



## **Under the Dome, Week 14**

### *Highlights of the Week*

With only a month left to go in the 2016 legislative session, the Joint Budget Committee met to finalize the FY 2016-17 budget. During a conference committee on Wednesday, the JBC decided to adopt the version of the budget which passed out of the House. The House version of the budget differed from the introduced budget in three ways: it included full funding for the Air Quality Control Division within CDPHE, \$50,000 and an FTE in the Governor's Office of State Planning and Budgeting to begin implementation of the Pay for Success Program, and \$550,000 in spending authority for the Traumatic Brain Injury Trust Fund. During the conference committee, the JBC removed \$111,000 from the Air Quality Control Division which is the amount of money used for implementation of the Clean Power Plan, and added \$100,000 to the Office of Suicide Prevention at CDPHE to produce education and training materials. The JBC also appropriated \$3 million to the Department of Corrections to study options to keep the Kit Carson Corrections facility open.

Senate and House Democrats were not happy about the \$3 million appropriated for the study to keep open a privately operated prison. The Governor defended his request stating that if the prison closed it would have a significant negative impact. Both chambers spent more than an hour debating this issue. In the end, the budget was approved by the Senate on a vote of 29-5. The budget repassed the House on a vote of 43-19 and now is headed to the Governor's desk for final action.

Hospital provider fee legislation was set to be debated on the House floor on Friday but the Speaker decided to delay until early next week. However, the House and Senate floor stayed busy. The Senate engaged in a heated debate on SB 169 which aims to address a variety of issues that exist within Colorado's protocol for 72 hour mental health holds. The legislation specifically clarifies circumstances in which a person can be taken to a law enforcement facility and changes the process for individuals who improve within 72 hours by allowing psychiatric advance practices nurses along with physicians, psychiatrists, and psychologists, to remove the holds. The Colorado Hospital Association, proponents of the bill, brought an amendment on the Senate floor in hopes of quelling the concerns several legislators expressed. The amendment clarified the type of services patient must receive in an emergency facility that is unable to provide psychiatric services. The amendment failed on a vote of 17-17. Senator Aguilar and Senator Lundberg began offering amendments that completely changed the scope and purpose of the bill. Sponsors Martinez-Humenik and Cooke then decided to lay over the bill for action on a future date. Colorado's involuntary hold system has been a point of contention at the Capitol for several years now.

The Senate tackled another perennial issue in SB 177, a bill that was developed by a Tax Increment Financing/Urban Renewal Authority working group that met over the summer. The legislation included three concepts: a hold harmless provision that would provide more certainty to lenders and the development community that existing obligations wouldn't be impaired, language to ensure there weren't unintended consequences from TABOR, and increasing the detail in the mediation provision so

more predictability would exist on how the process would work. The bill passed the Senate Local Government Committee and received uneventful debate on the Senate floor.

The Senate Business Committee rehashed the hot telecommunications debate of 2012, 2013, and 2014 this week. Senate Majority Leader Mark Scheffel and Senator Kerr brought legislation to specifically restate legislative intent of a bill passed overwhelmingly in 2014. Industry proponents including AT&T, Comcast, and the Colorado Telecommunications Association argued that it was vital that the bill pass to clear up questions from the Public Utilities Commission about the intent of 14-1329 and the PUC's authority. They contested currently pending PUC rules as a violation of law. The Colorado Municipal League, Special District Associations, local 9-1-1 providers, and sheriffs/fire fighters association expressed concern over the bill. The bill passed on a vote of 6-3.

On Tuesday, Majority Leader Crisanta Duran along with Mayor Michael Hancock announced the launch of Lyft Line in Denver. Lyft Line connects riders with others who are going the same way so those individuals can split the price of the fair. "The launch of Lyft line provides another exciting transportation option for Denverites while reducing congestion and the environmental impact of vehicles on the road...I am a strong supporter of using technology to improve the lives of Denver's residents. Lyft has been an important partner in the efforts to expand our city's transportation options. With the launch of Lyft line they have provide another innovative way for our citizens to earn extra income while reducing their carbon footprint," said Majority Leader Duran. In 2014, Colorado became the first state in the nation to pass legislation allowing Transportation Network Companies like Lyft and Uber to operate.

#### *Bills of the Week*

**Equity for Charter Schools in Colorado** This week SB 187 and SB 188 were introduced in the Senate. SB 187 by Senator Hill and Representatives Williams and Sias allows charters with performance ranking to only submit unified improvement plans every other year, states a charter network can perform one audit of their whole network instead of audits of each individual school, aligns acquiring exclusive charter authority standards with losing exclusive chartering authority standards, and lastly, and ensuring that charter schools that change authorizers remain funded at a constant level. SB 188 by the same sponsors looks at reversing the inequity that currently exists in charter school funding. The most controversial piece of this bill is the provision that requires school districts to equitably share their mill levy funding and begins the process of looking at charter mill levy equalization for Charter School Institute (CSI) authorized charter schools. Both bills were assigned to the Education Committee and are likely to be heard next week.

**Employer Accommodation for Pregnant Women** HB 1438 was introduced early this week by Representative Winter and Senator Martinez-Humenik. The bill, largely based off of federal law, makes it an unfair employment practice if an employer fails to provide reasonable accommodations for an applicant for employment or an employee for conditions related to pregnancy or childbirth. The bill also requires each employer to provide a notice of rights regarding the unfair employment practice to his or her employees. The Colorado Association of Commerce and Industry has worked with the sponsors to increase its palatability to the business community, however, a few outstanding issues still exist. The bill is scheduled to be heard in the House Health Insurance and Environment Committee next Thursday.

**Alternative Fuel Vehicle Tax Credit Adjustment** In 2013, the General Assembly passed HB 1247 to update and extend state tax credits that incentivize the purchase of alternative fuel vehicles. The same coalition that supported the 2013 rewrite initiated a bill this session to change the credit in 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 Colorado Energy Office with the support of General Motors, Noble Energy, the Colorado Oil and Gas Association, Conservation Colorado and others are in support of the measure. HB 1332 was considered in the House Finance Committee this week and passed unanimously.

**Local Governments and Oil and Gas** Despite the work conducted by the Oil and Gas Taskforce to strike a balance between local government and oil and gas industry, several pieces of legislation have been introduced to further empower local governments to enact stricter regulation on operators that have wells within their communities. The House Transportation and Energy Committee took up consideration of HB 1430 on Tuesday. The bill by Representative Lebsack requires an energy operator to register with the COGCC and the local government in which they operate. The bill further allows 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. The bill passed the House Transportation Committee on a 7-6 vote down partisan lines and is next headed to the House Floor for debate.

Mary Marchun

THE CAPSTONE GROUP LLC

---

[mmarchun@capstonegroupllc.com](mailto:mmarchun@capstonegroupllc.com)

1576 Sherman Street Suite 300 | Denver, CO 80203

C: 303.594.8198 P: 303.860.0555

*This message contains information intended only for the use of the addressee(s) named above and may contain information that is private, confidential, or legally privileged. If you are not the addressee, or the person responsible for delivering it to the addressee, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify me by replying to the message and delete the original message immediately thereafter.*

*Thank you, The Capstone Group, 1576 Sherman Street, Suite 300, Denver Colorado, 80203.*