

BOARD UPDATE



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LEGISLATIVE SUMMARY (as of April 20, 2016)

This legislative summary lists the status of all legislation that the Denver Regional Council of Governments (DRCOG) supports, opposes or monitors during the 2016 legislative session, as of April 20, 2016. For additional information, contact Rich Mauro, senior legislative analyst, at 303-480-6778. The DRCOG Legislative Policy Statement as adopted by the Board of Directors states, in part:

DRCOG's legislative activity will be generally focused on the following types of issues:

- (1) Proposals of special significance to the Denver region, or which would have a unique effect upon local governments in this region;
- (2) Proposals that affect DRCOG as an agency or would affect one or more of its programs; and
- (3) Legislation to implement DRCOG special task force recommendations. Support for or opposition to a bill or legislative funding measure will be given, and be subject to reassessment, according to a bill's or measure's consistency with DRCOG's adopted principles and plans.

| Bill No. / Sponsor | Short Title Bill Summary | Status | Staff Comments | DRCOG Position Legislative Policy |
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| AGING BILLS | | | | |
| HB16-1027 Danielson/ Todd & Sonnenberg | Criminal Deposition for At-Risk Persons The bill allows the prosecution to make a request for both at-risk adults and at-risk elders. If the motion relates to an at-risk elder, the court shall schedule the deposition. If the motion relates to an at-risk adult, there is a rebuttable presumption that the deposition should be taken to prevent injustice. The court may deny the motion if it finds that granting the motion will not prevent injustice. | Passed Both Houses | DRCOG has supported bills to strengthen this statute for the last four years. Under current law, the prosecution may request to take the deposition of an at-risk adult victim or witness if the victim or witness may be unavailable at trial. This bill, which was requested by district attorneys, expands that authority to at-risk elders. It has been amended to satisfy concerns from public defenders. | Support DRCOG supports increases in consumer protections for older adults and their caregivers. |
| HB16-1065 Conti | Income Tax Credit For Home Health Care Creates an income tax credit (up to a maximum of \$3,000) to assist a qualifying senior with seeking health care in his or her home. In the first two years, the credit is for a percentage of the costs incurred for home modifications. In the next two years, it adds home health care services. In the following two years, it adds durable medical equipment and telehealth equipment. If the December revenue estimate shows the budget will not be sufficient to grow total state appropriations by 6 percent over the previous year, the tax credit is not allowed for the subsequent calendar year income tax but the taxpayer can claim the credit in next year the credit is allowed. | Postponed Indefinitely House Finance | As a tax credit, this bill would cost the state foregone revenues that could be significant. Since the fiscal note has not yet been released, staff recommends monitoring this bill until more information about its impact becomes available. | Monitor DRCOG supports increased funding for programs providing services to older adults, persons with disabilities, and their caregivers, especially services that support individuals continuing to live independently in their homes and communities. |

