

Under the Dome, Week 11

Highlights of the Week

What was expected to be a short week with the General Assembly taking off Friday for a long weekend was cut shorter when the blizzard triggered a snow day at the Capitol Wednesday. The unexpected day off means that dozens of bills hoping to cross to the other chamber in the House and Senate could potentially be on hold for an additional two weeks as the General Assembly switches focus to the budget. In an effort to be sure the budget was introduced as scheduled in the House Monday, the JBC met even when the Chambers were officially closed because of the blizzard. Earlier in the week the JBC learned that they had to cut \$89 million in the current budget year and \$190.4 million in FY 2016-17 to bring spending in line with the latest Legislative Council revenue forecast. They were able to take care of the current budget year shortage through technical reversions. The JBC closed the budget shortfall for FY 2016-17 through adjustments to the Hospital Provider Fee formula, and decreasing general fund money for transportation funding and the SB 228 trigger timing. The Joint Budget Committee successfully closed the budget on Thursday without increasing the K-12 education negative factor and avoiding cuts to higher education institutions.

The Joint Budget Committee was also able to:

- Transfer the SB09-228 funds to transportation for FY 2015-16 (\$199.2 million) and a 25% decrease (\$52 million less) to transportation funding for SB 09-228 in FY 2016-17 (\$158 million)
- Transfer full SB09-228 funds to capital construction in FY 2015-16 (\$49.8 million) and FY 2016-17 (\$52.7 million)
- Increase funding for education by 3.4% (\$156 million over last year)
- Increase child welfare caseworkers to counties by 100 FTE
- Fund CDPHE's long acting reversible contraceptive program
- Fully fund all the approved projects on the Capital Development Committee Capital Construction list
- Use \$20 million of tobacco master settlement trust fund monies to help replace primary care provider rates previously supported with federal funds

On Wednesday, the Governor also made his much anticipated announcement of his appointment to replace Lt. Governor Joe Garcia. Donna Lynne, the Executive Vice President of the Kaiser Foundation Health Plan and Kaiser Foundation Hospitals was the Governor's choice. Her praises were sung by high ranking members of both political parties. She is a well-known and respected leader in the business and education reform communities, having served on the boards of various organizations such as the Denver Metro Chamber of Commerce, Colorado Concern, Teach for America, Colorado Succeeds, the Denver Public Schools Foundation and Democrats for Education Reform Colorado. The current Lt. Governor announced late last year that he would be leaving the Administration to accept the position as President of the Western Interstate Commission for Higher Education. The Capitol had been abuzz with rumors about who would fill his role, especially given the rumored possibility that if Hilary Clinton wins the presidency, Governor Hickenlooper could be tapped to join her Administration, leaving the Lt. Governor

as the new Colorado Governor. Donna Lynne must be confirmed by the Legislature before they adjourn on May 11th. If she is confirmed prior her start date will be May 2nd.

This year the House Democrats made it a priority to address pay equity between men and women in Colorado. The House took up the debate this week with the consideration of HB 1166 and HB 1001. HB 1166 by Representative Pettersen and Representative Winter prohibits employers from seeking salary information from potential employees. An amendment passed in the House allows employers to ask for salary information if they posted a salary range with the job description. Despite the amendment, there remained very vocal opposition to the bill. During a lengthy floor debate Thursday, Republican's rose in opposition to the bill stating that it actually did nothing to further pay equity in the state. They also expressed that women are capable of advocating for themselves and don't need this bill to help them do that. The sponsors countered that the bill is fair and not just a "statement" bill. They believe the bill will prohibit employers from using an individual's salary range as a ceiling when negotiating salaries. The bill passed on a voice vote and will receive a final vote on Monday. HB 1001 by Representatives Danielson and Buckner requires the state to adopt requirements that any company they contract with certifies they don't discriminate, they uphold equal pay standards, they don't punish employees for sharing salary information among other requirements. The bill passed the House this week and is headed to the Senate. Both bills are expected to be killed in the Republican-controlled Senate.

Bills of the Week

Affirming Local Government Authority Over Oil and Gas The debate over oil and gas in local communities continued Monday when the House State Veterans and Military Affairs Committee considered HB 1355. The bill by Representative Foote reopened issues addressed in Governor Hickenlooper Oil and Gas Task regarding increased local control and repeals the prohibition on local governments from adopting regulations related to oil and gas development. It also adds the siting of oil and gas facilities to the enumerated powers a county and municipality has when zoning unincorporated land. After five hours of testimony on both sides of the issue, the bill passed down partisan lines. A floor debate similar to that had on HB 1310 is expected after the House considers the budget next week.

Snow Tires and Traction on I-70 The Senate hearing for HB 1039 couldn't have been timed better, given the ruling by CDOT Wednesday that any driver in the Denver Metro area needed to chain their tires if they intended to drive in the blizzard. HB 1039 is similar to the controversial bill from last year that imposes fines on vehicles driving I-70 West that fail to use proper chains, traction or tires while driving in inclement weather. This year's bill faced a similar uphill battle with opponents arguing that CDOT already has rules around tires and traction and the bill is unnecessary. The bill passed the House with bipartisan support but was killed in the Senate Transportation Committee on Thursday down partisan lines despite strong testimony in support and no one testifying in opposition.

Eliminating 9th Grade Testing On Thursday, the Senate Education Committee revisited the testing debate of the 2015 legislative session. SB 005 by Senate Education Committee member Vicki Marble, prohibits districts from administering a statewide assessment in 9th grade. Governor Hickenlooper has already expressed his intent to retain the 9th grade statewide assessment. The hearing went late into the evening with three parents testifying that the 9th grade test was unnecessary while opponents from Stand for Children, Together Colorado, Ready Colorado, and several teachers, highlighted that the

testing reductions that occurred last year were more than efficient. The bill passed Senate Education on a partisan vote of 5-4 and will next head to the Senate Floor.

72 Hour Holds in Colorado SB 169 by Senators Martinez Humenik, Cooke and Representatives Kraft-Tharp and Landgraf was introduced earlier this week. The legislation attempts to clarify and make changes to current law surrounding 72 hour involuntary holds. The issue, which has proven to be highly controversial in the past, is being brought forth by the Colorado Hospital Association. The bill has several pieces including spelling out the difference between a "designated facility", an "emergency medical services facility", and a "law enforcement facility", in connection with the 72-hour emergency mental health procedure. It also states that individuals can be admitted to a law enforcement facility if space is not available in the other facilities. The bill also makes changes to ensure those who are placed on a hold receive an evaluation as soon as possible and if someone is determined capable are released as soon as possible. The bill is scheduled to be heard in the Senate Judiciary Committee next week.