



2016 Session Sine Die Report May 11, 2016

2016 Session Facts

Democrat/Republican split in House of Representatives: 34/31

Republican/Democrat split in the Senate: 18/17

Number of bills introduced during the 2016 Legislative Session: 686

Number of bills signed by the Governor as of 5/11/16: 179

Number of bills vetoed as of 5/11/16: 0

Last day for the Governor to act: June 10, 2016

The 2016 legislative session commenced with the foreboding of a pending budget disaster. Legislators, lobbyists, the Governor, and the media anticipated a budget stalemate that would halt all work at the Capitol and maybe even lead to a special session. The shadow of the November 2016 elections, which could result in new majorities in the House and Senate, had a direct impact on the policy considerations under the gold dome. This was the final legislative session for the term limited Speaker of the House, Senate President, and House Minority Leader. Despite the uncertain note that marked the beginning of session, many important initiatives for both caucuses ultimately made it across the finish line, along with a budget that avoided many of the deep cuts included in the Governor's proposed budget.

The Hospital Provider Fee was a focal point of the session. More than 300 organizations including business chambers, K-12 education, hospitals, higher education, , progressive think tanks, the construction industry and many others joined forces to create the "Fix the Glitch" coalition which aimed to pass legislation to enterprise the hospital provider fee so that revenue wouldn't count toward the constitutional TABOR revenue limit. After more than two months of waiting, the Speaker introduced HB 1420, which would enterprise the hospital provider fee, with a coup of a Senate sponsor - Republican Larry Crowder. A companion bill, HB 1450, ran alongside the enterprise bill. HB 1450 specified that any additional revenue available after the December revenue forecast would be allocated in the following way: \$50 million to the Highway Users Trust Fund (with specific projects identified), \$16.2 million to restore the FY 2015-16 Severance Tax transfer, \$40 million to K-12 education to decrease the negative factor, and \$49.5 million to higher education institutions. After a month of tireless work by the coalition, both bills passed the House with bipartisan support.

HB 1420 passed the House 39-26 with Republican Representatives Don Coram, Bob Rankin, Kit Roupe, and Dan Thurlow voting yes and HB 1450 passed 43-22 with Republican Representatives J Paul Brown, Don Coram, Tim Dore, Kevin Priola, Bob Rankin, Kit Roupe, Dan Thurlow, Yeulin Willett, and Jim Wilson all voting in favor. Ultimately no deal was reached with Senate Republican leadership and both bills were killed on the second to last day of session in the Senate Finance committee. Nearly all members of the Senate Democrat caucus sat in the committee's audience for the hearing.

Other high profile issues this session included workforce development 2.0, presidential primaries in Colorado, affordable housing, charter school bills to streamline administration and deliver additional funding, a host of “pro-business” and “pro-consumer” bills ripe with election year messaging, renewed efforts to restrict oil and gas development, and significant policy changes introduced in the final week in response to decisions handed down by the Colorado Supreme Court.

Navigating the FY 2016-17 Budget

When Governor Hickenlooper unveiled his budget proposal for FY 2016-17, it charted out an estimated \$830 million of new costs and only \$457 million new available revenues, which meant a projected gap of \$373 million for FY 2016-17. To cover the gap, the Governor’s proposed budget included a \$20 million cut to higher education, a 1% decrease to community provider rates, a \$50 million increase to the K-12 education negative factor, and a reduction of hospital provider fee revenue by \$100 million. To add insult to injury, the Legislative Council’s December revenue outlook forecasted a \$207.8 million budget shortfall for the current fiscal year. The Joint Budget Committee faced a near impossible task of funding the state’s constitutional requirements without trimming the budget for education, transportation, and other top priorities in the state. However, the JBC managed to negotiate a balanced budget that avoided the deep cuts proposed by the Governor’s Office in November. The FY 2016-17 budget and its nine orbital bills included:

