

# CCI LEGISLATIVE REPORT

COLORADO COUNTIES, INC

JANUARY 30, 2012

## CCI Meeting Reminder

All steering committee meetings are held at CCI.

### Thursday, February 9

9:00 – 11 a.m.

General Government

11:00 – 12:00 p.m.

Tourism, Resorts & Economic  
Development

12:30 – 2:00 p.m.

Taxation & Finance

2:00 – 3:30 p.m.

Transportation &  
Telecommunications

### Friday, February 10

9:00 – 11 a.m.

Health & Human Services

11:00 – 12:00 p.m.

Agriculture, Wildlife & Rural  
Affairs

12:30 – 2:00 p.m.

Land Use & Natural Resources

2:00 – 3:30 p.m.

Public Lands

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## CCI Advances Legislative Agenda for 2012

Each year, Colorado Counties, Inc. invites commissioners around the state to submit issues they would like to be considered as legislative initiatives for the following session. These issues are carefully vetted over the summer by CCI's eight standing steering committees and are then forwarded on to the CCI Legislative Committee (representing the full membership), which makes a final determination on which bills will be sought during the next legislative session. The following issues comprise CCI's 2012 Legislative Agenda:

- **Public Trustee Insurance.** Counties currently have the option of purchasing crime insurance for the various elected county offices (commissioner, sheriff, clerk and recorder, etc.) as a less expensive alternative to bonding. In 2012, CCI will seek to amend 38-37-102, C.R.S. to allow the county to purchase crime insurance to cover the office of public trustee in lieu of a surety bond.
- **Clarify Law on Pet Vaccinations.** Counties are seeking a change in the language in §30-15-101(1) (a) (I) concerning "dogs and other pet animals" in order to make it consistent with the rest of the statute governing a county's ability to require pet vaccinations.
- **Transportation Funding.** Seek a resolution endorsing studies into alternative transportation revenue sources (including vehicle miles travelled (VMT) systems) to address the continuing transportation infrastructure shortfall in the state.
- **Wind Rights.** Clarify there will be no split estate for wind. HB12-1105 achieves this and is described in more detail on page 4.
- **Plat Subdivision Applications.** Run a bill that allows the Geological Survey flexibility in reviewing county subdivision applications. Currently the

Survey must review all applications, and this bill will allow for more efficiency and flexibility.

- **Kinship Foster Care.** Allow counties to waive non-safety licensing standards for kinship foster care homes. HB12-1047 is CCI's bill to achieve this and is described in more detail in the pages that follow.
- **Differential Response.** There are five counties that currently participate in the differential response pilot. SB12-011 will allow additional counties to join the pilot. Differential response is an alternative to traditional child protection investigative response and is used on low-risk cases.
- **Authority of Local Improvement Districts (LID).** SB12-101 allows LIDs that are supported by sales tax to consist of non-contiguous parcels and to use their revenue for the organization, promotion, marketing and management of public events. Additionally, it will grant property owners in all LIDs the opportunity to petition in or out of a LID.
- **Protect Energy and Mineral Impact Assistance Fund.** This joint resolution explains the intent of the energy and mineral impact assistance fund. It emphasizes the importance of the grant fund to local communities and urges the general assembly to discontinue diverting these critical local government funds to balance the state's budget.
- **Interim Committee focused on the Gallagher Amendment.** CCI's members continue to discuss this item and the best way to move forward.

If you have questions regarding any of these legislative agenda issues/bills, please do not hesitate to contact CCI staff at 303.861.4076.

## **General Government (GG)**

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### **HB12-1082, Prevailing Compensation on Public Works (Soper)**

**CCI Position: Oppose**

HB12-1082 would have required contractors in Colorado to pay Davis-Bacon wages to employees on public works projects in excess of \$100,000. Commissioners voiced concerns that these higher wages and benefits would drive up construction costs for all levels of government at a time when budgets are being cut and grant funds are scarce. The bill was postponed indefinitely in the House Local Government Committee on January 17.

### **HB12-1125, Animal Impound Costs (Ramirez, Steadman)**

**CCI Position: Monitor**

HB12-1125 is aimed at reducing the time that animals are in impound for alleged neglect or abuse by expediting the hearing process. On its face, this would present a benefit to both the animals (less time in impound is better for their health and well-being) and the impounder (by reducing the subsequent cost of care). Currently, seized animals can remain in impound for months – sometimes even years – due to continuous delays in the legal system. HB12-1125 requires the owner to request a hearing in a criminal court within ten days of the animals being seized, or relinquish ownership and control of the animal(s). The bill also replaces the current bonding option with a cash payment to cover the cost of

caring for the impounded animal(s). The bill is being supported by various animal welfare organizations (including the Humane Society, which provides animal control services for many Front Range counties) and the Colorado Municipal League.

