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The 2018 Legislative Session Summary: Strange, Stressful but Successful

By

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and

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One year ago, CACI, the Colorado Chamber of Commerce, noted in its [session overview](#) that bipartisanship was the hallmark of the First Session of the 71st Colorado General Assembly.

The two major parties and their four caucuses cooperated to pass landmark legislation on such major business issues as transportation funding, construction litigation reform and regulatory reform. The Republican Senate President and the Democrat House Speaker demonstrated a willingness to work across party lines on major issues.

What a Difference a Year Makes!

First, 2018 is an election year, and in an election year, the politics of the legislature are inevitably ratcheted up. When compared to recent prior sessions, however, the Second Session of the 71st General Assembly was scarred deeply in an unprecedented way by the social-cultural-political fracturing besetting the nation and the troubling issue of sexual harassment, which has reverberated across the land and launched the #MeToo movement. In some cases, personal relationships between lawmakers within and between caucuses were severely frayed.


Legislative Agenda

For the Colorado Chamber of Commerce and the statewide business community that it represents, the four top issues for the 2018 session were:

- Transportation funding;
- Reauthorization of the Colorado Civil Rights Division and Commission;
- Employer mandates; and
- Oil-and-gas production.

Yet, despite the personal and political landmines that exploded during the 120-day session, the legislature managed, in the end, a very strange feat. Lawmakers put off until the final days and hours critical decisions on three of the most vexing challenges facing Colorado--and then surprisingly pushed three compromise bills across the finish line:

- SB-200, Reforming PERA, the public pension system, to address its projected multi-billion funding shortfall
- SB-1, transportation funding, and
- HB-1256, reauthorization of the Colorado Civil Rights Division and Commission.



The legislature also passed two important bipartisan measures that will be on the November ballot and create new, politically balanced mechanisms for the drawing of state legislative and congressional districts after the 2020 Census.

Beyond these major business issues were more than 50 bills that our lobbying team advocated on ranging from taxation, energy and environment, employment law, health-care policy, and many other business related issues. Providing guidance and advice to our lobbying team was the Board of Directors and our five Policy Councils, which meet monthly during the session and include members who provide guidance and expertise on the actions we take on bills.

Measuring Our Lobbying Success

Our 2018 record under the Gold Dome is an excellent one when considering the metrics:

- Of the 19 bills that CACI, supported, 15 passed and four died.
- Of the 30 bills that CACI opposed, 30 died.
- Of the six bills on which CACI was neutral, five passed and one died.

Of the 49 bills that we supported or opposed, its won-loss record was 45-and-4. Therefore, if we were a baseball player for the Colorado Rockies, then our batting average would be .918.

As always, partisan politics erupts in an election year

Partisan politics played its usual role in a legislature with power split between the Democrat-controlled House and the Republican-controlled Senate. In each chamber, the two caucuses sought to advance their traditional legislative agendas, which should surprise no one. Energy, illegal immigration, climate change, charter schools, health-care policy, Medicaid, marijuana and guns, for example, were staples once again of partisan legislative debate.


Both political parties engaged in advancing “messaging bills” that would pass one chamber only to die in the other chamber.

Notably, for the business community, a salvo of messaging bills were introduced to address income disparities and increased compensation and benefits for low-income workers. Most of these bills are aimed at employers and would ultimately increase costs for their operations.

Transportation Funding: A Step Forward, but How Big of a Step?

In many ways, a compromise leaves the involved parties mutually dissatisfied even as they celebrate their hard-won victory by having gotten at least something of what they wanted. Thus it is with transportation funding, one of our most important issues of the session.

[Senate Bill 001](#) passed in the final days of Session and provides \$645 million in funding for transportation needs for the next two fiscal years beginning July 1st. Whether or not Colorado



voters will see SB-1 as an adequate response to the state's \$9 billion funding need may not be determined until the upcoming General Election.

Voters will have an opportunity to approve a citizen-initiated ballot measure for transportation funding this year, however, if that fails, they will have another opportunity to approve a measure for the issuance of \$2.337 billion in transportation bonds during the 2019 General Election.

If ballot proposals are not approved this November or in November 2019, then SB-1 will have directed \$1.645 billion to transportation over the next 22 years, with \$645 million of that being spent in the next two fiscal years. Add to that the \$500 million from last year's legislation, and the total is \$2.145 billion.

