



LEGISLATIVE REPORT

To: CO Women's Bar Association

Date: May 17, 2017

Re: 2017 End of Session Report

2017 Session Highlights

- *Participated in pre-Session Pay Equity strategy meetings with legislators and coalition partners*
- *Served as subject matter experts to legislative leadership on Wage Transparency, Human Trafficking, Juvenile Jurisdiction and FAMLI*
 - *Reviewed 29 Session bills: established positions on 11 and actively engaged in 5*
 - *Lead witnesses on two bills throughout their entire legislative life-cycle*
 - *Hosted December 2016 Annual Legislative Breakfast*
- *Continued Pay Equity partnership with 9to5, Women's Foundation of CO & CO Women's Chamber*
 - *Communicated legislative agenda via membership and social media outreach*
 - *Held monthly Public Policy Committee meetings*

General Session Overview

This year's legislative session may be remembered as the one that broke several logjams at once – all with one big bill. Whether the passage of Senate Bill 17-267 becomes a blueprint for future compromises or will turn out to be a one-off remains to be seen. But it's somewhat unexpected success is a testimony to what can get done when Democrats team up with moderate and some conservative Republicans.

SB17-267, or course, is the bill with the big umbrella title of "Concerning the Sustainability of Rural Colorado." That umbrella ultimately covered these main provisions:

- *Reclassification of the Hospital Provider Fee so that it won't count against the state's annual revenue limit, plus a compromise adjustment of that limit. The change saves hospitals, especially rural ones, from cuts that would have happened otherwise.*
- *Various other Medicaid changes, including increased client copays for some services.*



- *A lease-purchase program under which state buildings will be “sold” and those proceeds used for highway projects and building maintenance and construction. Part of the transportation money is earmarked for rural counties. The bill creates a permanent commitment on the state’s General Fund to help pay leases.*
- *An increase in marijuana tax rates, with revenues split between the General fund and schools.*
- *A one-time \$30 million boost to rural school districts.*
- *Tax credits to offset business personal property taxes.*

The bill is the latest in a long series of “creative” solutions the legislature has used to deal with the conflicting constraints in the state constitution, including Referendum C, declaring state colleges to be enterprises, the FASTER vehicle fees, creation of the negative factor in K-12 funding and the original Hospital Provider Fee. None of those were permanent fixes, and even lawmakers who voted for SB17-267 agreed that it won’t be either. While the bill provides some increases for transportation, other measures that proposed larger amounts of funding failed, primarily because of GOP opposition to proposed tax increases that would have required voter approval.

Progress was made in a more traditional way on another long-unresolved issue, contractor liability for construction defects in condominium projects. Rather than attempting to pass one big bill, various narrower measures were introduced. Most were defeated, but a significant bill to set new requirements for how condo owners can sue did pass.

On other issues, lawmakers passed bills to give charter schools more access to local district revenues, set rules for how unaffiliated voters can vote in party primaries, modernize state open records law and start reforming the youth corrections system. Some modest measures to address the opioid epidemic became law.

Since the voters legalized marijuana, bills to tweak pot laws have become a staple of every legislative session. This year was no exception, and lawmakers also attempted to go on a spending spree of marijuana tax revenues until reined in by the Joint Budget Committee. A high-profile bill to create rules for marijuana clubs (amended out of the bill early) and further define “public consumption” died at the very end of the session.

One notable failure was a bill to reauthorize and redefine the mission of the Colorado Energy Office. That died on the last day after the Democratic House and Republican Senate couldn’t reach agreement.

As usual in a divided legislature, ideological “statement” bills didn’t fare well, including Republican measures on social issues like abortion and Democratic bills on energy conservation and economic security.



Legislation of Interest

2017 proved to be another engaging legacy Session for the CWBA Public Policy Committee. From a successful annual legislative breakfast and several pre-Session legislative strategy meetings on Wage Transparency and active engagement on Human Trafficking and FAMILI legislation, CWBA members were generous with their time, dedication and expertise as they were consistently sought for subject matter opinions and praised for thoughtful engagement.

Highlights of the Public Policy Committee's priority legislation is below, as is a link to the final legislative matrix: <http://www.statebillinfo.com/SBI/index.cfm?fuseaction=Public.Dossier&id=23154&pk=986&style=pinstripe>

WAGE TRANSPARENCY

HB 17-1269: Repeal Prohibition of Wage Sharing Information

Sponsors: Reps. Danielson & Nordberg/Sens. Martinez Humenik & Donovan

CWBA Position: SUPPORT

Status: Bill was sent to the Governor on 5/2/17

Summary: The bill cleans-up Colorado law to now provide wage transparency protections to all employees.

CWBA Engagement: Continuing to forge progress on a CWBA legacy issue, key CWBA expert-members engaged in significant pre-Session work with sponsors and like-minded partners to set a course for passage of last years' failed HB 16-1156 which would allow all Colorado employees protection for wage sharing. From legal reviews, drafting edits and strategy discussions, CWBA member-experts delivered timely and complete analysis and relevant testimony. Passing this bill with bi-partisan support was a significant team effort for all involved.

