

Legislative Report

CCI Meeting Reminder

All steering committee meetings are held at CCI.

Friday, February 20

9:00 – 10:30 a.m.

Public Lands

10:30 – 12:00 p.m.

Agriculture, Wildlife & Rural Affairs

12:30 – 2:00 p.m.

Land Use & Natural Resources

2:00 – 3:30 p.m.

Health & Human Services

Friday, March 13

9:00 – 10:30 a.m.

Tourism, Resorts & Economic Development

10:30 – 12:00 p.m.

General Government

12:30 – 2:00 p.m.

Taxation & Finance

2:00 – 3:30 p.m.

Transportation & Telecommunications

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Big Issues Facing Counties

Transportation funding...business personal property tax...and collective bargaining...these are three of the big issues that commissioners from around the state weighed-in on during CCI's Friday, February 13th Steering Committee Meetings.

At that time, commissioners reaffirmed their positions on *SB 108 Transportation System Planning and Funding* (Gibbs, Rice) and *SB 85 Phase Out Business Personal Property Tax* (Scheffel, Lambert & Priola) and took a stance on *SB 180 Firefighter & Law Enforcement Collective Bargaining* (Tochtrop, Casso).

SB 108 Transportation System Planning and Funding (Gibbs, Rice) - SUPPORT

SB 108, also known as FASTER, creates new registration fees and surcharges and dedicates the revenue to help address the state's transportation infrastructure needs.

CCI supports SB 108. Commissioners recognize that FASTER is a viable, first step towards addressing the maintenance needs of the state's transportation system. Commissioners also laud the legislature's commitment towards local roads. It has been almost 20 years since the state legislature has included a local share provision in a transportation funding package. Commissioners are thrilled to see that the Sixty-Seventh General Assembly recognizes that a safe and reliable state transportation system does not begin and end with the state highway system. Instead, it includes the local roads that constituents and out-of-state visitors travel on a day-to-day basis to deliver goods, bring agriculture and natural resource products to market, get to their homes and offices, and much more.

SB 85 Business Personal Property Tax (Scheffel, Lambert & Priola) – OPPOSE

SB 85 exempts locally assessed business personal property from taxation over the next 20 years.

CCI opposes SB 85. Counties rely on the revenues generated from the business personal property tax (BPPT) to varying degrees. And, while commissioners will readily acknowledge the onerous nature of the BPPT, eliminating any portion of it without identifying a reimbursement mechanism or another vehicle to recoup lost revenues would have serious consequences on county government's ability to provide services to constituents and business alike. CCI urges legislators to vote against SB 85 and pursue the creation of a commission that is charged with examining the elimination of the BPPT and who should pay for it.

SB 180 Firefighter & Law Enforcement Collective Bargaining (Tochtrop, Casso) - OPPOSE

SB 180 requires local governments to enter into collective bargaining agreements with firefighters and law enforcement.

CCI opposes SB 180. SB 180 is an unfunded mandate that runs completely counter to CCI's long standing policy on local control. Under current law, individual communities can decide for themselves whether or not collective bargaining makes sense for their community. Local employment decisions are best decided locally where they can reflect the values and desires of individual communities.

General Government (GG)

HB09-1015, Conduct of Primary Elections (Murray, Hodge)

CCI Position: Support

This bill allows counties to cancel a primary if only one candidate is listed for the office. Currently, county clerks must run primaries for solitary candidates. These primaries cost quite a bit of money since Clerks must ensure equipment is prepared and ballots are printed. While recognizing the importance of primaries in the election process, there is little reason to run an expensive primary when the candidate choice is a foregone conclusion.

Additionally, this bill would allow counties to use mail-in ballots for primary elections. This is an important step in bringing Colorado closer to a uniform and transparent election system. CCI continues to work with the Clerks and the sponsor to ensure that unaffiliated voters are protected and procedures regarding the mail in ballots are in place prior to implementing this change in the counties.

HB09-1200, Fiscal Impact of Legislation on Counties (Stephens, Scheffel)

CCI Position: Support

This bill requires the Office of Legislative Legal Services to prepare local government fiscal notes in the same manner as state fiscal notes are prepared. Fiscal note staff would send fiscal note requests to CCI, and if CCI determines the bill to have a significant fiscal impact on counties, CCI could query specific counties to collect accurate fiscal note information. This is a good way to quantify impacts of legislation on Colorado's local governments.

