

# CCI LEGISLATIVE REPORT

COLORADO COUNTIES, INC

APRIL 4, 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
- 3:15 – 4:00 p.m.  
Transportation & Telecommunications

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## **Merger Sought of DOW and State Parks**

When Governor Hickenlooper took office in January, he promised to find efficiencies in state government. Early in March, the Governor announced one significant step towards accomplishing that goal – the merger of the Division of Parks and Outdoor Recreation (“State Parks”) with the Division of Wildlife (“DOW”) within the Department of Natural Resources. State Parks oversees Colorado’s 42 state parks and recreation areas, while DOW administers hunting, fishing and wildlife conservation programs around the state. Under the proposal (SB11-208), the State Parks Board and the Wildlife Commission would be merged into a new 14-member board.

CCI applauds the efforts at finding efficiencies within state government, but some county commissioners have expressed concerns over two main points: 1.) the possible commingling of revenue streams and 2.) the effective governance of the boards.

The two Divisions have very different funding streams and limitations on how the funds are to be used. State Parks receives annual General Fund appropriations and has consistently shown an inability to rely solely on cash funds. Both divisions receive Great Outdoors Colorado (GOCO) funding and State Parks also gets a percentage of annual Lottery proceeds. DOW, on the other hand, relies primarily on cash funds, generated from user fees such as hunting and fishing licenses. DOW is currently an enterprise that allows the collected fees to be used for the purpose of the agency’s full mission. SB11-208 establishes enterprise status for this new combined agency, yet there is concern about the possible commingling of funds and allowing wildlife funds to be used for non-wildlife purposes. The Senate Agriculture Committee added an amendment that prohibits the diversion of hunting and fishing fees to purposes other than administration of the Fish and Wildlife Agency.

Commissioners also expressed concerns about the immediate merging of two governing boards with distinct missions. The current members of these two governing bodies have never worked together before and now are being asked to jointly hire a new director, develop the new

agency's agenda and vision and work to unravel the intricacies and politics involved in combined board governance. The new board will have to define the scope of the new director's position and undertake a hiring process for a new director by July 1, 2011. All of this must be accomplished in addition to the challenge of defining the mission parameters of this new agency and carrying out the existing agency work and objectives.

Finally, projected cost savings from the merger are essential to trimming the state budget. However, the bill states that no employees will be laid off and the revenue streams will remain unchanged. With no immediate cost savings evident, Commissioners have questioned the need for the rush towards merging the agencies.

Overall, the proposal for the merger is a bold one, but uncertainty exists among the sportsmen, environmental and local government community. CCI looks forward to being part of the stakeholder process as SB11-208 moves forward and these concerns are discussed.

The bill was passed out of the Senate Agriculture, Natural Resources and Energy Committee on a unanimous vote on Thursday, March 31. At this time, CCI does not have a position on SB11-208.

## **General Government (GG)**

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### **HB11-1219, Uniform Military and Overseas Voters Act (Levy, Newell)**

#### **CCI Position: Support**

HB11-1219 would implement the recommendations of the national Uniform Law Commission on updating election policies to ensure that military personnel and other overseas voters have the opportunity to participate in elections. The bill requires the Secretary of State to develop absentee-voting materials and to provide information to military personnel and other overseas voters on how to participate in elections. The bill also requires the county clerks to assist these voters in registering and making sure that absentee ballots are mailed out in a timely fashion. County clerks are also required to ensure that ballots cast by overseas voters are counted. The bill passed on third reading in the House on Wednesday, March 30 and is awaiting a committee assignment in the Senate.

### **SB11-107, Damages in a Civil Action Resulting from a DUI (Morse, Barker)**

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

As introduced, SB11-107 would remove the cap on noneconomic damages for civil actions resulting from an alcohol or drug-related driving incident. The bill was amended in Senate Judiciary to waive the Governmental Immunity Act for public employees in cases of alcohol or drug-related driving incidents. CCI and CML were successful in getting the bill amended on the Senate floor to restore the governmental immunity protections for local governments. CCI would like to thank the sponsor, Sen. John Morse, as well as Sen. Morgan Carroll for their efforts to preserve this crucial local government liability protection.

