



Geoffrey T. Wilson

MEMORANDUM

TO: City of Northglenn
City Council
Heather Geyer, City Manager
Corey Hoffmann, City Attorney

DATE: June 10, 2019

RE: Report of the 2019 Session of the Colorado General Assembly

The 2019 session of the Colorado General Assembly adjourned by midnight on Friday, May 3, 120 days after convening, as required by the State Constitution. The Democrats enjoyed majorities in both houses of the General Assembly and controlled the Governor's office, having been swept into office in November's statewide elections. The majority party and the new Governor pushed a number of significant agendas during the session, with a number of these bearing fruit. Some of the resulting legislation can have potential impacts on local government, including the minimum wage authority bill, the oil and gas legislation., and the "red flag" bill, among others.

Many of the majority's major bills of the session were highly partisan affairs, passing on party line votes. Many of these bills were drafted in quite insular processes and then pushed quickly through the Legislature; this infuriated minority Republicans and often left little opportunity for input or amendment for those not "in the wheelhouse" of the bill in question. The experience was frustrating to many in the lobbying corps, many of whom described 2019 as among the most difficult (I won't repeat a lot of the far more colorful adjectives!!) sessions that they have experienced. While I was able to insinuate myself into several bills (especially the oil and gas bill, SB18-181), I share the view that it was a very tough year to attempt to influence the General Assembly.

I tracked 127 bills on behalf of the City. On a number of these bills, the City's Legislative Committee directed that the City take a "Support" or "Oppose" position. On these bills I actively engaged with CML and our delegation in support of our position. Other bills were tracked because of their actual or potential impact on the City. Several of these bills had problems as introduced, but these issues were resolved by amendments. While not a 100% record, you will notice by reviewing our 2019 dossier of bills followed by the City that most of our "support" bills were enacted, and most of our "oppose" bills were killed. A notable exception was the bill to prohibit holding a cell phone while driving, **SB19-012**, which the City supported (along with CML), but which was killed after the ACLU and criminal defense bar came out in opposition to the bill, arguing that it would be used as a pretext for racial harassment. While it was a hectic session, in general I believe that 2019 was a very good year for the City at the Statehouse.

Here is the current version of our 2019 dossier of bills followed. You'll notice that several bills are still awaiting action by the Governor. If you would like to see the final form of any bill, just click on the bill number in the left-hand column.

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<https://statebillinfo.com/SBI/index.cfm?fuseaction=Public.Dossier&id=26208&pk=660>

Highlights

What follows are descriptions, by issue area, of some of the legislation that the City of Northglenn supported, opposed or tracked in the 2019 session. These are highlights; if I described *every* bill, you would all stop reading! In this post session wrap up, I focus primarily on bills that were *approved*. You will notice by reviewing the dossier that the City also *opposed* all manner of ill-conceived bills. As noted above, virtually all of the bills that the City opposed were either killed or amended to resolve our issues.

Opioids. The Legislative committee continued in 2019 its focus from last session on legislation responding to the national opioid addiction crisis. The City supported **HB19-1009**, which appropriates \$1M/yr. for 5 years to DOLA 's housing voucher program and makes the program available to persons with substance abuse disorders, as well as **SB19-008**, which puts in place various measures to emphasize treatment of persons with substance abuse problems in the criminal justice system; both bills have been signed by the Governor. The City tracked a number of additional bills in this area, including **HB19-1287** and **SB18-227** (see the dossier). As in 2018, most of the bills introduced in this area were products of an interim committee focused on the opioid crisis, and most were successfully enacted.

Housing: affordable, including rental

The City supported and tracked several bills in this area in 2019. The City supported **HB19-1085**, which expands State grants available to low income persons for assistance with rent, property taxes and utilities, as well as **HB19-1228**, which doubles (to \$10M/yr.) the amount of affordable housing tax credits that the State (through CHAFA) may make available to developers; both bills have been signed by the Governor. Once again in 2019, the Legislature killed the homeless "Right to Rest Act" (**HB19-1096**). A bill to permit rent control in Colorado, **SB19-225**, was unsuccessful. **HB19-1106**, which places restrictions on landlords' use of 'application fees" was passed. Other bills tracked in this area (see the dossier) included **HB19-1245**, **HB19-1319** and **HB19-1322**.

Watershed protection

I want to recognize and compliment dedicated City staff over at its wastewater plant that track virtually *every* water and wastewater bill considered at the Capitol. The Legislative Committee had the City supporting several bills aimed at protecting the City's water supplies, including **HB19-1006**, concerning wildfire mitigation measures, **HB19-1113**, concerning steps necessary to protect water from mining waste contamination, and **SB19-186**, involving protection of water through use of pesticide management plans.

Marijuana, cigarette taxation and vaping

Marijuana was once again a big topic at the Capitol in 2019, as was vaping. **HB19-1076** adds “electronic smoking devices” to the Colorado Clean Indoor Air Act, as well as expanding the no-smoking zone outside the doors of a business in most situations. Marijuana “hospitality establishments”, where MJ may be purchased and used were approved, subject to local approval, under **HB19-1230**. Also subject to local approval is newly authorized MJ delivery, pursuant to **HB19-1234**. **HB19-1033**, which the City supported, permits local taxation of cigarettes without affecting distribution of State collected cigarette taxes to local government.

Transportation funding/State de-Brucing

The General Assembly approved a pair of City supported bills, **HB19-1257** and **HB19-1258**, which will present a proposal to de-Bruce State revenues to voters in November. If approved, one third of the retained State revenues would be utilized for transportation and distributed to local governments and the State under the HUTF distribution formula (under which municipalities receive 18% of distributions).

This and that...

Urban renewal: Corey helped write a CML supported bill to clarify some notice obligations in the URA statute; the City also supported **HB19-1084**.

Equal pay for equal work: The General Assembly approved and the Governor has signed **SB19-085**, requiring equal pay for the same work between male and female employees (with exceptions) and prohibiting an employer from seeking wage history on a prospective employee, among other provisions.

Meeting notices: Pursuant to **HB19-1087**, meeting notices under the Colorado Open Meetings Law may now be posted on a public entity’s web site, in lieu of physical posting.

Local gov. minimum wage: **HB19-1210** authorizes local governments to establish a minimum wage within their jurisdiction.

Oil and gas: In approving **SB18-181**, the General Assembly clarified and restored local authority over oil and gas development activity. The bill removed a troublesome preemption standard created by the Colorado Supreme Court and provided that issuance of local permits to drill will precede issuance of State permits.

Police internal affairs investigation records: Previously generally not released under the Colorado Criminal Justice Records Act, these records, for investigations concluded after the effective date of **HB19-1119**, will now be subject to public release, under procedures set forth in the bill.

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Electric scooter regulation: Under **HB19-1221**, these scooters are made “vehicles”, which local governments may regulate in the roadways in the same manner that electronically assisted bicycles are regulated.

“Red flag” bill: **HB19-1177**, which the City supported, creates a process by which firearms can be removed from possession of a person considered a threat to themselves or others.

Respectfully, and with best regards,

MURRAY DAHL BEERY & RENAUD LLP



Geoffrey Wilson, Special Counsel

GTW/cw