

# BOARD UPDATE



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## LEGISLATIVE SUMMARY (as of April 19, 2017)

This legislative summary lists the status of all legislation that the Denver Regional Council of Governments (DRCOG) supports, opposes or monitors during the 2017 legislative session, as of April 19, 2017. 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	Fiscal Note Status	Staff Comments	DRCOG Position Legislative Policy
<b>AGING BILLS</b>				
<a href="#">SB17-011</a> Lambert/ Lawrence	<b>Study Transportation Access for People with Disabilities</b> The bill creates a technical demonstration forum to study and document how advanced technologies can improve transportation access for people with disabilities.	<a href="#">Fiscal Note</a> Signed by the Governor	To demonstrate the transportation access needs of people with disabilities in both urban and rural areas of the state, the forum is directed to study the transportation access needs of people with disabilities in El Paso and Teller counties and explore technological and transportation business solutions that could increase transportation access for people with disabilities in those areas.	<b>Monitor</b> DRCOG supports the following: A system that effectively and efficiently coordinates the resources and delivery of transportation services between providers, the federal government, counties, the Regional Transportation District and the state; increased funding for transportation services for older adults and persons with disabilities; and increased state funding for Medicaid transportation services for older adults and individuals with disabilities.
<a href="#">HB17-1087</a> Young/ Lundberg	<b>Public Guardianship Pilot Program</b> The bill creates the office of public guardianship as a pilot program within the Judicial Department to provide legal guardianship services to indigent and incapacitated adults who have no responsible family members or friends who are available and appropriate to serve as a guardian; and lack adequate resources to compensate a private guardian and pay the costs and fees associated with an appointment proceeding.	<a href="#">Fiscal Note</a> Passed Both Houses	This bill addresses a need in the care industry that has been a concern for a long time. It is the result of a stakeholder process that has been working since a report on the issues in 20114. The pilot program will operate in three judicial districts: Ninth (Denver), Seventh (Montrose) and 16th (Otero).	<b>Support</b> DRCOG supports increases in the quality of care and consumer protections for older adults and their caregivers.

Bill No. Sponsor	Short Title Bill Summary	Fiscal Note Status	Staff Comments	DRCOG Position Legislative Policy
<a href="#">HB17-1191</a> KC Becker & Herod/	<b>Demographic Notes for Certain Legislative Bills</b> The bill requires the staff of the Legislative Council to prepare demographic notes on legislative bills in each regular session of the general assembly. The speaker of the House of Representatives, the minority leader of the House of Representatives, the president of the Senate, and the minority leader of the Senate are authorized to request five demographic notes each, or more at the discretion of the director of research of the Legislative Council. A demographic note is defined as a note that uses available data to outline the potential disparate effects of a legislative measure on various populations within the state.	<a href="#">Fiscal Note</a> Senate Finance	This bill relates to the fiscal notes for bills produced by Legislative Council staff. Populations affected may be identified by race, gender, disability, age, geography, income or any other relevant characteristic for which data are available. Legislative Council staff has estimated they would hire one full-time equivalent to implement the bill. DRCOG staff is interested in supporting this bill because it could result in additional useful information being provided about the effects (positive or negative) of certain bills. For example, such evaluation could relate to the effects of legislation on older adults, transportation corridors or the metro area.	<b>Support</b> It is appropriate for state agencies to ensure that actions they take affecting the region are consistent with regionally derived solutions and the adopted Metro Vision plan.