The District Attorneys Council has concerns about the bill and is opposing the legislation, primarily because 1) it moves the proceedings from civil court to criminal court; and 2) it includes a new provision that says if the owner of the animal(s) is ultimately acquitted, the impounder must refund the cost of care for the animals back to the owner. Although the vast majority of these cruelty and neglect cases do not go to trial, the bill would set a precedent which has the legal community concerned.

The General Government Steering Committee will be taking the bill up for consideration on February 9. CCI took a “monitor” position on a similar bill last year. Staff would ask that commissioners talk to their county attorneys and animal control officers in advance of the steering committee meeting to fully assess the pros and cons of this proposed legislation. HB12-1125 can be downloaded at [http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/1A02C6DD2490B66887257981007E03D9?Open&file=1125\\_01.pdf](http://www.leg.state.co.us/CLICS/CLICS2012A/csl.nsf/fsbillcont3/1A02C6DD2490B66887257981007E03D9?Open&file=1125_01.pdf).

*Questions or Comments? Contact Eric Bergman at 303.861.4076 or [ebergman@ccionline.org](mailto:ebergman@ccionline.org) or Pat Ratliff at 303.668.0264 or [patratliff.associates@gmail.com](mailto:patratliff.associates@gmail.com).*

## **Health & Human Services (HHS)**

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### **SB12-066, Guardianship Program Eligibility (Nicholson, Gardner)**

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

SB12-066 allows an expansion of the people eligible to act as guardians, under the guardianship assistance program. The guardianship assistance program provides financial assistance to people who have assumed guardianship of a child to whom they provide foster care. Guardianship assistance is an optional service for counties. Guardianship assistance payments encourage foster parents to enter into a more permanent relationship with the child (rather than remaining in foster care until age 18). The program also provides support to guardians to care for children from foster care who can have social, behavioral, or psychological problems stemming from previous abuse or neglect and the difficulties of being placed in out-of-home care. By allowing non-family members with a close relationship to a child to assume guardianship of that child and receive appropriate assistance we are expanding the options for permanency for children in foster care. This is an improvement on the current system that counties support.

### **HB12-1047, Non-Safety Licensing Standards for Kinship Foster Care (Kefalas, Newell)**

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

HB12-1047 is a CCI bill that will permit counties to waive non-safety standards for kinship placements for foster children. Currently the state department is vested with the authority to waive non-safety standards, in a process that can take up to 2 months. Given our belief that family and kinship placements are better for children, we seek this new authority in order to expedite these placements. Counties that wish to waive these non-safety standards, such as bedroom size, backyard size and structure, and other standards that do not impact safety, will be able to place children more quickly in kinship care by waiving the standards locally. This is permissive legislation, and will drive an impact only to those counties that adopt the waiver process. This process will be subject to rules of the State

Board of Human Services. CCI anticipates that virtually all counties will want to exercise this process as a better option for child placement. Please support this important legislation.

*Questions or Comments? Contact Gini Pingnot at 720.255.8941, [gpingnot@ccionline.org](mailto:gpingnot@ccionline.org) or Pat Ratliff at 303.668.0264 or [plr45@aol.com](mailto:plr45@aol.com).*

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

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### **HB12-1105, Wind Energy Property Rights (Beckman, Tochtrop)** **CCI Position: Support**

Colorado's mineral and renewable resources benefit all who live here. For minerals, there is a split estate that separates surface land rights from the minerals below the land. Over decades a complex system evolved for valuation, extraction and production of minerals, and now some in Colorado argue that this should be duplicated for renewable energy resources, such as wind. Counties strongly disagree.

HB12-1105 is a common sense approach to wind energy development. The bill states that there will be no severed rights for wind energy in Colorado. Private land owners and developers will continue to be able to enter into wind agreements that will act as a property right which travels with the land, instead of severed from it. If there is a wind agreement placed on a plot of land, and that land is sold, the agreement continues with the new owner for the duration of the agreement. The counties will not be able to tax or place fees upon the agreement.