### **SB11-194, Regulation of Alcohol Beverages (Boyd)**

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

There are two bills making their way through the legislative process that deal with the perennial issue of allowing certain establishments to sell full-strength beer (instead of 3.2 beer). The first, HB11-1284, changes the definition of "fermented malt beverage license" to allow convenience stores and

grocery stores to sell full-strength beer. The second, SB11-194, deals with the process and criteria for converting the current licenses that convenience stores have from 3.2 to full-strength beer. The bill was amended (with input by CML) to provide additional guidance on renewal application processes for local liquor licensing authorities to help them comply with this proposed statewide policy change on liquor licensing. Local licensing authority and land use regulatory authority are **not** affected by either piece of legislation. CCI will continue to monitor these bills as they move through the legislative process.

*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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### **SB11-200, Concerning a Health Benefit Exchange (Boyd, Stephens)** **CCI Position: Pending**

SB11-200 establishes the governance framework for a Colorado Health Insurance Exchange to foster a competitive marketplace for insurance. It would set up the exchange as a nonprofit, unincorporated public entity and establish a governing board to be appointed by the governor, and House and Senate leadership. The board would be comprised of nine voting members; each required to have at least one, and preferably two, areas of expertise as defined in the bill. A majority of the board must be business representatives or individuals not directly affiliated with the insurance industry.

The bill also establishes a legislative oversight committee with ten members. The committee may meet up to five times annually and offer five bills related to the health insurance exchange during a legislative session. The oversight committee must approve the executive director of the exchange, any grant applications made by the exchange before submission and the exchange's initial work plan. The committee would also review the work of the exchange board.

The exchange is not permitted to solicit bids, engage in active purchasing or undertake any of the functions of the Division of Insurance, including rate setting. The bill includes a conflict-of-interest provision, which board members must observe, and makes the board subject to sunshine and ethics laws. The exchange board is required to undertake certain functions including review of a model template for an internet portal, considering whether the exchange should operate as one entity or two (one for small business and one for individuals, or a combined exchange); consider the size of the market for the exchange (whether 50 employees or more than 50 should be served through the exchange); and develop options and determine waivers that would best serve the interests of Colorado.

There are conflicts in play at this point between the two sponsors, and the bill was passed from the Senate Health and Human Services Committee on a party-line vote. The conflict involves a proposed amendment that would require the Governor to opt out of the Federal Affordable Care Act within 60 days of the enactment of the bill. An additional proposed amendment would remove the authority to seek federal grant funds for undertaking the exchange process.

### **HB11-1181, Concerning the Child Fatality Review Team (Kefalas, Newell)** **CCI Position: Support**

This is legislation CCI has worked on with the sponsors, and that will make significant and clarifying changes to definitions and practices used in child fatality reviews. The bill was amended on the floor

of the Senate on second reading to provide for a Senate and a House member, from the Health and Human Services committees, access to the process and the reports.

The bill has now passed third reading in the Senate with an additional amendment to clarify that there is no *additional* report required for the two legislators who will serve on the review team as non-voting members.

The House sponsor, Rep. Kefalas, has been involved in the amendments, so CCI expects that he will ask for concurrence when the bill goes back to the House for consideration of Senate amendments.

## **REAL Colorado Brochure**

Do you need additional copies of the REAL Colorado brochure? Good news: an electronic file of the brochure is attached to this week's *Legislative Report!* Spread the word!

*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).*

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

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### **HB11-1116, Required Elections on Waste Services (Szabo, Brophy)**

#### **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 other 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.

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 is not 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.

Counties and municipalities strongly believe that the provision of waste services is best determined at the local level. 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.

