



LEGISLATIVE REPORT

To: Colorado Children's Immunization Coalition, Public Policy Committee

Date: June 5, 2017

Re: 2017 End of Session Report

2017 Session Highlights

- Hosted two interim advocacy meetings with community partners to discuss shared policy priorities
- Launched Colorado Parents for Vaccinated Communities as pro-vaccine parent engagement project
 - Facilitated Legislative Education Session for policymakers, staff and community partners
- Tracked six bills, including coordinating lobby strategy, messaging and testimony for proposed anti-vaccine legislation
 - Coordinated lobby strategy for key budget issues, including CIIS funding
- Secured significant media coverage for annual Vaccine Preventable Disease Report and budget fight
 - 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 and 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 Session for the CCIC Public Policy Committee. Prior to session beginning in January, immunization funding was put under the microscope as the Joint Budget Committee debated elements of the Immunization Program, specifically the statutory authority of the Department to collect immunization data. That debate continued through the majority of the 2017 session while the budget was being debated and



CCIC was integral in providing communication and lobby support to educate legislators about the importance of the Immunization Program and the CIIS.

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=23147&pk=469&style=pinstripe>

HB 17-1146: Parent's Bill of Rights

Sponsors: Rep. Neville/Sen. Neville

CCIC Position: OPPOSE

Status: Bill was postponed indefinitely by House Health, Insurance and Environment Committee on 2/23

Summary: The bill allows a parent or legal guardian to opt out of the collection and storage by a local education provider of any type of data related to his or her child, among other policy issues.

CCIC Engagement: CCIC opposed the bill and provided organizational support and lobbied likeminded legislators on the House Committee of Reference. Parents from CCIC's grassroots engagement network, CPVC, testified in opposition to the legislation.

HB 17-1185: Reports of Suspected Child Abuse or Neglect

Sponsors: Rep. Singer/Sen. Smallwood

CCIC Position: MONITOR and oppose any amendments

Status: Bill was signed by Governor Hickenlooper on 5/3

Summary: The bill adds to the list of mandatory reports for suspected child abuse or neglect, employees of county offices of health, human services and social services.

CCIC Engagement: CCIC monitored the bill as there was significant anti-vaccine testimony in the first House Committee of Reference hearing, primarily around concerns of child abuse reports for choosing not to vaccinate. The bill was laid over for additional discussion, and CCIC provided written comments to the bill sponsors and key legislators citing the current statutory reference which indicates failure to vaccinate is not a reportable condition.

SB 17-250: Student Exemption from Immunization Requirements

Sponsors: Sens. Neville and Marble/Reps. Neville and Lebsack

CCIC Position: OPPOSE

Status: Bill was lost on a tie vote on second reading in the Senate on 4/19

Summary: The bill clarifies that a person submitting a certification or exemption letter required for exemption from school immunizations need not use a form, specifically a form provided by a state Department.

CCIC Engagement: CCIC opposed the bill and organized community partners for testimony, lobbying and grassroots engagements. Parents from CPVC were very active on the bill, with hundreds of emails generated in opposition.



SB 17-254: Long Appropriations Bill

Sponsors: Sen. Lambert/Rep. Hamner

CCIC Position: SUPPORT CIIS funding

Status: Bill was signed by Governor Hickenlooper on 5/26

Summary: The bill sets the state's FY 17-18 operating budget, and makes corresponding appropriations.

CCIC Engagement: CCIC was very active in lobbying members of the Joint Budget Committee and key House and Senate leadership for full funding of CIIS and other Immunization Program activities. CCIC developed position papers, talking points and other communication tools to show the importance of CIIS as a public health tool for the state.

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. CCIC was integral in ensuring full funding for CIIS was included in the FY 17/18 budget, as it was initially voted down by the Joint Budget Committee.

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

2017 Interim Committees and Legislative Task Forces	Purpose
--	----------------



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 HCPF.

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 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.**