CCI has continued to work with the sponsor to ensure that the bill does not mandate counties' participation in the program, rather, those counties with the resources and time available to prepare accurate fiscal note data will be able to now provide that information to the fiscal note staff and better educate legislators on the impacts some of their bills have on counties.

HB 1200 will be heard in State, Veterans & Military Affairs Tuesday, February 17.

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

Health & Human Services (HHS)

HB09-1273, Concerning the Creation of a Health Care Authority to Develop a Health Care System that Shall be the Administrator for Health Care Services in Colorado (Kefalas, Foster)

CCI Position: Pending

HB 1273 is a major health care bill that changes Colorado's private sector and public assistance insurance system into a universal health care system, with a single-payer. The bill creates, and instructs, the Colorado Health Care Authority to establish the foundation and structure of such a system. There is a great deal of detail in terms of the role and responsibilities of the Authority, all designed to lead to the ultimate goal of a single health care insurance system statewide. The funding is based on gifts, grants and donations which must be fully realized by July 1, 2011, in order for the Authority to proceed.

The bill recognizes the various federal constraints and requires all the necessary waivers and other federal exemptions and approvals to be in place, as a critical function of the Authority. Medicaid is a significant component of the proposal and the Authority's work responsibility.

The universal health care system could only be implemented through additional legislation upon the completion of the Authority's work.

SB09-104, Concerning the Provision of Verifiable Documents to Youth Leaving Foster Care (Sandoval, Gagliardi)

CCI Position: Pending

CCI has worked with the proponents, the Department of Human Services and the sponsor to amend the bill to provide that each county is responsible for providing an emancipating youth with verifiable documents. The documents are defined in the bill as a certified birth certificate and a social security card. The bill requires the county to assist the youth in receiving these documents and clarifies that the youth is not responsible for the cost. These amendments make it clear that the bill did not intend that youth who leave foster care to return to their family, especially young children, were to be provided with verifiable documents every time or anytime they return to their family, as opposed to being on their own as legal adults.

CCI appreciates the efforts by all the parties in clearly asserting this process and the right of young people to have such documents before leaving our care.

Questions or Comments? Contact Pat Ratliff at 303.668.0264 or plr45@aol.com.

Land Use & Natural Resources (LUNR)

SB09-22, Concerning the State Board of Land Commissioners (Bacon, Solano)

CCI Position: Oppose Unless Amended

As introduced, SB 22 had a few provisions that concern counties. The sponsor and the bill proponents were very kind in explaining the current law, and in amending the bill in a manner that is more acceptable to CCI. The purpose of the bill is to increase the amount of payments generated from public school lands that is credited to the state board of land commissioners investment and development fund from \$1 million to up to \$5 million.

The language that raised concern asserted that, prior to the sale of state land board lands to a local government, the state land board is exempt from advertising requirements when selling state lands to a governmental entity. CCI was concerned about the conflicting interests of cities and counties and the possible lack of knowledge of actions driving service costs. Since the exemption from advertising requirements has been removed from the bill we are more comfortable with the intent. The proponents clearly established that land use authority remains the same under this bill and no local land use authority will be breached or superseded by actions of the state land board. This coming Friday, LUNR will reconsider its position in light of these amendments.

HB09-1255, Concerning Limitations on the Conditions Imposed by the Colorado Oil and Gas Conservation Commission on Oil and Gas Operations to Implement Recommendations Made by State Entities Other than the Commission (Gardner, C; Kopp)

CCI Position: Pending

This is yet another bill introduced this legislative session that responded to concerns about the newly adopted rules of the Colorado Oil and Gas Conservation Commission (COGCC). As introduced, the bill would relieve an oil and gas operator from consultation with the Division of Wildlife in the Department of Natural Resources in order to determine whether wildlife mitigation requirements are reasonably practicable. The bill further requires the COGCC to make that determination in the place of the Division.

The bill goes on to prohibit the commission from proposing restricted surface occupancy for oil and gas operations upon private lands without the consent of the surface owner, as well as prohibiting the commission from denying an application because the surface owner did not consent to a wildlife mitigation requirement.

