

CCI LEGISLATIVE REPORT

COLORADO COUNTIES, INC

FEBRUARY 7, 2011

CCI Meeting Reminder

All steering committee meetings are held at CCI.

Thursday, February 10

- 9:00 – 11 a.m.
General Government
- 11:00 – 12:00 p.m.
Tourism, Resorts & Economic
Development
- 12:30 – 2:00 p.m.
Taxation & Finance
- 2:00 – 3:30 p.m.
Transportation &
Telecommunications

Friday, February 11

- 9:00 – 11 a.m.
Health & Human Services
- 11:00 – 12:00 p.m.
Agriculture, Wildlife & Rural
Affairs
- 12:30 – 2:00 p.m.
Land Use & Natural Resources
- 2:00 – 3:30 p.m.
Public Lands

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County Publication Requirements – Once More unto the Breach

County commissioners have long maintained that statutory publication requirements in Colorado are expensive, inequitable and unnecessary. No one disputes that making county salaries and financial information available to the public is essential to transparency in government. What counties take issue with is the fact they have to pay for advertising space in the local newspaper to publish this information – especially when this information could be provided just as easily on the Internet. The problem is also one of inequitable treatment since county governments are the **only** local governmental entities that are required to publish their staff salaries and financial information in the newspaper.

Rep. Scott has come forward and attempted to provide some fiscal relief to counties in the form of HB11-1098. This enabling legislation allows counties to post their monthly expenditure reports and financial statements on a county website (if one exists). This measure would save some counties tens of thousands of dollars annually and result in even better public access to this information. A recent survey in Mesa County found that over 80% of the citizens had regular access to the Internet. This figure far exceeds the circulation of any newspaper in Colorado. Moreover, publishing in the paper makes the information available for only a short time frame (usually a couple of days at most), whereas posting on the Internet provides year-round citizen access to this information.

Previous legislative attempts to remove this publication requirement have not been successful. The Colorado Press Association has vigorously opposed any and all measures to allow optional posting of this information on the Internet. The only success CCI has had on this front was in removing the requirement that counties publish the names of county employees when publishing employee salaries. CCI expects that the Press Association will try to block HB11-1098 and preserve a taxpayer-funded revenue stream for local newspapers.

HB11-1098 will be heard in the House Local Government Committee on Wednesday, February 9, at 1:30 p.m.

Agriculture, Wildlife & Rural Affairs (AWRA)

SB11-017, Anhydrous Ammonia Incident Reporting Requirements, (Tochtrop, Miklosi) **CCI Position: Monitor**

This bill requires an individual to report cases of anhydrous ammonia release that are less than 100 pounds to the Department of Agriculture. Currently, there is a requirement for larger releases to be reported. While anhydrous ammonia is an essential fertilizer, it is extremely dangerous and can be used to make methamphetamine. Since there is a reporting process in place and agriculture stakeholders did not have an opportunity to provide input into the bill, SB11-017 was postponed indefinitely with a promise from stakeholders for conversations to occur over the summer.

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

General Government (GG)

HB11-1043, Medical Marijuana (Massey, Steadman) **CCI Position: Support (as amended)**

This bill attempts to resolve some issues that arose following passage last year of HB10-1284 and the subsequent rule-making by the Medical Marijuana Enforcement Division at the Department of Revenue. Rep. Massey has already pulled the introduced version of HB11-1043 and has drafted an amendment that will basically replace the entirety of the original bill. This amended language addresses three key issues that CCI was seeking clarification on: 1) Removing the requirement that grow operation locations be kept confidential – something that was virtually unworkable for most county land use processes; 2) Clarification that medical marijuana businesses cannot apply for a state license until July 1, 2011, when many county moratoria on medical marijuana are currently set to expire; and 3) a requirement that caregiver grow operations comply with local zoning and building codes. CCI appreciates Rep. Massey's continued assistance and willingness to ensure that local government needs are met in the development of this new licensing arena. The bill is scheduled to be heard in the House Judiciary Committee on Thursday, February 10.

