

CCI LEGISLATIVE REPORT

COLORADO COUNTIES, INC.

JANUARY 28, 2008

CCI Meeting Reminder

All Steering Committee meetings are held at CCI.

Friday, February 8

- 9:00 – 10:30 a.m.
Tourism, Resorts &
Economic Development
- 10:30 – 12:00 p.m.
General Government
- 12:30 – 2:00 p.m.
Taxation & Finance
- 2:00 – 3:30 p.m.
Transportation &
Telecommunications

Friday, February 15

- 9:00 – 10:30 a.m.
Public Lands
- 10:30 – 12:00 p.m.
Agriculture, Wildlife & Rural
Affairs
- 12:30 – 2:00 p.m.
Land Use & Natural
Resources
- 2:00 – 3:30 p.m.
Health & Human Services

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Election Compromise Near?

With each passing day, the stakes get a little bit higher for county clerks and time is running out to come to decisions about how to conduct elections in Colorado. Throughout the state, county clerks await answers to questions that arose after most election machines in the state were decertified. The Clerks Association recently voted to support mandatory statewide all-mail ballots, with a vocal minority of clerks continuing to argue for a local option to do polling place elections. CCI's General Government Steering Committee recently voted to support permissive, rather than mandatory, legislation on mail ballot elections, with a minority of commissioners arguing that CCI ought to support the clerks' majority position.

On January 23, Governor Ritter sent a letter to the clerks outlining his support for paper ballot and polling place elections. The governor's position attempts to bridge the gap between advocates on both sides of the issue by supporting the use of paper ballots statewide and allowing people to cast their ballots by mail during early voting. Here is the text of the governor's letter:

January 23, 2008

Dear County Clerks,

The decertification of electronic voting machines for the 2008 elections creates a major, perhaps unprecedented, challenge for our state, and most particularly for each of you. My office and legislative leadership have spent many hours meeting with the leadership of the Colorado County Clerks Association, and with individual clerks. We recognize that you have been put into a very difficult situation by the late decertification.

One of the most basic roles of government is to provide for elections that are fair, reliable, transparent and convenient for voters. I know that county clerks fully appreciate that our democracy depends not only on the people's ability to vote, but

also on their confidence that every vote counts. This afternoon my office and the leadership of both houses announced a bi-partisan proposal that fixes the problems we face because of decertification of electronic voting machines for the 2008 elections.

Our plan to use paper ballots is the tried and true election method that has worked for decades. This approach accomplishes three goals. First, we preserve options for how people can cast their ballot, including by mail, during early voting, or on election day at the polls. This plan also ensures that there will be a verifiable paper trail. Most important, this plan minimizes the risk of technology failures that have caused election day chaos in past elections, as clerks will be able to use paper poll books on election day.

Previously introduced legislation should enable the Secretary of State to recertify electronic voting machines for the limited purpose of providing access to disabled voters, as required by federal law, and to recertify optical scan equipment that our county clerks must have to quickly and accurately count ballots on election night. In addition, we are working to ensure that counties which have previously conducted successful elections using vote centers will still be able to offer voters that convenience.

While we understand that some clerks may have preferred a different outcome, we will continue to work with you to ensure a successful election process. Our door is open, and we look forward to meeting with any and each of you who have concerns about this plan.

Sincerely,

*Bill Ritter, Jr.
Governor*

Legislators are well aware of the need to pass legislation swiftly so counties will be able to organize elections in time for August. Paper ballots help ensure voting integrity but some counties have not used paper ballots since before pull lever machines. The Secretary of State must re-certify most of the election machines under the future guidelines of HB08-1155. Questions remain about precinct reporting, which drives higher costs for most counties, and the SCORE database has not performed to expectations. All of these issues are to be resolved with the hope that the state will reimburse the counties for their additional expenses.

It is clear that any resolution involves compromises, and some may be controversial. State and local governments continue to work together to ensure a reliable and secure 2008 election. Updates will follow on this priority issue.

Agriculture, Wildlife & Rural Affairs (AWRA)

HB08-1096, Confined Animals Fine Penalty (Stafford)

CCI Position: Oppose

Rep. Stafford agreed to sponsor this bill on behalf of the United States Humane Society. The bill prohibits hunting mammals on enclosed land, no matter how many acres the enclosed land encompasses. The penalty would be a misdemeanor with a fine of \$10,000 to \$25,000 for big game mammals and \$100 to \$1000 for other mammals. The bill does allow exceptions for slaughtering a mammal for purposes of meat, leather or fur production. It also allows for humanely euthanizing a mammal for health, safety or scientific purposes.

