

Board UPDATE

LEGISLATIVE SUMMARY

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As of February 18, 2015

This legislative summary lists the status of all legislation that the Denver Regional Council of Governments (DRCOG) supports, opposes or monitors during the 2015 legislative session, as of February 18, 2015. 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/Summary	Position/ Status	Legislative Policy/Staff Comments
Aging bills			
HB15-1018 Danielson	Protecting Seniors From Elder Abuse - Current law lists a number of persons who are required to report to law enforcement the abuse or exploitation of a person 70 years of age or older. The bill adds additional persons to the list. The bill was amended in House Judiciary Committee to remove certified public accountants, financial planners, insurance agents, and postal workers.	Support/ House Public Health Care & Human Services	DRCOG supports increases in consumer protections for older adults and their caregivers. DRCOG supported bills the last two years to establish a list of professions subject to mandatory reporting. The bill now only adds victim advocates working with law enforcement agencies, specified mental health professionals and bus companies who pick up a person from the person's home or other specified location than a designated route. The bill provides approximately \$132,000 for training of new mandatory reporters and for counties for costs of associated with expected increased reporting.
HB15-1029 Buck/ Kefalas	"Health Care Delivery Via Telemedicine Statewide - Starting January 1, 2016, the bill removes existing population restrictions and precludes a health benefit plan from requiring in-person care delivery when telemedicine is appropriate, regardless of the geographic location of the health care provider and the recipient of care. In addition, carriers: <ul style="list-style-type: none"> • Must reimburse providers who deliver care through telemedicine on the same basis that the carrier is responsible for coverage of services delivered in person; • Cannot charge deductible, copayment, or coinsurance amounts that are not equally imposed on all terms and services covered under the health benefit plan; and 	Support/ Senate Human Services	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. Under current law, health benefit plans issued, amended, or renewed in this state cannot require in-person health care delivery for a person covered under the plan who resides in a county with 150,000 or fewer residents if the care can be appropriately delivered through telemedicine and the county has the technology necessary for care delivery via telemedicine. The bill also states a provider need not demonstrate that a barrier to in-person care exists for coverage of telemedicine

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	<ul style="list-style-type: none"> Cannot impose an annual or lifetime dollar maximum that applies separately to telemedicine services. 		under a health benefit plan to apply.
HB15-1033 Primavera/ Crowder	Strategic Planning Group On Aging - The bill establishes a strategic action planning group (group), appointed by the governor, to study issues related to the increasing number of Colorado residents 50 years of age and older (older adults) and to issue a comprehensive strategic action plan on aging (plan). The bill directs specific areas for the group to analyze and to make recommendations. The group shall also make two updates to the plan. The bill establishes a cash fund to receive appropriations and gifts, grants, and donations to pay for the group's work.	Support/ House Appro- priations	<p>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.</p> <p>This is a DRCOG-initiated bill, working with AARP Colorado and the Bell Policy Center. With the aging of the population and the expected impact of this demographic shift on state and local governments and the private sector, the strategic planning group this bill creates would be charged with recommending legislation, developing toolkits and promoting best practices that state, local and private entities can implement to reduce the cost impacts while increasing the positive attributes of an older adult friendly society.</p>
HB15-1100 Lebsock / Crowder	Sales Tax Revenue To Older Coloradans Cash Fund - The state constitution requires 85% of the net revenue from the state sales and use tax to be credited to the Old Age Pension Fund, and most of this revenue is then transferred to the General Fund. The remaining 15% of the net revenue is credited to the General Fund; except that \$10 million is credited to the Older Coloradans Cash Fund. Beginning with the next fiscal year, the bill increases the net revenue that is credited to the Older Coloradans Cash Fund by \$4 million, which proportionally decreases the allocation to the General Fund.	Support/ House Appro- priations	<p>DRCOG supports increasing the continuing appropriation to the State Funding for Senior Services line item. This includes restoration of cuts in the appropriation to the Older Coloradans Fund, as well as any additional state General Fund monies that might become available.</p> <p>The OCF provides \$10 million annually to the 16 Area Agencies on Aging (including DRCOG and Boulder) to fund community services. DRCOG supported several similar bills over the last decade. The aging population, growing need for services, and cost effectiveness of these services, argue for a larger appropriation and for that appropriation to be ongoing. The governor included a one-time \$4 million increase in his budget for which DRCOG is grateful. This bill would ensure the appropriation is continuous.</p>
HB15-1143 Tyler/Todd Conti/ Crowder	Tax Incentive For Home Health Care - This bill creates a five-year income tax credit for a percentage of the costs incurred by a qualifying senior for durable medical equipment, telehealth equipment, home modifications, or home health care services in each income tax year, subject to a maximum amount, in order to assist the qualifying senior with seeking health care in his or her home.	Monitor/ House Health, Insurance & Environment	<p>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.</p> <p>As a tax credit, this bill would cost the state foregone revenues that could be significant. It is also worth considering that the credit is not means tested and state expenditures for it could otherwise be made available for services that are targeted to those in the most economic and social need. Since the fiscal not has not yet been released, staff recommends monitoring this bill until more information about its impact becomes available.</p>

