

# Legislative Report

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## CCI Meeting Reminder

### June 8 – June 10

CCI Summer Conference

Eagle County, CO

To register and see a tentative agenda visit [www.ccionline.org](http://www.ccionline.org).

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800 Grant St., Suite 500  
Denver, CO 80203  
Ph) 303.861.4076  
Fax) 303.861.2818  
[www.ccionline.org](http://www.ccionline.org)

## Legislative Session Adjourns with State's Fiscal Condition Taking Center Stage

On Wednesday, May 6<sup>th</sup>, members of the Sixty-Seventh General Assembly packed up their bill folders, washed their coffee mugs and bid farewell to the legislative session. Having reached the 120<sup>th</sup> day of the session, a limit set in Colorado's Constitution (Article V, Section 7), the legislative branch has finished its regular work for the year.

Without a doubt, the leading act this year was the state's fiscal situation. Legislators from of all stripes proceeded cautiously with policy decisions given the uncertainty of the state's fiscal landscape. And the Joint Budget Committee, reeling from negative revenue forecasts, struggled to balance the current year's

budget (SFY 2009) and next year's budget (SFY 2010). Ultimately, the state relied on a series of cash fund and reserve transfers, departmental cuts, policy changes and stimulus funding to address a collective shortfall of over \$1.5 billion.

Counties, like all other stakeholders, were not spared in the state's effort to balance its budget. Local governments will be most impacted by cuts to the Local Government Severance Tax Fund (\$7.5m in SFY 2009) and the Local Government Mineral Impact Fund (\$1m in SFY 2009 and \$22.6m in SFY 2010). Additionally, in SFY 2010, counties will see a reduction in the portion of Highway Users Tax Fund (HUTF) receipts they receive to the tune of \$3.4 million.

On the bright side, local governments will see an increase in their HUTF funding. An additional \$30 million per year will be split among counties for road safety projects. This funding is over and above the roughly \$160 million in HUTF funding counties receive. While described in more detail in the pages that follow, **SB09-108 *Transportation System Planning and Funding*** (Gibbs, Rice) (aka FASTER) provides for new road safety surcharges that will kick in beginning July 1, 2009. Additionally, counties providing restaurant inspection services will be able to recoup more of their costs through the increased fine authority granted in **SB09-223 *Retail Food Establishment Inspection*** (Boyd, Kerr A.). The passage of **SB09-002 *Increase Motor Vehicle Fee for Emergency Service*** (Morse, Peniston) will mean more grant funding for local governments wishing to replace aging ambulance fleets and medical service equipment.

The state will release its next revenue forecast in June. This forecast will dictate whether more juggling will be necessary to finish out the current fiscal year and whether the assumptions used to develop the SFY 2010 budget are still operative. In the event the state's shortfall has grown, the Legislature has granted the Governor authority to temporarily transfer cash from a series of funds including the Local Government Mineral Impact Fund and the Local Government Severance Tax Fund. Any transfers, however, must be paid back from the General Fund by July 1, 2009. The Governor can also use what remains of the State Fiscal Stabilization Funding Colorado received under the Federal American Recovery and Reinvestment Act, approximately \$50 million.

In the pages that follow, you will find information on other legislative actions affecting counties. Here, we provide detailed summaries of bills such as those mentioned above. Please remember that not all the bills tracked by CCI are highlighted in this report. If you need additional information on a bill and/or are interested in a bill not profiled in these pages, please call CCI.

### **Agriculture, Wildlife & Rural Affairs (AWRA)**

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#### **SB09-024, Wildlife Division Response to Game Damage (White, Sonnenberg) CCI Position: Monitor Status: Sent to Governor**

This bill establishes timelines for the Division of Wildlife (DOW) to follow when dealing with game damage claims. The bill also clarifies when and how individuals who charge \$500 or more for hunting permits on their private land can make game damage claims. Additionally, SB09-024 specifies when the DOW may issue kill permits resulting from excessive damage claims. As adopted, the bill also requires the DOW to report back to the Joint Agriculture Committees on a range of related DOW issues, including herd management in Colorado.

#### **Sunset Reviews for Agriculture Programs**

Many agriculture programs' sunset dates are expiring this year and several bills adopted by the General Assembly extend the sunsets for these programs. The next six bills describe the programs to be legislatively extended, all of which were signed by the Governor.

#### **SB09-113, Sunset Measurement Standards in the Department of Agriculture (Brophy, Sonnenberg) Status: Signed by Governor April 2, 2009**

This bill implements recommendations on the issuance of licenses and certificates relating to measurement standards, allows the Department of Agriculture to promulgate rules clarifying certain measurement practices and licensing, and extends the department's authority to issue licenses and certificates until 2018.

#### **SB09-114, Sunset Farm Products Commodity Warehouse (Kester, Sonnenberg) Status: Signed by Governor April 9, 2009**

This bill extends the sunset for the Department of Agriculture's regulation of farm products and commodity warehouses until 2020. It also requires standardized license fees, allows small volume dealers to buy commodities and allows the department to inspect property and records outside of strict business hours.

**SB09-115, Sunset Livestock Market Regulation (Brophy, Curry)**

**Status: Signed by Governor March 25, 2009**

This bill extends the sunset for the Department of Agriculture's regulation of public livestock markets by the state board of stock inspection commissioners until 2019.

**SB09-116, Sunset Colorado Seed Act (Hodge, Looper)**

**Status: Signed by Governor March 25, 2009**

This bill continues the Colorado Seed Act, which protects the agriculture industry against defective seed, to year 2020.

**SB09-127, Sunset Egg Regulation (Schwartz, Fischer)**

**Status: Signed by Governor March 25, 2009**

This bill extends egg quality regulation authority until 2012.

**SB09-151, Sunset Licensing Livestock Slaughterers (Isgar, Curry)**

**Status: Signed by Governor April 2, 2009**

SB 151 allows the Department of Agriculture's licensing power over slaughterers of livestock to expire and places the responsibilities under the purview of the state board of stock inspection commissioners.

**SB09-235, Certain Fees Charged By the Division of Wildlife (Gibbs & Isgar, Merrifield)**

**CCI Position: Monitor**

**Status: Sent to Governor**

This bill continues and expands the existing habitat stamp program in the Division of Wildlife (DOW). There are two stamps currently, each \$5.00 and increasing to \$10 on April 1, 2011. SB 235 also increases the cost of a lifetime stamp from \$200 to \$300 on the same date. SB235 allows DOW to use money to market the habitat stamp to non-sportsmen, something they could not do before. The bill also requires the DOW to direct at least a half-million dollars in additional funds collected from the habitat stamps for the purposes of providing water to the state's rivers and streams, enhancing instream flows, and benefiting public fishing.

The bill directs stakeholders to meet with the Senate and House Agriculture Committees at least once before June 1<sup>st</sup>, 2010, to continue working on issues such as access, water rights and fee simple land acquisition. If there is consensus, another bill or two may be offered next legislative session to address these issues. If the future bills do not pass or none are introduced, SB09-235 will be enacted as passed this session.

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

## General Government (GG)

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

**CCI Position: Support**

**Status: Sent to Governor**

This bill does two things: (1) It allows any primary election in Colorado to be conducted by all mail in ballot; and (2) If there is only one candidate from both major political parties in the primary, the county may choose to certify the candidates and cancel the primary.

CCI would like to thank Rep. Murray for her fortitude finding solutions for the bill and CCI would also like to thank the County Clerks and the Governor's office for continuing to work with counties to find better ways to administer elections in the state of Colorado.

### **HB09-1022, Recidivism Reduction Grant Program (Boyd, Solano)**

**CCI Position: Support**

**Status: Sent to Governor**

Once there are sufficient gifts, grants, and donations to provide funding, this bill provides grants to counties that have developed recidivism reduction programs that meet certain criteria. This bill would allow counties to utilize grant funding to implement programs which they have previously been unable to afford.

### **HB09-1040, Unfunded Mandates on Local Governments (Vigil)**

**CCI Position: Support**

**Status: Postponed Indefinitely**

This was a CCI Priority. The bill would have required the executive branch to develop an annual report that detailed any unfunded mandates the General Assembly passed during the legislative session. Unfortunately, the fiscal note that DoLA attached to the bill could not be reduced and no other state agency could be found to take on this duty, although the actual development of the report could have been in coordination with local government associations that track this data already. CCI is very grateful to Rep. Vigil for his work on this bill to help educate fellow legislators about the impacts of their decisions on local governments.

### **HB09-1094, Cell Phone Prohibition for Drivers (Levy, Bacon)**

**CCI Position: Oppose**

**Status: Sent to Governor**

This bill began prohibiting drivers from using hand held cell phones to text or call while driving. As adopted, the bill creates a ban on "texting" while driving for all motorists and on hand held cell phone calls for all drivers 18 years old and younger.

### **HB09-1118, Record Keeping for Certain Governmental Entities (Murray, Kester)**

**CCI Position: Support**

**Status: Signed by Governor April 16, 2009**

This common sense bill eliminated the requirement that the official charged with keeping records for counties (and other public entities) keep the records in a "well-bound book", and substitutes a requirement that the records be kept in a "visual text format that may be transmitted electronically".

**HB09-1135, Adjustment of County Fees (Judd, White)**

**CCI Position: Support**

**Status: Lost on third reading in House**

This was a CCI Legislative priority. HB09-1135 sought modest increases in Title 30 County Clerk, Treasurer and Sheriff fees, most of which have not been increased since the late 1980's. The bill also indexed these fees to a consumer price index, which allowed that county fees reflect the cost of doing business in this state.