The two possible citizen-initiated measures for the November 2018 ballot are:

- A coalition proposal to raise the state sales tax to pay off a multi-billion bond sale, whose proceeds would go to transportation, including local governments and multi-modal projects.
- An Independence Institute proposal to issue \$3.5 billion in bonds, with the debt service being paid from existing General Fund revenue.

A Balanced Legislature

The outcome of key legislation this session is evidence that control of the legislature's two chambers should remain balanced between the two parties. Consequently, the 2018 legislative elections will be critical.

There are three swing Senate seats (two open and one with an incumbent Republican) that Capitol participants and observers believe hold the key to which party will control the Senate in 2019 and 2020:

- Senate District 24, now held by incumbent Republican [Senator Beth Martinez-Humenik \(Thornton\)](#), who is running for re-election;
- Senate District 16, now held by incumbent Republican Senator Tim Neville (Littleton), who is running for re-election;
- Senate District 20, now held by incumbent unaffiliated Senator Cheri Jahn (Wheat Ridge), who is term limited.

A balanced legislature is the business community's best bet for compromise between the two parties and to ensure that anti-business proposals from both the extreme left and right do not become law.

CACI Policy Council Bills and Positions

Energy & Environment Council Bills

[HB 1071](#) by Rep. Salazar & Sen. Moreno
[HB 1157](#) by Reps. Becker, Singer
[HB 1215](#) by Rep. Arndt & Sen. Jones
[HB 1271](#) by Reps. Gray, Willett & Sen. Tate
[HB 1274](#) by Reps. Becker, Bridges & Sen. Kerr
[HB 1289](#) by Reps. Foote, Young & Sen. Jones
[HB 1297](#) by Reps. Winter, Pettersen & Sen. Donovan
[HB 1301](#) by Reps. Roberts, McLachlan
[HB 1352](#) by Reps. Foote, Gray & Sens. Jones, Aguilar
[HB 1400](#) by Reps. Becker, McKean & Sens. Scott, Jahn
[HB 1419](#) by Reps. Foote, Jackson & Sens. Jones, Kefalas
[SB 009](#) by Sens. Priola, Fenberg & Reps. Winter & Lawrence
[SB 047](#) by Sen. Marble & Rep. Saine
[SB 063](#) by Sen. Jones & Rep. Benavidez
[SB 064](#) by Sen. Jones & Rep. Foote
[SB 167](#) by Sens. Scott, Donovan & Reps. Winter, Saine
[SB 230](#) by Sen. Marble & Rep. Saine
[SB 245](#) by Sen. Cooke & Rep. Arndt

Bill Title/Description

Regulate Oil Gas Operations Protect Public Safety
 Increased Reporting Oil and Gas Incidents
 Safe Disposal Naturally Occur Radioactive Material
 PUC Electric Utilities Economic Development Rates
 Reduce Greenhouse Gas Emissions by 2050
 Exempt Local Gov't School Districts Statutory Pooling
 Climate Change Preparedness & Resiliency
 Protect Water Quality Adverse Mining Impacts
 Oil & Gas Facilities Distance from School Property
 Increase Fees Stationary Sources Air Pollutants
 Oil & Gas Operators Disclosures Wellhead Integrity
 Allow Electric Utility Customers Energy Storage Equip.
 Repeal Tax Credits Innovative Vehicles
 Oil Gas Higher Financial Assurance Reclamation Requirement
 Require 100% Renewable Energy By 2035
 Enforce Requirements 811 Locate Underground Facilities
 Modify Laws Drilling Units Pooling Orders
 Allow Natural Occurring Radioactive Material Rules

Council Position

Oppose/**Dead**
 Oppose/**Dead**
 Oppose as Intro/**Dead**
 Support/**Passed**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Support/**Passed**
 Oppose/**Dead**
 Neutral as Amend/**Signed by Gov.**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Neutral as Amended/**Passed**
 Support/**Passed**
 Support/**Passed**

Health Care Council Bills

[HB 1007](#) by Reps. Kennedy & Sen. Lambert
[HB 1009](#) by Rep. Roberts & Sen. Donovan
[HB 1097](#) by Reps. Catlin, Danielson & Sens. Coram, Todd
[HB 1279](#) by Rep. Esgar & Sens. Priola, Moreno
[HB 1311](#) by Reps. Rankin, Hamner
[HB 1358](#) by Reps. Foote, Beckman & Sens. Lundberg, Aguilar
[HB 1370](#) by Reps. Esgar, Singer & Sen. Jahn
[HB 1392](#) by Reps. Kennedy, Rankin & Sens. Coram, Donovan
[SB 023](#) by Sen. Martinez Humenik & Rep. Ginal
[SB 136](#) by Neville & Reps. Kraft-Tharp, Sias