Transportation bills

HB15-1014 Dore	Biennial Registration Seasonal Farm Motor Vehicles - The bill sets a 24-month registration interval for seasonal farm motor vehicles if: <ul style="list-style-type: none"> The vehicle is used primarily for agricultural production; The land on which the motor vehicle is used is classified as agricultural land for the purposes of levying and collecting property tax; and The vehicle is used no more than 6 months per year. The owner pays the same taxes and 	Monitor/ House Finance	<p>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.</p> <p>The fiscal notes estimates a \$1.5 million increase in registration fees this year and about \$136,000 the next two years. However, the increases in are offset by increased state obligations in school finance and TABOR refunds.</p>
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	fees per year as a person who registers a vehicle annually.		
HB15-1077 Wilson	Modify Late Vehicle Registration Fee - Effective July 1, 2015, the bill changes the fee for late registration of a vehicle from a fee of \$25 per month up to a maximum of \$100 that may only be waived under specified conditions to a fee of up to \$10 that may be waived at the discretion of the Department of Revenue or its authorized agent registering the vehicle. The new late fee is identical to the fee imposed prior to the effective date of Senate Bill 09-108, and is retained by the department or registering authorized agent rather than credited to the highway users tax fund.	Oppose/ Postponed Indefinitely House State, Veterans, & Military Affairs	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. DRCOG supported SB 09-108 (FASTER). A fiscal note is not yet available for this bill, but it is similar to several bills introduced in previous sessions to modify the FASTER late registration fee. DRCOG opposed those bills because they would have reduced funding by several million dollars.
HB15-1109 Del Grosso	SB09-228 Transfers To HUTF & Capital Construction - Under current law, the state treasurer is required to transfer a percentage of the total General Fund revenues to the Capital Construction Fund and the Highway Users Tax Fund once a trigger based on economic growth occurs. The required transfers will be made for each state fiscal year in a 5-year period but the amount of the transfers for a state fiscal year may be reduced or eliminated if the state has to refund excess state revenues under the taxpayer's bill of rights. For each state fiscal year that the required transfers are reduced or eliminated, the bill adds on another year of transfers to the Capital Construction Fund and the HUTF. Therefore, there will be 5 fiscal years with the full statutory transfers to the funds, regardless of the number of fiscal years that it takes to do so.	Support/ House Finance + Appropriations	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. Provide a share of increased revenues back to local governments. In general, if the refund is greater than 1.5% but less than 3% of the total General Fund revenues, then the required transfers are halved, and if it is greater than 3%, then the required transfers are eliminated altogether. The likely reduction of SB 09-228 funds to transportation by at least 50% and potentially to zero has put CDOT's budget for certain projects, especially the I-70 project in jeopardy. However, there are numerous conversations occurring about the best approach to addressing the SB 228 transfers. Thus, it is premature to take a position at this time.
HB15-1148 Brown	Transfer Gen Fund Surplus To State Highway Fund - The unrestricted balance that remains in the General Fund at the end of a state fiscal year is called the General Fund surplus. The bill requires the state treasurer to transfer the General Fund surplus for the 2014-15 state fiscal year to the State Highway Fund. The Department of Transportation may expend the money transferred for the implementation of the Strategic Transportation Investment Program subject to a requirement that at least 10% of the money be expended for transit purposes or transit-related capital improvements.	Monitor/ House State, Veterans, and Military Affairs + Appropriations	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. This bill will transfer 100 percent of the year-end General Fund excess reserve to the State Highway Fund. Because the budget for FY 2014-15 has not yet been finalized and actual revenue for FY 2014-15 is not yet known, General Fund transfers to the State Highway Fund cannot be determined.
SB15-018 Neville T./ Neville P.	Repeal Late Vehicle Registration Fee - Under current law, if the owner of a motor vehicle fails to register the vehicle when required, the owner must, upon registering the vehicle and subject to a \$100 cap, pay a late fee of \$25 for each month or portion of a month for which the registration was late. The bill repeals the late fee.	Oppose/ Senate Floor	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. DRCOG supported SB 09-108 (FASTER). A fiscal note is not yet available for this bill, but it is similar to several bills introduced in previous sessions to modify the FASTER late registration fee. DRCOG opposed those bills because they would have reduced funding by several million dollars.
SB15-090 Todd/ Tyler	Temporary Registration Document Standards - The bill directs the Department of Revenue (DOR) to ensure that temporary motor vehicle registration number plates, tags, or certificates meet the existing statutory requirements for attachment, visibility, and readability that apply to permanent plates. The department may promulgate rules and	Support/ Senate Appropriations	DRCOG supports tolls as a financing mechanism for public roads or highways E-470 has noted that unbillable tolls are their single largest source of lost revenue. Vehicles with temporary license plate tags make up 59 percent of unbillable toll revenue. E-470 has been working