**HB09-1140, Clarify Initiative and Referendum Process (Court, White)**

**CCI Position: Support**

**Status: Postponed indefinitely in favor of HB09-1326**

This bill tried to clarify a variety of procedures dealing with placing measures on the ballot including: additional information on petitions, language on ballot and the Blue book that specifies whether the issue is a constitutional or statutory change. Ultimately, initiative reform was adopted in HB 1326, described below.

**HB09-1151, Oversight School Building Inspections (Todd, Heath)**

**CCI Position: Support**

**Status: Signed by Governor May 4, 2009**

HB09-1151 transfers all the oversight duties and responsibilities related to the construction of public schools and junior colleges from the Division of Oil and Public Safety to the Division of Fire Safety. This administrative change is one that many stakeholders supported because they saw the Division of Fire Safety as a better fit in helping the state fulfill its statutory requirement of ensuring all school buildings and structures are constructed in conformity with the state's building and fire codes. It is important to note that the progress made in past legislative sessions allowing local building departments to inspect and review building plans at the request of a school district still stands.

**HB09-1186, Contents and Delivery of Mail Ballots (Levy, Carroll M.)**

**CCI Position: Support**

**Status: Signed by Governor April 3, 2009**

This bill requires return mail ballot envelopes to contain a section allowing the elector to apply to be designated as a permanent mail-in voter and allows a mail-in voter to deliver a voted mail-in ballot to an early voting polling place during early voting or to any polling place on Election Day.

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

**CCI Position: Support**

**Status: Signed by Governor April 22, 2009**

This bill codifies existing fiscal note practices between CCI and the Office of Legislative Legal Services.

**HB09-1208, Public Works Prevailing Wages and Benefits (Soper)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

This bill would have required a contractor working on a public works contract to pay prevailing wages and fringe benefits.

**HB09-1226, No-Fault Motor Vehicle Insurance Act (McGihon, Carroll M.)**  
**CCI Position: Oppose** **Status: Postponed Indefinitely**

This bill would have brought Colorado back to the no-fault insurance model, which would have required operators of motor vehicles to maintain a complying policy of motor vehicle insurance containing at least a minimum of basic coverage.

**HB09-1235, Neighbor Cleanup Good Samaritan Law (Acree)**  
**CCI Position: Support** **Status: Postponed Indefinitely**

HB09-1235 would have provided Good Samaritan immunity for property owners and local volunteers who wished to abate nuisances, such as weed or trash removal and general property maintenance, on unoccupied residential properties. Immunity would have covered owners against claims by volunteers working on the property.

**HB09-1253, Defendants with Mental Illness (Pace, Tapia)**  
**CCI Position: Support** **Status: Signed by Governor April 16, 2009**

HB09-1253 clarifies that all involuntary treatment petition hearings are to be held in the jurisdiction where the defendant is located, which is generally Pueblo. It states that Colorado Mental Health Institute, Pueblo, 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, county jails are authorized to require that the defendant continue treatment when he or she is returned to jail awaiting the court proceeding.

**HB09-1263, Time Deductions for Dept. of Corrections and County Jails (Casso, Carroll M.)**  
**CCI Position: Support** **Status: Signed by Governor April 3, 2009**

This bill allows county jails and the judicial branch to provide for more flexibility in determining time off for good behavior and for time served in county jails.

**HB09-1291, Veterans Resource Information Clearinghouse (Nikkel, Shaffer B.)**  
**CCI Position: Support** **Status: Sent to Governor**

This bill helps coordinate the multiple efforts currently underway in Colorado dealing with veterans' health services. This bill allows the Division of Veterans' Affairs to use grants, gifts and donations to develop a database and clearinghouse of information that will help to streamline the various efforts and programs dealing with veterans' services.

**HB09-1326, Concerning the Integrity of the Statewide Initiative Process (Court, Schaffer, Carroll, T.)**  
**CCI Position: Support with Amendments** **Status: Sent to Governor**

This bill will make several changes in the initiative process in Colorado providing for more transparency and accountability. It requires proposed constitutional amendments to be referred to as "amendments" and proposed statutory changes to be referred to as "propositions". Although the bill adds language to election ballots, which in turn increases the costs of counties printing the ballots, the language was minimized to use letters and numbering to reflect referred initiatives instead of longer phrases describing ballot issues. The bill also makes

several changes regarding petition circulators, their conduct, and enforcement options for circulator misbehavior or petition irregularities. It provides that proponents who wish to withdraw their initiative petition do so at least 60 (formerly 33) days before the election.

**HB09-1335, Concerning the Requirements for Voting Equipment (Todd, Murray, Williams, Carroll, M.)**

**CCI Position: Support**

**Status: Sent to Governor**

HB09-1335 allows counties to continue using their election machines until 2014. Without this bill, counties would need to spend tens of millions of dollars to upgrade or replace their machines, assuming this could be accomplished by the time the next election arrives. Prior to 2014, counties will not be allowed to buy new or modify existing machines unless the Secretary of State approves the purchase. The intent is to start moving Colorado towards a paper based election process with standard processes and practices in place prior to 2014.

**SB09-006, Concerning a Mobile County Jail Identification Unit (Boyd, Solano)**

**CCI Position: Support**

**Status: Sent to Governor**

CCI and community mental health providers discussed this concept with the Department of Revenue (DOR) during the last year; however, the DOR could not be persuaded to move forward towards implementing this idea absent statutory direction, even with financial support from the counties. Although activation of the unit depends on receipt of adequate gifts, grants, or donations coming to the state, CCI nevertheless looks forward to productive meetings with DOR and related agencies to implement this bill and reduce mentally ill inmates in county jails.

**SB09-023, Fair and Legal Employment for Coloradoans Act (Schultheis, Lambert)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

This bill would have required all nongovernmental employers in the state to participate in the federal electronic verification program for purposes of verifying the work eligibility status of all new employees hired by an employer. More importantly for the counties, it required the attorney general or the county or city attorney, as appropriate, to investigate complaints of employer noncompliance, and to bring a court action against the employer when an investigation shows a complaint has merit.

**SB09-050, Limited Gaming Member from Gilpin or Teller County (Scheffel, Murray)**

**CCI Position: Support**

**Status: Vetoed April 22, 2009**

This bill would have required that at least one member of the five member limited gaming control commission reside in Gilpin or Teller county. The bill passed overwhelmingly in both houses.

**SB09-083, Limitations on Public Resources in Political Process (Schultheis)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

This bill tried to modify the existing statutory provisions restricting the involvement of state or local governmental entities in the political process in candidate campaigns or campaigns involving ballot issues, referred measures, or recall elections. It would have severely limited public officials and employees from responding to citizen inquiries about ballot measures and reduced the \$50 "safe harbor" for incidental expenditures related to ballot measures to \$5.

Finally, it would have significantly expanded the ability of litigants to disrupt the election process through the use of lawsuits for technical violations of the new requirements.

**SB09-95, Construction Prompt Pay (Tapia, Riesberg)**

**CCI Position: Oppose**

**Status: Lost in Senate**

The bill mirrored the contractor bill from last year, HB08-1306. This bill added language to statute that restricted the flexibility of public entities' dealings with contractors on public works projects, included unduly restrictive payment timelines and penalty interest requirements, and required certifications of ability to pay that do not make sense as applied to public entities.

**SB09-140, Public Trustees Terms of Service (Bacon, Fischer)**

**CCI Position: Support**

**Status: Signed by Governor March 25, 2009**

This bill specifies that persons appointed to serve as public trustees shall serve at the pleasure of the governor and that public trustees report to the governor at such times and on such matters as the governor may require.

**SB09-149, County Home Rule Charter (Boyd, Kerr, J.)**

**CCI Position: Support**

**Status: Postponed Indefinitely**

This bill streamlined and clarified how counties are able to form a home rule commission prior to submitting a home rule question to the voters. The bill proposed that the board of county commissioners, upon resolution or petition, appoint a home rule charter commission.

**SB09-180, Collective Bargaining by Employees of Public Safety Agencies (Tochtrop, Casso)**

**CCI Position: Oppose**

**Status: Sent to Governor**

SB09-180 is a contingent unfunded mandate on local governments. As amended in the Senate, the bill no longer included county law enforcement agencies and now only includes municipal firefighters and fire districts, including county improvement districts. While CCI is very grateful to Senator Tochtrop for removing counties from this unnecessary bill, CCI is still concerned that this bill represents a dangerous precedent in allowing the State to impose collective bargaining on local political subdivisions.

**SB09-241, DNA Testing for Felony Arrestees (Morse, King S.)**

**CCI Position: Support**

**Status: Sent to Governor**

This bill requires each adult arrested for or charged with a felony to submit to a DNA test. Furthermore, it requires the Colorado Bureau of Investigation to file and maintain the results of such DNA testing in a database and to furnish the results to a law enforcement agency upon request.

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

## Health & Human Services (HHS)

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### **HB09-1007, Concerning Improving Child Protection Efforts by Adding Domestic Violence Experts to Interagency Oversight Groups in the Collaborative Management Program (Frangas, Newell)**

**CCI Position: Support**

**Status: Signed by Governor March 20, 2009**

In its simplest form, HB09-1007 requires a representative from the field of domestic violence to be a part of a local interagency oversight group in a collaborative management program. There are eighteen or more counties who are involved in the collaborative management program, which is a program of multi-agency services provided to children and families. These counties have found this collaborative approach to child welfare to be an improvement in the delivery of services and the holistic care of children and families. Permitting local county teams to include a domestic violence expert, when possible, will likely improve the outcomes of children for whom domestic violence is a factor.

