



Under the Dome, Week 13

Highlights of the Week

After a week off focusing on the budget, the House buckled down to begin sifting through the more than 400 bills still in play under the gold dome. Committees spent long nights considering legislation such as HB 1361, which will allow individuals to choose which pharmacy they use. The legislation specifically allows small independent pharmacies to price match their prescriptions with the prices at the bigger outlets like Walgreens or Rite Aid or the prices on mail order prescriptions. The Colorado Association of Commerce and Industry, Colorado Competitive Council, and Express Scripts came out in strong opposition to the bill. They argued that their coverage range was large enough to not only cover but provide various options to individuals in rural areas of Colorado. The proponents of the legislation were the small independent pharmacies and consumers who wanted the option to support the pharmacies in their small towns. The bill passed on a vote of 7-6 in the Public Health Care and Human Services Committee and subsequently passed initial hearing on the House Floor. A final House vote is scheduled for next week. Proponents of further local control over oil and gas operations were surprised when HB 1355 by Representatives Foote and Ryden was killed on the House floor. Democrats Paul Rosenthal and Ed Vigil joined Republicans as a no vote. The bill would have allowed 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. The death of HB 1355 was one of few wins for the oil and gas industry in the Democrat-controlled House.

The Senate not only took on the budget this week but also tried to clear their floor work calendar. A heated and controversial debate on SB 148 took center stage on the Senate floor Wednesday. The bipartisan legislation would require high school freshman to take the civics portion of the test taken by immigrants trying to gain American citizenship. To pass the test, students would have to get 60 of 100 questions correct. Opponents argued on the Senate floor that the bill would increase the amount of testing Colorado students face, just a year after the legislature acted to decrease the time spent on testing. The Colorado Association of School Boards, Colorado Education Association and Colorado Association of School Executives all vehemently opposed the bill. After initial approval on a voice vote, the bill was killed 18-17 on a reconsideration vote with 12 Democrats and 6 Republicans voting no.

Senate consideration of the budget moved along in a faster manner and received much broader support than in the House. The Senate set aside Wednesday afternoon for budget consideration and worked their way through 36 amendments to the budget and its 14 orbital bills in just 6 hours. HB 1411, which requires the state conduct a cost benefit analysis study of

the homeless residential support program was amended in the Senate Appropriations committee to add back in the sunset of the program that was removed in the House. Senator Larry Crowder was able to successfully pass an amendment back onto the bill to once again remove the sunset of the program. The Senate also offered and passed several amendments onto HB 1414, ensuring that all technologies were included in the assessment of the fee to benefit disabled telephone users. Amendments offered on the Long Bill, which failed included:

- Fully funding the Air Quality Control Division which had been defunded due to political fallout over the Clean Power Plan
- A \$10 million increase to the Department of Education from private prisons
- An increase of \$10 million for Colorado's higher education institutions from private prisons
- Defunding the student assessment system
- \$2 million additional funds for the behavioral health crisis system
- Defunding the Long Acting Reversible Contraceptives program within CDPHE
- An additional \$3.5 million for senior services
- A \$5 million increase for affordable housing
- Increases and decreases in funding for oil and gas inspectors
- \$6.1 million for the broadband deployment board

Between Wednesday's second reading debate of the budget and Thursday's third reading consideration of the budget, 7 amendments were adopted onto the Senate version of the budget. The amendments appropriated \$50,000 to the Governor's Office to implement the Pay for Success Program, \$100,000 for suicide prevention services, \$500,000 for rural teacher incentives, funding for the Department of Revenue to investigate earned income tax credit fraud, partial funding for the Air Quality Control Division (funding for 2.4 FTE who conduct implementation work for the Clean Power Plan was the only piece withheld), \$500,000 in spending authority for the Brain Injury Trust Fund, and a decrease in funding for the Executive Director of the Department of Corrections secretary position since the office will not return calls.

