

Board UPDATE

LEGISLATIVE SUMMARY

1290 BROADWAY • SUITE 700 • DENVER CO 80203-5606 • 303-455-1000 (t) • 303-480-6790 (f) • DRCOG@DRCOG.ORG • WWW.DRCOG.ORG

As of May 21, 2014

This legislative summary lists the status of all legislation that the Denver Regional Council of Governments (DRCOG) supports, opposes or monitors during the 2014 legislative session, as of May 21, 2014. 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
Transportation bills			
HB 1203 Duran/ Lambert	<i>Funding For Digital Trunked Radio System Maintenance</i> - As introduced, would have directed \$3.5 million annually, beginning with FY 2013-14 through the FY 2024-25, to be appropriated from the Highway Users Tax Fund (HUTF) to the Public Safety Communications Trust Fund (trust fund) for the replacement of legacy radio equipment and hardware at radio tower sites. Also, beginning with the FY 2017-18 through the FY 2024-25, the bill directs the General Assembly to transfer \$3.7 million from the General Fund to the trust fund for software upgrades. As passed, the HUTF was replaced as the source with the General Fund.	Monitor/ Awaiting Governor's Signature	DRCOG opposes "Off-the-Top" appropriations from the Highway Users Tax Fund. The statewide digital trunked radio system provides interoperable radio communications that allow personnel from multiple agencies in different levels of government to rapidly share information and coordinate efforts in emergency situations. The General Assembly established the Public Safety Communications Trust Fund for the acquisition and maintenance of public safety communications systems, including the digital trunked radio system. The bill also authorizes the General Assembly to appropriate moneys from the HUTF to the trust fund for use by the state patrol to maintain infrastructure on the digital trunked radio system.
HB 1259 Del Grosso/ None	<i>General Fund Transfer To State Highway Fund</i> - Requires the state treasurer to transfer \$100 million from the General Fund to the State Highway Fund on July 1, 2014. CDOT is required to: allocate the money among its engineering regions in proportion to the number of state highway system lane miles in each engineering region; and expend the money transferred only for the maintenance, repair, reconstruction, and replacement of existing state highways and bridges.	Monitor/ House Appropriations Postponed Indefinitely	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. DRCOG has considered proposals to transfer General Fund moneys to transportation, taking into account this can place transportation funding in competition with funding for other priorities, such as funding for senior services. DRCOG typically has taken positions on such proposals on a case-by-case basis. Staff also is concerned about