<a href="#">HB17-1253</a> Danielson/ Crowder	<b>Protect Seniors from Financial Abuse</b> The bill requires licensed securities professionals (broker-dealer or investment adviser) to report to the state Commissioner of Securities if, while acting within the scope of their employment, they reasonably suspect that an elderly or at-risk person is the subject of financial exploitation. The commissioner is required to forward the report to local law enforcement and to the Department of Human Services. The commissioner has access to records to conduct an investigation, but the records are not subject to an open records request. The bill also authorizes the securities professional to notify any third party designated by or associated with the elderly or at-risk person of any suspected financial exploitation. It also authorizes the broker-dealer or investment adviser to delay disbursement of a transaction that might result in financial exploitation. The bill provides immunity to qualified individuals, broker-dealers, and investment advisers making reports, disclosures, or delaying disbursements.	<a href="#">Fiscal Note</a> Senate Finance	DRCOG has been supportive of previous legislation on mandatory reporting of abuse of at-risk adults. According to the 2010 Investor Protection Trust Elder Fraud Survey, one out of every five citizens sixty-five years of age or older has been victimized by a financial fraud, making financial exploitation the fastest-growing category of elder abuse in many states. This act is modeled on legislation proposed by the North American Securities Administrators Association. To be successful in combating financial exploitation, state securities officials must be made aware of the exploitation at the time that it occurs. Mandatory reporting by persons licensed by the state ensures that state officials are alerted to cases of potential financial exploitation as early as possible, when intervention may be able to prevent harm or limit the damage to victims of financial exploitation. A mandatory reasonable-belief reporting requirement, coupled with immunity for reporting, provides an appropriate balance of incentives to encourage licensed securities professionals to report potential financial exploitation.	<b>Support</b> DRCOG supports increases in the quality of care and consumer protections for older adults and their caregivers.

Bill No. Sponsor	Short Title Bill Summary	Fiscal Note Status	Staff Comments	DRCOG Position Legislative Policy
<a href="#">HB17-1264</a> Ginal & Lawrence/ Martinez Humenik & Jahn	<b>Local PACE Ombudsman</b> The bill establishes a local PACE ombudsman function under the supervision of the state PACE ombudsman. It provides for training, designation as representatives of the state office, access to PACE organizations and participants, authority to file complaints on behalf of PACE participants, and immunity from liability. The bill includes timeframes for the state PACE ombudsman to complete its duties and functions, including establishing statewide policies and procedures for investigating and resolving complaints relating to PACE programs and training local PACE ombudsmen. The Department of Human Services shall report to the Joint Budget Committee and to its legislative committee of reference concerning the long-term care ombudsman program and the state PACE ombudsman program, including program caseloads and the need, if any, for additional local ombudsmen.	<a href="#">Fiscal Note</a> Senate Finance	The existing Program of All-Inclusive Care for the Elderly (PACE) includes the state PACE ombudsman, which was established in SB 16-199. The bill adds local PACE ombudsmen to the state ombudsman's office (office). This bill is the result of a stakeholder process required under SB 16-199. The stakeholder group met during the summer 2016 and, on Nov. 1, 2016, issued its recommendations for legislation to be introduced during the 2017 legislative session to establish a PACE ombudsman program at both the state and local level. <b>DRCOG staff coordinated a subsequent stakeholder process to develop the legislation, obtained bill sponsors and worked with legislative staff to draft the bill.</b> The fiscal note has not yet been produced. However, the stakeholder group recommended the local ombudsman program be staffed initially with six full-time equivalent positions.	<b>Support</b> 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.
<a href="#">HB 17-1284</a> Lontine/ Gardner & Auilar	<b>Records Check For Employees Serving At-Risk Adults</b> The bill establishes a state-level program (program) within the Department of Human Services for a check of the department's Colorado Adult Protective Services (CAPS) data system. Beginning Jan. 1, 2019, the bill requires certain employers at facilities or programs that serve at-risk adults to request a CAPS check prior to hiring employees who will provide direct care, as defined in the bill, to at-risk adults. The list of employers required to request a CAPS check includes: health facilities licensed by the Department of Public Health and Environment; an adult day care facility; a community integrated health care service agency; a community-centered board or service agency; a county department for adult protective services employees; an area agency on aging; a facility operated by the department for persons with mental illness; a facility operated by the department for persons with developmental disabilities; and a veterans community living center.	<a href="#">Fiscal Note</a> Senate Finance	Area agencies on aging, like DRCOG's are covered under this bill. DRCOG already conducts records and background checks on AAA employees. The CAPS check verifies whether a person is substantiated in a case of mistreatment of an at-risk adult, as defined in the bill. The bill grants immunity from civil liability for employers who make an employment decision based upon the information obtained in the CAPS check, unless the employer knows that the information is false or acts with reckless disregard concerning the veracity of the information. The department is authorized to assess a fee for each CAPS check sufficient to cover certain expenses, including those related to the CAPS check. The department is required to provide training to county departments of human or social services relating to investigations, the accurate entry of documentation into CAPS, and confidentiality of information.	<b>Support</b> DRCOG supports increases in the quality of care and consumer protections for older adults and their caregivers.
