a refund of all state sales and use tax. Wendy Mitchell provided additional information to the Committee, explaining that the bill was designed to help Colorado recruit data centers as the state has been unable to compete with other states' incentives. The bill sets thresholds for the applicant, such as having a minimum number of employees and a building worth \$25 million or more, and the State Office of Economic Development must approve the applicant to receive a certificate before applying for the rebate. Mitchell believes that the bill will bring more data centers to Colorado and allow Aurora, Arapahoe County, and Adams County to have a partner without giving as many incentives.

CM Lawson asked if there were any questions for Wendy Mitchell regarding Senate Bill 23-207 and if the Committee supported the position of support-if-asked. CM Jurinsky suggested changing the position to actively support as the data center industry can take the burden of sales tax incentives off the local level and benefits the city. CM Zvonek supported the change in position, and CM Lawson also supported it. The position was changed to actively support.

Outcome: The Committee unanimously voted to take an Actively Support position on the bill.

Follow-up Action: No follow-up is needed.

House Bill 23-1253: Task Force To Study Corporate Housing Ownership

Community Discussion

L. Rogers introduced House Bill 23-1253, which would create a task force on Corporate Housing Ownership in the Division of Housing and bring recommendations and findings back to the state. The task force may also consider imposing fees on corporations that own a significant number of homes. Staff recommended a position of support if asked as some Council Members have expressed concerns about corporations buying homes in the area, and the task force could identify areas of concern or determine the extent of the issue.

CM Lawson asked if Jessica Prosser had any comments on House Bill 23-1253? Jessica Prosser replied that she didn't have much to add besides the previously noted concerns. She emphasized the need for consistency in landlord quality and explained that the bill looks at corporate ownership at both the multifamily home and ownership levels.

CM Jurinsky asked if there was any previous discussion on banning Zillow from buying more homes and expressed that she is not supportive of fees on corporations that own a significant number of homes. She suggested an annual cap on how many homes corporations can buy as a more beneficial approach. She explained that she is in real estate and sees the impact of big corporations buying homes in the area.

CM Zvonek expressed that he would prefer a position of monitor for House Bill 23-1253 as it is only the creation of a task force. CM Lawson supported the bill, acknowledging CM Jurinsky's suggestion of an annual cap, but still felt that corporations buying homes is a contributing factor to the increase in rental and home prices in Colorado and City of Aurora. L. Rogers clarified that the bill did not include a fee provision, but rather the task force could recommend imposing fees. CM Jurinsky expressed that she cannot support fees and suggested a position monitor with openness to amendments.

Outcome: The Committee voted two monitor and one support position.

Follow-up Action: No follow-up is needed.

Senate Bill 23-200: Automated Vehicle Identification Systems

Community Discussion

L. Rogers introduced Senate Bill 23-200, which would change the required timeframe to provide notice of an automated vehicle system violation from 90 to 30 days. Staff recommended a position of actively opposed as the city is in the final stages of setting up a photo speed enforcement program and has already changed multiple ordinances to facilitate it. The changes proposed in the bill would require staff and Council to revisit these ordinances and ensure compliance. Additionally, the shortened notification timeframe of 30 days was deemed unreasonable and too short to provide proper notices and review footage for violations. There were other concerns outlined in the rationale.

Outcome: The Committee unanimously voted to take an Actively Opposed position on the bill.

Follow-up Action: No follow-up is needed.

House Bill 23-1102: Alcohol and Drug Impaired Driving Enforcement

Community Discussion

L. Rogers presented House Bill 23-1102, which created a grant program for alcohol and drug-impaired driving enforcement but was amended to exclude law enforcement agencies subject to a judicially ordered consent decree. Staff recommended revising the position from support-if-asked to actively opposed, as grant funding for targeting specific criminal activity should not be tied to a jurisdiction's consent decree status.

CM Jurinsky asked if Pete Schulte was on the call and confirmed with him that an amendment to House Bill 23-1102 to exclude law enforcement agencies subject to a judicially ordered consent decree passed the committee but still needs to go before the Full House. Schulte spoke with Phil Weiser's office and the police chiefs, who are all against the amendment. The Committee agreed to revise their position from support-if-asked to actively opposed.

Outcome: The Committee unanimously voted to take an Actively Oppose position on the bill.

Follow-up Action: No follow-up is needed.

House Bill 23-1245: Campaign Practices for Municipal Elections

Community Discussion

L. Rogers stated that House Bill 23-1245 is about setting aggregate limits on contributions to candidates for municipal offices and prohibiting political parties from making contributions. Staff recommends actively opposed as it would violate home rule municipalities' authority to legislate on matters related to municipal elections. Aurora passed a comprehensive campaign finance code in 2020 addressing contributions and limits. Therefore, Aurora would need to change ordinances already decided upon if this bill passes.

Outcome: The Committee unanimously voted to take an Actively Opposed position on the bill.

Follow-up Action: No follow-up is needed.

House Bill 23-1249: Reduce Justice Involvement for Young Children

Community Discussion

L. Rogers said that House Bill 23-1249, Reduced Justice Involvement for Young Children, was discussed previously by Judge Day. The bill would require each county to participate in a local collaborative management program for children aged 10 to 12 years and change the minimum age of a child subject to court jurisdiction. Staff recommended actively opposing this bill as it could negatively affect community and school safety and hinder the court's ability to provide early intervention.

Outcome: The Committee unanimously voted to take an Actively Oppose position on the bill.

Follow-up Action: No follow-up is needed.

House Bill 23-1255: Regulating Local Housing Growth Restrictions

Community Discussion

L. Rogers explained that House Bill 23-1255 would preempt any existing local housing growth restriction and forbid the enactment or enforcement of any future local housing growth restriction.

Although two amendments have been adopted, defining anti-growth law and providing one exemption in the incident of a disaster emergency, staff is still recommending actively opposed as it would infringe on municipal home rule powers and may affect the city's ability to decide how to implement housing strategy.

Outcome: The Committee unanimously voted to take an Actively Oppose position on the bill.

Follow-up Action: No follow-up is needed.

5. WATER UPDATE

Summary of Issue and Discussion:

CM Lawson asked Kathy Kitzmann about the Water Update and the request for a letter of support request. Kathy responded affirmatively and explained that they needed annual appropriations for the Upper Colorado River Endangered Fishery Recovery Program, which has existed since the late 1980s. She further explained that the program provides ESA compliance for all of their Colorado River sources and requested support letters from the committee. The Committee expressed support and had no questions.

Kitzmann also mentioned that the Water Department will match the FSIR positions for Senate Bill 213 and House Bill 1255. She also mentioned two bills, House Bill 1282 and Senate Bill 270, that were introduced and will have their first hearings before the next FSIR meeting. She will provide more information on these bills in the next meeting or via email.

Outcome: Information only.

Follow-up Action: No follow-up is needed.

6. MISCELLANEOUS MATTERS FOR CONSIDERATION

CM Lawson requested that for in-person meetings all that would be needed for attendees is the agenda and bill summaries. L. Rogers agreed to the suggestion.

CONFIRM NEXT MEETING

April 21, 2023, at 10:00 AM.

Approved:

Angela Lawson
Angela Lawson
Committee Chair

4-21-23

Date