

# CCI LEGISLATIVE REPORT

COLORADO COUNTIES, INC

MARCH 28, 2011

## CCI Meeting Reminder

All steering committee meetings are held at CCI.

### Friday, April 15

- 9:00 – 10 a.m.  
Health & Human Services
- 10:00 – 10:45 a.m.  
Agriculture, Wildlife & Rural Affairs
- 10:45 – 11:30 a.m.  
Land Use & Natural Resources
- 11:30 – 12:15 p.m.  
Public Lands
- 12:15 – 12:45 p.m.  
Lunch
- 12:45 – 1:45 p.m.  
General Government
- 1:45 – 2:30 p.m.  
Tourism, Resorts & Economic Development
- 2:30 – 3:15 p.m.  
Taxation & Finance
- 3:14 – 4:00 p.m.  
Transportation & Telecommunications

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## **‘Secure Communities’ Compliance Tied to Severance and Cigarette Tax Dollars**

Launched in 2007, the Secure Communities Initiative is a cooperative law enforcement effort by the US Immigration and Customs Enforcement (ICE) agency that would allow federal, state and local law enforcement agencies to share fingerprint information between all levels of government. Pursuant to an executive order signed by Governor Bill Ritter and a memorandum of understanding between ICE and the Colorado Department of Public Safety, Colorado is participating in the initiative and law enforcement agencies around the state are striving to achieve compliance with this federal program by 2013. Many communities are voluntarily moving toward compliance, but the financial cost of compliance with the initiative is proving difficult for many counties – especially those in more rural areas.

At the center of this issue is the prohibitive cost of purchasing the electronic fingerprint scanning devices that are required to instantly transmit biometric information of individuals in custody to the Colorado Bureau of Investigation, the FBI and ICE. Many counties in rural Colorado still use traditional ink fingerprinting methods, and the mailing of these fingerprint records (versus electronic transmission) results in delays that make the federal initiative unworkable from a law enforcement standpoint. Officials in Grand County recently estimated that compliance with the Secure Communities Initiative would cost the county over \$50,000.

A bill introduced this session (HB11-1140) would make matters worse by punishing those counties that cannot afford to comply with the Secure Communities Initiative. The bill would prohibit non-compliant counties from receiving cigarette and severance tax revenues. To penalize counties for non-compliance and deny them tax funds that are rightfully theirs is patently unfair – and would only worsen the revenue shortfalls of the counties in question. For this reason, CCI is strongly opposed to HB11-1140 and the unfunded mandate that it sets up.

The bill was passed by the House on Tuesday, March 22 and is currently awaiting a committee hearing in the Senate

State, Veterans and Military Affairs Committee.

## **General Government (GG)**

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### **HB11-1115, Public Entity Construction Retainage (Priola, Tochtrop)**

**CCI Position: Oppose**

As drafted, HB11-1115 would have lowered the amount of retainage that a local government could withhold on a construction contract greater than \$150,000 and mandated that the local government pay on any phase of the contract if it finds that satisfactory progress is being made. Following a meeting of public entity stakeholders and the bill sponsor, amendment language was agreed upon to remove the mandatory payment language and re-establish a local option to pay out on any portion of the contract. The bill was successfully amended in the Senate Finance Committee on March 24 and was re-referred to Senate Appropriations. With the amendment, CCI may reconsider its position on HB11-1115.

*Questions or Comments? Contact Eric Bergman at 303.861.4076 or [ebergman@ccionline.org](mailto:ebergman@ccionline.org) or Pat Ratliff at 303.668.0264 or [patratliff.associates@gmail.com](mailto:patratliff.associates@gmail.com).*

## **Health & Human Services (HHS)**

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### **HB11-1145, Concerning the Availability Background Check Child Care (McCann, Tochtrop)**

**CCI Position: Monitor**

HB11-1145 would have created a registry of child care workers with negative background checks, required both CBI and FBI background checks, and would have been operated through gifts, grants or donations.

After a series of discussions in the House Education committee the bill was amended and sent to House Appropriations. In Appropriations the bill was amended dramatically to deal almost solely with the background checks, and permitting the use of Child Care License Cash Funds for the purpose of funding the FBI background checks.

As amended the bill is significantly less broad in its impact, and no longer creates a new registry or questions about access to clearance letters from the Colorado Department of Human Services by parents.

The bill has passed House third reading, with the major changes described.

### **HB11-1285, Concerning the Authority to Implement a Managed Care System for Long-Term Care Services Under the “Colorado Medical Assistance Act” (Stephens, Boyd)**

**CCI Position: Pending**

This is a fairly simple bill that removes a prohibition from current law regarding the authority of the Department of Health Care Policy & Financing (HCPF) to consider managed care systems for long-term care Medicaid programs. On its face it isn't an obviously major change to counties. However, CCI is hearing concerns from several of the counties who are also Single Entry Point systems for long-term care eligible populations. These counties' work is provided pursuant to current law, and includes an administrative fund to cover these costs. Counties are usually the first contact for such eligible

clients and deal with them when they come to a department of human service programs, whether there is a separate vendor or not.

CCI understands that in other states, particularly New Mexico, such changes in law have preceded contracts for the complete oversight of entry points and long-term care systems. This is the Managed Care aspect of the bill. CCI will talk to the sponsors and insure that there is no intent with this legislation to follow what has been less than a successful or cost efficient change elsewhere. CCI notes a report from the State of New Mexico which calls their effort more costly than anticipated, and less efficient than hoped. This is the sort of problem CCI would hope to avoid in Colorado. CCI will continue to examine the intent of the bill and HCPF plans implicit in this change in law.