HB11-1061, Graffiti Clean-Up on CDOT Property (Ferrandino, J. Kerr) **CCI Position: Support**

This bill would have allowed counties to enter into a memorandum of understanding (MOU) with the Colorado Department of Transportation (CDOT) in order to remove graffiti from CDOT facilities (including overpasses and sound walls along state highways). The bill also allowed for multiple instances of defacing property to be classified as a felony. This latter provision was somewhat controversial and the bill was postponed indefinitely in the House Judiciary Committee on Tuesday, February 1.

Questions or Comments? Contact Eric Bergman at 303.861.4076 or ebergman@ccionline.org or Pat Ratliff at 303.668.0264 or patratliff.associates@gmail.com.

Health & Human Services (HHS)

SB11-124, Transfers of County TANF (Temporary Assistance for Needy Families) Reserves (Hodge, Gerou)

CCI Position: Support

SB11-124 is a bill originated by CCI that addresses riding demands for assistance from needy families in the face of dwindling TANF reserves. SB11-124 repeals certain provisions of current law regarding statutory caps on counties' TANF reserve funds. The bill also provides for a systematic process whereby the Works Allocation Committee is authorized to oversee the transfer of excess county TANF reserves above the cap. These transfers would be allocated based upon need, with counties at zero reserves first in line for transfers. No excess dollars would go to the Colorado Department of Human Services' (CDHS) long term reserve until all counties' TANF reserve needs are met, and then only those funds that exceed 70% of each county's TANF reserves could be transferred to the department.

During the 2008 legislative session the administration and the legislature decided that county reserves had grown too large and should be made available for state programs and for a grant program for eligible advocacy projects and county innovation. The resulting legislation set limits which restricted the amount of TANF reserves that counties could retain. In accordance with statute, the reserve cap in 2009 was set at 70% of a counties' allocation. Beginning in 2012 and beyond, counties can only retain 30% of their allocation reserves. Counties had learned over the years that keeping a cushion of reserves allowed for much greater flexibility during economic downturns. The current economic situation was not foreseen at the time the caps went into effect.

Today there are counties with no reserves at all, and the routine inter-county sharing or "selling" of TANF funding between counties has shrunk to a trickle insufficient to see us through the current economic distress. It is vitally important that counties be relieved of these caps and return to spending TANF funds for current clients' needs.

It is important to remind legislators that the only "match" or Maintenance of Effort (MOE) funds being spent in Colorado today to draw down these federal dollars are the local tax revenues from each county. When a county agrees to transfer TANF dollars to another county the "price" is the proportion of match or MOE related to the TANF amount. In this way counties are kept whole and are able to help one another.

At this time there are simply not enough reserves left and counties are facing yet another ratchet down on the percentage of reserves they can keep in the coming fiscal year.

CCI urges your support of this important legislation.

SB11-120, Protections for Youth in Foster Care (Newell, Kefalas)

CCI Position: Pending

SB11-120 creates a very broad and inclusive statement regarding a bill of rights for children and youth in out-of-home placement other than the Division of Youth Corrections or State Mental Hospital. The bill comports with statutory provisions throughout Title 19, and other statutes, that assert the rights of children in these settings. This bill creates a legislative declaration that children and youth should enjoy these rights and puts all the elements into one place in law for ease of access by children and youth in placement. With the exception of the section described below, this legislation creates no new

rights or privileges, but assembles all current rights together.

SB11-120 also creates protections for children and youth who may be victims of identity theft, a not infrequent consequence of unfit parents' use of children's social security numbers to fraudulently secure credit. These youth often find, only when aging out of foster care, that their credit is ruined and they are in the unenviable position of being considered adults, but having no way to fight the identity theft and its damaging impact on these young adults. Currently the process to correct such crimes is lengthy and difficult for mature and responsible adults, and often beyond the skills of these young people.

CCI has been involved in the development of this legislation and has worked closely with a wide variety of child welfare advocates. This has been a very open, collaborative process.

Questions or Comments? Contact Gini Pingnot at 720.255.8941, gpingenot@ccionline.org or Pat Ratliff at 303.668.0264 or plr45@aol.com.

Land Use & Natural Resources (LUNR)

HB11-1026, Storm Water Management System Administrators (Gerou)

CCI: Monitor

The House Economic and Business Development Committee heard this bill last week. The sponsor offered a strike below that took into account feedback from Colorado department of Public Health and Environment and local governments. The amendment made some technical changes, eliminated the self-audit immunity statute and the related disclosure provisions, and made it clear that participation in the program is voluntary.