<b>TRANSPORTATION BILLS</b>				
<a href="#">HB17-1018</a> Mitsch Bush & Liston/ Gardner	<b>Extend Voter Approval Window for Regional Transportation Authority Mill Levy</b> Current law authorizes a regional transportation authority to seek voter approval for a uniform mill levy of up to five 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.	<a href="#">Fiscal Note</a> Signed by the Governor	This bill was introduced last session but failed to pass. DRCOG supported the bill.	<b>Support</b> 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.

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<a href="#">SB17-153</a> Crowder & Garcia/ Esgar	<b>Southwest Chief and Front Range Passenger Rail Commission</b> The bill replaces the existing Southwest Chief rail line, the statutory authorization for which expires on July 1, 2017, with an expanded Southwest Chief and Front Range Passenger Rail Commission (new commission).	<a href="#">Fiscal note</a> Awaiting Governor's Signature	The new commission must assume the old commission's powers, duties and mission of preserving existing Amtrak rail line service in the state, extending such service to Pueblo, and exploring the benefits of extending such service to Walsenburg; and facilitate the future of front range passenger rail and specifically present to the legislature by Dec. 1, 2017 draft legislation to facilitate the development of a front range passenger rail system that provides passenger rail service in and along the Interstate 25 corridor. Metropolitan planning organizations, including DRCOG, have representation on the commission.	<b>Support</b> DRCOG supports legislation that reinforces collaboration between state and regional transportation agencies and recognizes their respective roles, responsibilities and interests.
<a href="#">HB17-1151</a> Hansen & Willett/ Kerr & Hill	<b>Electrical Assisted Bicycles Regulation Operation</b> The bill defines three classes of electrical assisted bicycle, depending on their top speed and whether the electric motor assists in propulsion only while the rider is pedaling or propels the bicycle independently. It requires manufacturers to label electrical assisted bicycles as Class 1, Class 2 or Class 3, as appropriate, and prohibits a person from modifying an electrical assisted bicycle without also relabeling it to accurately reflect its classification. It also requires all electrical assisted bicycles to comply with federal Consumer Product Safety Commission requirements and specified classes of electrical assisted bicycles to be equipped with appropriate braking systems and speedometers.	<a href="#">Fiscal note</a> Signed by Governor	This bill removes electrical assisted bicycles from the definition of motor vehicle and defines an electrical assisted bicycle as a bicycle equipped with an electric motor not exceeding 750 watts of power. It makes anyone who violates the labeling and equipment provisions subject to a Class B traffic infraction, with a fine of \$15 and a surcharge of \$6. Local authorities may prohibit the operation of Class 1 or Class 2 electrical assisted bicycles on a bike or pedestrian path under its jurisdiction. According to the fiscal note, from February 2014 to February 2017, there were 60 convictions under the bicycle and personal mobility device equipment law. Colorado Municipal League is neutral and Colorado Counties, Inc. has no position.	<b>Monitor</b> DRCOG supports measures to improve safety for users of alternative modes, especially pedestrians and bicyclists.
<a href="#">HB17-1153</a> Williams & McKean/ Gardner	<b>Highway Congestion Mitigation</b> The bill clarifies that high-occupancy vehicle lanes are lanes on which a vehicle carrying two or more individuals, including the driver, may travel and that high-occupancy vehicle lanes are lanes on which a vehicle carrying fewer than two individuals, including the driver, must pay a toll. The bill also raises the priority of currently unfunded projects to expand the capacity of Interstate 25 between Castle Rock and Monument and between State Highway 14 and State Highway 66 by requiring: • The Colorado Department of Transportation to put the high-priority projects above all other unfunded projects on its priority list; • all federal money received by CDOT that the federal government does not require to be allocated for other projects and that CDOT has not previously allocated for other projects to be used to fund the high-priority projects before being used to fund other projects; and • any environmental or other studies required to be completed before the projects may begin to be completed no later than six months following the effective date of the bill.	<a href="#">Fiscal note</a> Postponed Indefinitely House Transportation	This bill dedicates future federal funding solely to Interstate 25 (outside of the planning process). The Colorado Department of Transportation says it would cause them to divert funding from maintenance of the system. It also changes the requirement for high-occupancy vehicle lanes from three-plus individuals in the vehicle to two-plus individuals. This contradicts legal and contractual requirements on CDOT.	<b>Oppose</b> DRCOG supports regional and statewide efforts at 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.