Bill Title/Description

Substance Use Disorder Payment & Coverage
 Diabetes Drug Pricing Transparency Act 2018
 Patient Choice of Pharmacy
 Electronic Prescribing Controlled Substances
 Single Geographic Rating Area Individual Health Plan
 Health Care Charges Billing Required Disclosures
 Drug Coverage Health Plan
 State Innovation Waiver Reinsurance Program
 Promote Off-label Use Pharmaceutical Products
 Health Insurance Producer Fees and Fee Disclosure

Council Position

Neutral/**Passed**
 Oppose/**Dead**
 Oppose/**Dead**
 Support/**Passed**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Support/**Signed by Gov.**

Labor & Employment Council Bills

[HB 1001](#) by Reps. Winter, Gray & Sens. Fields, Donovan
[HB 1033](#) by Rep. Weissman & Sen. Coram
[HB 1067](#) by Reps. Melton, Salazar
[HB 1128](#) by Reps. Wist, Bridges & Sens. Lambert, Court
[HB 1250](#) by Reps. Kraft-Tharp, Sias & Sen. Priola
[HB 1256](#) by Reps. Duran, Herod & Sen. Gardner
[HB 1261](#) by Rep. Weissman & Sen. Kagan
[HB 1262](#) by Reps. Jackson & Roberts & Sen. Kagan
[HB 1298](#) by Reps. Pettersen, Bridges & Sens. Donovan, Todd
[HB 1368](#) by Reps. Danielson, Melton & Sens. Merrifield, Moreno
[HB 1377](#) by Rep. Coleman & Sen. Donovan
[HB 1378](#) by Reps. Danielson, Buckner & Sens. Donovan, Fields
[SB 178](#) by Sen. Smallwood & Rep. Kraft-Tharp
[SB 193](#) by Sen. Coram & Rep. Carver

Bill Title/Description

Family and Medical Leave Insurance Program
 Employee Leave to Participate in Elections
 Right to Rest Act
 Protections for Consumer Data Privacy
 Analysis to Improve Compliance w/ Rules by Business
 Sunset Continue Civil Rights Division & Commission
 Colorado Arbitration Fairness Act
 Arbitration Services Provider Transparency Act
 Colorado Secure Savings Plan
 Local Control of Minimum Wage
 Prohibit Seeking Salary Information
 Equal Pay for Equal Work Act
 Similar Coverage Independent Commercial Vehicles
 Limit State Agency Occupational Regulations

Council Position

Oppose/**Dead**
 Neutral as Amended/**Dead**
 Oppose/**Dead**
 Neutral as Amended/**Passed**
 Support/**Passed**
 Support as Amended/**Passed**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Oppose/**Dead**
 Support/**Passed**
 Oppose/**Dead**



Tax Council Bills

[HB 1022](#) by Reps. Sias, Kraft-Tharp & Sen. Jahn, Neville
[HB 1036](#) by Rep. Leonard & Sen. Neville
[HB 1185](#) by Reps. Kraft-Tharp, Wist & Sens. Neville, Moreno
[HB 1201](#) by Rep. Thurlow & Sen. Coram
[HB 1387](#) by Rep. Rankin & Sen. Moreno
[SB 61](#) by Sens. Sonnenberg, Grantham & Rep. Lawrence

Bill Title/Description

Requiring DOR to do RFI for Sales Tax Simplification System
 Reduction of Business Personal Property Tax
 Market Sourcing for Business Income Tax Apportionment
 Severance Tax Voter-Approved Revenue Change
 Eliminate Oil & Gas Abatement Refund Interest
 Reduce the State Income Tax Rate

Council Position

Support/**Signed by Gov**
 Support/**Dead**
 Support/**Passed**
 Support as Amended/**Dead**
 Oppose/**Dead**
 Support/**Dead**

Governmental Affairs Council Bills

[HB 1128](#) by Reps. Wist, Bridges & Sens. Court, Lambert
[HB 1392](#) by Reps. Kennedy, Rankin & Sens. Coram, Donovan
[SB 001](#) by Sens. Cooke, Baumgardner & Reps Carver, Buck
[SB 062](#) by Sen. Moreno & Rep. Melton
[SB 230](#) by Sen. Marble & Rep. Saine
[SCR 004](#) by Sen. Grantham & Rep. Duran
[SCR 005](#) by Sen. Grantham & Rep. Duran

