



Colorado Counties, Inc.

March 3, 2008

Legislative Report

CCI Meeting Reminder

All Steering Committee meetings are held at CCI.

Friday, March 7

- 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, 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

For access to other *Legislative Reports* go to: www.ccionline.org.

800 Grant St., Suite 500
Denver, CO 80203
Ph) 303.861.4076
Fax) 303.861.2818
www.ccionline.org

WOULD YOU LIKE AN ALL MAIL BALLOT FOR YOUR ELECTION?

The process to ensure a successful election in Colorado has been turbulent this year. First, the Secretary of State decertified most of the voting machines in Colorado. Then, the SCORE database was tested in last November's election and counties found it to be unreliable. Finally, there was an announcement that Colorado would mandate an all paper ballot for the state. The future looked bleak.

The Secretary of State, however, retested and conditionally recertified all the voting machines, except for optical scanners used by two counties. A third party inspected the SCORE database and found it ready to roll out this November. With these two problems solved, counties still face a mandated paper ballot election which will cost millions of dollars to implement.

SB 189, introduced just last week, is the bill that implements the new paper ballot system for the 2008 election. The bill calls for either vote centers or precincts in the counties to print all ballots on paper, and to have the HAVA mandated voting machine available only for disabled voters and those voters who wish to use them instead of the paper ballot.

One problem counties face in implementing this new voting process is the sheer number of ballots to be printed for the precincts. Under SB 189, counties are required to print as many ballots as there are registered voters to ensure there are enough ballot types for each voter who may vote in person on Election Day. Depending on the precinct, there could be any number of combinations of special district, school district, municipal, county, state and national issues on the ballot. The different ballot types could number in the hundreds, greatly increasing costs.

SB 189 allocates \$3.5 million to help reimburse the counties for election expenses. The Secretary of State may reimburse counties for some expenses as well. Counties, however, are

concerned that the expenses required to implement a new paper ballot system are enormous. In some counties, the use of paper ballots does not pose an inconvenience. While in others, paper ballots pose a significant fiscal impact. In one county alone, the cost for a paper ballot election would increase spending by \$3.2 million.

A fiscal analysis by the county clerks estimates **\$11.3 million for implementing SB 189**. This amount only takes into account the costs for 39 counties, so the actual cost for implementing SB 189 would actually be much higher. With further allocations from the State unlikely, counties would like to see an all-mail ballot option available. This option would allow counties to run a fair and transparent all mail election, while still providing each voter equal protection under the law.

More detailed information is available by contacting Andy Karsian at CCI, 303-861-4076 or at akarsian@ccionline.org.

Commissioner Al Price

Gilpin County Commissioner Al Price passed away of natural causes on Wednesday, February 27. He was pronounced dead at St. Anthony's Central Hospital in Denver at 3:03 p.m.

Gilpin County Board of Commissioners' Chair Jeanne Nicholson expressed sorrow on behalf of the entire Gilpin County community, "We want particularly to convey our deepest sympathy to Al's wife, Mary Lou, and to his son and daughter. We are shocked and saddened by this sudden loss."

Services for Commissioner Price will be at St. James Methodist Church, 123 Eureka Street, in Central City at 1 p.m. Wednesday, March 5, with a reception following at the Elks Club.

General Government (GG)

HB08-1329, Procedures for Updating Voter Registration Lists (Marshall, Gordon) **CCI Position: Monitor**

This bill requires county clerks to update their voter rolls in advance of the upcoming 2008 general election. Clerks would send out voter confirmation cards to individuals placed on the inactive list. Some of these individuals did not vote in the 2007 election and were deemed inactive. If an inactive voter returns their card, their status will be changed to active.

HB 1329 carried a fiscal impact for local governments, even though the bill's fiscal note does not reflect this. Amendments to the bill addressed CCI's concerns about this impact. Now, clerks will be allowed to include this confirmation card in existing mailings sent to voters, rather than having to send it in a separate mailing.