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<a href="#">HB17-1171</a> Buck & Carver/	<b>Authorize New Transportation Revenue Anticipation Notes</b> Requires the Transportation Commission to submit a ballot question to the voters at the November 2017 election which, if approved, would authorize the state to issue additional transportation revenue anticipation notes for the purpose of addressing critical priority transportation needs in the state and dedicating 10 percent of state sales and use tax net revenue for state transportation purposes and one percent of such revenue less \$10 million for other capital construction purposes.	<a href="#">Fiscal Note</a> Postponed Indefinitely House State Affairs	This bill is essentially the reinstatement of a statutory appropriation of General Fund revenues (sales tax) similar to Senate Bill 97-001. Ever since the SB-001 mechanism was repealed in 2009, DRCOG has expressed concerns about transportation funding bills, such as the TRANS bills of the last two years, that did not include new sources of revenue. Especially when the state is in Taxpayer Bill of Rights rebate situation, removal of such a significant amount from the General Fund would mean major cuts in other programs, such as education, health care and possibly services for seniors.	<b>Oppose</b> DRCOG supports legislation that promotes efforts to create and fund a multimodal transportation system.
<a href="#">HB17-1242</a> Duran & Mitsch Bush/ Grantham & Baumgardner	<b>New Transportation Infrastructure Funding Revenue</b> The bill requires a ballot question to be submitted to the voters at the November 2017 election seeking approval to increase the state sales and use tax by 0.62 percent for 20 years beginning in 2018. If the voters approve the increase, the new revenue generated is allocated solely for transportation infrastructure funding purposes, as follows: \$300 million annually to the state highway fund for use by the Colorado Department of Transportation; and of the remaining new revenue: 70 percent to counties and municipalities in equal total amounts; and 30 percent to a newly created multimodal transportation options fund. The Transportation Commission is to issue Transportation Revenue Anticipation Notes (TRANS Bonds) of a maximum amount of \$3.5 billion and a maximum repayment of \$5.0 billion. A Transportation Options Account and a Pedestrian and Active Transportation Account are created with no more than 75 percent of the revenue credited to the transportation options account and at least 25 percent of the revenue to the pedestrian and active transportation account.	<a href="#">Fiscal Note</a> Postponed Indefinitely Senate Finance	The specific projects to be funded required to be included in the 2017 ballot information booklet. The revenue allocations to counties and municipalities are further allocated to each jurisdiction in accordance with existing statutory formulas used to allocate Highway Users Tax Fund money. A Multimodal Transportation Option Committee (governor-appointed from transit agencies, transportation planning agencies, local governments, and the Colorado Department of Transportation will allocate funding throughout the state. Funding will require an equal, local match. Preliminary estimates are that the tax increase will raise \$700 million There were many amendments to the bill both in the House and Senate before it was postponed indefinitely in Senate Finance.	<b>Support</b> DRCOG supports legislation that promotes efforts to create and fund a multimodal transportation system. DRCOG supports regional and statewide efforts at 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.