Bill Title/Description

Protections for Consumer Data Privacy
 State Innovation Waiver Reinsurance Program
 Transportation Infrastructure Funding
 Snow Removal Service Liability Limitation
 Modify Laws Drilling Units Pooling Orders
 Congressional Redistricting
 Legislative Redistricting

Council Position

Support as Amended/**Passed**
 Oppose/**Dead**
 Support/**Passed**
 Neutral as Amended/**Passed**
 Support/**Passed**
 Support/**Passed**
 Support/**Passed**

Energy & Environment Council

HB 18-1071 - Regulate Oil & Gas Operations Protect Public Safety (Sponsors: Representative Salazar & Senator Moreno)

Position: Oppose

Bill Status: Died in Senate Committee on Agriculture, Natural Resources, & Energy on 3/7/18

- The bill would have required the Colorado Oil & Gas Conservation Commission to change the way it balances the development of oil & gas reserves and the protection of public health, safety, and welfare, including the protection of the environment and wildlife resources;
- This bill was an attempt to codify the Court of Appeals ruling of the COGCC vs. Martinez case which ruled that O&G development is not balanced with the protection of public health, safety, and welfare. The case is being appealed to the CO Supreme Court, and the Council took an oppose position and lobbied against the bill since a decision is yet to be rendered.

HB 18-1157 - Increased Reporting Oil & Gas Incidents (Sponsors: Representatives Becker & Singer; Senator Fenberg)

Position: Oppose

Bill Status: Died in Senate Committee on Agriculture, Natural Resources, & Energy on 4/19/18

- The bill would have increased the amount of information that oil and gas operators are required to report for all minor and major reportable events. Such events could include but were not limited to:
 - unauthorized release of oil, produced water, oilfield chemicals, or exploration or production waste, the flaring or venting of gases or other uncontrolled releases;
 - worker injury or death.

- The Council took an oppose position and staff testified against the bill because all the information that the bill required to be reported is already provided by operators.

HB 18-1215 - Safe Disposal Naturally Occur Radioactive Material (Sponsors: Representative Arndt; Senator Jones)

Position: **Oppose as Introduced**

Bill Status: Died in Senate Committee on State, Veterans, & Military Affairs on 5/3/18

- Under current law, the State Board of Health in the Department of Public Health and Environment cannot adopt rules on the disposal of naturally occurring radioactive materials until the EPA has adopted their own rules. This bill would have required the state board to adopt rules on the disposal of NORM and technologically enhanced naturally occurring radioactive materials (TENORM);
- The bill also required a stakeholder process for developing the rules, and the stakeholders would have included: the oil and gas industry, mining industry, power generators and suppliers, public water providers, public wastewater treatment providers, and solid waste landfill operators;
- The Council took an oppose as introduced position, and staff testified against the bill because it believed the Department should have the authority to regulate TENORM (see support of SB 18-245 below); however, HB 18-1215 not only gave the Department the authority to regulate but also dictated how such regulation should occur.

HB 18-1271 - PUC Electric Utilities Economic Development Rates (Sponsors: Representatives Gray & Willett; Senator Tate)

Position: **Support**


Bill Status: Passed in House & Senate; Sent to Governor

- This bill allows the Public Utilities Commission (PUC) to approve, and for investor-owned electric utilities to charge, a discounted rate for commercial and industrial users who locate or expand their operations in Colorado. To qualify, the customer must show that electricity cost is a critical part of their decision to locate to Colorado;
- The bill also allows for approval by the PUC to expand an existing, renewable energy program if a customer makes a capital investment in Colorado of at least \$250 million; needs the expansion to remain as a customer of the utility; or is a new customer;
- The Council took a support position on the bill due to the incentive it provides for users that are seeking to locate to Colorado or expand their current investment in the State.

HB 18-1274 - Reduce Greenhouse Gas Emissions by 2050 (Sponsors: Representatives Becker & Bridges; Senator Kerr)

Position: **Oppose**

Bill Status: Died in Senate Committee on State, Veterans, & Military Affairs on 4/11/18

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- In 2017, Governor Hickenlooper issued an Executive Order which outlined a goal to reduce greenhouse gas emissions for the State by more than 26% by 2025 compared to 2005 levels;
 - This bill exceeded the Governor's Executive Order by seeking to reduce emissions of greenhouse gases by at least 80% by the year 2050 and required certain programs to be in place to achieve that goal.
 - The Council took an oppose position and staff lobbied against the bill based on concerns that our members would not be able to achieve that reduction level by the time frame prescribed in the bill.