- A 3.4% increase in funding for K-12 education (\$156 million more than FY 2015-16) and the negative factor held constant.
- The first general fund transfer to transportation in almost a decade (\$199.2 million in FY 2015-16). However, transportation also saw their anticipated revenue in the coming year trimmed, splitting the difference between the revenue forecasts, the JBC allocated \$158 million for FY 2016-17.
- 100 additional child welfare workers for county human service departments.
- No cuts to higher education.
- Full funding for approved projects on the Capital Development Committee Capital Construction list.
- A decrease of \$111,000 to the Air Quality Control Division to halt the implementation of the Clean Power Plan. After the Supreme Court weighed in on Clean Power Plan implementation, CDPHE issued a statement that it would continue implementation. Senate Republicans fought back, refusing to fund the Air Quality Division until they put an end to implementation. The reduction in funding is not anticipated to lead to staff reductions.
- \$2.5 million for CDPHE’s long acting reversible contraceptive program.
- No cuts to the community provider rate and \$20 million of tobacco master settlement trust fund monies to help backfill primary care provider rates previously supported with federal funds.
- Rejection of the Administration’s request to increase funding in the Department of Personnel for CNG fleet vehicles.

Workforce Development 2.0

Leadership from the four legislative caucuses came together for the second year in a row to unveil a ten bill workforce development package. The bills, supported by various business and industry groups such as Colorado Succeeds, Colorado Technology Association, AT&T, Microsoft, Intertech Plastics and others, aimed to engage Colorado’s top businesses and industries in training students with the skills needed to fill positions in industry. Despite bipartisan sponsorship, several of the bills hit a snag in the Senate where Republican members viewed the workforce development bills as “picking winners and losers”

while squandering tax payer dollars. Below are the bills which were part of the 2016 package with final action noted for each.

- [HB16-1073](#) by Rep. Duran & DelGrosso and Sen. Scheffel & Guzman: Qualifications for Licensed Electricians. **Status: Governor Signed.**
- [HB16-1103](#) by Rep. Kraft-Tharp & Landgraf and Sen. Martinez Humenik & Todd: Clarifying License Pathways for Mental Health Professionals. **Status: Governor Signed**
- [HB16-1287](#) by Rep. Rosenthal & Wilson and Sen. Cooke & Kefalas: CDLE Apprenticeship Study **Status: House Considered Senate Amendments – Result was to Laid Over**
- [HB16-1288](#) by Rep. Kraft-Tharp and Sen. Tate: Industry Infrastructure Grant Program **Status: Passed Senate and House.**
- [HB16-1289](#) by Rep. Duran & Esgar and Sen. Crowder & Garcia: Incentives for Student Success **Status: Passed Senate and House.**
- [HB16-1290](#) by Rep. Esgar & Kraft-Tharp and Sen. Heath & Hill: Extension of ReHire Colorado **Status: Passed Senate and House.**
- [HB16-1291](#) by Rep. Duran & Lontine and Sen. Hill & Johnston: Computer Science and Digital Literacy **Status: Postponed Indefinitely.**
- [HB16-1301](#) by Rep. Garnett and Sen. Scheffel: Tax Credit for Apprenticeships **Status: Postponed Indefinitely**
- [HB16-1302](#) by Rep. Duran & DelGrosso and Sen. Newell: CO Workforce Innovation & Opportunity Act **Status: House Considered Senate Amendments – Result was to be Laid Over**
- [SB16-079](#) by Sen. Todd & Martinez Humenik and Rep. Young: Aligning Student Academic Plans with Career Pathways **Status: Postponed Indefinitely**

Energy Industry v. Local Government

To avoid a costly fight at the ballot, Governor Hickenlooper convened an Oil and Gas Taskforce to study and make recommendations about oil and gas development. In late January 2016, the Oil and Gas Conservation Commission released rules based on the recommendations. The rules promulgated gave local governments a voice in the siting of large drilling operations in urban areas before operators apply for a state permit and specified protections related to noise, emissions and fire control. Industry and local control advocates were equally unhappy with the final result.