<a href="#">SB17-205</a> Kefalas/ Rosenthal	<b>Multimodal Transportation Infrastructure Funding</b> This bill requires the state Transportation Commission to submit a ballot question to the voters at the November 2017, 2018 or 2019 election. It would increase the state sales and use tax from 2.9 percent to 3.15 percent to back a new round of TRANS bonds, with a 20-year repayment period. Any money left over after paying the bonds must be used on state transportation projects. At least \$500 million of TRANS proceeds shall be used only for passenger rail service in the Interstate 25 corridor and the remaining TRANS proceeds shall be used only to fund projects on CDOT's "priority list" (the Strategic Transportation Project Investment Program) for, which would include "at least 10 percent for transit-related capital improvements."	<a href="#">Fiscal Note</a> Postponed Indefinitely Senate Transportation	This is the third transportation funding bill introduced so far and the second providing for a new round of TRANS bonding. The Board has opposed the other two bills – HB17-1153 and HB17-1171. One difference with this bill is it creates a new, dedicated funding source: an increase of 0.25 percent in the state sales tax. At the same time, House and Senate leadership are discussing the elements of a possible bipartisan bill to refer to the voters.	<b>Monitor</b> DRCOG supports legislation that promotes efforts to create and fund a multimodal transportation system. DRCOG supports regional and statewide efforts at 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.

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<a href="#">HB17-213</a> Hill & Moreno/ Winter & Bridges	<b>Automated Driving Motor Vehicles</b> Expressly authorizes the use of automated driving systems if the system is capable of conforming to every state and federal law applying to driving. If not, a person testing a system is required to coordinate with the Colorado State Patrol and the Colorado Department of Transportation. Also declares that the regulation of automated driving systems is a matter of statewide concern, and, therefore, local authorities are prohibited from regulating these systems. Specifically, it prohibits municipalities from any actions that "burden, regulate or prohibit." Also clarifies that this law supersedes any authority otherwise granted to local governments under C.R.S. Section 42-4-111 which has to do with the general regulation of vehicles and traffic.	<a href="#">Fiscal Note</a> Awaiting Governor's Signature	A range of connected and autonomous vehicles are expected to soon be available to the public. While this raises the prospect for new and exciting mobility options, as these vehicles become commonplace, they may dramatically transform every aspect of livability in the communities in which they are driven – for better or for worse. While these vehicles bring the possibility of improved safety, reduced congestion, reduced parking demand and a route to faster adoption of electric vehicles, it has been suggested that these benefits could be undermined by widespread individual ownership and dramatic increases in vehicle miles traveled. Colorado Municipal League has a position to oppose the bill unless amended on the basis the bill usurps local control. Colorado Counties, Inc. has a position of monitor. The bill was amended to specify that automate driving vehicles must be held to the same standards as those for a human driver. Colorado Municipal League now lists the bill as formerly opposed.	<b>Oppose without amendment</b> DRCOG supports building consensus among state, local and regional entities in developing and implementing new and existing programs and improved approaches to planning and service provision.
<a href="#">HB17-1031</a> Carver & Mitsch Bush/Todd	<b>Hearings on Transportation Commission Districts</b> (recommended by the Transportation Legislation Review Committee) The bill requires the Transportation Legislation Review Committee to meet five times before Nov. 15, 2017, once in each geographic quadrant of the state and once in the Denver metropolitan area, to: • Make available to meeting attendees the 2016 Legislative Council staff research study of changes to the state transportation commission districts since the boundaries of the districts were last redrawn in 1991; and • Offer opportunities to members of the public to express their opinions regarding the districts or the research study and offer comments and suggestions regarding whether the districts should be modified.	<a href="#">Fiscal Note</a> Postponed Indefinitely Legislative Council	The 2016 report was prepared with the cooperation of the Colorado Department of Transportation as required by House Bill 16-103. This bill is the response of the Transportation Legislation Review Committee to get public input. DRCOG had a position of "actively monitor" for a similar bill last year.	<b>Monitor</b> DRCOG supports legislation that reinforces collaboration between state and regional transportation agencies and recognizes their respective roles, responsibilities and interests.