### **HB09-1028, Colorado Indigent Care Accountability Board (Frangas)**

**CCI Position: Support**

**Status: Postponed Indefinitely**

The Health Care Task Force, meeting in the 2008 interim, discussed the problems and difficulties of advocating for the medically indigent. One of their concerns was the knowledge that many of these patients are reluctant to report problems or make complaints about their care, for fear of losing services or suffering retribution. This bill, as recommended by the Health Care Task Force, sought to resolve this problem through the creation of the Colorado Indigent Care Program (CICP) Accountability Board within the Department of Health Care Policy and Financing. The CICP Board would have reviewed grievances submitted by medically indigent clients who received care through CICP. The executive director of the department would have appointed at least four members to the CICP Board.

The Medical Services Board would have adopted rules for the CICP Board including the process for reviewing grievances. The bill outlined several remedies that the CICP Board could recommend to the department should a grievance have merit, including the following:

- a mandatory second opinion,
- the transfer of a medically indigent client to a different medical provider,
- the treatment of a medically indigent client by a private medical provider or
- the use of mediation with the medical provider and the medically indigent client.

If the department did not follow the recommendation of the CICP Board, the department would have been required to inform the client of its reasons. Finally, a sunset review of the CICP Board would have been required prior to its repeal in 2016.

### **HB09-1073, Concerning Electronic Prescriptions for Medicaid Recipients (Massey, Boyd)**

**CCI Position: Support**

**Status: Sent to Governor**

This bill is a result of the Health Care Task Force activities during the last interim session. The bill authorizes the Department of Health Care Policy and Financing to study and report back to the legislature on the feasibility and costs of permitting electronic prescriptions for the Medicaid population. This is the trend in prescribing now, and the findings seem to indicate that there are far fewer errors in prescriptions with much faster processing for this type of media.

**HB09-1075, Department of Human Services Criminal Prohibitions to Employment (Middleton)**

**CCI Position: Support**

**Status: Postponed Indefinitely**

Under current law, new Colorado Department of Human Services (CDHS) employees and contractors who have direct contact with vulnerable people are required to pass criminal background checks. This bill would have expanded this requirement to all new employees and contractors of the department. It also would have eliminated the requirement that the department contact previous employers of the top three candidates for positions that have direct contact with vulnerable people.

Grounds for disqualification from a state CDHS position would have included conviction of several types of offenses in the last ten years including:

- felony drug offenses;
- misdemeanor unlawful sexual contact; and
- all class 2, 3, 4 and 5 felonies.

The bill required department employees to inform their supervisors within 48 hours of any arrest, charge or summons for disqualifying offenses.

**HB09-1078, Foster Parents Training Individualized Education Program (Ryden, Hodge)**

**CCI Position: Support**

**Status: Signed by Governor March 19, 2009**

This is a fairly simple bill that clarifies that the Department of Human Services must provide foster parents training that is individualized to the needs of the foster parents, their families and the foster children for which they will care/are caring. It is part of the outcome of the Child Welfare Action Commission's findings regarding the need for better training in the protection of children in out-of-home care.

**HB09-1097, Concerning Alternative Medicaid Care Programs for the Elderly (Lundberg)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

This bill is similar to legislation from several previous years that seeks to provide a reduced amount of Medicaid assistance (70% in this bill) to elderly clients in exchange for foregoing the estate recovery actions usually required. The problem with this approach is that there is no federal waiver for such a program, and the waiver process is expensive and time consuming. Finally, the problems with CBMS make this sort of unique category more costly with the unpredictable outcomes. Both the state and CCI have opposed this legislation.

**HB09-1119, Concerning Creation of a Program to Assist Entities Providing Programs to Address Substance Abuse Problems in Rural Areas of Colorado (Vigil, Schwartz)**

**CCI Position: Support**

**Status: Sent to Governor**

This bill creates the Rural Youth Alcohol and Substance Abuse Prevention and Treatment Program in the Department of Human Services' (DHS) Division of Alcohol and Drug Abuse. The program is intended to provide prevention and treatment services to children ages 8 to 17 in rural areas. The bill recognizes the greater difficulty of receiving treatment and assistance in

more rural areas of the state, defined in this bill as a population of less than 30,000. This legislation should help improve local access to services for these youth, which is the goal.

The State Board of Human Services is required to pass rules regarding program administration and will incorporate the bill's funding into current mechanisms used to purchase prevention and treatment services in rural areas. The DHS will implement the program on or after January 1, 2011, provided that sufficient funds are available.

Program funding will come from the new surcharges that will be applied to the various drunk driving and drug use offenses on the books today. These funds will then go into a fund for the Rural Youth Alcohol and Substance Abuse program. This is a very good bill that will help bridge the services gap between rural and urban areas in the state while providing these rural youth with the same access to treatment that are routinely provided in metropolitan areas of the state.

**HB09-1179, Concerning Address Confidentiality Program Eligibility (Labuda, Veiga)**  
**CCI Position: Support** **Status: Signed by Governor April 3, 2009**

The bill allows any person who lives with a participant in the Address Confidentiality Program to also participate in the program, if it ensures the safety of the participant. The program protects victims of domestic violence, sexual assault, and stalking who fear for their safety and wish to receive mail confidentially via the Department of State. Current law allows only for a parent, spouse, dependent child, or other family member of an applicant to participate in the program. CCI supports the expansion of eligibility to other individuals who may be at risk because of living with a victim.

**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** **Status: Sent to Governor**

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 by providing 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.

**HB09-1281, Concerning State Boards to Include Persons with Disabilities (Labuda, Carroll, M.)**  
**CCI Position: Support** **Status: Sent to Governor**

This bill, as introduced, would have encouraged the Governor to appoint a representative of the disabled community to several state boards. As adopted, the bill asserts that the "Governor is encouraged to include representation by at least one member who is a person with a disability"

to an expanded list of state boards, including: Commission on Aging; Advisory Board – Service Standards and Regulations; Transportation Commission; Colorado Children’s Trust Fund Board; State Board of Housing; Civil Rights Commission; State Board of Health; HCPF Medical Services Board and CDHS State Board of Human Services.

**HB09-1293, Medicaid Hospital Provider Fee (Riesberg and Ferrandino, Keller)**  
**CCI Position: Support** **Status: Signed by Governor April 21, 2009**

This is the Medicaid hospital fee bill. Special thanks to Commissioner Susan Beckman, Arapahoe County Chair, who made clear the concerns held by counties regarding the proposed increased eligibility to more than 100,000 new Colorado citizens, and to the many county directors and legislative liaisons who worked on this important legislation, primarily concerned that there is legislative recognition of the work performed by counties in screening applicants for Medicaid eligibility. The committee was very supportive, as were the co-prime sponsors, Rep. Riesberg and Rep. Ferrandino, and a committee amendment was adopted to make it clear that county administrative costs to perform eligibility screening and other related responsibilities are included in the cost of the new program.

CCI is grateful for the support of the committee members and the sponsors and we look forward to continuing to provide information and support to these legislators as they work on this expansion of Medicaid.

**HB09-1297, Concerning Membership on the Licensing Board of Child Care Facilities (Frangas, Mitchell)**  
**CCI Position: Support** **Status: Signed by Governor April 16, 2009**

This bill simply permits a member of the licensing board of child care facilities to serve successive terms, and to remain on the board through the end of a term, until the Governor appoints a replacement member. The advisory committee consists of 15 members, and advises and consults with the Department of Human Services concerning the administration and enforcement of state laws on child care facility licensing.

**HB09-1353, Concerning Medical Benefits for Legal Immigrants (Miklosi, Foster)**  
**CCI Position: Support** **Status: Sent to Governor**

This bill authorizes the Department of Health Care Policy and Financing to provide medical benefits under Medicaid and the Children's Basic Health Plan (CBHP) to pregnant women and children who are legal immigrants without a waiting period, so long as other eligibility criteria are met. Under current law, legal immigrants are ineligible for Medicaid or CBHP for five years after the date of entry into the United States. The bill reiterates that these services shall be provided to the extent that the appropriations are available. The effective date of the bill is in 2010 and the Department believes that there will be sufficient funds for these services. The waiting period serves no valid purpose and is no longer required by the federal government, so this change is appropriate and timely.

**SB09-44, Concerning Administrative Procedures and the Department of Human Services (Boyd, Hullinghorst)**  
**CCI Position: Support** **Status: Signed by Governor March 25, 2009**

This bill make allows a party to file an audio recording in lieu of a written transcript for

department reviews of an administrative law judge's decision. It also provides the department final action authority for provider appeals and clarifies and standardizes the rule-making authority of the State Board of Human Services and the executive director of the department throughout the statutes. Finally SB 44 provides that existing rules are valid and enforceable until revised by the board or the executive director as appropriate.

**SB09-58, Concerning Immunity for State Contract Attorneys (White)**

**CCI Position: Support if County Attorneys in bill      Status: Postponed Indefinitely**

This legislation would have extended governmental immunity to attorneys working on contract for the state's alternate defense counsel and GAL programs. We asked the sponsor to include contract attorneys working for county social services departments and in other capacities as contractors. The Sponsor agreed to include county contract attorneys in the bill, if the bill passed Sen. Judiciary. The bill died in that committee, so our amendment was moot.

**SB09-53, Concerning Support Arrearages that Accrue Prior to an Applicant's Eligibility for Public Assistance (Tochtrop, Schafer)**

**CCI Position: Support      Status: Signed by Governor April 20, 2009**

The bill makes changes in how the Department of Human Services (DHS) collects child support payments from someone receiving public assistance through the Colorado Works Program. The DHS may only collect child support currently due and delinquent child support that accrues while the person is receiving public assistance. These changes are mandated by the Federal Deficit Reduction Act of 2005, and must be reflected in Colorado's law. Under current law, the state may also collect delinquent child support that accrues prior to the person receiving public assistance. This change will correct an inequity that currently exists - insuring that the person collecting the owed support that accrued prior to one becoming eligible for services will still go to the individual rather than to the state. CCI supports this change, recognizing that fairness dictates that support arrearages that pre-date assistance services are rightfully owed to the individual charged with care of dependent children.