The bill contains requirements concerning wildlife habitat mitigation best management practices (BMP) and prohibits the commission from requiring a BMP that has not been so established unless the commission demonstrates the need for the BMP.

The bill contains additional technical and fiscal requirements of the Commission and would conflict with the adopted rules already in place.

Questions or Comments? Contact Pat Ratliff at 303.668.0264 or plr45@aol.com.

Public Lands (PL)

HB09-1199, Colorado Health Forests and Vibrant Communities Act of 2009 (Scanlan, Gibbs)

CCI Position: Pending

This bill offers multiple options for state and local governments when dealing with the large issue of forest health in Colorado. The bill will promote greater consistency among Community Wildfire Protection Plans, improve wildfire equipment inventory accountability, offer a cost share grant program for fuel reduction and support local business development for groups looking to open small businesses that help mitigate the problem of forest health. It also seeks to set up loans for business start ups designed to harvest, remove, use or market beetle kill timber.

The healthy forests and vibrant communities fund will be created using \$2.9 million from the operation account of the severance tax fund. \$50,000 annually would be transferred to the wildland-urban interface training fund to train fire protection district chiefs. Finally, the bill directs the air quality commission to identify barriers that would hinder the increased use of prescribed fires in Colorado, an essential tool in controlling forest health.

HB 1199 has been assigned to House Agriculture, Livestock and Natural Resources committee

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

Taxation & Finance (TF)

HB09-1110, Required Rental Real Property Info for Assessors (Scanlan)

CCI Position: Support

HB 1110 requires a property owner or an agent of a property owner that advertises furnished residential real property for rent during any year to provide to the assessor the assessor's schedule number for the property, the property owner's name as listed in the records of the assessor, or the address of the property. As amended by the House Local Government Committee this information is required upon request by the Assessor. The bill was further amended to allow for mutual agreement between the property owner or agent and assessor as to furnishing the required information annually.

HB 1110 was passed by the House Local Government Committee and was sent to Appropriations. It currently has a positive fiscal note due to the increases to local property tax supporting schools but the net effect for local governments is unclear given the twin forces of HB 1110 otherwise increasing local property tax collections and recent law increasing personal property tax exemptions.

HB09-1126, Encourage Solar Thermal Installations (Hullingerhorst, Shaffer, B)

CCI Position: Support

HB 1126 would allow local governments to provide for sales tax exemptions for solar thermal systems, expanding the current exemption authority which is limited to photovoltaic solar installations, among specific classified equipment. The bill similarly provides a state sales and use tax exemption.

The local government empowerment of HB 1126 is optional, that is, a county wishing to provide the exemption would need to act by resolution or ordinance separately. Those counties which have previously exempted renewable energy systems from their sales tax based would similarly have to act. According to Legislative Legal Services and Legislative Council, the bill would not make the exemptions automatically apply to jurisdictions which have previously acted.

Questions or Comments? Contact Chris Mendez at 720.352.7326 or cmendez@ccionline.org.

Transportation & Telecommunications (TT)

HB09-1026, Low-Power Self-Propelled Vehicles (Marostica, Williams)

CCI Position: Monitor

A Transportation Legislation Review Committee bill, HB 1026 replaces the current categories of self-propelled vehicles of "motor-driven cycle", "motorscooter" and "motorized bicycle" with "motorcycle" and "low-power scooter" across multiple areas of statute. The bill adds requirements for sales of such vehicles, requires insurance and a driver's license for the operator, and ties use with speeding violation penalties and drug and alcohol driving offenses. Importantly, the bill contains local authority language with respect to noise and police power regulation, reserving a degree of local control.

The bill was amended by the House Transportation Committee to include EPAMD, or electric personal assistive mobility devices, created parameters of their use and created conforming and technical amendments thereof. The bill now goes on to House Appropriations.

SB09-143 Camera Radar Restrictions (Bacon, Hullinghorst)

CCI Position: Monitor

SB 143 would expand photo radar use and increase the maximum penalties from \$40 to \$75. Specifically, use would be permitted in a school zone, a maintenance/construction zone, a border street of a park and on a roadway with a speed limit under 50 mph which is "accident prone" as determined by local authority. It is anticipated that the increase in fines resulting from increased use will generate increased local revenue.

Questions or Comments? Contact Chris Mendez at 720.352.7326 or cmendez@ccionline.org.