

# CCI LEGISLATIVE REPORT

COLORADO COUNTIES, INC

MARCH 7, 2011

## Session Reaches Mid-Way Point

This week, the Sixty-Eighth General Assembly will mark its mid-way point in a 120-day long legislative session. To date, over 450 bills have been introduced in the House and Senate. CCI is actively tracking over 100 bills, six of which were initiated by CCI at the request of our members. In the pages that follow, you will find updates on many of the bills we are tracking. This week's lead article is dedicated to updating readers on the status of CCI's initiated bills.

Bill Number	Title and Description	Status
HB11-1154	<b>County Unincorporated Business Registration Program (Hamner, Morse)</b> Would have granted counties the authority to require the registration of all local businesses operating in the unincorporated area of the county	Postponed Indefinitely 2/14
HB11-1087	<b>Pest Control Reimbursement (Vigil, Giron)</b> Requires private land owners to reimburse a county for rodent control when such services are provided pursuant to a cooperative agreement and removes the statutory caps on the amount of private reimbursement collected and annual expenditures counties spend on rodent control.	Awaiting the Governor's signature
HB11-1218	<b>County Creation of Federal Mineral Lease Districts (Baumgardner, White)</b> Allows a county to create a Federal Mineral Lease (FML) district for purposes of receiving and distributing FML dollars.	Passed the House
SB11-050	<b>Value of Condemned Conservation Easements (Roberts, Gerou)</b> States that for compensation purposes only, lands with a conservation easement that are condemned must be valued as if unencumbered by the easement.	Awaiting 2 <sup>nd</sup> Reading in the Senate
SB11-124	<b>Transfers of County TANF Reserves (Hodge, Gerou)</b> Increases the amount of TANF reserves counties are allowed to retain and authorizes inter-county TANF transfers to occur after close-out and prior to reversion to the long term reserve	Awaiting Senate Appropriations Committee Hearing
HB11-1146	<b>Definition of Agricultural Land for Property Tax Purposes (Massey, Steadman)</b> Allows assessors to determine whether or not a residence is 'integral to an agricultural operation'. Those determined to be integral maintain their agricultural classification. Those determined not to be integral may have up to 2 acres classified and assessed as residential.	Awaiting 2 <sup>nd</sup> Reading in the House

With roughly 60 days left in this year's legislative session, CCI anticipates the introduction of new bills that will be of interest to local government. The state's fiscal situation will take center stage towards the end of March when the Joint Budget Committee will issue its proposed budget for the 2011-2012 fiscal year. These discussions will undoubtedly include proposals from legislators and interest groups to increase state revenues via ballot initiatives. CCI will continue to apprise members of the latest discussions and the potential impact of proposed policy changes on local government.

## **General Government (GG)**

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### **HB11-1065, Public Officials in Communications Paid for with State Money (Balmer)**

**CCI Position: Pending**

As drafted, HB11-1065 prohibited the use of state funds to pay for any advertisement or other form of communication that contained the proper name or visual or audio likeness of any public official – including county commissioners. While generally supportive of the bill's intent, CCI's members were concerned about potential unintended consequences stemming from this blanket prohibition and subsequently voted to oppose the measure. At CCI's request, the sponsor has introduced a strike-below amendment that removes county elected officials from the bill altogether. The amended bill is awaiting a vote on third reading in the House.

### **HB11-1258, Forensic Autopsies (Baumgardner, Newell)**

**CCI Position: Pending**

HB11-1258 would require county coroners to have a forensic autopsy performed by a forensic pathologist in the event of a suspicious death (including ones that involve suspected alcohol or drug use, unexplained infant or child deaths, police action or suspected drowning). As amended, the bill would also require the coroner to have a forensic autopsy performed if it is requested by the district attorney. The Colorado Coroners Association is supporting the legislation. CCI's General Government Steering Committee is planning to take this bill up for consideration on March 17. However, the bill is moving quickly through the legislature (it has already been passed out of the House and is currently awaiting committee assignment in the Senate) and there is a chance that the bill could be passed by the Senate before CCI has an opportunity to take a formal position. Commissioners are advised to talk with their coroners and if they have any comments or questions they should communicate directly with their senators.

*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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### **SB11-171, Concerning a Database to Track Substantiated Allegations of Mistreatment of At-Risk Adults by Caretakers (Aguilar)**

**CCI Position: Oppose**

This bill was heard in the Senate Health and Human Services Committee last week, resulting in the sponsor asking to lay the bill over for additional consideration. Since then there have been meetings and discussions about how to accomplish the protection sought by the sponsor while avoiding the fiscal impact of a full-blown registry bill. The bill was postponed indefinitely on Thursday, March 3.