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## **Land Use & Natural Resources (LUNR)**

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### **SB11-063, Healthcare in Local Government Master Plans (Newell, Giron)**

#### **CCI Position: Monitor**

This bill would authorize counties the ability to examine and plan for demographic changes and how those changes would affect health care services and public health and safety. Counties use master plans much like organizations use strategic plans - to lay out a vision for the future. Master plans are not binding documents unless the local government chooses to make them so and most use them only as guiding documents. Since counties are statutory creations, their powers are derived from the Colorado statutes. Currently, counties are able to discuss and plan for these changes informally, but do not have the explicit ability to include them in their master plans.

With increasing (or decreasing) populations, new challenges to public health and a variety of other scenarios to contemplate, it makes sense to allow counties to include these new elements into the long term planning for their communities and constituents. SB11-063 will resolve the conundrum of living in a time of change and not being able formally let constituents know what a county must do to adapt and plan for the future.

### **HB11-1223, Composition of Colorado Conservation Oil and Gas Commission, (Scott, King, S.)**

#### **CCI Position: Oppose**

As drafted, this bill would undo HB07-1341, which changed the composition of the Colorado Conservation Oil and Gas Commission (Commission). The local government commissioner position is eliminated in the bill as drafted. There will be an amendment offered in committee that will keep the current composition of the Commission, but add two more representatives from the oil and gas industry. There is also talk of studying the structure of the Commission to design it as a professional body, similar to the Public Utility Commission.

CCI continues to oppose the bill, even if the amendments are offered in committee. After the brutal discussion surrounding HB07-1341 and the subsequent fights over the creation of new rules promulgated by the Commission, now is not the time to enter into another political fight over the makeup of this Commission. Adding two more members to the board not only tips the scales in favor of the oil and gas industry, but makes the Commission less manageable and decreases the ability to oversee an important industry in this state.

Commissioners believe that this is not the time to kick this political football again. Instead, the existing Commission should be used to continue bolstering this key industry.

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

## **Taxation & Finance (TF)**

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### **HB11-1059, Restrict Local Government Accident Fees (Swalm, Spence, Tochtrop)**

#### **CCI Position: Oppose**

As amended in the house, HB11-1059 would have prohibited ‘urban municipalities’ from charging nonresidents for emergency service costs that are provided to them in response to a car accident. Ambulance and hazardous waste cleanup services were exempted in the bill. While the introduced version of HB11-1059 initially had statewide application, it was later amended to apply to the cities and counties of Broomfield and Denver and surrounding cities and towns up and down the Front Range. CCI opposed HB11-1059 because of its limitation on local government authority. HB11-1059 was postponed indefinitely on Tuesday, March 22 in the Senate Local Government Committee.

### **SB11-202 Municipal/County Hospital Sale Proceeds Use (Cadman, Gardner B.)**

#### **CCI Position: Pending**

SB11-202 amends a provision within The Hospital Transfer Act. The Act was passed in 1998 to ensure that non-profit and charitable hospitals, when transferred, leased or sold, receive fair market-value and that their assets are protected. One of the provisions in the current act requires that all proceeds from the sale of a non-profit hospital to a for-profit entity must be used for health care related charities. An Attorney General’s opinion indicates that hospitals owned by local governments fall under and are subject to this Act just as non-profit and charitable hospitals are.

SB11-202 allows a county or municipality that owns a hospital to seek voter approval to use the sale proceeds for any ‘public purpose’ and not simply for health care related charities. This bill is in response to the proposed purchase of the Colorado Springs Memorial Hospital. In this case, the city owns the hospital and has an estimated \$247 million in outstanding obligations to PERA. SB11-202 would give the voters of Colorado Springs the option to decide whether or not to use part of the proceeds from the Memorial Hospital transaction to cover its PERA liability or to invest in other community needs.

CCI’s Taxation and Finance Steering Committee discussed a draft version of SB11-202 on Thursday, March 17. At that time, CCI’s members stated that because no bill had been officially introduced, they would not take a formal position but indicated that they did not see any reason to oppose the bill. SB11-202 is scheduled for a hearing on Tuesday, March 29 in the Senate Local Government Committee.

*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)**

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### **HB11-1084, Modify Late Vehicle Registration Fee (Baumgardner, Grantham)**

**CCI Position: Monitor**

HB11-1084 would have repealed the late vehicle registration fees enacted under FASTER in 2009, and reinstated the \$10 waivable late fee that was previously in effect. The Senate State, Veterans & Military Affairs Committee voted to postpone the bill indefinitely on Wednesday, March 23.

### **HB11-1275, Engine Idling Standards for Commercial Vehicles (Priola)**

**CCI Position: Oppose**

This bill would establish a statewide idling standard for commercial diesel vehicles within the model traffic code. Under the legislation, owners and operators of diesel trucks weighing over 14,000 pounds would be prohibited from idling their trucks for more than five minutes per hour. There are a number of exemptions established, including during severely cold weather, when vehicles are stuck in traffic, when heating or cooling a sleeper berth or when in a rest area. The bill prohibits local governments from enacting idling standards that are more stringent than this statewide standard. While generally supportive of the air quality concerns the bill tries to address, county commissioners have concerns about the loss of local control in dealing with this issue. CCI and CML attempted to amend the preemptive language out of the bill during a Thursday, March 24 hearing in the House Transportation Committee, but the amendment failed on a 7-6 vote. The bill passed the House Transportation Committee and is now awaiting a hearing in Appropriations.

*Questions or Comments? Contact Eric Bergman at 303.861.4076 or [ebergman@ccionline.org](mailto:ebergman@ccionline.org) or Tony Lombard at 303.884.9113 or [tony@lombardclayton.com](mailto:tony@lombardclayton.com).*