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accept gifts, grants, or donations for implementation.

with CDOT and DOR to find a solution to the problem. This bill is one step.

SB15-172
Jones/ Foote

High-Performance Transportation Enterprise Accountability - Increases the HPTE board to eight and requires Senate confirmation. Requires the HPTE to increase public notice of and participation in, and legislative oversight of, any public-private partnership P3 involving the HPTE. The board must, in coordination with local governments, hold public meetings throughout the P3 process and provide full and timely notice to state legislators, county and municipal governments, and the general public. After entering into a P3 the terms of the agreement must be provided to the legislative transportation committees and posted on the CDOT website. Prohibits the HPTE from entering into P3s that contain certain provisions until the General Assembly specifically approves any such provision. The HPTE must provide public notice of any change in the status of a HOV lane, and when considering a project related to HOV, high-occupancy toll lanes, or managed lanes, the HPTE must evaluate the sustainability of express bus service or bus rapid transit service. Allows the State Auditor to audit HPTE.

Board Direction Requested/ Postponed Indefinitely Senate Transportation

DRCOG supports alternative revenue and financing mechanisms, including tolls as a financing mechanism for public roads or highways with the conditions that (1) any road, highway, or tolled lanes in the Denver metro region or that impact the Denver metro region are reviewed and approved by the DRCOG Board for inclusion in the fiscally constrained regional transportation plan; (2) toll receipts remain in the toll highway system within the region that is tolled; and (3) toll receipts are allowed to be used for multimodal improvements and accumulated for system reconstruction.

During the 2014 legislative session, the General Assembly passed SB 14-197, which contained several provisions relating to HPTE transparency and public participation in the process by which the enterprise enters into a public-private partnership. The governor vetoed Senate Bill 14-197, objecting to several limits, but also issued an executive order directing the enterprise to increase the transparency of its public-private partnership related activities. This bill repropose all provisions of Senate Bill 14-197, other than the limits that the governor objected to in his veto letter, and includes the outreach opportunities in the executive order.

Housing bills

SB15-079
Ulibarri

Doc Recording Fee To Fund Affordable Housing - Section 1 of the bill raises to \$2 the surcharge to be imposed by each county clerk and recorder for each document received for recording or filing in his or her office on or after 1-1-15. The surcharge is in addition to any other fees permitted by statute. Out of each \$2 collected, the bill requires the clerk to retain one dollar to be used to defray the costs of an electronic or core filing system in accordance with existing law. The bill requires the clerk to transmit the other dollar collected to the state treasurer, who is to credit the same to the Statewide Affordable Housing Investment Fund. Section 2 of the bill creates the fund in the Colorado Housing and Finance Authority. Moneys in the fund are to be expended for the development and preservation of affordable housing on a statewide basis. Section 2 of the bill also requires a report specifying the use of the fund during the prior calendar year to the governor and to the Senate and House finance committees.

