

CCI LEGISLATIVE REPORT

COLORADO COUNTIES, INC

FEBRUARY 13, 2012

CCI Meeting Reminder

All steering committee meetings are held at CCI.

Thursday, March 15

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 16

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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Allowing OHVs on County Roads – Who Should Decide?

Currently, county commissioners in our state have the statutory authority to allow off-highway vehicles (OHVs) on roads in the unincorporated areas of the county. These decisions are not made lightly and often involve hours of public hearings and careful consideration of issues such as noise, dust, public safety and neighborhood compatibility. A bill introduced this session, however, would automatically allow OHVs on **all** county roads with a speed limit of 45 mph or less in the 52 non-urban counties.

HB12-1066 removes local control from the 52 non-urban counties by **mandating** that commissioners allow OHVs on all county roads, including those in residential areas. The bill is similar to one that was run last year that CCI successfully helped to defeat. However, last year's bill at least provided **some** opt-out provisions, whereas this bill completely strips counties of the ability to decide what works best in their communities.

CCI recognizes that the use of off-road vehicles is an important regional tourism attraction, and many counties have worked closely with the OHV community to decide in a cooperative fashion where these vehicles can be safely ridden and enjoyed. In Northwest Colorado, commissioners in Moffat and Rio Blanco counties have worked with commissioners in Uintah (Utah) County to map a regional road system that is open to OHV users. Commissioners in four contiguous counties in Southwest Colorado collaborated on the Alpine Loop Backcountry Byway, a 75-mile road and trail system that is used by jeeps and OHVs alike.

Allowing OHVs on all county roads would result in an unfunded mandate to local governments in the form of additional signage and road maintenance, noise and dust mitigation issues, drafting and adopting local ordinances and placing additional demands on local law enforcement to enforce vehicle safety laws on these riders.

In addition to granting OHVs access to county roads, HB12-1066 also sets up a process for the titling, licensing, registering and insuring of OHVs in the state by the Department of Revenue (DOR). CCI does not have a problem with this portion of the bill, and in fact believes that the titling and plating of these vehicles could enhance efforts by law enforcement officials to prosecute illegal riders and better guard against theft.

CCI's Transportation and Telecommunications Steering Committee discussed the bill on January 19 and voted to oppose the legislation. HB12-1066 is currently awaiting a hearing in the House Appropriations Committee and is expected to be taken up by the entire House for a vote in the next week.

CCI urges all county commissioners to contact their Representatives and urge them to vote NO on HB12-1066 when it comes to a floor vote in the House.

General Government (GG)

HB12-1143, Adjust County Reimbursement Rate for Elections (Ferrandino)

CCI Position: Support

HB12-1143 would increase the current state reimbursement to counties for placing statewide ballot issues on the local ballot. As amended, the bill would raise the reimbursement rate per active registered elector by \$0.10. The bill passed the House State Affairs Committee last week and is now awaiting a hearing in House Appropriations.

HB12-1157, Special District Organization Petition Procedures (Vigil)

CCI Position: Support

HB12-1157 would change the standing requirement for challenging the approval of a special district service plan by a board of county commissioners (BOCC). Currently, anyone can challenge a decision by the BOCC on the organization of a district. This bill would require that an individual be either a taxpayer or eligible elector in the district in order to have the right to appear at a court hearing. The bill is scheduled to be heard this week in the House Local Government Steering Committee.

SB12-026, Local Consultation on State Rule-Making (Cadman)

CCI Position: Support

SB12-026 would basically codify the Governor's recent Executive Order #5 (commonly known as EO5), which prohibits state agencies from promulgating rules that place mandates on local governments without first consulting with local governments. While CCI was generally supportive of the bill's intent when it was introduced, there were concerns that placing this consultation process in statute before the EO5 process had been tested and refined might be somewhat premature. However, the bill was amended in committee to give it an implementation date of 2014, which should give the state agencies and local governments time to work out any bugs in the consultation process. The amended bill was passed out of the Senate Local Government Committee and is currently awaiting a hearing in Senate Appropriations.