HB 18-1289 - Exempt Local Government School Districts Statutory Pooling (Sponsors: Representatives Foote & Young; Senator Jones)

Position: Oppose

Bill Status: Died in Senate Committee on State, Veterans, & Military Affairs on 5/2/18

- Under current law, oil and gas operators can apply to the COGCC for an order to pool oil and gas resources located within a certain drilling location. This bill if passed would have exempted local governments and school districts that own mineral rights from being forced pooled, but allows them to continue to do voluntary pooling;
- The Council took an oppose position because preventing publicly-owned lands from being statutorily pooled would have prevented drilling near such lands since oil & gas reserves can flow across property lines which was a primary reason for statutory pooling in the first place.

HB 18-1297 - Climate Change Preparedness and Resiliency (Sponsors: Representatives Winter & Pettersen; Senator Donovan)

Position: Oppose

Bill Status: Died in Senate Committee on State, Veterans, & Military Affairs on 5/1/18

- The bill if passed would have required greenhouse gas emission to be reduced by 26% by 2025 compared with 2005 levels; and carbon dioxide emissions by 25% by 2025, and 30% by 2030. The bill also required the Colorado Resiliency and Recovery Office to conduct certain functions including:
 - collecting data to calculate the economic costs of climate change;
 - developing a model to estimate future impacts of climate change;
 - analyzing the modeling results;
 - updating the resiliency model; and;
 - developing resources to support local initiatives.
- The Council took an oppose position and staff lobbied against the bill based on concerns that our members would not be able to achieve that reduction level by the time period prescribed in the bill.

HB 18-1301 - Protect Water Quality Adverse Mining Impacts (Sponsors: Representatives Roberts & McLachlan; Senators Fenberg & Donovan)

Position: **Oppose**

Bill Status: Died in Senate Committee on State, Veterans, & Military Affairs on 4/25/18

- This bill would have required that a reclamation plan submitted by a mining operator for a permit must show a completion date for conducting water quality treatments and that the plan meets water quality standards;
- The bill also removed the ability for mining operators to submit a financial statement as proof that they have sufficient funds to perform a reclamation. Instead, the bill required all reclamation bonds include an amount deemed sufficient for water quality protection;
- The Council took an oppose position and staff testified against the bill based on concerns that mining operators would be unable to continue the bond process they currently use and also would not be able to determine a completion date for conducting water quality treatments which could be 40 or 50 years in the future (after the life of the mine).

HB 18-1352 - Oil & Gas Distance from School Property (Sponsors: Representatives Foote & Gray; Senators Aguilar & Jones)

Position: **Oppose**

Bill Status: Died in Senate Committee on State, Veterans, & Military Affairs on 5/2/18

- Existing COGCC regulations require that oil and gas operations be located at least 1,000 feet from schools. This bill if passed would have required that the distance apply to a school property line – not the building. The bill also applied to child care centers;
- The bill had an exception for schools being constructed near oil & gas operations that were already in existence. However, the distance did apply to real property owned by a school district and if construction of a school is anticipated within a five-year period;
- The Council took an oppose position on the bill and staff lobbied against the bill based on concerns that the bill would severely limit oil and gas operations in Colorado.

HB 18-1400 - Increase Fees Stationary Sources Air Pollutants (Sponsors: Representatives Becker, K.C. & McKean; Senators Scott & Jahn)

Position: **Support**

Bill Status: Passed in House & Senate; Sent to Governor

- Under current law, the fees paid by stationary sources of air pollutants are set in statute and allow the air quality control commission to set the fees below the cap by rule as needed to comply with TABOR;
- Last November, the Department of Public Health and Environment made a presentation to the Energy and Environment Council indicating the need for a 40% increase in air-quality permit fees to meet the needs of the program. Given that there has not been an increase in these fees

in the past ten years, the Council recognized that some increase in fees might be warranted;

- Council members, however, wanted more justification for (a) the size of the increase and (b) a stakeholder process to implement improvements and efficiencies in the Department's operations. As a result, the Council members and staff worked with other stakeholders and the Department on legislation that would:
 - Reduce the size of the fee increase, and
 - Develop a stakeholder process to implement improvements and efficiencies.
- HB 1400 is the result of those efforts. The bill increases the fees by 25% and includes a Consumer Price Index adjustment each year for the next ten years as well as outlining a stakeholder process to implement improvements and efficiencies within the Department. Staff lobbied and testified in support of this bill.