**SB09-55, Concerning the Family Resource Center Program (Isgar, Judd)**

**CCI Position: Support      Status: Signed by Governor March 20, 2009**

SB09-55 expands the services that may be provided by a family resource center to include parenting education. Many of the 24 family resource centers in Colorado have been expanding their services over recent years to better serve the needs of families, from the provision of child care to the needs of single parents with little community support. The bill also permits these centers to legally apply for the statewide strategic use fund in CDHS. Finally, the bill repeals the current sunset date of the resource center statutes. These centers have turned into real support centers for families and potentially prevent many of these parents and families from landing in more dire straits.

CCI supports these programs and appreciates the role they play in creating a community for families in need in many parts of the state.

**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** **Status: Signed by Governor April 30, 2009**

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 to ensure that child support payments are made.

CCI is delighted that SB09-100 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.

**SB09-104, Concerning the Provision of Verifiable Documents to Youth Leaving Foster Care (Sandoval, Gagliardi)**  
**CCI Position: Support** **Status: Signed by Governor May 2, 2009**

The bill requires county human service agencies to provide a birth certificate and social security card to a youth planning on emancipating from foster care. The youth is not to pay for the costs of providing these documents. The CDHS provides funding assistance for some of these documents, as do many counties.

On average, about 900 youths in foster care turn 18 each year, and a smaller number of youths below the age of 17 are emancipated from care. If each of these young people requires a birth certificate there could be an additional cost of \$10,000. CCI believes that state and county funds currently available will cover these costs.

Counties overwhelmingly support this legislation, recognizing that children emancipating, by law or age, from foster care, are literally on the street and fending for themselves. In order to apply for a job, higher education or even housing, a young adult must have the appropriate identification documents routinely required in modern life. Insuring that these documents are uniformly provided for all such young adults is a logical and humane act that counties will continue to carry out.

**SB09-164, Concerning the Child Welfare Training Academy (Newell, Miklosi)**  
**CCI Position: Support** **Status: Sent to Governor**

SB09-164 creates a child welfare training academy within the state department of human services. Designed specifically for new child welfare employees prior to their assignment to work with actual clients, the bill responds to the observation by the Child Welfare Action Committee that worker training is inconsistent and uneven from county to county. The

Academy will also provide supervisor training to greatly expand the training opportunities to new hires as well as current employees needing certification. All too often counties are forced to hire social workers straight out of college, with no on the job experience. This academy should greatly improve the readiness of these workers to deal with child welfare clients.

**SB09-223, Concerning Revisions to the Retail Food Establishment Inspection Process (Boyd, Kerr, Gardner, B.)**

**CCI Position: Support**

**Status: Sent to Governor**

This bill establishes a new fee for establishments offering food to workers at temporary living quarters in the oil and gas development industry and increases fees paid by other retail food establishments. The increases will be the first in more than five years for public health department inspection services. The funds will also permit the Colorado Department of Public Health & Environment (CDPHE) to upgrade equipment and modernize their inspection process. The bill makes changes to the Food Protection Act as follows:

- Provides for the uniform statewide administration of food safety,
- Requires follow-up activities by the Department of Public Health and Environment or county or district board of health if critical violations are found during an inspection, and
- Establishes a grievance process for retail food establishments that believe that a county or district public health agency is taking inappropriate action.

**SB09-245, Concerning Changes to Conform to Portions of Federal Public Law 110-351 Relating to Kinship (Sandoval, Schafer, S.)**

**CCI Position: Support with Amendments**

**Status: Sent to Governor**

The bill amends the Colorado Children's Code to conform to Public Law 110-351, concerning kinship placements. The bill also creates the Kinship Guardianship Assistance Program to provide cash assistance to kinship foster parents who assume permanent guardianship of a child. The kinship guardian assistance program is an optional program allowed under federal law. When the court is considering placing a child with a relative, the bill:

- Requires parents to submit a form listing potential relatives with whom the child may be placed within seven business days after the date of the last hearing or prior to the next hearing on the matter, whichever occurs first,
- Requires that a copy of the form be delivered to the county department of social services, and
- Specifies that each parent may suggest an adult relative or relatives whom he or she believes to be the most appropriate caretaker for the child.

County departments of social services are required to exercise due diligence to contact all grandparents and other adult relatives within 30 days following removal of a child from the home, unless the court determines there is good cause not to contact such relatives. The county department is required to explain that the child has been removed from his or her home, and to describe the options for the relative to participate in the child's care under local, state and federal law. Under current law, county departments have 90 days to contact relatives.

CCI supports the elements of SB09-245 that bring Colorado into compliance with Federal Law, and recognize the value of these kinship placements in many instances. CCI is only concerned that the bill may be read as mandatory by some Judges, rather than acknowledging that each

case needs specific handling and recognition that sometimes kinship placement is simply not in the best interest of some children. CCI continues to work with the CDHS staff on ways to temper this element of the bill. Final amendments during the last week of the session resulted in a funding source and an appropriation for the kinship placement elements of SB09-245.

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

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

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### **HB09-1091, Carbon Monoxide Alarms in Residential Properties (Soper, Romer)**

**CCI Position: Support**

**Status: Signed by Governor March 24, 2009**

The legislature announced even before the start of the session their intent to require carbon monoxide (CO) monitoring for certain residential properties as a result of several recent deaths attributed to CO poisoning. This bill implements those intentions, in highly specific language. It appears that the requirements will need to be implemented locally by county and municipal building departments. The bill requires any existing single-family dwelling or dwelling unit of an existing multi-family dwelling offered for sale or transfer on or after July 1, 2009, that has a fuel-burning heater or appliance, a fireplace or an attached garage to have an operational carbon monoxide alarm installed within a specified distance of each room used for sleeping purposes. The bill also applies to all new residential construction after July 1, 2009.

Just as current laws require periodic maintenance and battery replacement for smoke detectors in rental units, this bill requires the same obligations for CO monitors. Local governments are granted the authority to set more stringent requirements if they want to or if they have already established CO monitor requirements. Finally, provided the installation of a CO monitor is according to manufacturer's specifications, there is no liability attached if a monitor fails.

### **HB09-1098, Concerning Streamlining the Review of Clean Coal PUC Environmental Requirements (Baumgardner, Brophy)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

This bill would have directed the PUC to streamline the procedural steps required for approval of a certificate of public convenience and necessity related to clean coal. While the industry asserts that clean coal is virtually assured, many advocate groups and counties are concerned that the introduction of true "clean coal" is years away and an undefined and speculative guess at best. CCI opposed the premature implementation of an expedited process for scientific methodology that is still hypothetical.

### **HB09-1106, Concerning a Codification of the Pending Ordinance Doctrine (Hullinghorst, Gibbs)**

**CCI Position: Support**

**Status: Postponed Indefinitely**

HB 1106 attempted to address problems experienced by high-growth counties over the past decade stemming from the lack of a mechanism to permit public discussion and consideration of new rules and regulations when needed by the county and communities therein. As soon as notice of a review is published there can be a rush to the courthouse to file a development application in order to "beat the clock" thus avoiding any new regulations. In the past, counties had some ability to hold applications while consideration of new regulations occurred. That ability was lost some years ago during a series of growth reforms. Short of filing a county-wide

moratorium, counties lack the appropriate tools to work through new rules and regulations without these problems.

The bill itself specified that an application for a development permit or other request for a land use approval by a county or municipality shall be subject to any pending law, rule, resolution, ordinance or other regulation of the local government at the time the application or request is submitted, provided that:

- The pending regulation is adopted on or before the date a decision on the application or request is rendered by the local government, and
- The local government has not unreasonably or arbitrarily delayed or declined to make a decision on the application or request.

It also would have authorized a local government to adopt a new or amended regulation when necessary for the immediate preservation of the public health and safety, and to enforce a pending regulation in relation to an application or request that is pending at the time of the adoption of the regulation.

Counties have no authority to adopt emergency rules or some other time-stopping action, so we are left with the ax instead of a scalpel. This legislation was an attempt to develop a more finely-tuned instrument to protect community interests and the environment.

**HB09-1167, Concerning Colorado Oil and Gas Conservation Commission Rule-making Authority Regarding Wildlife Impacts from Oil and Gas Wells (McKinley)**  
**CCI Position: Oppose** **Status: Postponed Indefinitely**

HB09-1167 prohibited the adoption by the COGCC of any rule under the “Colorado Habitat Stewardship Act of 2007” intended to protect wildlife feeding, breeding, habitation or migration in any instance in which the rule would have an adverse impact on producing oil and gas wells. This bill was part of a series of bills brought by the oil and gas industry in an attempt to side-step or eliminate rules promulgated by the COGCC during the past year. CCI opposed this heavy-handed interference in the rule-making process.

**HB09-1201, Concerning a Requirement that Local Governments Address the Adverse Effects of Development in Close Proximity to Military Installations in Connection with Land Use Planning by the Governments (Labuda, Spence)**  
**CCI Position: Oppose** **Status: Postponed Indefinitely**

This bill required local governments to address the adverse effects of development in close proximity to military installations through changes in land use planning. For cities and counties in these affected areas, changes would have been necessary to master plans, zoning regulations and building codes to regulate future development and to incorporate sound attenuation standards. The bill would have also required public notification of changes being considered through publication in a newspaper of general circulation, resulting in additional publication costs. Local governments whose master plans, zoning regulations and building codes already satisfy the requirements of the bill would not have been subject to additional requirements. CCI was concerned with the wide array of implications for land use and planning, as well as, the potential deleterious impact for local land owners and private property rights.