Various groups involved in the issue of protecting at-risk adults from abusive employees and drivers have concluded that a licensing program is an unlikely resolution at this time. The thinking at this point is that the sponsor may come back with legislation that permits employer-to-employer information sharing on discharged employees. This would include some sort of immunity for the employer who discharged the employee, in order to insure a frank discussion with a potential employer regarding the reasons for the discharge if they involved maltreatment of at-risk adults. CCI will continue to follow the developments of this potential legislation.

**HB11-1145, Concerning the Availability Background Check Child Care (McCann, Trochtop)  
CCI Position: Monitor**

This is a bill that was reported on earlier in the session. It has been awaiting action in the House State Affairs Committee, which occurred on Wednesday, March 2. The sponsor had several amendments that made significant changes to the bill. The bill would have created the right of a parent to see the Colorado Department of Human Services (CDHS) clearance correspondence regarding the operators of a child care facility. The bill also closed a loophole in the requirement for both CBI and FBI fingerprint background checks. Finally, the bill would have required CDHS to study the possibility of releasing information concerning background checks to parents.

As amended in the House State Affairs Committee, the bill would now close the fingerprint background check loophole, but would go on to create a registry of background check information relating to employees in child care, which would then be used to weed out applicants for such jobs. The problem inherent in this approach is the cost. As noted in SB11-171, fiscal impact for information systems, built from the ground up, are significant. The sponsor indicated that the funding would be provided by gifts, grants and donations. She further indicated that a potential financing program was possible.

The bill was moved to the committee on appropriations based on the amendments creating the new information system to register individuals with inappropriate backgrounds.

CCI is concerned with the costs and workload that might devolve to the counties, but will be watching to see how this bill might be financially supported.

*Questions or Comments? Contact Gini Pingnot at 720.255.8941, [gpingnot@ccionline.org](mailto:gpingnot@ccionline.org) or Pat Ratliff at 303.668.0264 or [plr45@aol.com](mailto:plr45@aol.com).*

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

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**HB11-1116, Required Elections on Waste Services (Szabo)  
CCI Position: Oppose**

HB11-1116 would require a vote of the people if a county or municipality chooses to contract waste services for their constituents. The election could be during any regular election or it could be a special election specifically for this question. This bill comes from the city of Arvada, which considered new options for providing trash pick up to citizens. One of the three proposals included going to a single hauler and even though Arvada did not choose the single hauler, activists now bring forth HB11-1116. Ironically proponents argue state government should weigh in on how all counties and municipalities address their trash issues.

The vast majority of local governments in the state already offer efficient trash hauling systems for their constituents. HB11-1116 would have us believe, however, that there is an intention of local governments to kill jobs and restrain competition within their jurisdictions. This isn't the case. In committee, speakers offered testimony about three municipalities that proposed different trash services. In all instances, the citizen participation and the democratic process worked, without the expense of holding a local election.

This bill takes the suspicion of a few and claims, "waste services within the limits of municipalities is a matter of statewide concern". Counties and municipalities strongly disagree. There are processes in place for citizen participation and Colorado statute already allows for efficiency in local government trash programs, without an unfunded mandate. Local governments and their constituents do not need a statewide 'solution' to solve their local issues.

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

**CCI Position: Oppose**

HB11-1223 changes the makeup of the Oil and Gas Conservation Commission and reverts it back to the 2007 makeup of members. This would get rid of the representatives from the Department of Natural Resources, Department of Public Health and Environment, the local government commissioner and the commissioners with environmental or wildlife experience. The Commission would be a seven member board, five from the industry and two with environmental, reclamation or agricultural experience.

The Commission has promulgated rules and begun taking action since their new makeover. Now is not the time to have another political fight over the makeup of this Commission. Colorado continues to see high numbers of drilling permits in the state, despite the economic slowdown and the steep decline in natural gas prices. Now, more than ever, with increasing drilling permits and oil and gas impacting counties throughout Colorado, local governments must have a voice on the Commission.

*Questions or Comments? Contact Andy Karsian at 303.883.9381 or [akarsian@ccionline.org](mailto:akarsian@ccionline.org).*

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

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**SB11-159, Distribution of State Share of Limited Gaming Revenue (Steadman, Ferrandino)**

**CCI Position: Oppose**

SB11-159 reduces the amount of funding available for eligible local governments through the Local Government Limited Gaming Impact Fund. In the absence of this bill, roughly \$6.3 million would have been available to eligible local governments this fiscal year. As introduced, this bill reduces available funding to roughly \$3.8 million in years when the state's total share of gaming dollars amounts to \$48.5 million.