HB 18-1419 - Oil & Gas Distance from School Property (Sponsors: Representatives Foote & Gray; Senators Aguilar & Jones)

Position: **Oppose**

Bill Status: Died in Senate Committee on State, Veterans, & Military Affairs on 5/2/18


- Currently, oil and gas operators must give notice to the COGCC and local governments on the location of any subsurface oil and gas facility. This bill would have required the adoption of rules by the COGCC on proper wellhead integrity of all production wells;
- The bill also required that operators provide to local governments an estimate of the number of wells the operator intends to drill and a map showing the location of existing wells and development for new sites;
- The Council took an oppose position because it felt the COGCC rules, including those adopted in response to the Firestone tragedy, are stringent and have not been shown to be insufficient.

SB 18-009 - Allow Electric Utility Customers Energy Storage Equipment (Sponsors: Senator Priola & Fenberg & Representatives Winter & Lawrence)

Position: **Neutral as Amended**

Bill Status: Signed by Governor on 3/22/18

- The bill requires the Public Utilities Commission to adopt rules on the installation, interconnection, and use of distributed energy storage systems and specifies criteria for the rules such as:
 - the installation is in the public interest;
 - consumers may install the systems without unnecessary regulations;
 - the approval must be simple and affordable; and
 - utilities may not require customer-sited meters to monitor these systems, except as authorized by the PUC.

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- The Council had concerns with the bill when it was introduced but members and staff worked with the sponsors to resolve those concerns through amendments to ensure the bill complied with current laws and procedures and the Council changed its position on the bill to neutral.

SB 18-047 - Repeal Tax Credits Innovative Vehicles (Sponsors: Senator Marble & Representative Saine)

Position: Oppose

Bill Status: Died in House Committee on Transportation & Energy on 4/18/18

- The bill would have repealed state income tax credits for the purchase of innovative motor vehicles and trucks prior to the current repeal period. The funds collected from the repeal of the tax credits would have been allocated to transportation funding needs via the State's Highway Users Tax Fund (HUTF);
- Several Council members and Chamber members currently exercise their ability to take the tax credits under existing law to relieve their current tax liability. Removing these credits is a disincentive for companies seeking to locate and invest in Colorado. Staff testified in opposition to this bill.

SB 18-063 - Oil & Gas Higher Financial Assurance Reclamation Requirements (Sponsors: Senator Jones & Representative Benavidez)

Position: Oppose

Bill Status: Died in Senate Committee on Agriculture, Natural Resources, & Energy on 2/1/18

- The bill would have required an oil and gas operator to provide financial assurance to the State that it is able to fulfill all obligations of the Oil and Gas Conservation Act. It also required the COGCC to conduct a financial viability analysis of an oil & gas operator and required each operator applying for a permit to submit a reclamation plan;
- The Council took an oppose position on the bill and staff lobbied against the bill based on concerns that the financial assurance requirements provided in the bill were not realistic or commercially available and in addition it had not been shown that the COGCC's current financial assurance requirements are not sufficient.

SB 18-064 - Require 100% Renewable Energy by 2035 (Sponsors: Senator Jones & Representative Foote)

Position: Oppose

Bill Status: Died in Senate Committee on Agriculture, Natural Resources, & Energy on 2/1/18

- This bill if passed would have changed the current renewable energy standard and require that all investor-owned utilities, electric co-op associations, and municipal owned utilities generate 100% of their electricity from renewable energy sources by the year 2035;
- The council took an oppose position and staff lobbied against the bill based on concerns that our members would not be able to achieve that energy standard within the time frame prescribed in the bill.

SB 18-167 - Enforce Requirements 811 Locate Underground Facilities (Sponsors: Senators Scott & Donovan; Representatives Winter & Saine)

Position: Neutral

Bill Status: Passed in House & Senate; Sent to the Governor

- This bill changes the current system regarding the excavation of underground facilities. Under current law, the Utility Notification Center of Colorado (Colorado 811), oversees the state's notification process and persons must contact Colorado 811 if they plan to excavate an area;
- The bill requires Colorado 811 to enter into an MOU with the Underground Damage Prevention Safety Commission and provide support. The bill also requires Colorado 811 to submit an annual report that includes information on location requests by operators of underground facilities.