Questions or Comments? Contact Andy Karsian at 303.883.9381 or akarsian@ccionline.org.

General Government (GG)

SB08-006, Suspending Medicaid for Confined Persons (Boyd, Solano)

CCI Position: Support

Mentally ill inmates in county jails are incarcerated longer than other inmates and cost more to house. Mental illness is also a significant factor in recidivism. What this bill does is to help mentally ill inmates leaving prison to continue to receive their Medicaid benefits after release from the county jails. Currently, benefits are terminated and it takes three to six months to reapply. During this time, the mentally ill person who is not receiving medication is more likely to recidivate.

While these individuals may represent a small percentage of most jail populations, the mentally ill offenders are not best served in county jails. The investment to allow social service departments to simply suspend benefits would provide a significant cost savings to counties and the Dept. of Corrections, while ensuring mentally ill individuals can have their benefits reinstated quickly.

SB08-007, Jail Inmate Application Assistance (Windels, Stafford)

CCI Position: Monitor

This bill addresses the same problem as SB 06. Juvenile facilities and state facilities would work with the Dept. of Health Care, Policy and Finance (HCPF) to develop systems to facilitate processing Medicaid applications 90 days prior to an inmate's release date.

This bill also asks that a pilot program be set up with two county jails that are interested in working with community mental health providers, HCPF and county social services agencies to facilitate processing Medicaid applications 90 days prior to release.

Questions or Comments? Contact Andy Karsian at 303.883.9381 or akarsian@ccionline.org.

Health & Human Services (HHS)

HB08-1018, Court-appointed Special Advocate Program (Primavera)

CCI Position: Support

Currently, court-appointed special advocate (CASA) programs are allowed for adjacent judicial districts. This bill would allow the same volunteer programs for nonadjacent judicial districts. The fiscal note states that there is no increased funding for the programs, nor is there a workload increase for the courts.

The CASA program is a valuable and important opportunity for community members to be involved in the support of assistance to children in the court system, and to the extent that the legislation makes this program more widespread, it's a positive change in statute.

HB08-1019, Transfer Educational Records for Foster Children (Casso, Sandoval)

CCI Position: Support

HB 1019 requires each school district to appoint a child welfare education liaison. The bill outlines the duties of such a liaison. It details the requirements for the school transfer of a child in out-of-home placement. The bill aims to make a smooth transition for the child to facilitate the continuation of his or her education. It also requires that a stable education situation be taken into consideration when an out-of-home placement or a change in placement is recommended by a county department. This legislation has the potential to create more stability for children already disrupted by an out-of-home placement. There does not appear to be any costs to the counties under the legislation as introduced.

HB08-1005, Collaborative Management of Multi-agency Services Provided to Children and Families (Frangas, Boyd)

CCI Position: Support

Current law allows certain agencies and county departments of social services to enter into memorandums of understanding (MOU) about services given to children and families. The same law requires the Department of Human Services and the Judicial Branch to create a model MOU containing specifics. Now, HB 1005 requires that the model MOU contains the expected cost savings by using such a MOU.

This bill allows the Department of Human Services to evaluate those counties that have entered into MOU's and those that have not. Counties have input about how the evaluations are conducted. The department has to provide training for those counties interested in entering into MOU's. A portion of the incentive funds currently retained by participant counties would be used to carry out the proposed evaluations. Counties have been consulted in the development of this legislation.

Questions or Comments? Contact Pat Ratliff at 303.668.0264 or plr45@aol.com.

Land Use & Natural Resources (LUNR)

HB08-1140, Repeal Rent Control Prohibition (Weissmann, Schwartz)

CCI Position: Monitor

This bill would repeal the statute that prohibits local governments from being able to impose rent control on private residential properties by passing ordinances or resolutions. While the legislation is permissive in enabling counties and municipalities to control rent, it may have effects on assessed values of private residential property.

This has been an issue of some discussion at CCI for the past several years, particularly for tourist and resort counties that have concerns about housing for their service workers. There have been statements from some counties that current law is overly restrictive and should be modified.

This bill was postponed indefinitely last week in the House Committee on Local Government.

HB08-1141, Require Sufficient Water Supply (Curry, Bacon)

CCI Position: Support with Amendments

This bill gives local governments the responsibility of determining whether or not an applicant has a sufficient water supply for a proposed real estate development. The applicant must submit a report completed by a registered professional engineer about the water demand of the proposed development. The applicant must show that the proposed development has enough water supply to serve the peak demands daily, monthly and annually. The bill outlines the criteria which the local government will use to make these determinations.