#### HOUSING BILLS

<a href="#">SB17-045</a> Grantham & Williams A./ Duran & Wist	<b>Construction Defect Claim Allocation of Defense Costs</b> In a construction defect action in which more than one insurer has a duty to defend a party, the bill requires the court to apportion the costs of defense, including reasonable attorney fees, among all insurers with a duty to defend. An initial order apportioning costs must be made within 90 days after an insurer files its claim for contribution, and the court must make a final apportionment of costs after entry of a final judgment resolving all of the underlying claims against the insured. An insurer seeking contribution may also make a claim against an insured or additional insured who chose not to procure liability insurance for a period of time relevant to the underlying action. A claim for contribution may be assigned and does not affect any insurer's duty to defend.	<a href="#">Fiscal note</a> Senate Appropriations	This bill (sponsored by the president of the Senate and the speaker of the House) is an attempt to reduce the insurance costs associated with owner-occupied affordable housing projects. The Metro Mayors Caucus had a discussion about the bill with the speaker at its annual retreat where it was noted the bill does not address concerns with litigation issues.	<b>Monitor</b> DRCOG supports an adequate supply and mix of housing options, including actions to provide more accessible and obtainable housing options for older adults.
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Bill No. Sponsor	Short Title Bill Summary	Fiscal Note Status	Staff Comments	DRCOG Position Legislative Policy
<a href="#">SB17-155</a>	<b>Statutory Definition of Construction Defect</b>	<a href="#">Fiscal note</a>		<b>Monitor</b>
Tate/Saine	The bill separately defines and clarifies the term "construction defect" in the "Construction Defect Action Reform Act."	Senate Floor	"Construction defect" is defined as a defect in the design or construction of any improvement to real property that causes any damages to, or the loss of use of, real or personal property or personal injury.	DRCOG supports an adequate supply and mix of housing options, including actions to provide more accessible and obtainable housing options for older adults.
<a href="#">SB17-156</a>	<b>Homeowners' Association Construction Defect Lawsuit Approval Timelines</b>	<a href="#">Fiscal note</a>		<b>Monitor</b>
Hill/Saine & Wist	Before a construction defect claim is filed on behalf of the association the parties must submit the matter to mediation before a neutral third party and the board must give advance notice to all unit owners, together with a disclosure of the projected costs, duration and financial impact of the construction defect claim, and must obtain the written consent of the owners of units to which at least a majority of the votes in the association are allocated.	Postponed Indefinitely House State Affairs	Before a construction defect claim is filed on behalf of the association: the parties must submit the matter to mediation before a neutral third party; and the board must give advanced notice to all unit owners, together with a disclosure of the projected costs, duration, and financial impact of the construction defect claim, and must obtain the written consent of the owners of units to which at least a majority of the votes in the association are allocated.	DRCOG supports an adequate supply and mix of housing options, including actions to provide more accessible and obtainable housing options for older adults.
<a href="#">SB17-245</a>	<b>Tenancies One Month to One Year Notice</b>	<a href="#">Fiscal Note</a>		<b>Support</b>
Priola/ Pabon	Currently, a tenancy of one month or more but less than six months may be terminated by either party with seven days' notice. The bill extends the notice to 21 days. The bill also requires 21 days' notice for a landlord to increase rent in tenancies of one month or longer but less than six months.	Senate Finance	This is a version of a bill DRCOG supported and testified in favor of last session. That bill, which increased the notice to 28 days failed in Senate State Affairs committee.	DRCOG supports an adequate supply and mix of housing options, including actions to provide more accessible and obtainable housing options for older adults.
<a href="#">HB17-1159</a>	<b>Remedies for Forcible Entry and Detainer</b>	<a href="#">Fiscal note</a>		<b>Oppose</b>
J. Becker/ Cooke	The bill adds to the current descriptions of forcible detainer: the act of a person preventing an owner from access to or possession of property by locking or changing the lock on the property. The bill creates a procedure for the plaintiff to seek a temporary, mandatory injunction giving the plaintiff possession of the property if a complaint for forcible entry or detainer is filed. The procedure requires the plaintiff to store any personal property found on the property but allows the plaintiff to recover the costs of the storage. The bill establishes as new crimes related to forcible entry and detainer the crimes of unlawful occupancy and unlawful reentry.	Postponed Indefinitely House Judiciary and House Appropriations	Staff is concerned about the effect this bill could have on persons with disabilities and older Coloradans. This bill allows a landlord to shortcut the eviction judicial process by obtaining a court order that would give the landlord possession of a property before a tenant can offer their perspective at an eviction hearing. It expands the legal definition of forcible entry and detainer. And it creates two new crimes—unlawful occupancy and unlawful reentry—that would be punishable by a fine as high as \$25,000. This bill seems odd as there already are laws to address both forcible entry and detainer and trespassing. It seems targeted at homeless squatters but also has raised concerns about adversely impacting domestic violence victims. A fast-track eviction process would be particularly harmful for people who need time to gather medications or medical equipment, circumstances that could be life-threatening. Also, finding another accessible, affordable living space without notice is almost impossible.	DRCOG supports actions to provide more accessible and obtainable housing options for seniors.