SB08-032, Bond Commissioner and Bond Breach Hearings (Harvey, McNulty) **CCI Position: Support**

This is a CCI legislative priority. There are four judicial districts that use bond commissioners to facilitate pre-trial work. This bill would allow the bond commissioner to apply for a bond revocation hearing when a defendant violates the terms of his/her bond. If a defendant

accused of domestic abuse or drug use violates their bond conditions, a hearing may not be scheduled for up to a month because of full dockets and heavy caseloads. This bill will allow the bond commissioner to appear before the judge to request and schedule a hearing, thereby reducing the time spent getting the defendant into court.

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

Health & Human Services (HHS)

SB07-047, Funding For CASA Programs (Morse)

CCI Position: Support

The Court-appointed Special Advocate (CASA) Fund was created to hold money for the CASA program that represents children in abuse and neglect cases. According to the Office of Children's Representatives, the fund has had a \$0 balance since its creation in 2000. This bill increases the marriage license fee from \$10 to \$40 in an effort to fill the CASA Fund. The county clerks currently receive \$7 of the \$10 from the fee to cover administrative costs involved in issuing marriage licenses and would like to see their share of the fee accurately reflect the costs. This bill sets up specifics about how the money in the fund would be distributed and other administrative guidelines. The Senate Committee on State, Veterans and Military Affairs amended the provisions detailing the administration and auditing of the fund. It is now in Appropriations.

CCI's Health and Human Services committee recognizes the importance of the CASA program, thus has voted to support this legislation. The audit requirements will help the state, and the proponents ascertain that the program will benefit from the funding provided by this legislation.

SB08-160, Children's Health Care (Hagedorn, McGihon)

CCI Position: Monitor

This bill changes the eligibility standard for the baby and kid care program under Medicaid to 133% of federal poverty line. It ensures 12 months continual enrollment for Children's Basic Health Plan, if eligible, and changes the eligibility requirement from 205% to 225% of federal poverty line. It allows the Department of Health Care Policy and Finance to change that eligibility standard to as high as 250% of the federal poverty line, depending on available appropriations. The bill will increase the number of children throughout the state who receive health care by extending eligibility.

There have been repeated studies and statistics demonstrating that far more Colorado children need access to health care than are currently served. This legislation would extend coverage to more low-income children, which would in turn, result in healthier children who do better in school and have far fewer medical emergency needs. The bill is dependent upon available appropriations, so it is conditional in its scope, subject to funding.

SB08-161, Medicaid and CHP+ Enrollment (Boyd, Merrifield)

CCI Position: Monitor

Subject to grants, donations, and gifts received, this bill requires the Department of Health Care Policy and Finance to adopt rules of verifying Medicaid and Children's Basic Health Plan eligibility through Department of Labor records. The bill does allow applicants to provide other

forms of verification if they are more up to date than Department of Labor records. The Advisory Committee on Covering All Children is required by the bill to look into combining Medicaid and Children's Basic Health Plan.

CCI is working with the Department of Health Care Policy and Finance to examine the eligibility procedures in place and the proper criteria for determining eligibility. There are some questions regarding the efficacy and reliability of the income verification method in the bill, and CCI will continue to discuss these questions with the Department and the sponsor.

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

Land Use & Natural Resources (LUNR)

SB08-147, Increase Energy Efficiency in State Buildings (Gordon)

CCI Position: Support

Current law exempts low-income housing projects and construction funded by severance tax direct distribution from energy efficiency standards to which other state-assisted facilities are subject. This bill repeals such exemptions. It authorizes the Department of Personnel and Administration to accept life-cycle cost analyses based on department approved fuel escalating methodology. The methodology can be nationally recognized or locally appropriate.

The CCI Land Use and Natural Resources Committee voted to support this legislation, recognizing that low-income housing is in greater need of energy efficiency than almost any other structures built with state funds, given the income levels of the occupants. The bill has passed the Senate and been introduced in the House, assigned to the House Transportation and Energy Committee.

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 off-highway vehicle (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.

CCI has worked with the sponsor and the coalition behind the bill to ensure that local governments' ability to enforce their noise abatement ordinances within their jurisdiction is unaffected. The bill was amended in committee to add language that sufficiently addressed this concern.