While current statute requires a review by the State Engineer of all development applications received by a county, there has been concern that the process suffers from the lack of standard criteria. This legislation seeks to more clearly define the obligations of a water provider in a development application, as well as the obligation for the local government and the state.

Questions or Comments? Contact Pat Ratliff at 303.668.0264 or plr45@aol.com.

Public Lands (PL)

SB08-063, Off-Highway Vehicle Sound Standards (Penry, Butcher)

CCI Position: Support with Amendments

Current OHV noise standards are difficult to enforce and are scattered throughout the Colorado Revised Statutes. This bill would replace current OHV and snowmobile sound standards with a statewide SAE international standard. Eleven states have adopted these standards, and off-road vehicle groups support this.

There is language in the bill that would prohibit counties from adopting noise ordinances stricter than the standards in the bill, but CCI is working with the sponsors to address this issue. The bill also exempts agriculture, emergency search and rescue, and closed-circuit races.

Questions or Comments? Contact Andy Karsian at 303.883.9381 or akarsian@ccionline.org

Taxation & Finance (TF)

HB08-1034, Clarify Employer Tax Credit Leasing Companies (Garza-Hicks, Veiga) **CCI Position: Monitor**

The 2007 General Assembly passed legislation to allow employers to claim the new business facility employee state income tax credit on temporary or leased employees. The current bill changes the definition of "employee leasing company" to clarify the relationship between employers and these employee leasing companies to enable employers to claim the tax credit.

HB08-1059, Property Tax Revenue Distribution Timing (Liston, Romer) **CCI Position: Monitor**

This bill gives latitude to county treasurers in the distribution timeline of property tax revenue. Depending on the amount of revenue generated in the county, the treasurer would have the discretion to distribute the funds less frequently. If the county generates less than \$100 per month in property tax revenue, then the treasurer can distribute the funds quarterly; and if the revenue is less than \$50 per month, then the distribution can be done annually.

Questions or Comments? Contact Bill Clayton at 303.884.7618 or claytonwjc@aol.com.

Tourism, Resorts & Economic Development (TRED)

HB08-1015, Authorize Local Government Marketing (Marostica, Johnson) **CCI Position: Support**

This bill would specifically authorize municipalities and counties to engage in marketing activities. Under current law, counties and cities are specifically authorized to appropriate money for advertising themselves. According to *Merriam-Webster Dictionary*, "advertising" encompasses "the action of calling something to the attention of the public especially by paid announcements". "Marketing" is similar but involves "the process or technique of promoting, selling, and distributing a product or service", generally to a defined "market" of consumers. While this seems like a fine distinction, at least one Colorado municipality was concerned about its ability to engage in marketing. HB 1015 would resolve this question for both cities and counties.

HB08-1088, Continuous Appropriation of Certain Cash Funds (Massey) **CCI Position: Support**

HB 1088 would eliminate the need for the General Assembly to make annual appropriations in support of the new jobs incentive fund, the film incentives cash fund, the state council on the arts cash fund and the Colorado travel and tourism promotion fund. This is achieved by providing that moneys in each of these funds are continuously appropriated for the purposes of these authorizing laws. Although the bill is assessed as having no fiscal impact, it affects appropriations totaling approximately \$25 million, \$19 million of which is attributable to the travel and tourism promotion fund.

Questions or Comments? Contact Chip Taylor at 303.883.9380 or jtaylor@ccionline.org

Transportation & Telecommunications (TT)

HB08-1012, Evaluation of State Highway System Reduction (Vaad, Spence)

CCI Position: Oppose

HB 1012 requires the Colorado Transportation Commission to evaluate the system of state highways to decide if removal of certain portions would be beneficial, including roads and state highways in municipalities. The commission has to decide which portions of the system are the more dispensable.

Local governments are facing costs in assisting CDOT with the evaluations, as well as future costs of road maintenance. While the fiscal note on this bill does not include specific figures, there is expected to be increase in HUTF due to the increase in total lane miles in the local jurisdictions.

HB08-1036, Charles Mather Highway Safety Act (McFadyen, Williams)

CCI Position: Monitor

This bill originated from the Transportation Legislation Review Committee and was proposed by CDOT to help protect workers in construction zones. It requires CDOT and any other public entity to designate roadways for maintenance, repair and construction with appropriate signage. The fines are doubled for certain traffic violations within the designated zones. CCI is monitoring the bill to see that the safety of the road workers can be ensured, while still being able to conduct county road maintenance in an efficient and timely manner.

Questions or Comments? Contact Tony Lombard at 303.884.9113 or tony@lombardclayton.com.