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HB 1301 Mitsch Bush/ Kerr	<i>Safe Routes to School Program State Funding</i> - The bill authorized the appropriation of state moneys to the program and requires that at least 20% but not more than 30% of the state moneys be used for noninfrastructure projects. As introduced, the bill appropriated \$3 million of general fund moneys for the program. Under current law, the Colorado Department of Transportation administers the Safe Routes to School Program. The program distributes federal moneys to local governments and schools for projects to improve safety for pedestrians and bicyclists in school areas. Beginning in FY 2014-15, CDOT will receive no federal moneys for the Safe Routes to School grant programs.	Support/ Awaiting Governor's Signature	setting a precedent for allocating those moneys based solely on lane miles. DRCOG supports legislation that promotes efforts to create and fund a multimodal transportation system. DRCOG supports funding for safe routes to schools. As passed, the bill appropriates \$700,000 General Fund to the CDOT in FY 2014-15 for the continuation of the program. The bill also requires CDOT, when evaluating grant applications for implementation of safe routes to schools, to take into consideration communities with schools having greater than fifty percent of the students eligible for free or reduced-priced lunch. Finally, the bill requires that General Fund appropriations made to the program be reduced in any year that the CDOT receives federal moneys for the program, by the amount of federal moneys received.
SB 125 Jahn & Harvey/ Pabon & Szabo	<i>Transportation Network Companies Regulation</i> - Authorizes the Public Utilities Commission to exercise limited regulatory authority over transportation network companies - companies that match drivers and passengers through a digital network, such as a mobile phone application, for transportation from an agreed-upon point of origin to an agreed-upon destination. Exempts transportation network companies from much of the PUC's authority. Authorizes the PUC to regulate permit holders with respect to safety conditions, insurance requirements, and driver qualifications.	Amend/ Awaiting Governor's Signature	DRCOG supports carpooling, vanpooling, and schoolpooling, and infrastructure that facilitates these transportation options to promote transportation demand management. Staff had concerns that the bill did not include an express exemption for nonprofit corporations or quasi-governmental entities. Even though the definition of "transportation network company" in the bill exempts a "ridesharing arrangement" from regulation, its focus on how the arrangement is made – through a digital network – could create uncertainty as to whether MyWayToGo would fall within the regulatory net. MyWayToGo uses a digital network, while the current definition of ridesharing arrangement is focused on "the vehicular transportation of passengers traveling together" – the transportation act itself. DRCOG proposed an amendment explicitly exempting public ridesharing programs, including contract ridesharing services, that was added to the bill in the House Transportation and Energy Committee.
SB 181 Renfroe & Guzman/ Ferrandino & Humphrey	<i>Prohibit Automated Camera Vehicle Identification</i> - Prohibits use of an automated vehicle identification system, including photo radar and red light cameras, by state and local governments for the purposes of enforcing traffic laws or issuing citations for the violation of traffic laws. Repeals authorization for the Colorado Department of Public Safety to use such system to detect speed violations in a highway maintenance, repair, or construction zone. Under the bill, a governmental entity may use an automated vehicle identification system to assess tolls and civil penalties on toll roads and highways, and to issue citations for violations related to high occupancy vehicles and high occupancy toll lanes.	Oppose / House Appropriations Postponed Indefinitely	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. Developing and maintaining a safe transportation system for all users is a policy of the Metro Vision Plan and the Regional Transportation Plan. The bill was amended in the House State Affairs Committee to be a study of photo enforcement by the Colorado Department of Transportation and sent to the House Appropriations Committee to determine the cost of the study. Instead, the bill was postponed indefinitely.