SB12-081, Local Government Ability to Require Sprinklers in Homes (Grantham)

CCI Position: Oppose

SB12-081 would prohibit any county or municipality from requiring that sprinklers be installed in single-family dwellings. CCI views this as an attack on local control and believes that local building codes need to be able to address a wide variety of community needs. The bill is awaiting a hearing in the Senate Local Government Committee.

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)

SB12-033, Concerning Adding Near Fatalities to the Responsibilities of the Department of Human Services Child Fatality Review Team (Guzman, Massey)

CCI Position: Support with Amendments

This bill adds near fatalities and incidents of egregious abuse or neglect to the types of incidents to be investigated by the Child Fatality Review Team (review team) in the Colorado Department of Human Services (CDHS). County departments of human services are required to report suspicious near fatalities and other egregious incidents to the DHS.

Under current law, the review team only examines the circumstances of cases involving a child fatality. These high-level reviews examine the circumstances of the case and previous involvement, if any, that the child or family had with the county department through examination of case files and interviews with persons knowledgeable of the case.

CCI is concerned that there be legal clarity in qualifying abuse and neglect cases as “egregious.” CCI continues to work with the CDHS staff to assess amendments for this bill as it proceeds. The CCI Health & Human Services committee has heard the bill and voted to support this legislation with amending language to address county concerns.

SB12-060, Concerning Improving Medicaid Fraud Prosecution (Roberts)

CCI Position: Support

This bill requires the Departments of Health Care Policy and Financing (DHCPF) and Law to prepare annual reports on Medicaid client and provider fraud, respectively, for certain legislative committees. Beginning on or before January 15, 2013, these reports are to detail the number of Medicaid client and provider fraud investigations, actions undertaken to make recoveries and prosecute fraud, amounts recovered, trends in methods used to commit Medicaid fraud, and policies adopted by the state and county to detect and prevent Medicaid fraud, among others.

The bill also specifies that recoveries of fraudulently obtained Medicaid benefits are to be deposited in the County Social Services Fund, and any amounts not required to be reimbursed to the federal government for a share proportional to the amount of federal funds initially paid may be retained by the county. Since the bulk of Medicaid fraud is investigated and prosecuted at the county level, and the county departments of human services are involved in the collection responsibilities when

Medicaid funds have been paid in violation of eligibility rules, this increased share to county social services accounts is a welcome and logical change in law.

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

Land Use & Natural Resources (LUNR)

HB12-1282, State Geological Survey Review of Subdivision Plans (Ramirez, Nicholson) **CCI Position: Support**

This common sense bill creates efficiency and cost savings in state and county government. Real estate developers, who wish to subdivide one of their holdings, submit a subdivision plan to the county. The county, by law, must then send the plan out to the relevant stakeholders, such as special districts or the State Geological Survey. The purpose of the application review is to identify geological hazards, provide relevant feedback and make sure the public trust is protected.

In some instances, the state fee is costly for the amount of actual review done (such as subdivisions in areas of stable and consistent geological terrain). HB12-1282 would allow the Geological Survey to administratively make a decision not to review the applications, thereby saving the developer money and the county administrative costs.

HB12-1122, Medication Take-Back Diversion from Water Disposal (Wilson) **CCI Position: Support with Amendments**

The rising levels of pharmaceutical chemical elements from discarded unused prescription drugs continue to be a growing impact on Colorado's water quality. As people flush or pour their unused medication into the water supply, existing water treatment facilities are unable to remove these chemicals from the water system. HB12-1122 provides a step towards addressing this growing problem. Local governments would be able to receive grant dollars from the Department of Public Health and Environment to place lock boxes in areas where consumers could deposit unused medications to be disposed of properly in the future.