House Democrats responded with legislation backed by some local governments. HB 1430 by Representative Lebsack aimed to require an energy operator to register with the COGCC and the local government in which they operate and allow a local government to request an operator's plans such as how many wells they intend to drill, a map of the wells, and all sites for future development. Representatives Foote and Ryden introduced HB 1355 with the goal of allowing local governments the authority to designate areas or activities as a matter of state interest related to oil and gas development and further develop regulations and permitting over those areas. Industry won the fight on the House floor, with Democrat Representatives Ed Vigil and Paul Rosenthal joining Republicans in opposition. HB 1430 died in the Senate Agriculture Committee along with a bill by Representative Salazar and Senator Carroll (HB 1310) to hold oil and gas operators strictly liable if oil and gas operations caused an earthquake that damaged surface property or injured an individual. Though it was approved by the House, HB 1310 only received one vote of support in the Senate committee.

In the waning days of session, the legislature was forced to spring into action to address serious budget implications from the Colorado Supreme Court ruling in *BP America v. Colorado Department of Revenue*. The Supreme Court determined that the cost of capital is a deductible cost. The decision will create a

budget hole of between \$200-400 million by requiring refunds of the severance tax paid. The JBC introduced SB 218 to lay out a comprehensive plan to pay back the funds over several years. The Speaker of the House advocated a different approach in HB 1468. Instead of allowing oil and gas producers to deduct any costs of transportation, manufacturing, and processing when valuing severed minerals for tax purposes, the bill would have limited producers to just direct costs in those areas. The House engaged in lively debate late into the last Monday evening of session. However, when it looked like all the bills on the calendar may be lost due to time constraints the bill was laid over by leadership, effectively killing it.

The oil and gas industry and the environmental community did find harmony and join together to pass HB 1332. The same coalition that passed HB13-1247 to create a tax credit for those who purchase alternative fuel vehicles, joined forces to modify the tax credit to a set amount Point of Sale incentive, allow for a consumer to transfer the incentive to a financing entity, close a loophole that allowed certain used vehicles to qualify for the incentive, and add VIN tracking to reduce the possibility of fraud. The bill passed the House and Senate with just one no vote.

Transportation Funding in Colorado

Transportation funding was at the front of legislators' minds this session. All four caucuses as well as the Governor's Office declared a commitment to prioritizing funding for road maintenance as well as new projects. Though there was a general outcry for a comprehensive solution, compromise proved hard to come by. Industry leaders continued to fight for the transportation funds allocated in SB09-228, which were under threat because of a potential budget shortfall. Democrats focused on enterprising the Hospital Provider Fee to free up general fund money for roads and bridges, while Republicans in the House and Senate brought back a proposal to extend bonds for transportation projects.

Despite the constant drumbeat for transportation funding, at the end of the 120 session no new source of funding was agreed upon. SB 228 remains in place, and will result in \$199 million in general fund transfers to the HUTF in FY 2015-16 and \$158 million in FY 2016-17. Representative Brown's effort to ensure five years of full SB 228 transfers was killed in committee (HB 1138). The legislature declined to refer a measure to increase sales tax for transportation to the November ballot. The Hospital Provider Fee and its companion bill which would have appropriated an additional \$50 million to transportation was killed in the Senate. SB 210, the Fix Colorado Roads Act, was killed in the House on the second to last day of session. And a proposal from Broomfield to utilize TIF for transportation projects (SB 194) was also killed in the House in the final week. Transportation advocates now have to decide whether they are willing and able to spend the millions of dollars to go forward with a ballot measure to establish a new dedicated source of funding.

Local Governments

As a local control state, Colorado's cities and counties play a critical and visible role at the state capitol. Local governments took the lead on various pieces of legislation in an effort to protect their authority and worked to either amend or defeat legislation that eroded local control.