The military installations covered by the bill included Buckley Air Force Base, Cheyenne Mountain Air Force Station, Colorado National Guard High Altitude Aviation Training Site, Fort Carson Army Post, Greeley Air National Guard Station, Peterson Air Force Base, Schriever Air Force Base and the United States Air Force Academy.

CCI testified before House Local Government Committee that the reach of this legislation far exceeded any authority of the state to intervene in local land use matters, and that the bill set a very disturbing precedent for future state or federal interference on local land use authority.

**HB09-1217, Concerning the Creation of Local Improvement Districts for the Purpose of Improving Public Utilities (Murray, Scheffel)**

**CCI Position: Support**

**Status: Sent to Governor**

This bill permits a county to create a "local improvement district" for the purposes of providing utility projects, particularly to rural areas. Through this mechanism, the bill gives counties an additional financing method for constructing public utility infrastructure, which may include cable, gas, electricity and other utility services.

This mechanism gives counties the benefits enjoyed by public utilities, as such improvements are exempt from competitive bidding, preliminary planning and design specification, supervision of construction by the county engineer and the form and contents of construction contracts.

Douglas County has worked very hard to bring this legislation to fruition and the bill is now on its way to enrolling, then to the Governor's office for action.

**HB09-1233, Recognizing the Historical and Community Role of Acequias (Vigil, Schwartz)**

**CCI Position: Support**

**Status: Signed by Governor April 22, 2009**

This legislation is designed to legally recognize the scope and nature of acequias in the San Luis Valley and the land grant counties. Acequias are similar in nature to a water irrigation cooperative and serve the same purpose, without the bureaucracy or legal recognition. With the input and assistance of the water community to insure that the acequias are legally recognized without upsetting constitutional water law, the bill was widely supported. The acknowledgement of these important historical systems was a worthy task of the legislature.

**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: Oppose**

**Status: Postponed Indefinitely**

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 have relieved 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 would have further required the COGCC to make that determination in the place of the Division.

The bill would have also prohibited 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 contained requirements concerning wildlife habitat mitigation best management practices (BMP) and prohibited the commission from requiring a BMP that has not been so established unless the commission demonstrated the need for the BMP. The bill contained additional technical and fiscal requirements of the Commission and would conflict with the adopted rules already in place.

**SB09-04, Concerning a Moratorium on the Implementation of Rules Promulgated by the Colorado Oil and Gas Conservation Commission (Brophy, Bradford)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

As you may know, the Colorado Oil & Gas Conservation Commission has labored for the past year to adopt new rules for modernizing the review of permits while protecting the state's environment. Pursuant to statute, the rules must now be adopted by the general assembly. This legislation would have had the effect of delaying any implementation of the rules until July 2010. Specifically the bill provided that rules of the Colorado Oil and Gas Conservation Commission (COGCC) concerning permit review, public health and safety, and wildlife, shall not take effect prior to July 1, 2010. CCI Land Use and Natural Resources Committee voted to oppose this legislation, which was postponed indefinitely during the first committee hearing in the Senate.

**SB09-022, Concerning the State Board of Land Commissioners (Bacon, Solano)**

**CCI Position: Support as amended**

**Status: Sent to Governor**

As introduced, SB09-022 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 are 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.

**SB09-51, Concerning Measures to Facilitate the Financing of Energy Efficient Structures (Levy, Carroll, M.)**

**CCI Position: Support**

**Status: Signed by Governor April 22, 2009**

The bill provides for the facilitation of clean energy loans for large-scale commercial, industrial and institutional installations of solar electric generation facilities, which hold great potential for clean energy development but have certain limitations concerning economic feasibility. A

participating public or private lender may finance one or more clean energy improvements to commercial, industrial or government-owned property, subject to certain conditions. The bill also requires landlords to allow energy audits of rental properties, if requested by a tenant, at the tenant's expense. Finally, the bill states that the supply of electricity or heat to a consumer from solar generating equipment not owned by the consumer, but which is located on the consumer's property, shall not be subject to regulation as a public utility by the Public Utilities Commission.

**SB09-080, Concerning Limited Exemptions for Water Collected from Certain Residential Rooftops (Isgar, Looper)**

**CCI Position: Support**

**Status: Signed by Governor April 22, 2009**

SB09-080 has been the subject of a great deal of coalition work and amendments. In its final form it makes a great deal of sense and will finally permit a rural resident of Colorado to collect rainwater runoff as an alternative to pumping well water. As the bill is amended, it essentially utilizes the same requirements already in place for an exempt well permit. These well permits are usually residential in nature and do not require augmentation because the usage is presumed to be non-injurious.

Any property owner who has or applies for an exempt well permit will also be able to apply for a permit to collect rainwater runoff from the residential rooftop. The State Engineer's Office will administer this permit just as they administer the current exempt well permit. The thinking is that the use of rainwater runoff replaces current uses of a well, and so long as the well permit requirements are reflected in the runoff collection, there is no impact on surface waters of the state.

Many counties have watched and supported this legislation and will be pleased to know that the Senate has concurred with the House amendments and re-passed the bill. The bill is now on its way to the Governor for final action.

**SB09-119, Concerning the Clarification of the State's Enforcement Authority over Hazardous Discharges (Harvey, McNulty)**

**CCI Position: Support**

**Status: Signed by Governor May 4, 2009**

This legislation clarified the intent of state environmental laws and closed a loophole in the current law that appeared to permit hazardous discharges into streams but prohibited such discharges into domestic wastewater treatment works. Obviously the intent of these laws has been to prevent pollution of the state, whether through a landfill, a farm ditch, or streams and rivers of the state. This legislation clarifies the offense and closes this unintended loophole in the law.

**SB09-125, Water Conservation Board Construction Fund projects (Isgar, Curry)**

**CCI Position: Support**

**Status: Sent to Governor**

This is the annual CWCB funding bill that appropriates the funds for each of the projects approved by the Board for funding from the 09-10 budget year CWCB funds. The bill includes a number of projects throughout the state and is included because of the increasing importance of water projects on counties and regions within the state.

**SB09-141, Concerning the Creation of the Fountain Creek Watershed District (Tapia, Looper)**

**CCI Position: Support**

**Status: Signed by Governor April 30, 2009**

This is a major piece of legislation that creates a watershed district under Title 32, for the purposes of watershed improvement and protection, flood control and greenway creation between El Paso and Pueblo counties. This bill marks a major accomplishment by the two counties over the protection and improvement of the Fountain Creek watershed. This area has been the subject of discord and litigation for years and the adoption of this legislation will allow the multi-jurisdictional district to take a unified approach to these long-standing problems. CCI supported the legislation in recognition of the important mutual efforts undertaken by these counties to solve a serious, long-standing problem.

**SB09-165, Concerning Drinking Water and Wastewater Small Community Grants (Isgar, Curry)**

**CCI Position: Support**

**Status: Signed by Governor April 22, 2009**

This is important funding legislation that will provide additional grants for small communities' water and wastewater infrastructure needs, using excess funds in years in which the CWCB revenues exceed specific sums. The bill provides the funds to municipal and county entities acting on behalf of unincorporated communities of not more than 5,000 people, for design and construction of water or wastewater systems. The Colorado Municipal League worked hard on this legislation and, with the support of CCI, was able to create this new source of funding assistance to the smallest and poorest communities in the state. As federal environmental regulations become stricter, the costs for small community compliance have moved out of reach, literally and figuratively. This legislation is an important step forward for our state's smaller communities.

**SB09-216, Concerning Increases in the Fees Paid to the Division of Water Resources in the Department of Natural Resources (Tapia, Pommer)**

**CCI Position: Support if Amended**

**Status: Postponed Indefinitely**

This bill was recommended by the Joint Budget Committee as part of the FY 2008-09 budget balancing package. Beginning March 1, 2009, certain fees collected by the Division of Water Resources in the Department of Natural Resources would be increased. The appropriations to the division were decreased by \$500,000 and modified so that a portion of personal services, operating and indirect costs (now financed by the General Fund) would be funded with cash funds. The fee increases were for well permitting applications, substitute water supply plan applications and dam design review.

Applications for new well permits would have increased from \$100 to \$665 and for substitute water supply plans from \$300 to \$2,000. Dam design review fees, which are currently capped at \$3,000, would be calculated on a sliding fee schedule based on the size of the project.

CCI had recommended that the fees be limited to three years and felt that with a repeal date the bill could be supported. Unfortunately, this bill ended up being laid over until June 9, having the effect of killing the bill. A separate bill, HB09-1308, will provide some funds for the Division of Water Resources for FY08-09, but will have a much greater impact on FY09-10 and years going forward.

SB 216 was finally killed by House members over concerns about the impacts to water providers and agriculture. The bill sponsors never accepted an amendment to limit the bill's impact to two years, as a condition of CCI's support, so the bill's loss is the best outcome from CCI's perspective.

**SB09-238, Concerning Enforcement of the Existing Limit on Local Government Building Fees Applicable to the Installation of Active Solar Energy Devices (Mitchell, Solano)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

This bill defines "permit fees" as the total compensation received by a county or municipality for approval of the installation of an active solar energy device from any source or in any way connected with the installation. Such fees are limited to the lesser of the local government's actual costs of issuing the permit or \$500. The bill creates a private right of action for an individual against a local government that violates this limit. The bill directs the court to award attorney's fees to the prevailing party in such an action, and if the plaintiff is the prevailing party, three times the total amount of unauthorized fees.