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

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## **Public Lands (PL)**

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### **HB11-1218, County Creation of Federal Mineral Lease Districts (Baumgardner, White)**

#### **CCI Position: Support**

Throughout Colorado, the federal government allocates payments to counties to help manage federal public lands in their borders. This payment is the Payment In Lieu of Taxes (PILT). Counties rely on

this annual PILT payment to provide law enforcement, road and bridge work and a variety of other services to help keep public lands in Colorado safely maintained. Two years ago, due to changes in state and federal law, the Department of Interior began deducting a county's federal mineral lease payment from the county's PILT payment, thereby reducing, by millions of dollars, the amount of money the counties receive from the federal government.

Utah, for over twenty years, has used a special district to allocate the federal mineral lease dollars, instead of the county, which protects that money from being deducted from the county's PILT payment. HB11-1218 customizes Utah's approach and allows counties in Colorado to create a federal mineral lease district for single counties.

The district will not have taxing authority and would allocate only the county's distribution of FML money. It is possible that the county and municipalities could combine their funds to address larger energy impacts in the county, but all participation within the district is voluntary. The district would have control of the money, instead of the county, and this would keep millions of dollars of federal payments from going to other states.

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

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

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### **HB11-1146 Definition of Agriculture Land for Property Taxation (Massey, Steadman) CCI Position: Support**

On Tuesday, March 29, HB11-1146 passed third reading in the house on a 41 to 24 vote.

As described in the February 28 edition of the *CCI Legislative Report*, HB11-1146 was amended in the house to define 'integral to an agricultural operation' as a residential improvement that is occupied by an individual who either regularly conducts, supervises or administers material aspects of the agricultural operation or is occupied by the spouse or a parent, grandparent, sibling or child of the individual.

HB11-1146 was also amended on second reading in the house to address the potential TABOR implications of the bill. That amendment states that if a local government has not already sufficiently 'de-bruced' and HB11-1146 results in additional property tax revenue for the local government, then the district must either seek voter approval to retain the additional revenue or adjust its mill levy to eliminate any net property tax revenue gain.

As of this writing, HB11-1146 has not been scheduled yet for a hearing in the Senate Agriculture, Natural Resources and Energy Committee.

### **HB11-1141, Economic Stimulus Business Personal Property Tax Exemption (Holbert, Scheffel) CCI Position: Oppose**

HB11-1141 exempts all personal property purchased in 2012 and 2013 from property taxes for the life of the property. Legislative Council estimates that this exemption will create a school finance backfill obligation of \$37.5 million in FY 2013-2014 and \$76.8 million in FY 2014-2015.

Collectively, local governments would see a reduction in their property tax revenues of up to \$93.4 million in FY 2013-2014 and \$109.2 million in FY 2014-2015. To date, HB11-1141 has twenty eight co-sponsors including: Representatives McNulty, Scott, Acree, Balmer, Barker, Baumgardner, Beezley, Bradford, Brown, Conti, Coram, DelGrosso, Gardner B., Joshi, Kerr J., Liston, Looper, Massey, McKinley, Murray, Nikkel, Priola, Ramirez, Sonnenberg, Stephens, Summers, Szabo and Waller.

On Friday, April 1, the House Appropriations Committee approved HB11-1141. It now heads to the house floor for debate.

*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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### **HB11-1004, Farm Truck Registration Requirements (Baumgardner)**

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

HB11-1004 would preclude a county clerk and recorder from requesting documentation (usually a schedule 1040F) from those seeking a farm truck or truck tractor registration. While CCI is supportive of the agricultural community and efforts to reduce red tape, concerns remain about the potential for fraud under this proposed system. The bill was passed by the Senate Finance Committee on March 17 and is now awaiting a hearing in Senate Appropriations.

### **HB11-1210, CDOT Recommendations on I-70 Corridor (Hammer, Nicholson)**

#### **CCI Position: Support**

HB11-1210 would require that by December 20, 2011, the Colorado Department of Transportation (CDOT) make prioritized recommendations to the General Assembly on ways to improve mobility in the I-70 mountain corridor. The recommendations should include cost estimates, should be prepared in consultation with local government and business community input and take into account safety concerns. The bill has passed both houses and has been sent to the Governor for signature.