- ✓ Passed SB 177, a URA/TIF consensus bill that came out of six months of negotiations led by the Governor's office. The bill creates common terms for describing urban renewal boards, conditions for utilizing mediation, and clarified that the bill doesn't jeopardize the existing financial obligations of an urban renewal board. *Awaiting Action by the Governor.*
- ✓ Passed SB 211, a last minute legislative proposal to prohibit legal challenges of special district elector's qualifications. The bill was a last minute response to the Marin decision from the Colorado Court of Appeals. *Awaiting Action by the Governor.*
- ✓ Passed SB 172, allowing county commissioners to pass ordinances allowing for notice of hearings to be emailed or faxed instead of mailed. *Awaiting Action by the Governor.*
- ✓ Passed HB 1413, a JBC bill to start the process of ensuring water permittees (grouped by sector) cover their own costs within CDPHE and aren't subsidized by other sectors. The bill also included a \$1.2 million general fund transfer to help cover the cost for water permits in FY 2016-17. *Signed by the Governor.*
- ✓ Support HB 1150, which allowed counties to enact an ordinance or resolution prohibiting people under the age of 18 from possessing cigarettes or tobacco products. *Died on House Floor.*
- ✓ Support HB 1231: Prohibit the Use of Red Light Cameras. *Awaiting Action by the Governor.*
- ✓ Support HB 1106: County Authority to Designate Pioneer Trails. *Signed by the Governor.*
- ✓ Amended HB 1227, which specifies that a teen parent is not required to submit an application for child support establishment as a condition of receiving child care assistance. *Awaiting Action by the Governor.*
- ✓ Amended HB 1230: Transparency Online Project Include County Information. *Signed by the Governor.*
- ✓ Amended SB 038, which specifies community centered board's must receive 75% or more of its funding for public entities to be subject to the Colorado Local Government Audit Act. *Awaiting Action by the Governor.*
- ✓ Amended HB 1377, which created a taskforce in CDHS to study and develop best practice concerning the collection and security of digital images on child abuse and neglect. *Awaiting Action by the Governor.*
- ✓ Amended HB 1383: Child Welfare Predictive Analytic Pilot Program. *Died on the Senate Floor.*
- ✓ Amended HB 1385, which adds a definition of child abuse and neglect in relation to legal and illegal substances in the children's code. *Died in Senate Appropriations.*

Another Look at Telecom in Colorado

During the 2014 legislative session, the Senate and House passed far-reaching telecom reforms with near unanimous support. The issue returned to center stage this year when the Public Utilities Commission proposed rules to expand their authority, based on public safety arguments. After communication from the legislative sponsors to the PUC failed to resolve it to their satisfaction, Majority Leader Scheffel introduced SB 183 to clarify the PUC's authority. Following bill introduction, the Governor successfully pressured the PUC to close proceedings for the contested rulemaking. SB 183 morphed into a taskforce including six legislators that will take testimony from interested parties about next generation 911 emergency services. The taskforce will begin meeting over the summer.

Twenty six Colorado cities and seventeen counties voted in November 2015 for permission to invest local government funds to build broadband, as allowed by state statute. Local governments hoped to build on the momentum and potentially overthrow SB 05-152 during the 2016 session, which would have removed the requirement for a local vote. Senate Minority Leader Guzman announced during her

opening day speech that one of her caucus's top goals for the session was increased access to broadband in rural communities. Senator Kerry Donovan led the charge and SB 136 was introduced at the beginning of March. Traditional opponents in the broadband fight including telecom providers and the same local governments that sought to overturn SB 05-152, united in opposition to SB 136. The bill included provisions that upset all of the stakeholders and the bill was postponed indefinitely by its sponsor just two weeks after it was introduced.

Health Priorities in Colorado

Mirroring the conversation at the federal level, members of the Colorado General Assembly continue to express concern over rising Medicaid and health care costs in Colorado and brought forth a handful of bills, though none were ultimately approved.

- HB 1015: Contingent Repeal Health Insurance Laws Aligning with ACA
- SB 002: Health Exchange Voter Approval to Impose Tax
- SB 120: Review Medicaid Client for Billing Fraud
- SB 162: Medicaid Recipient Access to Medical Professionals
- SB 170: Health Benefit Exchange for Medicaid Eligible

For the second year in a row, legislation to add Colorado to the list of states that allow health care providers to assist terminally ill individuals who wish to end their lives didn't have enough votes in the House or Senate to pass.