With these changes, CCI will continue to monitor the bill.

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

Taxation & Finance (TF)

HB11-1042, Classification of Residential Land when Residential Improvements are Removed (Levy, Nicholson)

CCI Position: Monitor

HB11-1042 preserves the residential classification of property owners who lose their homes because of a natural disaster and intend to rebuild but need time to do so. On Wednesday, February 2, HB11-1042 was amended to specify that the favorable tax status outlined in the bill applies to those who have lost their homes because of a natural disaster such as a "...fire, flood, tornado, action of the elements, act of war or terror, or similar cause that is beyond the control of the party holding title to the property destroyed." With this amendment, the bill unanimously passed out of the House Local Government Committee.

HB11-1109, Telecommunication Equipment Local Sales Tax Exemption (Liston, Giron)
CCI Position: Pending

HB11-1109 allows counties to exempt sales of telecommunication equipment from the county's sales tax base. Under current statute, counties can choose to adopt up to twelve different exemptions – ranging from an exemption on farm equipment to food sales – from their sales tax base. HB11-1109 expands this list to add a thirteenth exemption. This bill will be heard in the House Local Government Committee on Monday, February 7th.

HB11-1103 Incentivize Certain Wind Turbine Systems (Kerr, A.)
CCI Position: Pending

HB11-1103 provides incentives for 'distributed electrical generation wind turbine systems'. These systems are defined as those that are installed behind the meter of a residential or commercial building and do not require large tower installations. Some counties use these systems to power their fairgrounds and other public facilities. Farmers may use these systems to run their irrigation systems. While there are many provisions outlined in the bill, the provision that counties may care most about is the sales and use tax exemption granted for the sales, storage and use of component parts used to build these systems. This provision will impact the local sales tax base of counties. It has been suggested by some commissioners that this provision be included in the list of optional sales tax exemptions counties can choose to adopt if they desire. Doing so would change this provision of the bill to be more in-line with the intention of HB11-1109 (see write-up above) whereby the exemption is optional. CCI will take a formal position on HB11-1103 on Thursday, February 10.

Questions or Comments? Contact Gini Pingnot at 720-255-8941, gpingnot@ccionline.org or Bill Clayton at 303.884.7618, bill@lombardclayton.com.

Transportation & Telecommunications (TT)

HB11-1046, Transportation Planning by CDOT in Rural Areas (Vaad)
CCI Position: Oppose

HB11-1046 would have eliminated the State Transportation Advisory Committee (STAC) and required CDOT to conduct all transportation planning for areas outside of the Metropolitan Planning Organization (MPO) regions. A number of local government associations, among them CCI, CML and Action 22, opposed the measure, advocating that the STAC is essential to statewide transportation planning and the infrastructure investment process. Rep. Vaad, the bill sponsor and Chair of the House Transportation Committee, asked that the bill be postponed indefinitely during committee action on Wednesday, February 2.

HB11-1075, Limiting Uses of FASTER Funding (Becker)
CCI Position: Oppose

HB11-1075 would have redirected FASTER dollars earmarked for local transit projects back into the larger HUTF pot for distribution to counties and cities. It would also have narrowed the definition of "road safety project" to exclude bikeways and bicycle lanes and redirected funds away from the new Division of Transit and Rail at CDOT. The bill was postponed indefinitely by the bill's sponsor, Rep. Becker, on Tuesday, February 2 after he learned of widespread opposition amongst local government organizations (including CCI and CML). While CCI appreciated the sponsor's attempt to address the

continued lack of funding for county road and bridge projects, members felt that CCI's support of FASTER in 2009 was a commitment to fund a statewide transportation *system* that includes multimodal options in addition to roads and bridges. During his remarks before the House Transportation Committee, Rep. Becker indicated a willingness to bring stakeholders together to discuss the issue of local transportation funding. CCI looks forward to that conversation.

Questions or Comments? Contact Eric Bergman at 303.861.4076 or ebergman@ccionline.org or Tony Lombard at 303.884.9113 or tony@lombardclayton.com.