Aging bills

SB 012 Kefalas/ Exum	<i>Aid to Needy Disabled Program - Economic Opportunity Poverty Reduction Task Force.</i> The AND program provides payments to low-income Colorado residents from ages 18 to 59 who have been medically certified as disabled and are unable to work for a period of at least six	Support/ Awaiting Governor's Signature	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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	<p>months. The current monthly payment is \$175. If a person is later deemed eligible for federal Supplemental Security Income benefits, the state is retroactively reimbursed for any payments made to the person. As introduced, the bill would have required the Department of Human Services to set the monthly assistance payment to be equal to at least 28% of the federal poverty guidelines for a household of one. AND applicants who may be eligible for other state or federal benefits must apply for and accept any such benefits.</p>		<p>DRCOG typically supports programs like those in SB 14-012, SB 14-013 and SB 14-014 because they help keep older adults living independently. However, these bills will require an estimated \$13 million in the state budget. At the same time, with the Board's support, staff also is pursuing a \$4 million increase in the appropriation for senior services. In order to have the flexibility to work with Joint Budget Committee members and supportive legislators, staff requests discretion to monitor or support these bills with the caveat that they are not funded at the expense of our \$4 million request.</p> <p>SB 14-012, as amended, increases the monthly benefit by 8% in FY 15. From FY 16 to FY 19, DHS is encouraged to increase the award until it is equal to the level in FY 07, then by the cost of living. The bill also creates the Federal Supplemental Security Income Application Assistance Pilot Program to provide assistance to SSI applicants in order to increase the approval rate and timeliness of federal SSI applications. It was funded at about \$1.5 million.</p>
<p>SB 013 King</p>	<p><i>Allowing Gifts to Old Age Pensioners</i> - For a person eligible for an old age pension, allows the person to receive up to \$300 per month in gifts, grants, or donations without reducing the amount of the pension or reporting the gifts, grants, or donations.</p>	<p>Support/ House PHC & HS Postponed Indefinitely</p>	<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>DRCOG typically supports programs like those in SB 14-012, SB 14-013 and SB 14-014 because they help keep older adults living independently. However, these bills will require an estimated \$13 million in the state budget. At the same time, with the Board's support, staff also is pursuing a \$4 million increase in the appropriation for senior services. In order to have the flexibility to work with Joint Budget Committee members and supportive legislators, staff requests discretion to monitor or support these bills with the caveat that they are not funded at the expense of our \$4 million request.</p> <p>The bill failed in the House committee over concerns about possible unintended consequences of the additional income causing recipients to be disqualified from eligibility for other programs.</p>
<p>SB 014 Kefalas/ Pettersen</p>	<p><i>Property Tax/Rent/Heat Fuel Grants For Low-Income</i> - Expands the property-related expense assistance grants for low-income seniors and individuals with disabilities by increasing the maximum awards, creating a minimum award and increasing the income threshold.</p>	<p>Support/ Awaiting Governor's Signature</p>	<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>
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			<p>and established a new minimum \$227 minimum rebate. But all were less than the original bill. It was funded at about \$1.5 million from an original fiscal impact of \$4 million.</p>
SB 87 Ulibarri/ Fields	<p><i>Identification Card Issuance Standards - Economic Opportunity Poverty Reduction Task Force.</i> Requires the issuance of identification cards for an applicant that is at least 70 years old or at least 50 years old and is an honorably discharged or retired veteran of the armed forces using certain documents issued by the United States government to prove name, age and lawful presence. The Department of Revenue is required to promulgate rules to clear up minor spelling discrepancies and to accept alternate documents showing lawful presence. Creates a simplified process for a person to change his or her name to settle name discrepancies.</p>	Support/ Awaiting Governor's Signature	<p>DRCOG supports services that support individuals continuing to live independently in their homes and communities.</p> <p>Colorado residents who lack a valid state identification card can find themselves marginalized and excluded from essential services and assistance including access to health care, housing, employment and public benefits. In addition, citizens need a picture ID when opening a bank account, cashing a check, picking up prescriptions, boarding a plane and even entering some government buildings. State IDs are issued by the Division of Motor Vehicles (DMV) within the Department of Revenue. The ID application process can be daunting and confusing to individuals who lack documents required by the DMV. The elderly, for instance, often need IDs for medical care, banking needs and public assistance. For both groups, access to a state ID provides a means to improve independence, economic opportunity and reduce poverty.</p>
SB 98 Zenzinger/ Schafer	<p><i>Crimes against At-risk Elders</i> - Amends provisions of Colorado statutes enacted in SB 13-111, which replaced Colorado's voluntary reporting statute with a statute mandating reporting of abuse and neglect of at-risk adults. These include clarifying the definition of the crime of exploitation and the procedures for reporting to a local law enforcement agency or county department of social services.</p>	Support/ Signed by the Governor	<p>DRCOG supports increases in 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.</p> <p>As operator of an Area Agency on Aging and Long Term Care Ombudsman program, DRCOG is mandated to advocate for older adults, particularly those living in long-term care facilities. Last year, DRCOG supported SB 13-111, which replaced Colorado's voluntary reporting statute with a statute mandating reporting of abuse and neglect of at-risk adults.</p>
SB 130 Tochtrop/ Primavera	<p><i>Increase Personal Care Allowance Nursing Facility</i> - The bill changes the personal needs allowance by increasing the minimum amount payable to a resident of a nursing facility or an intermediate care facility for individuals with intellectual disabilities from \$50 to \$75 per month and provides for annual cost adjustments.</p>	Support/ Awaiting Governor's Signature	<p>As the Long-Term Care Ombudsman for the region, DRCOG is an advocate for the rights of residents in long-term care communities and for improvement in the quality of care in such facilities.</p> <p>A personal needs allowance for residents of Medicaid nursing facilities was enacted by federal law in 1987, at which time the minimum allowance was set at \$30. The purpose is to allow for the purchase of clothing and other goods and services not reimbursed by any other program. States have the option to set the allowance at a higher rate. The most recent adjustment in Colorado occurred in 1999, when it was increased to the current \$50 from \$34. The increase is estimated to cost a little over \$500,000 of General Fund.</p>
SB 143 Steadman/ May & Gerou	<p><i>Payment of Appeals Nursing Facility Cash Fund</i> - The bill authorizes appropriations from the Medicaid Nursing Facility Cash Fund to satisfy settlements or judgments resulting from nursing facility provider reimbursement appeals.</p>	Support/ Awaiting Governor's Signature	<p>As the Long-Term Care Ombudsman for the region, DRCOG is an advocate for the rights of residents in long-term care communities and for improvement in the quality of care in such facilities.</p> <p>The need for this legislation has been identified by the Joint Budget Committee and the state Attorney General to clarify that prior year rate adjustments, including settlements and appeals, will be handled</p>