Commissioners would like to see two amendments; 1). removing the mandatory prohibition against disposing of prescription drugs within a five year timeframe, and, 2). language that ensures no unfunded mandates will arise out of the hazardous and solid waste commission rules.

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

Taxation & Finance (TF)

HB12-1148, Neighborhood Revitalization Areas (Sonnenberg) **CCI Position: Oppose unless Amended**

HB12-1148 allows municipalities to create neighborhood revitalization zones to promote new construction and building rehabilitation within municipal boundaries. The bill further allows municipalities to rebate their portion of the property tax to property owners residing in the revitalization zone.

This economic development tool is modeled after Kansas's Neighborhood Revitalization Act which passed in 1994.

HB12-1148 rose to the interest of CCI because of its reference to tax increment financing. Commissioners are seeking three amendments to the bill. First, CCI wants to clarify that no portion of the county's property tax may be claimed as a rebate unless agreed to by the county. Secondly, CCI will seek an amendment that specifies that dilapidated structures that are outside the neighborhood revitalization area must still be within the municipality. Finally, since the county treasurer, assessor and clerk will all play a role in administering the municipal property tax rebate, CCI will seek authorization that counties can negotiate with municipalities for an appropriate payment to cover their administrative costs.

HB12-1148 will be heard on Monday, February 13th in the House Local Government Committee.

HB12-1045, Spruce Beetle Kill Wood Products Tax Exemption (Bradford, King)
CCI Position: Support

HB12-1045 does three things. First, it exempts timber products made from trees killed by spruce beetles from the states sales tax. This exemption would expire on July 1, 2020. Secondly, it extends the existing state sales tax exemption on the sale, storage and use of wood infested by the mountain pine beetle until July 1, 2020. Finally, it expands the local option to exempt infested wood products from the county's sales tax. Currently, this local option exists for wood products infested by mountain pine beetle. HB12-1045 expands the definition to include wood products infested by spruce beetle. According to the Department of Revenue, no counties have adopted this exemption to date.

HB12-1045 passed the House Finance Committee on Wednesday, February 8 without any amendments.

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

Tourism, Resorts & Economic Development (TRED)

HB12-1154, Regional Economic Development Through Partnerships (Hamner, Coram, White, Jahn)
CCI Position: Oppose unless Amended

Local governments, economic development organizations and the state have cooperated and worked together to bring jobs and stronger economies to Colorado for decades. Partnerships developed and travelled along main street to rural development organizations to workforce centers and to the local governments and businesses all around the state. Oftentimes there has been success stemming from regional collaboration, and oftentimes development organizations, local governments and business created opportunities where few existed before.

Last year counties participated in the 'Bottom Up' economic development planning process. The resulting Blueprint identified regional goals and strategies for local governments and the state. Now, in HB12-1154, the Office of Economic Development and the Governor wish to build on the momentum and implement mandatory regional stakeholder groups whose goal would be to create another plan.

Increasing regional cooperation in Colorado and having strategic plans for economic development make sense. However, creating a top down approach which mandates duplication of existing practices is not a model for efficient economic development in Colorado. The counties believe that this bill is a good idea, but is too much too soon. There is no way an OEDIT staff member would be able to accomplish all that is required from this bill. It makes sense to allow those regions who wish to participate to opt in to this regional approach. Urban or regions with existing council of governments could be the pilots of the policy. Then these regions would have an opportunity to help others that organize in the future. This amended approach provides a practical way that builds on existing relationships and successes, rather than mandating a top down model towards economic development.

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

Transportation & Telecommunications (TT)

HB12-1021, Coordinated Transportation Planning by CDOT (Vaad)

CCI Position: Oppose

HB12-1021 would have eliminated the Statewide Transportation Advisory Committee (STAC) and required CDOT staff to conduct all transportation planning for areas outside of the Metropolitan Planning Organization (MPO) regions. CCI believed that the STAC is essential to equitable statewide infrastructure planning and investment decisions. The bill was defeated in the House Transportation Committee on a 7-6 vote on February 8.

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.