HUMAN TRAFFICKING

HB 17-1072: Human Trafficking Sexual Servitude

Sponsors: Reps. Landgraf & Lawrence/Sen. Cooke

CWBA Position: AMEND

Status: Bill was sent to the Governor on 5/10/17

Summary: The bill expands the definition of Human Trafficking to include a person who knowingly advertises, offers to sell or sells travel services for the purpose of human trafficking. It includes an affirmative defense for those charged with trafficking can demonstrate that they are a victim. It also allows a person to petition for removal from the registry.

CWBA Engagement: CWBA member-experts were actively engaged with the sponsors and stakeholders to construct language which would balance the expansion of travel services with victim protections. There is more work to be done in the interim as the sponsors will want to incorporate the concept of purchasing as well as enter into further discussion about the registry.



JUVENILE JURISDICTION

HB 17-1110: Juvenile Court Jurisdiction Regarding Parental Responsibilities

Sponsors: Rep. Beckman/Sen. Todd

CWBA Position: *SUPPORT as amended*

Status: Bill signed by the Governor on 4/18/17

Summary: The heavily amended bill permits the juvenile court to enter orders involving allocation of parental responsibilities, parenting time, and child support as part of a juvenile delinquency case when certain conditions are met.

CWBA Engagement: CWBA member-experts were significantly engaged with the sponsors and counties to create a workable path by which the allocation of parental responsibilities would receive a fair and appropriate hearing as it related to the best interest of the child.

HB 17-1111: Dependency and neglect Civil Protection Orders

Sponsors: Rep. Beckman/Sen. Fields

CWBA Position: *SUPPORT*

Status: Bill signed by the Governor on 4/4/17

Summary: The bill clarifies that a juvenile court has jurisdiction to enter civil protection orders in dependency and neglect actions, upon the motion of the city or county attorney, guardian ad litem, or respondent parent counseling, following the same standards and procedures as district and county courts.

CWBA Engagement: CWBA quickly supported this bill and provided clear testimony.

ANTI-DISCRIMINATION

HB 17-1188: Harassment Sexual Orientation or Disability

Sponsors: Reps. Foote/Sens. Coram & Moreno

CWBA Position: *SUPPORT*

Status: Bill signed by the Governor on 5/3/17

Summary: The bill adds physical or mental disability and sexual orientation to the categories described in the harassment statute to make the statute consistent with Colorado's law concerning bias-motivated crimes.

CWBA Engagement: CWBA support this revision to Colorado law.

SB 17-283: Clarify Discrimination and Right To Disagree

Sponsors: Sen. Lundberg

CWBA Position: *OPPOSE*

Status: Bill died on the Senate Floor 4/18/17

Summary: This bill clarifies that it is not a discriminatory practice for an owner of a place of public accommodation to decline to provide goods, services, facilities, or other accommodation to an individual, group, or event that represents a message with which the owner disagrees.

CWBA Engagement: CWBA testified in opposition to the bill due to the fact that if it went into effect, businesses could refuse to serve women. Under this law, business owners could quickly argue that even the presence of



women in a particular kind of establishment conveyed a message with which they disagreed. There is no clear line between a service that "conveys a message" and one that does not.

FAMLI

HB 17-1307: Family and Medical Leave Wage Replacement Insurance Program

Sponsors: Rep. Winter/Sens. Field & Moreno

CWBA Position: **SUPPORT**

Status: Bill died in the Senate State Affairs Committee on a party line vote 5/3/17

Summary: The amended version of the bill: The shaded areas reflect where amendments were made to:

- Adjusted the definition of employee;
- Prohibited the transfer of money from the General Fund for programmatic expenses to the State;
- Clarified that premiums are fees and not taxes;
- Directed Colorado Department of Labor and Employment (CDLE) to determine and provide nominal and reasonable assistance to employers requesting support in creating the employee payroll deduction ;
- Instituted a misdemeanor and fine of \$1K when a covered individual willfully submits false information;
- Established a repeal date of June 15, 2018 if CDLE fails to meet their fiscal requirements stated in the bill; and
- Directed CDLE to establish a working group of interested parties to prepare for the creation of the FAMLI Act by June 1, 2018.

CWBA Engagement: For the 2nd year running, CWBA members were heavily invested in the guidance and legal structure of HB 1307. From participating in numerous stakeholder and drafting meetings, to participating on 9To5's Steering Committee which designed the bill strategy, CWBA's guidance affirmed legal soundness to the bill. Expert testimony was critical in both the House and Senate Committee hearings because it provided the legal perspective to this important issue. It is likely the sponsors will introduce this bill in the 2018 Session and CWBA will remain at the table.

FY 17/18 Budget Overview

Bipartisan cooperation and creative thinking are more deeply embedded in the Joint Budget Committee than the legislature has a whole, and this year's panel displayed those skills in crafting the 2017-18 budget package. The budget includes \$28.3 billion from all funds, a 4.2 percent increase, and \$10.6 billion from the General Fund, a 6.7 percent increase. The committee managed to avoid some of the more uncomfortable cuts proposed in the governor's original request. The committee was able to make modest increases in state employee pay and rates for providers of various medical and social services.