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SB 151 Tochtrop/ Young	<i>Nursing Home Innovations</i> - Changes the nursing facilities civil penalties law on how moneys are used to fund innovations in care. Specifies grants must have a direct impact on the residents or an indirect impact through education of facility staff; programs approved for grants must be portable and not proprietary to the grantee so they can be shared without cost to other providers; increases the amount available for grants to \$250,000 annually, if the balance in the fund is above \$2,000,000. If the balance falls below \$2,000,000, the amount remains 25% of the moneys deposited in the fund the prior year. Appropriates \$250,000 from the fund for implementation of the bill in FY 15.	Support/ Awaiting Governor's Signature	<p>through a payment process the following year through the Nursing Facility Provider fee. Currently, such adjustments are made through the supplemental appropriations process. The state expects this clarification to reduce the risk of appeals.</p> <p>DRCOG supports increases in 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.</p> <p>HB09-1196 allowed for moneys derived from civil penalties imposed on nursing facilities that are noncompliant with certain regulations governing participation in the Medicare and Medicaid program, to be used to promote the philosophy and practice of "culture change" in nursing facilities. After four years' experience those involved in the program have agreed that certain changes should be made to the statute to authorize more funding be made available for grants, make the program more accountable, and have a more direct impact on the residents living in nursing care facilities.</p>
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SB 180 Kefalas/ Swalm	<i>Transfer Senior Dental Program to DHCPF</i> - Moves the existing senior dental care program for low-income seniors from the Department of Public Health and Environment to the Department of Health Care Policy and Financing; HCPF to make grants to Area Agencies on Aging or other qualified grantees to arrange for dental services for eligible seniors. \$3.2 million currently is appropriated for this program.	Support/ Awaiting Governor's Signature	<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 bill redesigns the existing Old Age Pension Dental program currently administered by the Department of Public Health and the Environment as the Dental Health Care Program for Low-Income Seniors to be administered by the Department of Health Care Policy and Financing. As introduced, Area Agencies on Aging - like DRCOG - received allocations from the state to then distribute as grants to local providers. As passed, AAAs are eligible to apply for grants from the state and applicants are encouraged to collaborate with community organizations such as AAAs.</p>
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Other bills

HB 1017 Duran/ Ulibarri	<i>Expand Availability of Affordable Housing</i> - Makes modifications to statutory provisions regarding the Housing Investment Trust Fund, the Housing Development Grant Fund, and the Low-Income Housing Tax Credit. The Division of Housing shall give priority to owners of property that was either destroyed or incurred substantial damage as a result of one or more state or federally declared natural disasters. The bill expands the funding sources available for those programs.	Support/ Awaiting Governor's Signature	<p>DRCOG supports the following principles pertaining to the quality, quantity and affordability of housing in the Denver metro area:</p> <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
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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. The bill makes modifications to three existing tools to increase their capacity and effectiveness in addressing current affordable housing needs. As passed, the bill authorizes \$40 million of General Fund from FY 2015-16 to FY 2024-25 for the tax credit.

HB 1336
Duran/
Steadman

2014-15 Long Appropriations Bill - Provides for the payment of expenses of the executive, legislative, and judicial departments of the State of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2014, except as otherwise noted.

Amend/
Signed by the
Governor

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.

The bill includes a \$4.5 million increase in "State Funding for Senior Services." This money is allocated to the 16 Area Agencies on Aging to provide for services to older adults. DRCOG typically receives over 40% of the funds. \$500,000 of the funds is earmarked for services to the blind and vision impaired.