



Colorado Counties, Inc.

March 10, 2008

Legislative Report

CCI Meeting Reminder

All Steering Committee meetings are held at CCI.

Friday, March 14

- 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

Friday, April 4

- 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

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NACo's 2008 Legislative Conference: A Big Success!

Forty-six county commissioners were in Washington D.C. last week attending the 2008 National Association of Counties (NACo) Legislative Conference. In addition to attending educational seminars on topics ranging from SAFETEA-LU reauthorization to affordable housing, commissioners lobbied for the passage of eight Colorado resolutions. The following resolutions received favorable endorsement by CCI's membership during the November, 2007, CCI Winter Conference and were offered as Colorado Resolutions:

- 1.) Reform the Help America Vote Act
- 2.) Flexible Use of Title IV-E Funds
- 3.) Allow for Medicaid Coverage for Dependent, Abused and Neglected Undocumented Immigrant Children
- 4.) Revise FEMA Snow Assistance Policy
- 5.) Increase Federal Mineral Lease Payment to Counties
- 6.) Limit Federal Takings for Military Bases
- 7.) Support the Colorado Forest Improvement Act
- 8.) Increase Federal Funding for Interstate Highway Reconstruction Costs

Six of these eight Colorado resolutions were adopted by NACo's steering committees and board of directors. These resolutions are known as "interim resolutions" and must be reintroduced and readopted this coming July at the NACo Annual Conference before they are officially incorporated into NACo's 2009 American County Platform. The two resolutions that need additional work and revision are the "Limit Federal Takings for Military Bases" and the "Increase Federal Funding for Interstate Highway Reconstruction Costs" resolutions. For copies of all the "interim resolutions" that passed, please contact Gini Pingnot (gpingenot@ccionline.org).

In addition to lobbying Colorado's eight resolutions, commissioners also met with and lobbied all nine of Colorado's congressional delegates. Commissioners relayed their concerns on issues ranging from transportation funding to forest health and restoration initiatives. They sought support

for specific bills and illustrated the local impact of federal policy and funding decisions. The commissioners appreciated meeting with each of Colorado's congressional delegates and look forward to a productive partnership now and in the years to come.

Agriculture, Wildlife & Rural Affairs (AWRA)

HB08-1096, Hunting Confined Animals Fine Penalty (Stafford)

CCI Position: Support

This bill deals with confined hunting of mammals that are "intentionally confined, tied, staked, caged, or otherwise restrained from engaging in normal movement." It prohibits a person from offering someone the opportunity to hunt, wound, or take any mammal that is within a confined or fenced area. It does allow for exceptions when slaughtering mammals for purposes of meat, leather, or fur production, as well as humanely euthanizing a mammal for health, safety, or scientific purposes.

HB 1096 passed the Senate Agriculture Committee and was placed on the consent calendar for second reading.

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

General Government (GG)

SB08-189, Paper Ballot Elections (Gordon & McElhany, M. May & Madden)

CCI Position: Oppose

SB 189 attempts to create a standardized election process for Colorado's 2008 election. The problem is that counties use a variety of methods to run elections and mandating a one size fits all process creates serious problems. This bill requires counties to use paper ballots only for the '08 election. Voting machines will be available for disabled voters and those voters who affirm to election judges that they wish to vote using the machines.

CCI has serious questions and concerns about this bill. Mandating counties to pay return postage on mail-in ballots was one concern, but this requirement was deleted by the Senate State Affairs Committee. The biggest question is: why is this bill necessary? All voting machines in Colorado are recertified and some were recertified under specific conditions, in order for elections to continue as they have for years without problems in the majority of counties. Election problems occur when there is a change in the process. Since most counties have not run paper ballot elections for 30 years, counties question the necessity of this bill.

The list of unfunded mandates from the state to the counties is long and this bill would add one more burden the counties would need to shoulder for the state. CCI encourages all county commissioners to contact their legislators and respectfully ask them to consider whether this very expensive, last-minute election mandate is really in the interest of their constituents.

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

Health & Human Services (HHS)

HB08-1342, Child Support Enforcement Procedures (Kefalas, Ward)

CCI Position: Pending

First of all, this bill clarifies that an independent contractor working for a county government agency to collect debt is not considered a collection agency and is not a “debt collector” as defined in the statute. Then, the bill sets procedures for adding another child to an existing case involving the same parents. It also ensures the confidential collection of social security numbers of all individuals involved. Other provisions provide guidelines for liquidating securities to satisfy past due child support obligations. Finally, this bill allows the state agency enforcing child support matters to put an administrative lien on insurance payments, awards and settlements of the person owing child support.

This is, in part, the annual legislation concerning parental support obligations. It includes language to permit county support enforcement actions to proceed separately and be distinct from routine debt collection operations. The bill will be amended to provide additional funds for counties. The state is sharing the portion of federal funds they usually keep, so that counties will not take the full brunt of the federal incentive cut-backs.