Last year, in SB08-117, the legislature capped local government permit fees for the installation of active solar energy devices at the lesser of the local government's actual costs of issuing a permit or \$500. This bill re-defines permit fees as the total compensation received by a local government for approval of the installation, so that such governments will not add other fees to the review process to avoid the established cap. SB09-238 seems punitive and over-reaching in its micromanagement of local governments' normal fees for inspections, plan modifications and other routine land use and planning activities that may occur during a project.

**SB09-289, Concerning the Collection and Allocation of Waste Tire Revenues (Schwartz, Primavera)**

**CCI Position: Support**

**Status: Sent to Governor**

As amended at the end of the session, SB 289 provides that the waste tire fee shall be collected by the retailer as a part of the sale of the new tires. Further, the retail tire seller must not refuse to accept the waste tires replaced by newly purchased tires, for purposes of waste tire disposal. The bill prohibits the future disposal of waste tires in a tire monofill facility unless the tires have been chipped down into 12-inch long or smaller pieces. Finally, the bill requires that the Department adopt a plan to eliminate all waste tire monofill landfills within the next ten years. While the bill was amended quite a bit, these useful elements constitute a good start on resolving the waste tire monofill problem in Colorado.

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

**Public Lands (PL)**

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**HB09-1162, Intergovernmental Cooperation for Mitigating Wildfires (Gerou, Kopp)**

**CCI Position: Monitor**

**Status: Signed by Governor April 30, 2009**

This bill requires local government entities that own land in other counties to enter into an intergovernmental agreement (IGA) to perform mitigation on the lands inside the territorial boundaries of the other county. The IGA must meet specific requirements; however, existing agreements and plans are acceptable if they satisfy the new requirements.

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

**CCI Position: Support**

**Status: Sent to Governor**

HB09-1199 is this year's forest health omnibus bill. For example, it continues funding for existing programs, such as wildfire mitigation, and creates incentives and funding for new programs, as well as related small business start up funding. The bill provides that the Department of Natural Resources (DNR) will transfer \$1.95 million, divided up among the multiple programs established in the bill, from Tier II severance tax funding from the DNR.

**SB09-001, The Establishment of Community Protection Wildfire Plans by County Governments (Gibbs/Penry, Scanlan/King S.)**

**CCI Position: Oppose**

**Status: Signed by Governor March 19, 2009**

This bill requires counties to adopt county wide Community Wildfire Protection Plans (CWPPs) not later 180 days after determining the existence of fire hazard areas in unincorporated portions of the county, which determination must be made by January 1, 2011. Although CCI viewed this bill as an unnecessary unfunded mandate on many counties, the bill does grandfather existing plans that have been adopted by counties, as long as the state forester's guidelines and criteria for such plans have been considered.

**SB09-18, High Risk Wildfire Mitigation Grants (Kopp & Gibbs, King S. & Scanlan)**

**CCI Position: Support**

**Status: Postponed Indefinitely**

SB09-18 came out of this summer's interim committee on wildfire issues, which originally asked the state for \$10 million a year to fund forest hazardous fuel mitigation projects. In the Senate, the bill's fiscal request was reduced to \$180,000. Finally, SB09-18's provisions were included in a later bill, HB09-1199, which provides for Tier II severance tax funding for the forest projects and SB09-18 was postponed indefinitely in the local government committee.

**SB09-20, Wildland-Urban Fire Chain of Command (Gibbs, Scanlan)**

**CCI Position: Monitor**

**Status: Signed by Governor April 30, 2009**

This bill came out of an interim committee that met last summer dealing with wildfire in Colorado. This bill seeks to clarify the chain of command in the counties when a wildfire occurs. Current statute states that County Sheriffs are the wildfire authority in the county and the bill reaffirms this. Additionally, the bill specifies processes for fire districts and county sheriffs to coordinate resources in fighting fires. CCI appreciates the sponsor's willingness to add amendments to the bill to protect the commissioners' budgetary responsibilities.

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

**Taxation & Finance (TF)**

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**HB09-1013, TIF Exception Emergency Services (Sonnenberg)**

**CCI Position: Support**

**Status: Postponed Indefinitely**

This bill would have said that any special or metropolitan district providing emergency, ambulance or fire protection services, would not be subject to having any portion of its tax

revenue for emergency services subject to diversion by an urban renewal authority (URA) utilizing tax increment financing (TIF). Cities argued strongly against the proposed statutory protection to hold these emergency responders harmless.

**HB09-1051, Federal Mineral Lease Money for Local Road Construction (Baumgardner)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

As introduced, HB09-1051 would have required that the current distribution of federal mineral lease (FML) revenues for the Department of Local Affairs' (DoLA) grant program instead be used to pay for road and bridge construction. The bill was amended to take ten percent of all state receipts of FML revenue off the top from the natural distribution and place that amount into a new County of Origin Construction Cash Fund, leaving the remaining ninety percent to be distributed as per current law under SB08-218. The bill was further amended to include language to direct fifteen percent of the new revenue to "counties where energy conversion takes place in proportion to the amount of energy that is converted in each county."

**HB09-1068, Business Personal Property Tax Exemption (Lambert, Scheffel)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

HB09-1068 would have reduced the BPPT companies pay by way of an exemption. The bill stated that in years when there is a budget surplus, the general assembly must transfer an amount equal to .07% of the prior year's general fund appropriations to the Business Personal Property Tax Reimbursement Fund. Then, in order to determine how much business personal property a company can claim as exempted from the tax, the bill established a complex formula based on the ratio of a company's in-state versus out-of-state sales. If the amount of state funding was insufficient to backfill the claimed BPPT exemptions, the state treasurer would have been directed to prorate the available funding among counties. The bill, as written, also had a punitive measure for counties who did not certify, on a timely basis, the amount of loss revenue witnessed by local governments.

**HB09-1070, Lands Prohibited From Urban Renewal Authorities (Fischer)**

**CCI Position: Support**

**Status: Postponed Indefinitely**

HB09-1070 would have prohibited open, undeveloped agricultural or vacant lands, with some exceptions, from being included in an urban renewal area and therefore eligible for subsidized development. The bill also allowed local government entities that utilize property tax in order to provide public services a seat at the table, when it comes to receiving impact report information, inclusion in the existing statutory process for arbitration and modified some of the existing blight criteria. Like virtually all TIF reform proposals, this bill met strong resistance from the entities that use the property taxing power of counties and other local governments to provide these development subsidies.

**HB09-1101, State Sales Tax Collection Requirements (Benfield, Veiga)**

**CCI Position: Support**

**Status: Signed by Governor March 25, 2009**

This bill specifies that a retail vendor shall make a timely return and payment of sales tax or be subject to existing dollar or percentage penalties, clarifying both payment and schedule are required.

**HB09-1110, Required Rental Real Property Information for Assessors (Scanlan, Gibbs)**

**CCI Position: Support**

**Status: Signed by Governor April 22, 2009**

HB09-1110 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 a list of properties by address upon request by the Assessor no more than twice per year. The bill allows for mutual agreement between the property owner or agent and assessor as to furnishing the required information annually.

**HB09-1126, Encourage Solar Thermal Installations (Hullinghorst, Shaffer)**

**CCI Position: Support**

**Status: Sent to Governor**

HB09-1126 would allow local governments to provide 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. It is effective beginning state fiscal year 2009-10 through 2016-17.

The local government empowerment of HB09-1126 is optional, that is, a county wishing to provide the exemption would need to specifically act by resolution or ordinance. Those counties which have previously exempted renewable energy systems from their sales tax based would similarly have to enact a new resolution or ordinance.

**HB09-1130, Sales Tax Collection by County Governments (Gardner, B., Isgar)**

**CCI Position: Support**

**Status: Signed by Governor May 4, 2009**

HB09-1130 permits a county to enter into an IGA with the Department of Revenue in order to enhance systemic efficiencies in the collection of sales taxes. Such an agreement may include a municipality as a party and may allow the sharing of functions or services lawfully authorized to each party including costs, information or duties related to sales tax collection. HB09-1130 also adds a reporting element to the existing report provided by the Department to the Joint Finance Committees.

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

**CCI Position: Oppose**

**Status: Signed by Governor May 11, 2009**

The introduced version of HB09-1250 changed the minimum allocation of federal forest payments distributed to school districts by counties from a current 5% up to a minimum of 50%. The final bill requires 25% to be distributed to school districts, 25% to county road and bridge fund, and the remaining 50% to be negotiated between the two parties in a required meeting intended to maximize the federal revenue to the county and the schools. In any year where the forest payments drop below \$6 million (the most recent annual average and greater than the predicted 2012 distribution), the formula would no longer exist and the full amount is to be negotiated between local school districts and boards of county commissioners. The group to negotiate any percentages consists of three representatives from school districts and three representatives from the county. The bill does not take effect until August 5, 2009, and thus is applicable to forest payments received after that date.

**HB09-1265, Tax Abatement Interest to Nonprofits (Liston, King)**

**CCI Position: Support**

**Status: Signed by Governor March 20, 2009**

This bill provides counties, as well as all property tax entities, a period of two years within which a nonprofit entity may be awarded a refund of interest (at 12%), whereas current law provides no such time limitation.

**HB09-1327, Modifications to the Urban Renewal Law and Tax Increment Financing Impacts (Hullinghorst, Tochtrop)**

**CCI Position: Support**

**Status: Postponed Indefinitely**

HB09-1327 would have: required municipalities to consider the impacts of an urban renewal plan on all property tax entities whose mill levies provide the funding for the city's project; required municipalities that want to take more than 50% of the property tax revenue levied by all local governments for more than five years to enter into an intergovernmental agreement with the affected entity in advance, and repealed the existing arbitration provisions which unduly stifled progress on projects without providing real benefit to other property taxing entities.