- HB 1054 and SB 025: End of Life Options for the Terminally Ill. *HB 1054 was laid over on the House Floor until the end of session effectively killing the bill. SB 025 postponed indefinitely in the Senate State Veterans and Military Affairs Committee.*

Health plans united with consumer advocates seeking transparency in drug prices in support of a bill staunchly opposed by industry. Colorado's small independent pharmacies unsuccessfully launched a pharmacy choice bill that would allow the independent pharmacies to serve individuals out of network for the same cost as the pharmacies in the individual's network.

- HB 1102: Drug Production Costs Transparency Requirements. *Postponed indefinitely in the House Health Insurance and Environment Committee.*
- HB 1361: Patient Choice in Pharmacy. *Postponed indefinitely in the Senate Finance Committee.*

A proposal carried by Rep. Beth McCann to require posted disclosures in Free Standing Emergency Departments met with opposition, was amended significantly and eventually killed.

- HB 1374: Require Notice and Disclosures Freestanding ERs. *Postponed indefinitely in the Senate State Veterans and Military Affairs Committee.*

In the mental health arena, after three years of careful wordsmithing and stakeholder input, legislation to revise Colorado's complicated emergency 72 hour hold procedures gained approval. Also, as a follow up to the 2015 Claire Davis Act, Senate leadership passed a bill (HB 1063) to increase communication opportunities between mental health professionals and school officials and Colorado made a point to prioritize suicide prevention (SB 147). The state currently has the 7th highest rate of suicide in the nation.

Construction Defects and Affordable Housing

For the first 100 days of session, stakeholders on opposite sides of the construction defects debate were locked in intense negotiations and tasked with finding common ground. The delicate negotiations broke down in the session's final week. Both sides blasted out press releases pinning the blame on the unreasonableness of the other side. After the breakdown in negotiations, four bills were introduced and three made it through the process.

1. HB 1465 by Representatives Jon Becker/Crisanta Duran and Senators John Cooke/Jessie Ulibarri continued the existing low-income housing tax credit set to expire in the next tax year. *The bill passed the House and Senate and is awaiting the Governor's signature.*
2. HB 1466 by Representatives Tyler/KC Becker and Senator Ulibarri transfers \$40 million from the unclaimed property trust fund to the Housing Development Grant Fund in DOLA and the Affordable Housing Assistance Fund administered by CHFA for affordable housing projects. *The bill was killed in the Senate.*
3. HB 1467 by Representatives Crisanta Duran/Joe Salazar and Senators Mark Scheffel/Beth Martinez Humenik brought forth by the Colorado Association of Realtors to create a first-time home buyer savings account similar to a 529 college savings account. *The bill is awaiting the Governor's signature.*
4. SB 213 by Senators Mark Scheffel/Jessie Ulibarri and Representatives Brian DelGrosso/Jonathan Singer created a construction defect litigation study group to examine and make recommendations for a potential construction defect court pilot program. After the bill passed the Senate, it was double assigned by the Speaker to the State Affairs and Judiciary Committees. *The bill was killed in the House State Affairs Committee with only one yes vote.*

The Balance between Employer and Employee Interests

The majority party in the House and Senate held starkly different perspectives on what is “good for business” in Colorado. More than 20 bills were introduced that rose to the top of the list for the Chambers and unions. There were a handful of bills that businesses and employee advocates hashed out and the House and Senate felt comfortable moving forward. For example, HB 1438 by Democrat Representative Faith Winter and Republican Senator Beth Martinez Humenik puts in statute accommodations that employers shall provide for pregnant women. Below is a chart of all legislation that would have an impact on employers or employees in and final action on each.