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| HB16-1161 Young/ Lambert | Allocate Senior Property Tax Exemption Money The bill amends current law, which provides that the amount by which the total estimated amount specified in the annual general appropriation act (Long Bill) for the costs of providing property tax exemptions to qualifying seniors and disabled veterans exceeds the total amount of all warrants issued by the State Treasurer to reimburse local governmental entities for the amount of property tax revenues lost as a result of the application of the exemption, shall be transferred to the Senior Services Account in the Older Coloradans Cash Fund. It specifies transfers of 95 percent to the Senior Services Account; and 5 percent to the Veterans Assistance Grant Program Cash Fund. | Awaiting Governor's Signature | DRCOG was instrumental in getting passed the statutory provision this bill amends (HB12-1326). For fiscal year 2011-12 through fiscal year 2013-14, the amount estimated in the Long Bill was less than the actual amount paid to local governments, so no transfers occurred. For fiscal year 2014-15, the Long Bill amount exceeded the amount paid to local governments, and about \$1.5 million was transferred and now veterans assistance. This money will be allocated to the area agencies on aging. This bill is the result of a Joint Budget Committee staff recommendation that since the exemption also applies to disabled veterans, a portion of the transfer also should. | Monitor DRCOG supports increased funding for programs providing services to older adults, persons with disabilities, and their caregivers, especially services that support individuals continuing to live independently in their homes and communities. |
| HB16-1175 Primavera & Nordberg / Jahn & T. Neville | Senior Property Tax Exemption Administration (recommended by the Legislative Audit Committee) During the 2015 legislative interim, the Office of the State Auditor presented an audit of the Senior and Disabled Veteran Property Tax Exemption program to the legislative audit committee. The audit identified several statutory and administrative process deficiencies that have made it difficult for the state to prevent individual seniors and disabled veterans and married couples from claiming and being allowed multiple exemptions and from claiming and receiving exemptions for residences other than owner-occupied primary residences. The bill implements audit recommendations. | House Appropriations | The bill reflects the Audit Committee's concern that the fundamental design of the Senior and Disabled Veteran Property Tax Exemption program does not sufficiently protect the state from reimbursing counties for non-qualifying exemptions and, within the current program design, the Department of Local Affairs lacks authority and processes to ensure that only qualifying applicants are approved. The bill requires improved processes and coordination among entities administering the tax exemption. | Monitor DRCOG supports increased funding for programs providing services to older adults, persons with disabilities, and their caregivers, especially services that support individuals continuing to live independently in their homes and communities. |
| HB16-1187 Kraft-Tharp/ Holbert | Sales and Use Tax Exemption Retirement Community Food The bill creates a sales and use tax exemption for the sale, storage, use, or consumption of food, food products, snacks, beverages, and meals (food products) on the premises of a retirement community. | Passed Both Houses | Under the bill, a "retirement community" means: an assisted-living residence, an independent-living facility or a skilled-nursing-care facility. Also, the bill needs to be amended to clarify the exemption is only for food and beverages that are part of a resident's meal plan. | Support with Amendment DRCOG supports increases in the quality of care and consumer protections for older adults and their caregivers and, in particular, legislation strengthening the role of the long-term care ombudsman as a resident/consumer advocate. DRCOG urges the state, when making decisions regarding funding for long-term care communities, to structure such funding to protect the quality of care for residents. |
| HB16-1242 Hamner/ Lambert | Supplemental Appropriations Department Of Human Services The bill makes supplemental appropriations to the Department of Human Services for FY 2015-16. | Signed by the Governor | This bill appropriates the funds described in HB 1161 above. DRCOG staff and lobbyists were instrumental in getting CDHS to request spending authority for the money and to include rollover spending authority into the next fiscal year. | Support DRCOG supports increased funding for programs providing services to older adults, persons with disabilities, and their caregivers, especially services that support individuals continuing to live independently in their homes and communities. |