State workers will receive a 1.75 percent across-the-board increase plus a .75 percent increase in funds for merit pay. An overall increase in community provider rates was approved, equal to 60 percent of the state employee pay raise. Some providers will receive additional increases. Additional staffing was approved for youth services.



Two big issues, the Hospital Provider Fee and the K-12 Negative Factor, were moving targets. The committee proposed to cut 2017-18 Hospital Provider Fee collections by \$264 million, thereby eliminating the need to pay TABOR refunds. The revenue cut for hospitals would be more than \$500 million, given the loss of matching federal funds. That plan became a big impetus for passing SB17-267.

The committee originally proposed a Negative Factor for K-12 education of \$906 million but was able to trim that to \$881 million before sending the budget package to the full legislature. But updated estimates of local district revenues, which came after the budget passed, enabled lawmakers to hold the Negative Factor to \$828 million, the same as in 2016-17.

A Look Ahead: Interim Committees

<i>2017 Interim Committees and Legislative Task Forces</i>	<i>Purpose</i>
County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee	The interim study committee examines State and local public safety solutions during the interim between the 2017 and 2018 legislative sessions.
Opioid and Other Substance Use Disorders Interim Study Committee	The interim study committee examines prevention, intervention, harm reduction, treatment, and recovery support strategies for opioid and other substance use disorders in Colorado during the interim between the 2017 and 2018 legislative sessions.
Sentencing in the Criminal Justice System Interim Study Committee	The interim study committee examines specific issues related to the Colorado sentencing scheme during the interim between the 2017 and 2018 legislative sessions.
Young and Beginning Farmers Interim Study Committee	The interim study committee examines supporting young and beginning farmers during the interim between the 2017 and 2018 legislative sessions.
Task Force on 911 Oversight, Outage Reports and Reliability – 2016 informal study committee	The Task Force will review information related to 911 oversight and reliability for Colorado citizens.
Joint Technology Committee – Year round committee	The Committee will oversee state agencies,



	projects and issues related to information technology. The Committee may meet year round.
Mental Illness in the Criminal Justice System – year round committee	The Committee will discuss issues related to mental illness in the criminal justice system, and make appropriate recommendations.
Police Officers’ and Firefighters’ Pension Reform Commission – Standing interim committee	The Committee will discuss issues related to the Fire and Police Pension fund.
Transportation Legislation Review Committee – Standing interim committee	The Committee will discuss issues related to transportation and infrastructure planning, funding and policy, and make appropriate recommendations.
Water Resources Review Committee – Standing interim committee	The Committee will discuss statewide water issues, and make appropriate recommendations.
Wildfire Matters Review Committee – Standing interim committee	The Committee will finish the work of the Lower North Fork Wildfire Commission, and will develop policy recommendations related to wildfire prevention and mitigation in the state
Colorado Health Insurance Exchange Oversight Committee – approved in 2015 (formerly the Legislative Health Benefit Exchange Implementation Review Committee)	The Committee will discuss issues related to Colorado’s state-based health care exchange, Connect for Health Colorado.
Medicaid Provider Rate Review Committee – non legislative study committee	The Committee will discuss the process for reviewing and setting Medicaid provider rates within the Department of Health Care Policy and Financing.

The Road to 2018

While it seems we just finished an election, the next cycle has begun in earnest with candidates making plans for 2018. At the top of the ticket in Colorado, Governor John Hickenlooper (D-Denver) is term limited, and several candidates have emerged including, Congressman Ed Perlmutter (D-Lakewood), former State Treasurer Cary



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Kennedy (D-Denver), former state Senator Mike Johnston (D-Denver), Treasurer Walker Stapleton (R-Denver), Arapahoe County District Attorney George Brauchler (R-Aurora), among others.

Several state legislators have announced their candidacy for other public offices, including Rep. Steve Lebsack (D-Northglenn) and Rep. Justin Everett (R-Littleton) running for State Treasurer. Rep. Joe Salazar (D-Thornton) announced his candidacy for Attorney General in a crowded field, which includes incumbent AG Cynthia Coffman. In CD-7, with Congressman Perlmutter announcing his run for Governor opening up the race for Sen. Andy Kerr (D-Lakewood) and Rep. Brittany Pettersen (D-Lakewood), with others rumored to join. In CD-6, Sen. Owen Hill (R-Colorado Springs) is challenging incumbent Congressman Doug Lamborn (R-Colorado Springs). Additionally, all 65 of the State Representative seats and roughly half of the State Senate seats will be up for election. With the balance of power held by one seat in the Senate, we expect a significant push from both sides of the aisle to either maintain or change the political composition.

The 2017 statewide ballot may have important issues related to transportation funding, severance taxes, and election disclosures for voters to decide. However, it remains to be seen what issues will have the funding and support to make it onto the ballot this fall.

The team at Aponte & Busam Public Affairs appreciates the trust you instill in us to represent your interests at the State Capitol, and look forward to future endeavors.