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<a href="#">HB17-1169</a> Leonard/ Tate	<b>Construction Defect Litigation Builder's Right to Repair</b> The bill clarifies that a construction professional has the right to receive notice from a prospective claimant concerning an alleged construction defect; to inspect the property; and then to elect to either repair the defect or tender an offer of settlement before the claimant can file a lawsuit seeking damages.	<a href="#">Fiscal note</a> Postponed Indefinitely House State Affairs	This bill addresses on of the issues of concern regarding construction litigation.	<b>Monitor</b> DRCOG supports an adequate supply and mix of housing options, including actions to provide more accessible and obtainable housing options for older adults.
<a href="#">HB17-1279</a> Garnett & Saine/ Guzman & Tate	<b>Construction Defect Actions Notice Vote Approval</b> The bill requires that, before the executive board of a unit owners association in a common interest community brings suit against a developer or builder on behalf of unit owners, the board must: • Notify all unit owners and the developer or builder against whom the lawsuit is being considered; • Call a meeting at which the executive board and the developer or builder will have an opportunity to present relevant facts and arguments; and • Obtain the approval of a majority of the unit owners after giving them detailed disclosures about the lawsuit and its potential costs and benefits.	<a href="#">Fiscal note</a> Passed Both Houses	Another construction litigation bill, this one also addresses an important issue – how unit owners associations decide whether to file a construction defects lawsuit – but does not address construction litigation in a comprehensive manner. However, the bill did gain bipartisan support and is on its way to the governor.	<b>Board direction requested</b> DRCOG supports an adequate supply and mix of housing options, including actions to provide more accessible and obtainable housing options for older adults.

#### OTHER BILLS

<a href="#">SB17-040</a> Kefalas/ Pabon	<b>Public Access to Government Files</b> The bill modifies the Colorado Open Records Act with respect to digital or electronic records. It requires custodians of public records to provide records in a structured data format, when requested. Structured data means digital data capable of being automatically read, processed or manipulated by a computer, and it includes data in relational databases and spreadsheets. If digital records are searchable, custodians must provide them in that format, when requested. Nothing in the bill requires custodians to provide digital records in their native format, meaning the format in which they were created or are stored on the custodian's computer or server. The bill provides certain exceptions.	<a href="#">Fiscal note</a> House Appropriations	From DRCOG's attorney: Our main concern with this bill is the additional administrative burden it places on the custodian to provide structured data to requestors, or provide a declaration why the custodian is not able to provide the records in the requested format. The bill also authorizes a requestor to legally challenge an alleged failure to provide documents as structured data, and this is another type of claim for which there is a "one-way" attorney fee shifting provision against the public entity. Also, while the custodian is not required to convert a record into structured data or searchable format, the custodian must make inquiries within the agency to determine if this can be done. In a larger organization, this means the custodian may end up spending considerable time trying to track down whether a record exists in, or can be readily converted to, the requested form. DRCOG would have a right to charge a fee for "programming, coding or custom search queries so as to convert a record into a structured data or searchable format," but the administrative burden in responding to structured data Colorado Open Records Act requests may be significant.	<b>Monitor</b> No specific Board adopted policy. But DRCOG, as a public entity, is subject to the Colorado Open Records Act.