HB08-177, Colorado Works Program Omnibus (Boyd, McGihon & Massey)

CCI Position: Pending

This bill aims to alter the Colorado works program to be in compliance with federal law and to facilitate its administration by revisiting the program ten years after its inception. In addition to repealing obsolete terms in the program, refining the eligibility requirements to be more equitable, and repealing specific provisions such as that of diversion grants, the bill contains provisions that substantially impact counties.

Counties, advocates, CDHS staff, and Sen. Boyd have been conducting a series of meetings to resolve issues and concerns from each group. These meetings are progressing well, and the hope is that these agreements will result in amendments to the bill that will move forward the revisions to Colorado Works in a positive manner. CCI is grateful to all the parties and Sen. Boyd for this extended opportunity to adopt TANF legislation that best meets the needs of Colorado’s poorest citizens.

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

Land Use & Natural Resources (LUNR)

SB08-117, Limit Local Building Permit Fee for Solar Panels (S. Mitchell, McNulty)

CCI Position: Oppose Unless Amended

This bill prohibits local governments from charging more than \$150 for building permit fees in the installation of solar panels. During the Senate Agriculture committee hearing, the bill was amended to provide for a cap of \$300 for a permit for solar devices on a residential facility, and \$1000 for the permit for a commercial facility.

CCI has always urged local control over these kinds of activities, because a cap or mandatory fee rarely reflects the varying costs from jurisdiction to jurisdiction. While the desire to support

these alternative energy resources is valued by counties, it is problematic for counties to subsidize such activities.

The House Local Government Committee adopted amending language during debate on SB 117 that now requires solar energy permits to be capped at actual cost. Actual cost allows counties to recover their costs, removing the potential subsidization that might have occurred if the bill proceeded as it was introduced. This is an excellent resolution to the concerns of both the alternate energy community and the local governments who must carry out inspections of these often complex systems.

HB08-1350, Facilitate Financing of Renewable Energy Projects (Madden, Romer)
CCI Position: Pending

This legislation facilitates the financing of renewable energy projects by local governments and the clean energy development authority. It updates the authority's ability to issue bonds for such projects and authorizes the removal for cause of members of the board of directors.

This is a newly introduced bill that creates funding and a bonding system to provide greater renewable energy options on the local government level. The bill is permissive in nature, and would provide additional tools for counties and municipalities in this area of improving clean energy options.

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

Public Lands (PL)

SB08-039, Training Directors of Fire Protection Districts (Kopp, Witwer)
CCI Position: Support

This bill allows for wildland urban interface training courses for the directors of fire protection districts. It also would create a five member Wildland-Urban Interface Training Advisory Board to advise the division on course content and implementation of the pilot program. The Department of Public Safety and Division of Fire Safety would establish a pilot program offering training courses to directors of fire protection districts whose territory includes wildland-urban interface areas. Courses are offered to directors at no charge and no general fund money is spent, instead all revenue relies on grants, gifts, or donations.

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

Taxation & Finance (TF)

SB08-067, Authority of a Local Government to Expend Conservation Trust Fund Moneys for Operational Expenses (Taylor, Riesberg)
CCI Position: Support

Current law allows local governments to use lottery money distributed through Conservation Trust Fund for only the purposes of acquisition, maintenance, and development of new conservation sites. This bill allows local governments to use these moneys for the operation of such sites, specifically in paying personnel in the operations. Consequently, money in the general fund will be freed up for other purposes. The bill was amended slightly in the Senate

and has already passed Senate third reading and been assigned to House Committee on Local Government.

SB08-128, Eliminate Sales Tax Cap (Isgar, Hodge)

CCI Position: Support

As a CCI legislative priority, this bill removes the 6.9% cap set in current statute for sales and use taxes levied collectively by the state, a county, and a municipality. Over the past several years, the counties have had to go to the legislature to ask permission to go to the local voters to raise taxes. With the passage of the TABOR amendment, the necessity to go to the legislature is an added step that the counties feel is no longer necessary. This legislation does not raise taxes, which would still require voter approval.

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

Transportation & Telecommunications (TT)

HB08-1257, Overweight Motor Vehicle Permits & Fees (Vaad, Williams)

CCI Position: Support with Amendments

This bill allows permits and permit fees for an overweight vehicle up to 110,000 pounds with a divisible load, as long as it has a four-axle grouping. These vehicles are not allowed to operate on interstate highways. They do have to adhere to federal and state regulations regarding axle-weight distribution. The legislation sets standards for fines if the vehicle violates weight limits.

CCI supports the intent of the bill to lessen wear and tear on the roads of Colorado. The bill has passed third reading in the House.

HB08-1278, Eminent Domain by RTD (Summers & White, Tochtrop)

CCI Position: Oppose

This bill limits the Regional Transportation District (RTD) powers of acquiring land through eminent domain. These powers can only be used for the purpose of providing public transit and other related secondary purposes in the same effort. Once acquired, the ownership of property cannot be transferred for other purposes such as economic development. This bill clarifies the definition of "public transit purposes," and specifies structures such as parking do not constitute "public transit purposes." This bill will have impacts on the RTD's ability to proceed with FasTracks plans. CCI's objection to the bill is an amendment mandating the state or any political subdivision to participate in nonbinding mediation with the owner of the subject property prior to commencing an eminent domain action.

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