Major Employment Related Bills Introduced in 2016		
Bill #	Short Title	Final Action
Equal Pay and Family Protections		
HB 1001	State Contractor Compliance with Equal Pay Laws	Postponed Indefinitely
HB 1002	Employee Leave Attend Child's Activity	Postponed Indefinitely
HB 1167	Colorado Family First Employer Act	Postponed Indefinitely
HB 1438	Employer Accommodations Related to Pregnancy	Passed Senate & House
SB 114	Employee Earned Paid Sick Leave	Postponed Indefinitely
Employee Rights		
HB 1156	Extend Pay Transparency Protection for All Employees	Lost on Senate Floor
HB 1166	Prohibit Seeking Salary History for Job Applicant	Postponed Indefinitely
HB 1347	Employer Information Concerning Wage Law Violation	Postponed Indefinitely

HB 1388	Ban the Box	Postponed Indefinitely
HB 1399	Worker's Compensation for PTSD	Postponed Indefinitely
HB 1432	Personnel Files Employee Inspection Right	Passed Senate & House
SB 033	Public Health Notice Sick Leave	Postponed Indefinitely
Other Bills of Interest		
HB 1275	Off Shore Tax Havens	Postponed Indefinitely
HB 1376	Expand Authority Office of Consumer Counsel	Postponed Indefinitely
HB 1403	Colorado Secure Savings Plan	Postponed Indefinitely
HB 1435	Low Wage Corporate Responsibility Act	Postponed Indefinitely
SB 054	Local Government Minimum Wage	Postponed Indefinitely
SB 056	Enhanced Whistleblower Protections	Passed Senate & House
Business De-Regulation		
HB 1114	Repeal Duplicate Reporting Requirements	Passed Senate & House
HB 1119	Modify Sales and Use Tax Exemption for Aircraft	Signed by the Governor
HB 1299	Attorney Fees & Cost in Employment Discrimination Cases	Postponed Indefinitely
SB 117	Limit State Agency Authority to Impose Fines	Postponed Indefinitely
SB 217	Expedite Litigation Worker's Compensation Claims	Passed Senate & House

The General Assembly also passed legislation that the business community will monitor closely in the years to come. SB 203, sponsored by the Joint Budget Committee, sets up a formal process through the state auditor's office to review all tax expenditures by the state. The auditor will evaluate whether the tax expenditure is having a positive economic impact, accomplishing the goals originally set out in the tax credit, among other pieces. The reports will be posted online.

K-12 Education

Despite 2015 legislation that significantly consolidated K-12 assessments, a handful of lawmakers sought to revisit the debate in 2016. Senator Vicki Marble brought SB 005 to repeal mandatory assessments in 9th grade. Supported by the Colorado Education Association, it passed the Senate Education Committee but was ultimately killed on the Senate floor with opposition from Colorado Succeeds, the Colorado Children's Campaign, Democrats for Education Reform, Ready Colorado and Stand for Children. Senator Marble was successful in her efforts to pass legislation requiring the Department of Education to research alternatives to the PARCC assessment in case the PARCC organization dissolves. *The legislation is awaiting action from the Governor.*

It has been six years since passage of SB 191 which created Colorado's comprehensive teacher evaluation law. For the sixth year in a row, provisions of the teacher evaluation law were back on the agenda. The Colorado Education Association was behind two measures - HB 1099 and SB 105 - which sought to make significant changes. *SB 105* would allow a school district to base no more than 20% of a teacher's evaluation on student growth with the option of not considering student growth data at all. After pressure following bill introduction, Senator Marble, one of the co-prime sponsors, pulled her name off of the bill and *the bill died in its first committee*. HB 1099 by Representative Salazar sought to repeal the mutual consent provision in statute. The bill would have reinstated the practice of "forced placement" by requiring each school district to assign or dismiss with due process each teacher who is

unable to secure a mutual consent assignment and who remains on unpaid leave as a result. *HB 1099 was postponed indefinitely by the sponsor*, keeping the debate from reaching the floor.

The Colorado League of Charter Schools, Colorado Succeeds and Democrats for Education Reform pursued measures in support of charter schools. These measures won solid bipartisan support on the Senate Floor before they headed to the House.

- SB 187 to streamline the unified improvement plan process, allow a single charter school network audit, itemized accounting from district authorizers, and enhanced authorizer standards.
- SB 188 to require districts to equally share their mill levy funding with charter schools in the district, increase notification and access to land and facilities within districts, allow charters more equal access to BEST facilities funding, and create a framework for potential mill levy sharing with CSI authorized schools.