Monitor/ Senate State, Veterans, & Military Affairs

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.

The need for more affordable housing has been a longstanding concern in Colorado and the Denver region. DRCOG has long supported efforts to preserve and expand the availability of quality affordable housing, including HB 14-1017 last session. This bill is a follow-up attempt to establish a continuous funding source for the Affordable Housing Investment Fund.

SB15-091
Scott

Reduce Statute Of Limitations Construction Defects - The bill reduces the maximum statutory limitation period for an action against an architect, contractor, builder or builder vendor, engineer, or inspector performing or furnishing the design, planning, supervision, inspection, construction, or

Monitor/ Senate State, Veterans, & Military Affairs

DRCOG supports the following principles pertaining to the quality, quantity and affordability of housing in the Denver area:

- Regional approaches to addressing the affordable housing issue that incentivize local efforts, particularly as they relate to preserva-

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observation of construction of any improvement to real property from 8 years to 4 years.

- tion 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.
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- Actions to provide more accessible and obtainable housing options for seniors.

SB15-095
Kefalas /
Tyler

Manufactured Home Communities - In connection with the existing Mobile Home Park Act, sections 1 through 6 change the names of the terms mobile home and mobile home park to manufactured home and manufactured home community. Sections 7 and 8 add certain functions to the Division of Housing for the purpose of preserving and promoting manufactured home communities and the manufactured home industry. The bill specifies the powers and duties of the division in connection with manufactured home communities. The bill requires the division to create a dispute resolution program that will provide landlords, management, and homeowners with a cost-effective and time-efficient process to resolve disputes concerning alleged violations of the Act. This section of the bill also creates in the state treasury the Manufactured Home Community Fund. The fund is administered by the division. The bill specifies, without being exclusive, certain permitted uses of moneys from the fund.

Monitor/
Postponed In-
definitely Sen-
ate Finance

- DRCOG supports the following principles pertaining to the quality, quantity and affordability of housing in the Denver metro area:
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The bill is an attempt to support the viability of "mobile home parks" as an affordable housing option in the state. The sponsor is negotiating amendments to the bill with various stakeholder. So, it seems appropriate to monitor the bill for now.

SB15-177
Scheffel &
Ulibarri /
DelGrosso &
Singer

HOA Construction Defect Lawsuit Approval Timelines - The bill states that when the governing documents of a common interest community (HOA) require mediation or arbitration of a construction defect claim and the requirement is later amended or removed, mediation or arbitration is still required for a construction defect claim. The bill also requires that before a construction defect claim is filed on behalf of an HOA the parties must submit the matter to mediation or arbitration and specifies the conditions under which mediation/arbitration must take place. 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 at least a majority of the the in the HOA. The bill also add various disclosures and notice requirements.

Board Direction
Requested/
Senate Busi-
ness, Labor, &
Technology

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 - 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.
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Other bill

SB15-008
Roberts/ Vigil

Promote Water Conservation In Land Use Planning - Water Resources Review Committee. The bill directs the Colorado Water Conservation Board (CWCB), in consultation with the Division of Planning in the Department of Local Affairs (DOLA), to:

- Develop and provide free training programs, on a recurring basis, for local government water use, water demand, and land use planners regarding best management practices for water demand management and water conservation; and
- Make recommendations regarding how to better integrate water demand management and conservation planning into land use planning, including, as appropriate, legislative, regulatory, and guidance or policy recommendations. The CWCB and the Colorado Water Resources and Power Development Authority, in determining whether to render financial assistance to a local governmental water supply entity, must consider whether the entity's planners, have taken the training and are actively applying it in their planning decisions.

Support/
Senate Floor

DRCOG supports:

- Collaborative efforts among local governments, water providers and other stakeholders to promote water conservation.
- Data collection and research to increase understanding of the link between land development and water demand, and best practices to promote the efficient use of water resources across the region.
- Policies and practices that, consistent with local government authority, protect Colorado's water resources.

Metro Vision recognizes the relationship between land development and a variety of factors, including water use. It specifically includes a water conservation goal tied to policies supportive of regional collaboration, best practices and efficient land development. Also, the original bill was amended to make participation in the training programs voluntary.