

Legislative Report

CCI Meeting Reminder

All steering committee meetings are held at CCI.

Friday, April 17

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

Friday, April 24

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

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800 Grant St., Suite 500
Denver, CO 80203
Ph) 303.861.4076
Fax) 303.861.2818
www.ccionline.org

State Budget Shortfall

Question: *What readjusts daily and keeps stakeholders on the edge of their seats?*

Answer: *The state's budget shortfall.* And, true to form, the state's budget shortfall for the current fiscal year (SFY 2008-09) reached \$550 million. This includes \$150 million in newly projected revenue declines and \$400 million in cuts that have already been enacted.

With this new estimated shortfall, the Joint Budget Committee spent their shortened week focused solely on balancing the SFY 2008-09 Budget. All in all, the most significant cuts to counties came from reductions in the Energy and Mineral Impact Fund. Roughly \$8.5 million has been transferred from this fund to the State's General Fund. Other funds that locals rely on were also reduced. These include the Court Security Cash Fund which was reduced by roughly \$2 million, the Local Government Limited Gaming Impact Fund which was reduced by roughly \$960,000, the Waste Tire Clean Up Fund which was reduced by roughly \$136,000 and the Search and Rescue Fund which was reduced by roughly \$7,800. These are one time only cuts unless a decision is made to make the same cuts in the SFY 2009-2010 Budget.

Now that the JBC has a balanced budget for SFY 2008-09, they will turn their attention to balancing next year's SFY 2009-10 Budget. The SFY 2009-10 Budget will cover the period beginning July 1, 2009 through June 30, 2010. The JBC intends to tie-up the loose ends remaining in the SFY 2008-09 budget and include the proposed SFY 2009-10 budget in this year's "Long Bill". The "Long Bill", aptly named for the sheer length of the state's budget, will be introduced on Monday, April 6th. It will start in the Senate and, if all goes according to plan, be heard in the House the week of April 13th.

Not surprisingly, CCI opposes cuts to local government funds such as the Mineral and Energy Impact Fund, County Administration, County Tax Base Relief Fund and other funding streams upon which counties rely. In January, CCI sent a letter to Governor Ritter relaying the precarious fiscal situation in which counties find themselves. As stated in the letter, "Counties, just like the state, are feeling the pinch of the current economic downturn. Declining assessed valuations, lower sales tax receipts and drop-offs in other revenue streams translates to cuts in expenditures at the local level. And, this is all occurring at the same time our constituents need governmental services the most." The letter concludes with a request to the Governor to avoid cuts to county funds.

CCI is encouraging the legislature to treat us like partners in trying to solve the state's problems. As such, when important basic services are reduced, our common constituencies suffer. We are working closely with the legislature to ensure that county needs are fully considered.

General Government (GG)

HB09-1253, Defendants with Mental Illness (Pace, Tapia)

CCI Position: Support

Currently, except in emergency situations, the Colorado Mental Health Institute, Pueblo (CMHIP) requires a court order before medications can be administered involuntarily. All but two counties allow these proceedings to be heard in the Pueblo District Court, where the defendant is provided counsel and where the county attorney presents the case for medication orders. The two counties that currently don't follow this process include Denver and El Paso. These County Sheriffs must travel to Pueblo, pick up the defendant for these hearings and then make another trip to Pueblo to return the defendant to CMHIP.

HB09-1253 clarifies that all of the medication hearings are to be held in Pueblo. It states that CMHIP shall deliver a copy of the petition for involuntary treatment to the court that committed the defendant, the prosecuting attorney and the defendant's attorney. Additionally, the county jails are authorized to require that the defendant continues treatment when they are returned to jail awaiting the court proceeding. This could mean that a jail's medical personnel may forcibly administer court-ordered medication to the defendant.

SB09-006, County Jail ID Unit (Solano, Boyd)

CCI Position: Support

This bill comes out of a standing legislative interim committee dealing with mentally ill people in the criminal justice system. The bill expands an existing program within the Department of Corrections. One of the major barriers for mentally ill inmates in accessing benefits is a lack of identification. Mentally ill inmates without identification are more likely to recidivate upon release from county jails, not only costing the county more money, but also keeping mentally ill people in the criminal justice system.

The Division of Motor Vehicles will visit metro area county jails to process identification for inmates. The jails will provide the resources for collecting required paperwork and will submit annual data detailing the successes and challenges of the program to the Department of Revenue. Although this bill drives a small fiscal note, it is an inexpensive program that can save

important revenues. Mentally ill inmates in county jails cost \$75.57 a day and stay an average of 91 days in jail (three times longer than those without mental illnesses). If only seventeen mentally ill inmates do not recidivate because they are able to access benefits because they possess an ID, the program pays for itself.

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

Health & Human Services (HHS)

HB09-1252, Concerning the Expansion of the “Local Access to Health Care Pilot Program Act” to Allow Creation of a Pilot Program in the San Luis Valley (Roberts, Isgar)

CCI Position: Support

This legislation permits the six counties in the San Luis Valley to go forward, using the same template as the Pueblo Health Care Pilot Program, to provide health care in the Valley. The Senate Health and Human Services Committee heard this bill March 19, and agreed, on an 8-1 vote, with the intent of the legislation to create authority for the valley-wide community to devise and deliver appropriate health care services.