Joint Budget Committee member Pat Steadman has served on the JBC for six years and passed his final budget this week. During Senate speeches about the budget he spoke at length about his time setting Colorado's budget and the state's fiscal future. He opined that although this is not the budget he is most proud of, what they were able to accomplish this year given the constitutional constraints was nothing short of a miracle. Senate Assistant Minority Leader Rollie Heath took time to urge the Senate to pass legislation to enterprise the hospital provider fee and warned of dire consequences if no changes occur. This set off a back and forth between members. After a full day of the debate, the budget passed 30-5 with Senators Andy Kerr, Chris Holbert, Vicki Marble, Tim Neville, and Owen Hill (all Senate Education Committee members) as the no votes.

Monday, April 11th marks one month left of the 2016 legislative session. Yet, the Senate and House both continued to introduce big impact bills this week. The House introduced HB

1435 by Majority Leader Duran and Representative KC Becker. The Corporate Responsibility Act creates an employment-related public benefits enterprise with the purpose of improving the health of the pool of workers for low-wage employment and their families and thereby benefitting low-wage employers by giving them access to a healthier pool of workers. The enterprise is charged with assessing a fee on all companies with over 250 employees in Colorado. The legislation has yet to be scheduled and faces an uphill battle. HB 1436, a Governor's Office priority bill to ban edible marijuana in the form of human, animal or fruit, was also introduced Friday. The bill continues the debate around marijuana regulation that continues to rage at the capitol since legalization in 2012. Lastly, the Senate President read SB 183 over his desk Thursday evening when the budget debate ended. The bipartisan bill by Majority Leader Mark Scheffel and Senator Andy Kerr and Representatives Angela Williams and Polly Lawrence restates legislative intent as outlined in legislation passed in 2014 in regards to the PUC's authority over 911 services. Recent PUC actions led legislators to introduce the bill. SB 183 will face its first test in the Senate Business, Labor and Technology Committee.

Senators Owen Hill along with Representatives Angela Williams and Lang Sias announced their intention to introduce two bills aimed at reforming current charter school laws during a well-attended press conference Thursday morning at the capitol. The main change the sponsor is seeking requires school districts to share their mill levy funding with charter schools. Currently, districts do not have to share any of the money, which leaves certain charters with 20% less funding than others in certain areas of the state. CASB, CASE, and the teachers union have all expressed strong opposition to the concept and have begun rallying their troops in opposition. The two bills are set to be introduced in the next week or so.

Bills of the Week

County Planning Commission Approval Requirement Exemption HB 1340 by Representative Tyler and Senator Scott passed out of the House Local Government Committee unanimously this week. The bill clarifies that a planning commission does not need to review a proposed project that is permitted under existing zoning laws or is contemplated by a plan, including the county's master plan, a proposal, or an application that has already been approved by the planning commission. The intent of the bill is to streamline processes and save counties money. Jefferson County came in to testify in support of the bill. It will next be heard on the House floor.

Threatening Individuals at a Higher Education Institution The House Judiciary Committee considered HB 1307 by Representative Melton Thursday afternoon. The bill, initiated by the Colorado Community College System and supported by all of the higher education institutions, increases the penalty for certain actions related to the interference with staff, faculty, or students of an educational institution. HB 1307 would make it a class 6 felony for a person to knowingly make a credible threat to a person at a postsecondary educational institution that, if carried out, would likely cause the death or serious bodily injury to one or more persons on the premises of the postsecondary educational institution. The Colorado Community College System, MSU Denver, and the Attorney General's Office all testified in support of the bill. There was an amendment to limit the scope of the bill that failed to get on. Committee members

expressed concern about its broadness and that students might inadvertently become felons if this bill passes. The committee didn't feel comfortable with the language and killed the bill on a vote of 3-8.

Mary Marchun

THE CAPSTONE GROUP LLC

mmarchun@capstonegroupllc.com

1576 Sherman Street Suite 300 | Denver, CO 80203

C: 303.594.8198 P: 303.860.0555

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