On Monday, February 28, the Joint Budget Committee (JBC), sitting as the conference committee on SB11-159, voted to remove the amendments that had been added to the bill in both the senate and house. This effectively returned the bill to its introduced version. Members of the JBC then increased the available funding for the Local Government Limited Gaming Impact Fund to roughly \$4.4 million in years when the state's total share of gaming dollars amounts to \$48.5 million.

It should be noted that Governor Hickenlooper's budget proposal for the current fiscal year (SFY 2011) and the next fiscal year (SFY 2012) indicates funding for the Local Government Limited Gaming Impact Fund at \$6.3 million/year. With this in mind, there will certainly be further discussions between the legislative and executive branches on the Local Government Limited Gaming Impact Fund.

**HB11-1123, Prohibit Severance Related Revenue to General Fund (Coram, Roberts)**  
**CCI Position: Support**

HB11-1123 prohibits the transfer of severance tax and federal mineral lease revenues to the state general fund as of January 1, 2011. HB 1123 was amended in the House Agriculture, Livestock, and Natural Resources Committee on Wednesday, March 2 to delay its implementation until January 1, 2013. With this amendment, the bill passed 10-3 out of committee and now heads to 2<sup>nd</sup> reading in the house.

**HB11-1241, Charitable Use Property Tax Exemption (DelGrosso)**  
**CCI Position: Support**

HB11-1241 provides a nonprofit housing provider (like Habitat for Humanity) a property tax exemption for a maximum of five consecutive property tax years for property 1.) that is used for charitable purposes; and 2.) upon which the provider intends to construct or rehabilitate housing to be sold to low-income applicants. The bill specifies that a provider that is allowed an exemption and subsequently sells, donates or leases the exempt property to someone other than a low-income applicant is liable for all unpaid property taxes due to the exemption.

Typically, nonprofit housing providers partner with a local housing authority to secure a property tax exemption on undeveloped land they intend to develop. Not every community, however, has a housing authority, and if they do the housing authority may choose not to partner with the organization.

HB11-1241 is meant to address this predicament and allow nonprofit housing providers to claim the exemption regardless of whether or not a local housing authority operates in their community.

On Wednesday, March 2, HB11-1241 passed the House Finance Committee on a 13-0 vote. CCI wishes to thank Larimer County Commissioner Tom Donnelly for testifying in support of HB11-1241.

*Questions or Comments? Contact Gini Pingnot at 720-255-8941, [gpingnot@ccionline.org](mailto:gpingnot@ccionline.org) or Bill Clayton at 303.884.7618, [bill@lombardclayton.com](mailto:bill@lombardclayton.com).*

## **Transportation & Telecommunications (TT)**

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**HB11-1264, OHV Licensing and Access (Priola)**  
**CCI Position: Pending**

This measure would set up a process for the titling, licensing, registering and insuring of off-highway vehicles (OHVs) in the state. More importantly, the bill would allow licensed and registered OHV riders to operate their vehicles on **any** unpaved road in the county. It would also allow operation of OHVs on any paved road with a speed limit under 45 mph, unless a county specifically prohibits such access. CCI's Transportation and Telecommunications Steering Committee will take HB11-1264 up

for formal consideration on March 17. The bill was passed by the House Transportation Committee on March 2 on a 9-4 vote and is now awaiting a hearing in House Appropriations.

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## **Announcements**

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### **Rural Economic Development Summit Featuring U.S. Secretary of Agriculture Tom Vilsack**

Please join Governor Hickenlooper and Secretary Vilsack to share ideas on jobs, tourism, water, energy and other areas that can and do have an impact on rural economic development in Colorado. Break-out sessions will be led by leaders from the economic development community, Cabinet Members and other senior officials within the Hickenlooper Administration.

**Monday, March 14, 2011, 10AM – 3PM**  
**University of Northern Colorado – University Center 2045 10th Avenue, Greeley, CO**

#### **Summit Agenda**

**10:00AM – 10:15AM:** Welcome, Hon. John Salazar, CO Commissioner of Agriculture

**10:30AM – 11:30AM:** Break-Out Session 1

**11:45AM – 12:45PM:** Working Lunch and Break-Out Session 2

**1:00PM – 3:00PM:** Session with Governor Hickenlooper and Secretary Vilsack

RSVP to Liz Pistentis at [liz.pistentis@state.co.us](mailto:liz.pistentis@state.co.us) or call (303) 892-3840.

#### **CCI Meeting Reminder**

All steering committee meetings are held at CCI.

#### **Thursday, March 17**

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, March 18**

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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