This pilot would permit an employer to contribute \$60 per month for an employee, who would also pay \$60 per month, and for whom preventive and emergent health care services would be provided. The health care participants include the health care providers and hospitals of the San Luis Valley. This is a bold and innovative approach, using the resources of the health care systems and the support of the structure of the six counties’ association to support the provision of affordable health care. CCI has voted to strongly support this project.

SB09-100, Concerning Amending the Definition of “Noncustodial Parent” in the “Colorado Works Program Act” to Enable a Noncustodial Parent to Receive Employment Assistance Regardless of Whether the Noncustodial Parent’s Child is Receiving Assistance Under the Colorado Works Program (Newell, Frangas)

CCI Position: Support

The bill changes the definition of "noncustodial parent" for the Colorado Works program. This change allows a noncustodial parent to receive assistance under the program, regardless of whether his or her child is receiving assistance. Under current law, counties may decide whether or not to serve noncustodial parents through the program and the type of service to provide based on county policy. For example, counties may provide assistance to noncustodial parents to promote stable employment and ensure that child support payments are made.

CCI is delighted to see that SB09-100 has passed the Senate and the House and is now on its way to the Governor’s office. This is important legislation that will make it possible for counties to assist many more families in Colorado, including noncustodial parents, who may be aided in getting and keeping jobs, and in turn making child support payments, that make the difference between independence and public assistance.

Thanks to all the legislators who supported this bill, especially the outstanding work of the sponsors, Senator Newell and Representative Frangas.

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

Land Use & Natural Resources (LUNR)

SB09-31, Concerning the Creation of the Clean Technology Discovery Evaluation Grant Program (Heath, Riesberg)

CCI Position: Oppose

This bill creates the Clean Technology Discovery Evaluation Grant Program in the Governor's Office of Economic Development and International Trade (OED). The program will provide grant assistance to aid in the commercialization of renewable energy technologies (e.g., solar, wind, bio-fuel and geothermal) or technologies and products that aid in energy efficiency, conservation or environmental mitigation.

The bill creates the Clean Technology Discovery Evaluation Cash Fund to consist of moneys credited to it from an additional fee of \$1.75 collected on waste tires. Money in the fund is subject to annual appropriation by the General Assembly.

CCI is concerned that, regardless of the use of the funds, the 115% increase in the cost to recycle used tires will have the effect of creating a financial barrier to recycling for many Coloradans. Since the fee is a voluntary one, and not mandated on the purchaser of new tires, anyone who wishes to avoid the fees can simply drive off with the old tires and dispose of them as they like. The potential for increases in waste tires improperly disposed of is great.

The illegal disposal of waste tires along roads and ditches creates an environmental degradation that Colorado has worked for more than 20 years to rectify. Waste tires create perfect environments for mosquito breeding, raising the risk of mosquito-borne diseases. When illegal piles of tires catch fire, the result is usually a complete burn, as these fires are extremely difficult to put out.

Finally, the Joint Budget Committee has indicated their plan to transfer the current cash funds from the Waste Tire Recycling Fund in DoLA, to the General Fund for fiscal year 08-09. This is intended to help fill the shortfall in revenues for the current fiscal year. There is no reason to assume that the funds collected in 09-10 will be left for recycling projects or for program expansion as proposed in SB09-31. For all these reasons CCI opposes SB09-31.

HB09-1303, Concerning the Application of Engineering Criteria to Increase Efficiency in the Administration of Wells that Withdraw Ground Water in Conjunction with the Mining of Minerals, and, in Connection Therewith, Integrating Wells that Withdraw Ground Water in Conjunction with the Mining of Minerals into the Prior Appropriation System and Extending the Time Schedule for Well Owners to Correct Deficiencies in Permitting and Operation (Curry, Isgar)

CCI Position: Oppose

This is legislation that has been prepared in anticipation of the Supreme Court's decision in the appeal of Vance vs. Simpson. In this case, the district court ruled that removing water from a ground water formation while recovering oil or gas is a beneficial use of water. This bill is in response to the district court decision, because concern exists that should this ruling be upheld, all active oil and gas wells in Colorado would need to be permitted by the Division of Water Resources (DWR). As of December 2008, there were just over 37,000 active oil and gas wells in Colorado.

At the CCI Land Use and Natural Resources Committee on March 20, 2009, the commissioners expressed concern that the legislation could act to supersede the court's decision, or raise questions about the validity of the decision if the bill is made law after the court rendered its decision. The Commissioners feel that the legislation should not be adopted until the Supreme Court has acted in this case.

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

Taxation & Finance (TF)

HB09-1250, Federal Money to County for School Districts (Merrifield, Penry)

CCI Position: Oppose

CCI opposes HB09-1250 as it is a one-size-fits-all approach to a very complex issue. HB09-1250 would change the minimum allocation of federal forest payments distributed to school districts by counties from a current 5% up to a minimum of 50%. With the brevity of the introduced bill, it would seem to be a simple inquiry, more money for public schools. However, the situation is not at all that simple.