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| HB16-1394 Young/ Grantham | Aligning Issues Around At-risk Persons The bill implements the following recommendations of the At-Risk Adults with Intellectual and Developmental Disabilities Mandatory Reporting Implementation Task Force: • Standardizing statutory definitions among the Colorado Criminal Code, the adult protective services in the Department of Human Services and the Department of Health Care Policy and Financing; • Specifying that enhanced penalties for crimes against an at-risk person apply to all persons 70 years of age or older and to all persons with a disability; and • Clarifying and expanding the definitions of persons who are required to report instances of mistreatment of at-risk elders or at-risk adults with an intellectual and developmental disability (adults with IDD). | House Floor | DRCOG supported the original legislation on mandatory reporting and has supported subsequent implementing legislation. This bill primarily cleans up language in different parts of the statutes. It also: • Reduces the time when a law enforcement agency or county department is required to prepare a written report from 48 hours to 24 hours; • Specifies that a county department of human services is to conduct an investigation of allegations of mistreatment of an at-risk adult; and • Clarifies that the Human Rights Committee is responsible for ensuring that an investigation of mistreatment of an adult with IDD occurred. DRCOG will monitor this bill to ensure the existing law is not weakened. | Monitor DRCOG supports increases in consumer protections for older adults and their caregivers. |
| SB16-078 Martinez Humenuk / Primavera | Assisted Living Administrator Competency Requirement The bill requires an operator of an assisted living facility to ensure that the administrator of the facility completes 30 credits of continuing competency every two years. The operator must maintain records on the facility premises as proof of the fulfillment of the competency requirements. The Department of Public Health and Environment is required to promulgate rules concerning the competency requirements. | Postponed Indefinitely Senate Business, Labor and Technology | Although staff believes there should be additional competency requirements for assisted-living administrators, staff is concerned this bill preempts work being done currently by the Assisted Living Working Group at the state Department of Public Health and the Environment. DRCOG opposed a similar bill last year. | Staff Discretion to Oppose DRCOG supports increases in the quality of care and consumer protections for older adults and their caregivers. |
| TRANSPORTATION BILLS | | | | |
| HB16-1008 J. Becker & Winter/ Heath & Cooke | Roadway Shoulder Access for Buses The Colorado Department of Transportation (CDOT) is authorized to designate an area on a roadway not otherwise laned for traffic for use by commercial vehicles designed to transport sixteen passengers or more, including the driver, that are operated by a governmental entity or government-owned business that transports the general public or by a contractor on behalf of such an entity or government-owned business. CDOT must consult with the Colorado State Patrol before making such a designation and establishing conditions of use for the designated area. CDOT must impose and each authorized user must acknowledge the conditions of use for the designated area by written agreement. | Signed by the Governor | This bill provides statutory authorization necessary for projects such as that contemplated for U.S. 36. | Support DRCOG supports legislation that promotes efforts to create and fund a multimodal transportation system. DRCOG supports funding for programs that provide transportation for "access to jobs" for low-income workers who cannot afford to live near where they work, and for safe routes to schools. |
| HB16-1018 Mitsch-Bush & Carver/Todd | Transportation Advisory Committee Procedures (recommended by the Transportation Legislation Review Committee) The bill amends current law to require the Statewide Transportation Advisory Committee (STAC) to provide advice and comments to both the Colorado Department of Transportation (CDOT) and the Transportation Commission, rather than only to CDOT. The bill also specifies that the STAC will provide advice on budgets and transportation policy, programming, and planning. | Signed by the Governor | Current law only requires the STAC to advise CDOT on the needs of the transportation systems in the state and to review and comment on all regional transportation plans submitted for the transportation planning regions of the state. | Support DRCOG supports legislation that reinforces collaboration between state and regional transportation agencies and recognizes their respective roles, responsibilities and interests. |