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

Taxation & Finance (TF)

HB08-1245, Net Revenue Reductions (Bruce)

CCI Position: Oppose

HB 1245 would have had substantial impact on tax revenue for counties. For example, local governments would have been prohibited from assessing motor vehicle registration fees. Telecommunication services would have been exempt from state and local sales taxes. Specific ownership tax rates and some property tax mill levies would have been reduced. Furthermore, the bill would have prohibited local governments from entering into tax increment finance contracts. The projected loss in revenue for counties would have been over \$26 million in Highway Users Tax Fund alone in FY 2008-2009. The bill was postponed indefinitely in the House Committee on Finance.

SB08-013, Severance Tax Trust Fund Operational Account Appropriations (Schwartz, Fischer)

CCI Position: Support

This is a bill from the Interim Committee to Study the Allocation of Severance Tax and Federal Mineral Lease Revenues. It changes the way money is appropriated from the Operational Account of the Severance Tax Trust Fund to the Department of Natural Resources and its various programs.

Money that goes to Oil and Gas Conservation Commission decreases from 45% to 40%. Division of Reclamation, Mining and Safety money decreases from 30% to 25%. The Division of Wildlife gets up to 5% of the account for purposes of mitigating impacts from mineral exploration. The Division of Parks and Outdoor Recreation gets another 5% for the maintenance of state parks. It also exempts the appropriations made to the Division of Wildlife from the two year reserve requirement as set forth in HB02-1041.

The bill was amended to include more specific language about impacted areas by the Senate Committee on Agriculture, Natural Resources and Energy and referred to Appropriations.

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

Tourism, Resorts & Economic Development (TRED)

SB08-162, Interest on Fiduciary Accounts for Affordable Housing (Boyd, Riesberg)

CCI Position: Pending

SB 162 creates the Fiduciary Earnings for Affordable Housing Foundation to organize a statewide attempt at collecting revenue for affordable housing. The bill dictates how the members of the board of directors are chosen and how the annual reports of the foundation are conducted. Once the annual interest earnings reach \$20 million in the Fiduciary Earnings for Affordable Housing Fund, local governments will receive 50% of the fund through a formula recommended by the State Housing Board. Until then, local governments receive funding through grant applications.

In testimony before the Senate Health and Human Services Committee, a wide variety of proponents supported this technique for raising funds, and described the increasing need for

affordable housing, particularly in high tourism and resort communities, as well as, larger metropolitan areas. The recent foreclosure increases in Colorado have driven the needs even higher for affordable and low-income rental property.

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

Transportation & Telecommunications (TT)

HB08-1230, Mobile Machinery Comply Tier 2 Emissions (Fischer, Tapia)

CCI Position: Oppose

For vehicles that are used for construction, road repairs, digging, and well drilling, and not for transportation, this bill creates the Colorado Mobile Machinery Emissions Limitations Act of 2008. The bill sets a \$25 registration fee. It requires that the vehicle meets U.S. Environmental Protection Agency tier 2 emissions standards by 2010 and tier 3 emissions standards by 2013. If emissions standards are not met, a \$25 per horsepower fine is imposed. The fines and fees are deposited into the Mobile Machinery Emissions Cash Fund to buy new equipment that does meet the emissions standards or retrofit the old ones that fail with grants. County clerks and recorders are responsible for collecting the fines and fees, and will be able to retain a portion to cover administrative costs. Local governments are also required to obey these standards and pay appropriate fees and fines for their mobile machinery. There is an agriculture exemption to these requirements. This bill will cost counties money to retrofit current machinery. Additionally, there is a lot of opposition from private contractors. The bill sponsor is researching ways to change the bill as of this writing.

HB08-1249, Emergency Telephone Services 911 Charge (Rice, Kester)

CCI Position: Support

HB 1249 clarifies that the emergency telephone services 911 charge applies to prepaid wireless and internet telephone services just as to other phone services. The service suppliers are ultimately responsible for these charges and can pass on the cost to the customer at the point of sale or by decreasing amount of available usage. This will increase the revenue to local governments in emergency telephone services.

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