**SB09-042, Administration of Property Tax Exemptions (Tapia, Vigil)**

**CCI Position: Support with Amendments**

**Status: Signed by Governor April 22, 2009**

Beginning tax year 2009, SB09-042 expands the ownership test for property tax exemptions by allowing hybridized nonprofit entities to qualify for exempt status so long as the property is dedicated to charitable, religious or school purposes not resulting in private gain or is eligible for federal New Market tax credits. If a property receives New Market or Rehabilitation tax credits, that property shall pay a payment in lieu of property taxes to the county for taxes that would have been due to the school district, as if it were taxable, which is in turn payable back to the district. In addition, the bill expands the county offices which will receive listings of pending applications to the Assessor, Treasurer and Commissioners' offices.

**SB09-081, Telephone Machinery Sales Tax Exemption (Shaffer B., Rice)**

**CCI Position: Monitor**

**Status: Postponed Indefinitely**

This bill would have allowed a phased-in exemption from sales and use tax for purchases of telephonic machinery and machine tools.

**SB09-85, Phase Out Business Personal Property Tax (Scheffel, Rice, Priola)**

**CCI Position: Oppose**

**Status: Sent to Governor**

As introduced, SB09-85 would have exempted a percentage of business personal property, excluding state-assessed property, from property taxation by way of increasing the amount of the exemption every two years until all business personal property is exempt within a 20 year period. After an expansion of the scope of the bill to include state-assessed property and an amendment to phase the exemption in over 40 years, SB09-85 was re-written to create a task force of 17 members charged with consideration of phasing out the BPPT, impacts on the state and local governments of doing so and methods to reimburse losses stemming from such an exemption. Although the task force is unfunded and does not pay a *per diem* to its ten legislator-members, it is tasked with meeting six times during 2009, a first meeting to be held

by August 1, 2009, and making legislative recommendations, if any, by November 1, 2009. CCI will have the opportunity to appoint a county member to this task force.

**SB09-105, Remove Limit on Property Tax to Fight Fires (Gibbs, Scanlan)**

**CCI Position: Support**

**Status: Signed by Governor April 30, 2009**

SB09-105 removes the statutory limit of the lesser of 1 mill or \$500,000 that may be raised in a single year by a special property tax levied by a board of county commissioners for the purpose of fighting forest or prairie fires in a county.

**SB09-173, Regional Tourism Projects (Veiga, Rice)**

**CCI Position: Oppose unless Amended**

**Status: Sent to Governor**

SB09-173 creates a mechanism for a local government or group of governments to undertake a regional tourism project; to create a regional tourism zone in which the project will be built; and to create a regional tourism authority (RTA) or designate other financing entities (including Urban Renewal Authorities) to receive and utilize tax increment financing (TIF) revenues derived from the state sales tax collected in the zone to finance "eligible improvements" related to the project. Under the bill, it appears that an existing or new URA could utilize not only the state sales tax increment for up to 30 years, but also the locally-assessed property tax for up to 25 years, per current law. Many oversight and accountability amendments were added in the House and, although the final bill includes URAs, it was amended to clarify that the receipt of state sales tax in itself is not a plan modification and the bill does not eliminate existing statutory requirements applicable to the creation of new URAs.

**SB09-177, New Solar Facility Property Tax Valuation (Schwartz, Vigil)**

**CCI Position: Monitor**

**Status: Signed by Governor April 22, 2009**

SB09-177 would modify the property tax structure for non-residential solar facilities, mirroring language dealing with wind facilities added into law in 2006. The bill would permit the nominal dollar income approach to valuation of such facilities, effectively giving a reduced rate of tax in the initial years, then accelerating the property tax in out years, theoretically getting to an equal tax position within twenty years and a greater amount of property tax after that time. The tax liability due under the bill is related to power purchase agreements entered into by the power generator and purchaser and with only one facility currently being valued, it is unclear how this approach will affect valuation of future facilities going forward.

**SB09-228, Flexibility to Use State Revenues (Morse, Marostica)**

**CCI Position: Oppose**

**Status: Sent to Governor**

SB09-228 eliminates, in part, the limit on the growth of total general fund appropriations (the "6% limit" or "Arveschoug-Bird limit") thus impacting transportation and capital construction funding by the eliminating the triggers for SB-1 and HB-1310 transfers. The amended bill allocates general fund dollars to transportation (2%) and capital construction (.5% for two years, then 1% for three years) as well as increasing the general fund reserve by one half of one percent. This funding is in place for five fiscal years beginning fiscal year 2012-13 if personal income rises at least 5% from the prior year. Even if triggered in 2012-13, the allocations would cease after 2016-17, after which the legislature may, but is not required to, make allocations to either transportation or capital construction. In addition, the funding

mechanism is reduced by half in a year where TABOR refunds are between one and three percent, and are eliminated if such refunds exceed three percent of general fund revenue.

**SB09-232, State Financial Assistance for Local Government Construction (Schwartz, McFadyen)**

**CCI Position: Monitor**

**Status: Sent to Governor**

Though the introduced version of this bill contemplated a complex structure to authorize the financing of large projects with the Local Government Permanent Fund (the fund) created under SB08-218, the final bill allocates \$17 million from the fund to DOLA, specifically to the mineral impact grant fund. The bill specifies that these revenues are to be used for infrastructure projects, that DOLA is to give priority to those communities most impacted by energy production, and gives weight to grant applications that are submitted jointly by local governments or are multi-jurisdictional in scope.

**SB09-233, Mixed-Use Properties and Property Tax (Schwartz, Liston)**

**CCI Position: Monitor**

**Status: Postponed Indefinitely**

SB09-233 originally stated that an in-home business is not considered mixed-use so long as no greater than 25% of the home, up to a maximum of 2,000 square feet of the total improvement square feet is used for income generation. As amended, the bill would have resulted in a reduction of property taxes due to counties in excess of \$560,000 the first year.

*Questions or Comments? Contact Chris Mendez at 720.352.7326 or [cmendez@ccionline.org](mailto:cmendez@ccionline.org).*

**Tourism, Resorts & Economic Development (TRED)**

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**HB09-1010, Expand Film Production in Colorado (Massey, McGihon, Gibbs, Spence)**

**CCI Position: Support**

**Status: Sent to Governor**

HB09-1010 creates the Colorado Office of Film, Television and Media (office) within the Colorado Office of Economic Development in the Governor's Office. As introduced, the bill also created a refundable tax credit, but that provision was removed, and instead, the bill repeals and recreates a performance-based incentive for film production. The new incentive retains the current expenditure triggers and benefits, but is administered by the newly-created office. Although the creation of the office does not directly affect county government, the office will be a resource for counties where film production is proposed and film production activities can contribute substantially to local economic activity and consequently county revenues.

**HB09-1109, Expand Foreclosure Protection Act (Priola, Veiga)**

**CCI Position: Support**

**Status: Signed by Governor March 20, 2009**

HB09-1109 extends the applicability of the foreclosure protection law to owners who are not yet in foreclosure but who are in imminent jeopardy of being in foreclosure because of delinquency or default. The bill requires that the residence must be encumbered by a residential mortgage loan that is at least 30 days delinquent or in default, in order to avail themselves of the act. The bill is applicable to residential properties that are delinquent or in default on or after July 1, 2009.

**HB09-1138, Property Interests and Limitations on Rent Control (Curry, Schwartz)**  
**CCI Position: Support** **Status: Postponed Indefinitely**

HB09-1138 would have specifically authorized local governments to enter into and enforce contracts, including existing contracts, which control rent on private residential housing units. It also would have enhanced the enforceability of covenants, deed restrictions or similar instruments that control rents and provide for enforcement by public entities.

**HB09-1213, Housing Development Grant Fund (Gagliardi)**  
**CCI Position: Support** **Status: Signed by Governor May 2, 2009**

HB09-1213 creates a housing development grant fund to improve, preserve and expand the supply of affordable housing in Colorado. The fund is dependent on gifts, grants, donations and other discretionary appropriations but creates a mechanism for making these expenditures. Permissible expenditures would also include foreclosure prevention activities through June 30, 2011.

**HB09-1220, Property Owner Authority to Set Price (Scanlan, Gibbs)**  
**CCI Position: Support** **Status: Signed by Governor April 22, 2009**

HB09-1220 was intended to prevent HOA's from adopting restrictions that would prevent a housing authority from offering properties it owns as workforce housing by prohibiting HOA covenants or restrictions on owners' rights to set the price or establish occupancy requirements for their property. As adopted, the bill's applicability is limited: to counties with less than 100,000 population and a ski lift, to units that are owner-occupied, to allow future owners to substitute one affordable unit for another in the same community, and to specify that the bill's restrictions do not apply to declarant-controlled communities (generally, communities still managed by the developer). The bill also clarifies the authority of local housing authorities to define what occupancy or other requirements may be appropriate to promote affordable or workforce housing.

**SB09-41, Private Activity Bond Ceiling Allocation (Romer, Vigil)**  
**CCI Position: Support** **Status: Signed by Governor March 25, 2009**

SB09-41 authorizes the Department of Local Affairs (DOLA) to charge an administrative fee to entities that receive direct allocations of bonding authority as part of the Private Activity Bond Ceiling Allocation Act. As passed, it allows population estimates prepared by the state demographer to be used in making allocations and allows an extra two weeks (until January 15) for determining allocations among state and local issuing authorities. It also replaces the old "application fee," payable by applicants for a portion of the statewide balance (after direct allocations to state and local issuing authorities are made), with a "direct allocation fee" and a "statewide balance application fee." The direct allocation fee is capped and may reimburse no more than 30% of DOLA's costs in administering the program. The statewide balance application fee is set by DOLA and may not exceed the amount required to maintain the permissible reserve for the Division of Housing at three times the prior year's spending level.

