General Government

Interim Study Committee on Unfunded and Underfunded State Mandates.	
Mesa County (Commissioner Bobbie Daniel)	
Preferred Contact:	Bobbie Daniel Commissioner, Mesa County (970) 589-4700, bobbie.daniel@mesacounty.us
Co-Sponsoring Counties/Commissioners:	None identified at this time. In November 2025, 48 counties joined Mesa County in the letter to the Governor on this issue.
Who is your subject matter expert?	Bobbie Daniel, Mesa County Commissioner Todd Starr, Mesa County Attorney
Has this proposal been approved by your BoCC?	This matter is being formally approved at an open meeting on July 28, 2026.
Have you reviewed the CCI Instructional Memo?	Yes
Supplemental Materials	Mesa County's Unfunded tracker has previously been shared with CCI and 64 counties and is available on request.
Describe the problem your proposal will solve.	Colorado law already declares that the state may not impose a new mandate, or increase the level of service for an existing mandate, on any local government without paying for it, and that an unfunded mandate is optional. That is section 29-1-304.5, C.R.S. In practice the protection does not work. The statute exempts costs the state passes down from federal law. It exempts cost increases caused by inflation or by growth in the number of people served. It does not reach mandates that predate the statute. And when a later, more specific statute imposes a duty, the courts hold that the specific statute controls and the general unfunded-mandate protection gives way. The result is that counties absorb the cumulative cost of state decisions they do not make and cannot decline. The burden is neither small nor isolated. Mesa County's public Fix It or Fund It review identifies specific state duties that arrive without money attached, among them administration of the Keep Colorado Wild pass at county motor vehicle offices, felony prosecution obligations funded only to the level of the elected district attorney's salary, weekend court coverage, and election-facility security requirements. Counties large and small, rural and urban, front range and west slope report the same pattern. Existing law names the problem and then exempts most of it.

Areas of Impact:	Day-to-day operations of the county, Functionality of county programs or services, Power/Authority/Mandate of county government, General community advancement
What is the ultimate source of this problem?	A statute that has been narrowed by its own exceptions and by the courts. Section 29-1-304.5 was enacted in 1991. It carves out federally driven costs, inflation, and caseload growth, and it does not reach mandates already on the books when it passed. Colorado courts have read it narrowly where a specific mandate collides with the general protection. The Court of Appeals did so again in April 2026 in Yellow Scene Magazine v. City of Boulder, holding that section 29-1-304.5 did not make an unfunded body-worn-camera production duty optional. Counties, municipalities, and sheriffs stood together as amici in that case in defense of the statute, and the statute still did not hold.
What is your initial proposal to solve this problem?	Legislation creating a time-limited interim study committee on unfunded and underfunded state mandates. The committee would inventory existing state mandates on counties and other local governments, quantify their cumulative fiscal impact, and identify one or more mandates suitable to undo, to reassess, or to fund. It would then recommend legislation for the 2028 session. The concept is deliberately broad at this stage. The proponents do not ask the General Assembly to pre-select a target; they ask it to create the forum in which counties, the state, and other affected parties identify the mandates that carry bipartisan support for reform, that fall across a wide and diverse group of counties, and that, where appropriate, pair relief to local governments with a corresponding obligation or measure of accountability on the state. The committee should be built to survive the current budget climate. The General Assembly is reducing interim committee activity for fiscal reasons, so any new committee has to cost close to nothing. This proposal is designed accordingly. The committee would sunset after a single interim, meet a limited number of times, produce one report with a capped number of bill recommendations, and operate without new per diem or travel appropriations, drawing on existing Legislative Council staff and on the substantive support that CCI and its partner associations will supply.
Please provide sample language for this solution.	The proposal is enabling legislation rather than an amendment to a single existing section. It would create an interim study committee on unfunded and underfunded state mandates, fixing its membership, charge, meeting limits, staffing, sunset, and reporting duty, and directing it to recommend legislation for the 2028 session. Section 29-1-304.5, C.R.S. (state mandates; prohibition; exception) is the substantive statute most directly in view, and strengthening it, for example by narrowing its exceptions or adding an enforcement mechanism, is among the outcomes the committee could recommend. Exact drafting, the committee's composition, and any

	conforming citations to be developed with CCI and the Office of Legislative Legal Services.
Are there any solutions that do not require state-level legislation? Has your county explored these alternatives?	Yes, and the non-legislative route has reached its limit. Counties have raised the issue directly with the state, including the November 2025 letter from 48 counties to the Governor, and CCI can convene a working group of counties to organize the effort. Those steps build the case but cannot change the statute, cannot compel the state to the table, and cannot themselves produce a bill. The reform this proposal seeks, a chartered interim committee with authority to study the mandates and recommend legislation, exists only if the General Assembly creates it. CCI's own working group would run in parallel and feed the committee. It is the non-legislative complement to the legislative ask, not a substitute for it.
Has CCI or any other organizations sought a solution to this problem before?	Counties have pressed the issue through every available channel. In November 2025, 48 Colorado counties joined Mesa County in writing to the Governor about the effect of unfunded mandates on their communities. That effort raised the profile of the problem but did not change the law or the incentives that drive it. Counties, municipalities, and sheriffs also stood together as amici defending section 29-1-304.5 in the Yellow Scene case, and the statute still did not hold. A durable remedy requires a legislative forum with authority to examine the mandates, quantify their cost, and recommend statutory change, which is why the counties now seek a legislative solution rather than another round of correspondence.
What possible organization(s) would ***support*** your proposed solution?	Likely proponents: counties statewide, which bear the cost of unfunded mandates directly, and CCI as the convening organization. The Colorado Municipal League, the Special District Association of Colorado, the Colorado District Attorneys' Council, and county sheriff and fire interests are logical partners, several of which already stood with counties as amici defending section 29-1-304.5 in the Yellow Scene case.
What possible organization(s) would ***oppose*** your proposed solution?	Likely skeptics: state agencies that would face new constraints or a reciprocal obligation, and legislative leadership wary of chartering a new interim committee while the General Assembly is cutting interim activity for budget reasons. The lean, sunsetting, low-cost design of the committee is meant to answer that concern directly.
Have you spoken with any legislators about your proposed solution? If so, what was their response?	Members of the delegation are supportive of the Unfunded Mandates Campaign.
What are the financial implications of this ***problem*** to your county?	The larger fiscal impact is the point of the proposal. The state has placed a growing set of service and procedural duties on counties without corresponding appropriations, and counties carry that cost in local budgets. The study committee itself can be structured at or near zero state

Are there any financial implications to this ***solution*** either?	cost by removing per diem and travel and relying on existing Legislative Council staff. The impact to Mesa County alone is estimated to be $10m per year.
What are the financial implications of this ***problem*** to any other impacted parties? What are the financial implications of this ***solution*** to any other impacted parties? *Please consider any relevant Colorado State Departments.*	Other local governments, including municipalities and special districts, carry the same unfunded-mandate costs and stand to benefit from the same reform. On the state side, the committee itself imposes little or no cost. The state departments that issue these mandates would be the parties most affected by any recommendation the committee makes, whether that recommendation funds a mandate, reassesses it, or pairs relief for local governments with a corresponding obligation or measure of accountability on the state.
Staff Feedback	<u>Risk / Difficulty:</u> <u>Time Commitment:</u>