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

## **Public Lands (PL)**

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### **HB12-1032, Continuation of Forest Restoration Programs (Hamner, Nicholson)** **CCI Position: Support**

Colorado's forests are in a sad state of being. Beetles, disease and mismanagement have led to millions of acres of dead and dying trees in our state. The complexities of managing this epidemic is exacerbated by the fact most of the acres are public lands in remote areas difficult, if not impossible, to harvest. Therefore, the emphasis continues to be on protecting structures and lives in the wildland urban interface.

Funding, however, has been spotty and difficult due to federal, state and local budgets hit hard by the economy and shrinking resources. In 2007, legislators overwhelmingly passed funding from the Department of Natural Resource's severance tax trust fund operational account to use for forest projects in Colorado. Since then, the state and local governments have leveraged this money to fund 69 projects covering more than 65,000 acres. CCI continues to advocate for the most responsible use of severance tax dollars in the state and to stress the importance of assessing how the state pays for emergency response, water projects, and capital construction projects. Relying on severance taxes to fund general fund obligations is not a successful long term strategy; however, the importance of averting disaster in our forest takes priority at this time.

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

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

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### **SB12-063, Severance Tax Revenues for Rural Institutions of Higher Education (Brophy)**

#### **CCI Position: Oppose**

SB12-063 establishes a \$100 million cap, adjusted for inflation, on the current allocation of severance tax revenue. Any revenue above \$100 million may be granted by the house and senate local government committees to political subdivisions for a serious need. If any funding remains, those dollars must be credited to a newly created rural higher education cash fund to help pay for needs central to the role and mission of community colleges around the state.

For the past several fiscal years, severance tax grant funds have been relied on to balance the state's budget. The Office of State Planning and Budgeting forecast for December 20, 2011 reported that the state's total severance tax revenue for this fiscal year amounts to roughly \$198 million. Under the current formula, half of that would go to local governments through direct distribution and grant funds. SB12-063 negatively impacts those communities that receive direct distribution funding and communities that use grant funds to build critical infrastructure like water treatment plants, sewer systems and roads.

SB12-063 is scheduled for a hearing Thursday, February 2 in the Senate Finance Committee upon adjournment.

### **SB12-087, Accrual of Interest on Property Tax Refunds (Foster)**

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

Under current law, property taxes that are illegally or erroneously collected are refunded to the taxpayer plus interest. Interest on the refunded moneys accrues from the date taxes are paid to the county treasurer. SB12-087 modifies that practice by stating that interest on refunded money will begin to accrue either from the date a complete abatement petition is filed with the board of county commissioners or the date the taxes are paid, whichever is later.

SB12-087 effectively reduces the amount of time that interest can accrue on overpayments. Current statute requires counties to pay 1% interest/month. It is believed that SB12-087 will reduce the amount of tax overpayments claimed by individuals or corporations for the sole purpose of receiving the relatively high interest rate that counties are required by statute to pay on overpayments.

SB12-087 was initiated by Colorado's County Treasurers. It is calendared for a hearing on Tuesday, February 7 in the Senate Local Government Committee.

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## Transportation & Telecommunications (TT)

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### **HB12-1014, Modify Late Vehicle Registration Fee (Baumgardner)**

#### **CCI Position: Oppose**

HB12-1014 would greatly reduce the late vehicle registration fees enacted under FASTER in 2009, and remove the discretion of the county clerk to waive or reduce the late fee for an idled commercial or farm vehicle. Legislative Council projects a \$12 million loss in HUTF revenues in 2013 if this bill passes, with the county share being \$2.6 million. The bill was heard in the House Transportation Committee last week, but action on the bill was delayed. CCI and CML testified in opposition to the legislation.

### **HB12-1066, OHV Licensing and Access (Priola)**

#### **CCI Position: Oppose**

This measure would set up a new requirement for the titling, licensing, registering and insuring of off-highway vehicles (OHVs) in the state. More importantly, however, the bill would allow licensed and registered OHV riders to operate their vehicles on **any** road in the non-urban counties of the state with a speed limit of 45 mph or less. Counties currently have the ability to decide locally where OHVs can be operated safely within the county road system. This legislation would effectively tie commissioners' hands with respect to OHV access on literally thousands of miles of roads in the unincorporated areas of the state. The bill is scheduled for a hearing in the House Transportation Committee on Wednesday, February 1.

*Questions or Comments? Contact Eric Bergman at 303.861.4076 or [ebergman@ccionline.org](mailto:ebergman@ccionline.org) or Tony Lombard at 303.884.9113 or [tony@lombardclayton.com](mailto:tony@lombardclayton.com).*