Congress reauthorized the Secure Rural Schools and Community Self-Determination Act (SRSCSDA) of 2000 this past fall while at the same time reauthorized full funding for the Payment in Lieu of Taxes (PILT) program. These twin authorizations were part of larger emergency legislation to help stabilize the U.S. economy. The reauthorization of SRSCSDA was for four years and PILT for five years.

There is interplay between the two funding mechanisms. PILT was designed by Congress to compensate local governments for lost property tax revenue. Until last year PILT had never been fully funded by Congress. Separately, the SRSCSDA was passed by Congress in 2000 to provide forest counties an alternative to prior vagaries of forest payments through the U.S. Department of Agriculture. Under PILT rules, any payments to schools of SRSCDA funds will not act as "prior year payments" under PILT for the subsequent year, however, requiring a minimum payment under SRSCDA as under HB09-1250 may not be offset by a county's PILT payment in the following year, thereby reducing the total amount of federal funds receivable by that county and statewide.

HB09-1250 was amended by the House to alter payment dates from the state to county treasurers, require involvement and negotiation over amounts in excess of the required minimums, and have a "scale in" for Option B counties. The Senate Education Committee passed the bill to the floor of the Senate on Wednesday; however, CCI remains open to and optimistic in working with the sponsor and stakeholders in arriving at appropriate amendments to address the complexities of the law, hold negatively impacted counties harmless and sunset the bill at the end of the authorization period, if federal funds are not appropriated.

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

Tourism, Resorts & Economic Development (TRED)

HB09-1220, Property Owner Authority to Set Price (Scanlan, Gibbs)

CCI Position: Support

HB09-1220 has passed both the House and the Senate and is now pending on the House floor for consideration of the Senate amendment described below.

As introduced, HB09-1220 simply outlawed HOA covenants or restrictions on an owner's right to set the price or establish occupancy requirements for their property. It was intended to prevent HOA's from adopting restrictions that would prevent a housing authority from offering properties it owns as workforce housing. It was amended substantially by the House to limit its applicability to counties with less than 100,000 population and a ski lift, require owner-occupancy, allow future owners to substitute one affordable unit for another in the same community, and also specify that the bill's restrictions do not apply to declarant-controlled communities (generally, communities still managed by the developer).

The Senate Local Government Committee made further amendments to clarify the ability of local housing authorities to define what occupancy or other requirements may be appropriate to promote affordable or workforce housing.

Questions or Comments? Contact Chip Taylor at 303.861.4076 x 231 or jtaylor@ccionline.org.

Transportation & Telecommunications (TT)

HB09-094, Create Transit Rail & Division in CDOT (Williams, Levy)

CCI Position: Support with Amendments

SB09-094 creates a new Division of Transit and Rail within the Colorado Department of Transportation (CDOT), specifies the powers and duties of the Division and its Director, and outlines the Division's role and structure relative to existing CDOT Divisions and Commissions. The bill represents a positive modernization of the Department as many states in the nation have done. CCI believes the bill could be strengthened by language surrounding a statewide transit plan, incorporation of that plan into the statewide transportation plan and adding flexibility to the Department to adapt to future modernization of transit and multimodal planning.

The bill is now before the House Transportation and Energy Committee.

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

Other News

Statewide Court Security Conference

The Colorado Court Security Commission will be hosting a "First Ever" Statewide Court Security Conference in Montrose, Colorado on June 11-12, 2009. **All costs associated with attending this conference will be paid using Court Security Grant Funds.** All hotels rooms are

direct billed, all meals provided and a mileage reimbursement form will be provided with your conference materials.

The overall purpose of the conference is to strengthen local security teams from across the State. The meeting will be held at the Montrose Pavilions. Buses will be available during the conference to take attendees to and from the Pavilions.

The conference begins with a meet and greet reception at the Bridges Golf and Country Club on Wednesday evening June 10th from 5 p.m. – 10 p.m. All conference participants will be able to ride to the Bridges using buses that have been reserved for that purpose. The buses will be stopping at the hotels being used for the conference at 15 minute intervals.

The conference begins at 8:30 a.m. on Thursday and ends at noon on Friday. On Thursday evening there will be a barbeque on the front lawn of the Montrose Pavilions.

How do sign up? Here's how:

- Local Security Teams will select their representatives using the following formula:
 - Each of the 38 priority counties are invited to send up to **three** representatives
 - The other 26 counties are invited to send up to **four** representatives
- Local Security Teams are strongly encouraged to send teams that include the Chief Judge, Sheriff and a County Commissioner.
- **For judges and court staff and county commissioners and county staff** - When your team has made its selection contact Steve Steadman directly and provide him with the names of representatives and hotel room preferences. Mr. Steadman will then make room reservations at the Holiday Inn Express. All rooms are direct billed to this office;
- **For Sheriffs and other law enforcement** - make your reservations directly with the Red Arrow Motel. Arrangements have been made for Wednesday and Thursday evening hotel expenses to be directly billed to this office.

If you have any questions contact Steve Steadman at 303-837-3616 or steven.steadman@judicial.state.co.us.