**SB 09-234, Enterprise Zone Recommendations (Mitchell, Rice)**

**CCI Position: Support**

**Status: Passed both houses**

SB09-234 directs the Economic Development Commission, with the assistance of the Office of Economic Development, to make a report to the General Assembly by March 31, 2010, concerning modification of enterprise zone boundaries and tax credits, the benefits and drawbacks of creating a statewide enterprise zone, industries that would benefit from a statewide enterprise zone and that would benefit the state, and the potential for mitigating revenue impacts associated with any recommendations made by the commission. Under current law, there are 16 enterprise zones, 31 counties designated as enhanced rural enterprise zones and one rural technology enterprise zone that covers the entire state with certain excluded areas.

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

**Transportation & Telecommunications (TT)**

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

**CCI Position: Monitor**

**Status: Sent to Governor**

A Transportation Legislation Review Committee bill, HB09-1026 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 sellers and wholesalers 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. It also adds new requirements for EPAMD, or Segways. Importantly, the bill retains and expands local authority language with respect to noise and police power regulation, reserving a degree of local control.

**HB09-1029, Mobile Machinery Vehicle Registration (Sonnenberg)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

This bill would have designated certain items of mobile machinery and self-propelled construction equipment operated in interstate commerce as Class A personal property rather than Class F for purposes of imposing graduated annual specific ownership tax and resulted in lost revenue for the state and certain counties with high Class F registrations.

**HB09-1034, Allow Regional Transportation Authority to Levy Property Taxes (Liston, Gibbs)**

**CCI Position: Support**

**Status: Signed by Governor April 16, 2009**

HB 09-034 expands the revenue tools for regional transportation authorities (RTAs) to include up to a five mill levy on property within the authority. The authorization is effective in 2009 for ten years, ending January 1, 2019.

**HB09-1114, Devolve State Commuter Highways to Local Governments (Vaad)**  
**CCI Position: Oppose** **Status: Postponed Indefinitely**

HB09-1114 would have required that commuter highways or those sections of state highways located within a metropolitan planning organization, be turned over to local government jurisdiction by resolution of the Transportation Commission.

**HB09-1134, Create Colorado Railroad Authority (Kefalas)**  
**CCI Position: Oppose** **Status: Postponed Indefinitely**

This bill would have created the Colorado railroad authority with structure and powers independent of CDOT. Some of the concepts of the bill were incorporated into SB09- 94.

**HB09-1154, Eliminate Reductions in SB 97-1 Transfers to HUTF (Sonnenberg, Renfroe)**  
**CCI Position: Support** **Status: Postponed Indefinitely**

This bill would have required the full 10.355% of the net revenues of the state sales and use tax authorized to be credited to the highway users tax fund (HUTF) pursuant to existing law first enacted by Senate Bill 97-001 and to always be credited to the HUTF without regard to whether total state general fund revenues are sufficient to so credit the net revenues, to allow state general fund appropriations to increase by the maximum percentage permitted by law, and to maintain the 4% state general fund reserve required by existing law.

**HB09-1187, Allow Tolling of Existing Toll-free Highways (Swalm)**  
**CCI Position: Oppose** **Status: Postponed Indefinitely**

HB09-1187 would have authorized the transportation commission to designate existing highways and highway lanes that serve vehicular traffic on a toll-free basis, as toll highways and transfer to the administrative control of the statewide tolling enterprise. Some of the bill's concepts were superseded by the passage of SB09-108.

**HB09-1230, Concerning Registration of Motor Vehicles (Summers, Tapia)**  
**CCI Position: Oppose** **Status: Signed by Governor May 4, 2009**

HB09-1230 originally restricted the authority of County Clerks to deny registration for a vehicle when an auto dealer remitted the incorrect amount of sales or use tax related to that vehicle. It was amended in its entirety to change it into a sales and use tax "hold harmless" for auto dealers, provided they use the state address locator database to obtain an affidavit from the purchases regarding the purchaser's address.

**HB09-1271, Titling and Registration System Fee (Labuda)**  
**CCI Position: Support** **Status: Postponed Indefinitely**

This bill would have imposed a 60-cent fee on the registration of motor vehicles, to be used to support the state titling and registration system, CSTARS.

**HB09-1284, Corridor Capacity Strategic Planning (Levy, Williams)**

**CCI Position: Monitor**

**Status: Lost**

This bill would have required CDOT, a Metropolitan Planning Organization (MPO) and a MPO's member local governments to identify and prioritize congested corridors for development of a corridor capacity strategic plan (plan). The bill then allowed a plan to be developed for congested corridors and for those corridors forecasted to be congested in areas covered by a MPO. If a plan was adopted, locals would have to use best efforts to adopt necessary ordinances and regulations to implement it. The bill further stated that prior to the next STIP, CDOT and MPOs would be required to identify corridors, plans and related timelines and that CDOT capacity improvements shall not commence until plans are adopted.

The bill also stated that if a corridor plan has not been developed or developed but determined to be inconsistent with the land use and trip generation assumptions in the plan, CDOT would be authorized to request a traffic study that meets department criteria on system impact, review changes to land use and zoning, and submit comments within timelines of the local jurisdiction. CDOT would be further authorized to create internal rules and parameters of size and type of developments to trigger review and to receive county and municipal applications for rezoning and preliminary subdivision plans akin to current law for counties and municipalities.

**SB09-072, Allowing an Exemption from Utility Notification for Routine Road Maintenance (Kester, Peniston)**

**CCI Position: Support**

**Status: Postponed Indefinitely**

SB09-72 would have created a very narrow exemption from current utility notification statutes. Specifically, the exemption would apply to routine road maintenance, only to dirt roads, and specific to blading or scraping washboards out of the surface of the road, where this is done at least once per year and won't change the surface of the road itself. The exemption specifically excluded any activity that could be considered "excavation." The bill also included language requiring immediate utility location upon discovery while ceasing activities in the immediate area.

**SB09-075, Low-Speed Electric Self-Propelled Vehicles (Schwartz, Marostica)**

**CCI Position: Monitor**

**Status: Sent to Governor**

SB09-075 authorizes the operation of low-speed electric vehicles on roads with a speed limit of 35 miles per hour or less and to cross higher-speed limit roads at-grade when the faster road intersects with a slower road. The bill sets equipment standards for the sale and operation of the vehicles. It applies generally-applicable traffic laws to the vehicles but retains local authority and regulation language. It requires the vehicles to use a triangular slow-moving vehicle emblem, prohibits operating or selling a low-speed electric vehicle if the vehicle does not conform to federal manufacturing standards, and enables future conformity of Class B electric vehicles once federal certification occurs. The bill also authorizes CDOT to regulate use on state highways outside of municipalities. In addition, it creates a new definition of golf car and allows local authorities to authorize their use on roads in their jurisdiction so long as it is not operated by an unlicensed driver carrying someone under 21, is not authorized for use by anyone under 14 and is not authorized for use on a state highway.



# CCI POLICY DEVELOPMENT TIMELINE 2009-2010

Action	Date	Time
<b>First Round of Steering Committee Meetings</b>		
Tourism, Resorts and Economic Development	Jul. 10	9 a.m.
General Government	Jul. 10	10:30 a.m.
Taxation and Finance	Jul. 10	12:30 p.m.
Transportation and Telecommunications	Jul. 10	2 p.m.
Public Lands	Jul. 17	9 a.m.
Agriculture, Wildlife and Rural Affairs	Jul. 17	10:30 a.m.
Land Use and Natural Resources	Jul. 17	12:30 p.m.
Health and Human Services	Jul. 17	2 p.m.
<b>Regional District Meetings</b>		
<i>WESTERN</i>	<i>AUG. 7</i>	<i>10A.M. -2 P.M</i>
<i>EASTERN</i>	<i>AUG. 13</i>	<i>10A.M. -2 P.M</i>
<i>MOUNTAIN</i>	<i>AUG. 14</i>	<i>10A.M. -2 P.M</i>
<i>FRONT RANGE</i>	<i>AUG. 20</i>	<i>10A.M. -2 P.M</i>
<i>SOUTHERN</i>	<i>AUG. 21</i>	<i>10A.M. -2 P.M</i>
<b>Second Round of Steering Committee Meetings</b>		
Tourism, Resorts and Economic Development	Sep. 18	9 a.m.
General Government	Sep. 18	10:30 a.m.
Taxation and Finance	Sep. 18	12:30 p.m.
Transportation and Telecommunications	Sep. 18	2 p.m.
Public Lands	Sep. 25	9 a.m.
Agriculture, Wildlife and Rural Affairs	Sep. 25	10:30 a.m.
Land Use and Natural Resources	Sep. 25	12:30 p.m.
Health and Human Services	Sep. 25	2 p.m.

**Legislative Committee Meeting:** Oct. 9, 2009 10 a.m-1 p.m.  
 -Review and adopt 2010 Policy Statement  
 -Review steering committee recommendations for potential legislative issues for 2010  
 -Set 2010 legislative priorities and agenda

**NOTE:** Only county commissioners designated in advance by their boards may vote at the Legislative Committee meeting. (Please see CCI Bylaws, Article V, Sec. 5, Page 9, and Article XI, Sec. 6, Page 24.)

- **CCI Annual Winter Conference in Colorado Springs** Nov 30-Dec 2, 2009
- **2010 Legislative Session Begins** Jan. 6, 2010
- **Steering Committees Begin Monthly Meetings** Jan/Feb. 2010