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Bill No. Sponsor	Short Title Bill Summary	Fiscal Note Status	Staff Comments	DRCOG Position Legislative Policy
<a href="#">HB17-1187</a> Thurlow/ Crowder	<b>Change Excess State Revenues Cap Growth Factor</b>  The bill modifies the excess state revenues cap by allowing an annual adjustment for an increase based on the average annual change of Colorado personal income over the last 5 years, rather than adjusting for inflation and population. Colorado personal income is the total personal income for Colorado as reported by the U.S. Department of Commerce. As the modification may increase the amount that the state retains and spends in a given fiscal year, the bill seeks voter approval for the change, as required by the Taxpayers Bill of Rights.	<a href="#">Fiscal note</a>  Postponed Indefinitely Senate State Affairs	This is a bill to change the Taxpayers Bill of Rights spending calculation. It would replace the inflation-plus-population growth formula with a rolling five-year average of annual personal income growth. Proponents argue personal income is a better measure of growth or retraction in the economy. Opponents argue it is just a clever way to allow government to grow more. This change would only take affect if the voters approve it at the November 2017 election. Colorado Municipal League supports it; Colorado Counties, Inc. hasn't taken it up yet. The <i>Denver Post</i> has editorialized in support. The Denver Metro Chamber of Commerce and the North Front Range Chamber both support the bill. The fiscal note reports that during the period 2011-2019, the personal income measure would be lower than the inflation-plus-population measure three times. It also estimates the bill would reduce Taxpayer Bill of Rights refund obligations for fiscal years 2017-2018 and 2018-2019. This, in turn, would increase General Fund transfers to the Highway Users Tax Fund and the Capital Construction Fund by \$116.4 million and \$58.2 million, respectively, for fiscal year 2018-19. Staff also believes the bill could have the effect of reducing pressures to balance the budget by cutting state programs, such as State Funding for Senior Services.	<b>Monitor</b>  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. DRCOG supports increased funding for transportation to preserve the system, address congestion and safety, and provide multi-modal options for people of all ages, incomes and abilities.
<a href="#">SB17-057</a> Guzman/	<b>Colorado Healthcare Affordability and Sustainability Enterprise</b>  The bill creates the Colorado Healthcare Affordability and Sustainability Enterprise (enterprise) as a replacement for the current hospital provider fee.	<a href="#">Fiscal note</a>  Postponed Indefinitely Senate Finance	The new enterprise would be exempt from Taxpayer Bill of Rights (TABOR) and so long as it qualifies as a TABOR-exempt enterprise, fee revenue does not count against either the TABOR state fiscal year spending limit or the Referendum C cap, the higher statutory state fiscal year spending limit established after the voters of the state approved Referendum C in 2005. This would make additional revenues available for the state budget.	<b>Monitor</b>  No specific Board policy on the hospital provider fee issue but there are Board policies in support of increased funding for transportation and aging services.

Bill No. Sponsor	Short Title Bill Summary	Fiscal Note Status	Staff Comments	DRCOG Position Legislative Policy
<a href="#">SB17-267</a>  Guzman & Sonnenberg/ J. Becker & KC Becker	<b>Sustainability Of Rural Colorado</b>  The bill recreates the Hospital Provider Fee as an enterprise; lowers the Referendum C/Taxpayers Bill of Rights spending cap; eliminates annual statutory transfers of General Fund revenue to the Highway Users Tax Fund; makes statutory General Fund transfers to the state Public School Fund for use for rural schools; requires executive branch departments to submit 2018-19 budget requests to the Governor's Office of State Planning and Budgeting that are at least 2 percent lower than their 2017-18 budgets (the Office of State Planning and Budgeting must strongly consider the budget reduction proposals); and authorizes the state to execute lease-purchase agreements for eligible state facilities to generate up to \$1.35 billion of net proceeds, with maximum annual lease payments of \$100 million for up to 20 years.	<a href="#">Fiscal note</a>  Senate Appropriations	DRCOG has had an interest in the hospital provider fee issue before. Bills to convert the fee to an enterprise have been introduced in previous sessions and there is SB 17-057 from this year. SB 17-267 appears to be the first such bill with a good chance of passing. As of the date of this report, the bill still is subject to negotiation and amendment.	<b>Board direction requested</b>  No specific Board policy on the Hospital Provider Fee issue but there are Board policies in support of increased funding for transportation and aging services.