The Colorado Education Association countered these bills with a proposal of their own – HB 1343. The legislation sponsored by Representative Dominick Moreno would remove the 18 automatic waivers charters currently receive. HB 1343 passed out of the Education Committee in the last week of session on a party line vote; however, it was never taken up for consideration on the House Floor.

When a standoff seemed certain, the Senate acted to add significant portions of the charter proposals to the School Finance Act (HB 1422). Sharing of mill levy funds was not included in the agreement.

After a lot of work over the interim, HB 1423 by Representatives Alec Garnett and Paul Lundeen to outline data privacy protections in K-12 passed both chambers with near unanimous support.

Higher Education

The budget for higher education institutions was the central focus of the 2016 session. Institutions split on a recommendation from the Department of Higher Education that divvied up institutional funding, and the conflict played out in front of the committee over several months. The JBC ultimately endorsed an alternate proposal by their staff. The JBC also found a way to avoid the \$20 million cut to institutions proposed by the Governor in November, keeping overall state support for higher education flat.

Concurrent enrollment was a major policy focus at the Capitol this year. An estimated 30% of all Colorado high school juniors and seniors participated in some type of concurrent enrollment program last year. The Colorado Community College System initiated HB 1144 which requires that local education providers notify students and parents if the postsecondary course in which the student enrolls does not meet the requirements for concurrent enrollment. *The bill passed quickly with strong bipartisan support has been signed.* Representative Lundeen introduced HB 1128, which would have required local education providers to create a standard concurrent enrollment application and allow all qualified students to concurrently enroll in institutions of higher education. *The bill was killed in the House Education committee.* This issue is expected to return next session.

The General Assembly saw again proposals to provide in-state tuition designation to additional populations. On its second attempt, Representative Pettersen with the help of Senator Cooke gained approval of legislation to allow unaccompanied homeless youth to receive in-state tuition at Colorado higher education institutions. *HB 1100 was supported by Colorado's higher education institutions and is*

awaiting final action from the Governor. Representative Salazar brought back legislation to provide in-state tuition to any Native American who is a registered member of a federally recognized American Indian Tribe with historical ties to Colorado. There are 47 tribes with historical ties to Colorado. Representative Kevin Priola joined Democrats in supporting the bill in the House, though it died on a party line vote when it reached the Senate State Affairs Committee.

Immigration Reform at the State Level

In 2013, Colorado passed SB 251 which created a program within the DMV to administer driver's licenses to undocumented individuals who could prove residence and present an Individual Taxpayer Identification Number. Last year, the Department of Revenue requested spending authority from the Department of Revenue to continue the program at five DMV offices. The request set off a political deadlock and the result was reducing the number of offices offering the program to three and placing a cap of 66,000 appointments on the program (this represented a 30% participation rate). This session, the iDrive Colorado Campaign introduced HB 1274 to resolve outstanding issues: allowing an additional six offices to administer the program, eliminate the 66,000 participant cap, and address the acceptance of certain identification to receive the licenses. In the end, the bill received no Republican support and died in the Senate State Affairs Committee.

Two additional bills were approved to address problems that have arisen due to the limited nature of the SB 251 program. HB 1285, which was then amended in to HB 1415, allows undocumented individuals who fail their first driving test to retake their test at a 3rd party testing center approved by the DMV. HB 1335 prohibits an individual from reserving or obtaining a cost-free government service appointment to sell. The legislation was in response to the exposure of fraud occurring when third party organizations or individuals offering to sell SB 251 license appointments for hundreds of dollars. The bill won the support of the Attorney General's Office. Both HB 1415 and HB 1335 passed the House and Senate and are awaiting signature from the Governor.

Wrap Up

Many of the issues at the top of the list for the 2016 session went unresolved this year and will likely return in 2017, including transportation funding and the Hospital Provider Fee. Whether policy change is in the cards hinges on the November election, which is shaping up to be a close contest in a state with a history of vacillating between Republican and Democrat control.

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