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| HB16-1031 | Modify Transportation Commission Membership (recommended by the Transportation Legislation Review Committee) | | | Actively Monitor |
| Carver | The bill requires the Transportation Legislation Review Committee (TLRC) to study current statutory Transportation Commission districts during the 2016 interim to determine whether the number and boundaries of the districts should be modified. To assist the TLRC in its work, by August 1, 2016, Legislative Council Staff (LCS), with the cooperation of CDOT, must present a research study to the TLRC that documents changes in the current 11 districts since the last time the General Assembly modified the districts, to include population, number of lane miles, and annual vehicle miles traveled. In doing so, LCS must take into account existing county and municipal boundaries, regional transportation areas and districts, and transportation planning regions. The TLRC must hold public hearings in major geographical regions of the state regarding potential district modifications. The TLRC may recommend legislation to modify the districts. | Legislative Council | Transportation Commission members are appointed from 11 statutorily defined Transportation Commission districts and the General Assembly has not modified the number or boundaries of the districts since 1991. An early draft of this bill proposed to change the Transportation Commission districts and representation to reflect the 15 transportation planning region districts. This would have meant that the DRCOG region would have had just one representative on the Transportation Commission. Currently the DRCOG region is represented by four of the 11 districts. | DRCOG supports: <ul style="list-style-type: none"> • Legislation to ensure that representation on the Transportation Commission reflects approximately equal populations based on the most recent population census. • Transportation planning that is coordinated between DRCOG, CDOT, RTD and affected local communities, with each participating transportation agency's plan recognizing the region's priorities in the context of statewide transportation priorities. • A strong role for MPOs placing MPOs on equal footing with CDOT in selecting projects to be funded to ensure that local, regional and state transportation needs are met in a coordinated and cooperative manner. • Legislation that reinforces collaboration between state and regional transportation agencies and recognizes their respective roles, responsibilities and interests. |
| HB16-1039 | Interstate 70 Motor Vehicle Traction Equipment (recommended by the Transportation Legislation Review Committee) | | | Support with Amendment |
| Mitsch-Bush & Rankin/ Todd & Donovan | The bill broadens current law to require the traction equipment to be carried on Interstate 70 between milepost 133 (Dotsero) and milepost 259 (Morrison) when icy or snow-packed conditions are present. The bill also requires that this traction control equipment be used when icy or snowy conditions are present. | Postponed Indefinitely Senate Transportation | Currently, a person is required to use certain traction control equipment, such as chains or snow-rated tires, when the Colorado Department of Transportation restricts road use due to a winter storm. The Board has directed staff to support an amendment to the bill to set the eastern end of the bill's application to the Evergreen exit. The bill was amended in the House to specify the restriction is effective from Oct. 1 to May 15. | DRCOG supports approaches that make use of the roadways and transit facilities more efficient, including programs for incident management and Intelligent Transportation Systems. DRCOG supports efforts that improve or expand real-time traveler information. |
| HB16-1061 | Military Installation Transportation Needs Planning | | | Monitor |
| Nordberg & Carver | The bill requires the comprehensive Statewide Transportation Plan prepared by CDOT to include an emphasis on coordination with federal military installations in the state to identify the transportation infrastructure needs of the installations and ensure that those needs are given full consideration during the formation of the plan. | Signed by the Governor | This is a new idea and DRCOG staff needs time to research the implications of the bill. | DRCOG supports regional and statewide efforts at such consensus building and will work to pursue multimodal transportation solutions. DRCOG supports using the regional and statewide transportation planning processes to explore and identify transportation solutions and will evaluate state legislative and administrative actions for consistency with this policy. |
| HB16-1067 | Regional Transportation Authority Mill Levy | | | Support |
| Mitsch-Bush/ Donovan | Current law authorizes a regional transportation authority (RTA) to impose a uniform mill levy of up to 5 mills on all taxable property within its territory, but the authorization is scheduled to repeal on Jan. 1, 2019. The bill extends the authorization until Jan. 1, 2029. | Postponed Indefinitely Senate Transportation | Existing RTAs, such as the Roaring Fork Transportation Authority and the Pikes Peak Rural Transportation Authority, have proposed this legislation because the mill levy is an important tool for them to fund local transportation infrastructure projects. DRCOG supported the RTA legislation. | DRCOG supports increased funding for transportation to preserve the system, address congestion and safety, and provide multimodal options for people of all ages, incomes and abilities. |

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| HB16-1138 Brown | General Fund Transfers For State Infrastructure For each state fiscal year that the SB 09-228 required transfers are reduced or eliminated, the bill adds on another year of transfers to the Capital Construction Fund and the Highway Users Tax Fund (HUTF). Therefore, there will be five fiscal years with the full statutory transfers to the funds, regardless of the number of fiscal years that it takes to do so. Section 2 specifies that the moneys in the State Highway Fund allocated from any of the statutorily required transfers to the HUTF may be used for general highway operations and maintenance. | Postponed Indefinitely House State, Veterans and Military Affairs | Because the five-year block of transfers in current law will expire after fiscal year 2019-20, new transfers from the General Fund to the HUTF and the Capital Construction Fund could be required beginning in fiscal year 2020-21. This bill lengthens the five-year block of statutory transfers in the event that one or more year(s) of transfers are reduced or not made because of a TABOR revenue surplus. The bill also allows up to 90 percent of the transfers to be spent on highway construction, reconstruction, repair, improvement, and maintenance, in addition to the current law requirement, which is restricted to infrastructure projects identified in the Strategic Transportation Project Investment Program. | Monitor DRCOG supports increased funding for transportation to preserve the system, address congestion and safety, and provide multimodal options for people of all ages, incomes and abilities. |
| HB16-1169 Coram/ Roberts | Ute Representatives for Transportation Advisory Committee The bill expands the membership of the Statewide Transportation Advisory Committee (STAC) to include one representative from each of the tribes as a full-fledged voting member and expresses the intent of the General Assembly that these representatives replace the nonvoting representatives. | Signed by the Governor | Current law specifies that the STAC consists of one representative from each TPR. CDOT rules also allow the Southern Ute and Ute Mountain Ute tribes to each appoint one nonvoting representative to the STAC. | Support DRCOG supports legislation that reinforces collaboration between state and regional transportation agencies and recognizes their respective roles, responsibilities and interests. |
| HB16-1304 Tyler/ | Transportation Priorities Community Conversations The bill requires the Colorado Department of Transportation (CDOT) to hold at least one community conversation in each transportation planning region (TPR) no later than Oct. 1, 2016, in order to allow members of the public to testify and be questioned regarding their top priorities for transportation funding and their preferred means of raising the revenue needed to fund those priorities. No later than Nov. 1, 2016, the representative of the TPR who convened the community conversations must develop and submit to CDOT a report that ranks both the top transportation priorities for the TPR and the preferred means of raising the revenue needed to fund those priorities. CDOT must compile the regional reports into a statewide report that ranks the top transportation priorities for the state and the preferred means of raising the revenue to fund those priorities. CDOT must present the report during its SMART Act presentation made before the 2017 regular legislative session. | House Appropriations | To ensure maximum public participation for each community conversation, CDOT and the Colorado Office of Economic Development must provide extensive public notice of each community conversation and hold them at a time outside of regular business hours or most convenient to the local community and at a location convenient for as much of the population as feasible and allow remote testimony. The representative of the TPR on the Statewide Transportation Advisory Committee must convene an open house meeting or panel of experts in transportation and economic development to interact with and receive testimony from the public. The meeting or panel must include any member of the Transportation Commission and any Regional Transportation Director for CDOT whose district includes any portion of the TPR and a representative of any economic development district that includes any portion of the TPR. | Monitor DRCOG supports increased funding for transportation to preserve the system, address congestion and safety, and provide multimodal options for people of all ages, incomes and abilities. |