*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).*

## **Announcements**

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### **Are you interested in serving on the Sex Offender Management Board (SOMB)?**

The SOMB develops standards and guidelines for the evaluation, treatment and behavioral monitoring of sex offenders. Currently, the SOMB consists of personnel representing the following domains: the department of corrections, the judicial department, law enforcement, the public defender's office, private criminal defense attorneys, rural and urban county commissioners, clinical polygraph examiners, the department of public safety, district attorneys, department of human services, licensed mental health professionals with expertise in treating sex offenders, the victim services community and community corrections.

The Executive Director of the Department of Public Safety – in consultation with CCI – needs to fill the rural county commissioner slot which is currently vacant.

The SOMB meets on the third Friday of each month from 9:00 – 4:00 pm.

If you are interested in serving on the SOMB please contact Gini Pingnot ([gpingenot@ccionline.org](mailto:gpingenot@ccionline.org) or 303.861.4076 ext. 226). Ideally, it would be great to have some names of interested commissioners for the CCI Board of Directors to consider during their Thursday, April 14 meeting.

If you have questions regarding the SOMB, please contact Chris Lobanov-Rostovsky (CDPS) at 303.239.4447

### **Direct Distribution Oversight Committee – Interested in Serving?**

The Direct Distribution Oversight Committee is charged with ‘curing’ inaccuracies or ambiguities that may exist in the Colorado Employee Residence Reports (CERR). Companies involved in the production of minerals and energy fuels are required to file CERRs to help determine the actual residence of mineral and energy industry workers.

The Oversight Committee consists of nine members, three of whom are county commissioners appointed by CCI. The Committee holds an annual meeting in July of each year and may also meet at such other times as needed.

CCI’s Board of Directors will be asked at their April 14<sup>th</sup> meeting to appoint interested individuals to serve up to three years on the committee. If you wish to be considered, please notify Gini Pingnot ([gpingenot@ccionline.org](mailto:gpingenot@ccionline.org) or 303.861.4076 ext 226) no later than Wednesday, April 13<sup>th</sup>.

# REAL COLORADO

*An initiative of Colorado Counties, Inc.  
Health and Human Services Steering Committee*

## Key questions when considering legislation, rule or regulation impacting human services:

### RESPONSIVE

- Is it required by state or federal law?
- Was comprehensive data used to define the problem and desired outcomes?
- Were experts who administer the affected programs engaged?

### EFFICIENT

- Will it streamline or add layers of bureaucracy?
- Is it redundant or inefficient?
- Are current staffing levels sufficient to comply with additional requirements?

### ACCOUNTABLE

- Are there measurable outcomes to be achieved by this change?
- Is there adequate state funding to pay for all direct local costs?
- Are there models in existence that may provide better outcomes?

### LOCAL-STATE PARTNERSHIP

- Have local elected officials been consulted?
- Has there been collaboration between state agencies?
- Does it limit flexibility to be responsive to community needs?

# REAL COLORADO

*An initiative of Colorado Counties, Inc.  
Health and Human Services Steering Committee*

**Responsive, Efficient, Accountable** human services  
system delivered through **Local-State Partnership**

**REAL** Colorado is an initiative of the Colorado Counties, Inc. Health and Human Services Steering Committee that aims to lead a collaborative, strategic reform of our human services system.

**REAL** Colorado represents the unified voice of Colorado's 64 counties calling for a human services system delivered through the local-state partnership that is more responsive, efficient and accountable.

**REAL** Colorado collaborative reform involves: driving decisions based on data and measurable outcomes, reducing unnecessary and un-funded mandates and streamlining processes.

**REAL** Colorado strives to increase transparency and fiscal responsibility. The reform will safeguard flexibility for local governments to define innovative solutions for the community they serve.

Throughout these efforts, a strong focus on the clients' outcomes will enhance the quality of services and help the system to deliver on its commitments to protect children, at-risk adults and families in need.