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| SB16-011 T. Neville/ P. Neville | Terminate Use of FASTER Fee Revenue for Transit Repeals the statutory provisions that require transit-related uses of the FASTER fee revenue. As a result, the revenue must be used only for road safety projects, as defined by FASTER. | Postponed Indefinitely House Transportation and Energy | DRCOG supported FASTER (SB09-108), including the transit provisions. Under current law, \$15 million per year of revenue from the road safety surcharge, daily vehicle rental fee, supplemental oversize and overweight vehicle surcharge, supplemental unregistered vehicle fine, and late vehicle registration fee imposed pursuant to FASTER is used for transit-related projects as follows: • \$10 million is used by the Colorado Department of Transportation (CDOT) for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of such projects; and • \$5 million is credited to the state transit and rail fund and used by the transit and rail division of CDOT to provide grants to local governments for local transit projects. | Oppose DRCOG supports increased funding for transportation to preserve the system, address congestion and safety, and provide multimodal options for people of all ages, incomes and abilities. |
| SB16-123 Singer/ Lundberg | Free Access to High-Occupancy Vehicle Lanes The bill prohibits the Department of Transportation or the High-Performance Transportation Enterprise from requiring a vehicle owner to use a switchable transponder or other device in order to travel in a high-occupancy vehicle on either a high-occupancy vehicle lane or a high-occupancy toll lane on a toll-free basis. | House Transportation and Energy and House Appropriations | The Colorado Department of Transportation (CDOT) would have to develop a different way to monitor toll lane use. The bill has been amended to include motorcycles in the exception. | Oppose DRCOG supports legislation that promotes efforts to create and fund a multimodal transportation system. DRCOG supports funding for programs that provide transportation for "access to jobs" for low-income workers who cannot afford to live near where they work, and for safe routes to schools. |

OTHER BILLS

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| SB16-057 Kefalas/ Ginal & Tyler | Mobile Home Owners Leasing Space Mobile Home Parks The bill grants new powers to the Division of Housing within the Department of Local Affairs in connection with the promotion of the mutual interests of landlords and home owners within mobile home parks, pursuant to its statutory authority and subject to available appropriations; requires the division to maintain for public dissemination a list of local government agencies and community-based nonprofit organizations that are created and empowered to mediate disputes between or among landlords, management, and home owners within mobile home parks; requires the management of a mobile home park to adopt reasonable written rules and regulations concerning all home owners' use and occupancy of the premises; and requires the parties to a dispute to submit to alternative dispute resolution. | Postponed Indefinitely Senate State Affairs | The bill is an attempt to support the viability of mobile home parks as an affordable housing option in the state. There is a lot of detail in the bill that staff has not had time to fully analyze but this is an issue the board has considered in the past and we wanted to bring it to your attention again. | Actively Monitor DRCOG supports the following principles pertaining to the quality, quantity and affordability of housing in the Denver metro area: • Regional approaches to addressing the affordable housing issue that incentivize local efforts, particularly as they relate to preservation of existing affordable housing stock. • An adequate supply of permanently affordable housing located near job and transit hubs and continued public- and private sector support for such an effort. • Increased state financial support for loan and grant programs for low- and moderate-income housing. • Collaboration among public and private entities, including efforts to develop loan programs and address the jobs-housing connections. • Actions to provide more accessible and obtainable housing options for seniors. |
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| SB16-1313 Arndt & Coram/ | Authority of Local Government Master Plans to Include Policies to Implement State Water Plan Goals The bill authorizes local government master plans to include goals specified in the state water plan and to include policies that condition development approvals on implementation of those goals. This authorization is located in section 30-28-106 , C.R.S., which includes plans adopted by municipalities, counties and regional planning commissions. | Senate State Affairs and Senate Agriculture, Livestock and Natural Resources | DRCOG opposed this bill at its March meeting. Since then, the bill has been amended to emphasize its permissiveness and that the focus is on water conservation broadly. It now also states, "Nothing in this (bill) shall be construed to create a mandate or affect existing policy regarding water." With the amendment, the Colorado Municipal League has dropped its opposition and Colorado Counties, Inc. has changed its position to "support as amended." | Monitor DRCOG supports the development of a Colorado Water Plan that emphasizes conservation, storage, drought mitigation and streamlining of the regulatory processes, aligns the state's various water efforts, and provides a benchmark for future collaboration in addressing Colorado's water supply needs. |
| SB16-1334 Winter | Inclusionary Zoning in County Unincorporated Areas The bill authorizes the board of county commissioners of any county, by duly enacted ordinances, resolutions or other forms of binding law, to establish and create a program that implements inclusionary zoning within an unincorporated area of the county. The bill defines "inclusionary zoning program" to mean a program adopted by a county government that encourages or requires a given share of the housing units in a proposed development to be priced in a way that is affordable for low- and moderate-income households. Nothing in the bill is intended to challenge or to affect the legal status of any such program implemented and in effect prior to the effective date of the bill. | Senate Local Government | The bill defines "inclusionary zoning program" as a program adopted by a county government that encourages or requires a given share of the housing units in a proposed development to be priced in a way that is affordable for low- and moderate-income households. Inclusionary zoning program components may include, but are not limited to, requiring a developer to set aside a set percentage of units within the proposed development that are priced as affordable for persons in low- and moderate-income households, offering the developer different forms of incentives to compensate the developer for pricing certain housing units in a way that promotes affordable housing, targeting a particular income range as the beneficiary of such programs, and specifying a time period for which affected housing units are required to stay affordable. | Monitor DRCOG supports the following principles pertaining to the quality, quantity and affordability of housing in the Denver metro area: <ul style="list-style-type: none"> • Regional approaches to addressing the affordable housing issue that incentivize local efforts, particularly as they relate to preservation of existing affordable housing stock. • An adequate supply of permanently affordable housing located near job and transit hubs and continued public- and private sector support for such an effort. • Increased state financial support for loan and grant programs for low- and moderate-income housing. • Collaboration among public and private entities, including efforts to develop loan programs and address the jobs-housing connections. • Actions to provide more accessible and obtainable housing options for seniors. |
| HB16-1340 Tyler/Scott | County Planning Commission Exemption from Approval Requirement Under current law, a county or regional planning commission that has adopted a master plan for a county or part of the county is required to review the proposed location of a public project if the location falls within the unincorporated territory of the county. The bill exempts from the review requirement a proposed public project that is permitted under existing zoning laws or contemplated by a plan, proposal, or application, that the planning commission has already approved. | House Floor | Under the bill, a county or regional planning commission need not review a proposed project pursuant to statute, if the proposed project is permitted under existing zoning laws or is contemplated by one of the following that the planning commission has already approved: (i) a plan, including the county's master plan; (ii) a proposal; or (iii) an application. The bill only applies to a regional planning commission if there is no county planning commission. | Monitor DRCOG supports the use of comprehensive/master plans as the foundation for local land use decision-making. |