HB 18-230 - Modify Laws Drilling Units Pooling Orders (Sponsors: Senator Marble & Representative Saine)

Position: Support

Bill Status: Passed in House & Senate; Sent to Governor

- This bill was one of the proposals discussed during the summer and fall of 2017 by an oil and gas working group led by Senator Marble and Representative Saine;
- Current law allows for an oil and gas operator to apply to the CO Oil & Gas Conservation Commission (COGCC) for an order to pool the development of oil and gas resources located near a drilling unit. This bill changes current law by: (1) permitting the COGCC to authorize more than one well in a drilling unit; (2) increasing the time a mineral owner has to consider a lease offer to 60 days; (3) clarifying that a nonconsenting owner is immune from liability for costs arising from spills, releases, damage, or injury resulting from oil and gas operations on the drilling unit; and (4) requiring information from the COGCC be included with each lease offer describing pooling procedures and the mineral owner's legal options.
- The Council took a support position because it believed this bill was an important update to Colorado's statutory pooling procedures.

HB 18-245 - Allow Natural Occurring Radioactive Material Rules (Sponsors: Senator Cook; Representative Arndt)

Position: Support

Bill Status: Passed in House & Senate; Sent to Governor

- Under current law, the State Board of Health in the Department of Public Health and Environment cannot adopt rules on the disposal of naturally occurring radioactive materials (NORM) until the EPA has adopted their own rules;
- As mentioned above, the Council supported giving the Department the authority to regulate the disposal of NORM and technologically enhanced naturally occurring radioactive materials (TENORM). This bill gives the Department such authority and requires a stakeholder process to

discuss the development of such rules and the impacts the rules might have on various industries. Furthermore, it requires the Department to report back to the General Assembly before it can promulgate such rules.

HealthCare Council

HB 18-1007 - Substance Use Disorder Payment and Coverage (Sponsors: Representative Kennedy & Senators Lambert & Jahn)

Position: Neutral as Amended

Bill Status: Passed in House & Senate; Sent to Governor

- The bill changes the existing substance use treatment process provided by health benefit plans and Medicaid and includes the following;
 - requires plans to provide coverage without prior authorization for a five-day supply of at least one federally approved drug for opioid dependence;
 - requires plans to handle requests for medication-assisted treatment (MAT) as an urgent prior authorization request;
 - requires contracts between a carrier and provider to include language prohibiting the carrier from taking adverse action against a provider based solely on a patient satisfaction survey or other patient feedback;
 - requires that Medicaid reimburse for at least one federally approved opioid overdose reversal drug without prior authorization;
 - requires plans and Medicaid to provide a dispensing fee to pharmacists who administer injections of MAT.

- The Council and staff worked with the sponsors of the bill to address concerns with the introduced version of the bill. Amendments were adopted that resolved those concerns.

HB 18-1009 - Diabetes Drug Pricing Transparency (Sponsors: Representative Roberts & Senator Donovan)

Position: Oppose

Bill Status: Died in Senate Committee on State, Veterans & Military Affairs on 5/2/18

- The bill would have required drug manufacturers, pharmacy benefit managers, health insurers, and pharmacies to provide information to the CO Department of Public Health & Environment on insulin related drugs. The Department subsequently would have had to create a list of those drugs and identify which had an increase in wholesale acquisition cost greater than the medical inflation rate in the previous year or twice the medical inflation rate over the previous two years;

- The bill also required drug manufacturers to submit information including:
 - production costs;
 - administrative costs, including advertising costs;
 - profits attributable to the drug;

- financial assistance to patients;
- current and historical information on the drug's wholesale acquisition cost;
- rebates and coupons used by patients; and
- a specific explanation for the price increase, broken down by the various contributing to the increase.

- The Council had concerns with the bill based on the type of information required to be submitted to the Department, some of which is proprietary information.

HB 18-1097 - Patient Choice of Pharmacy (Sponsors: Representative Catlin & Danielson; Senators Coram & Todd)

Position: **Oppose**

Bill Status: Died in Senate Committee on Business, Labor & Technology on 3/19/18

- The bill would have prohibited health insurance carriers that cover pharmaceutical services and pharmacy benefit managers that manage those services for a carrier from:
 - Limiting or restricting a covered person's ability to select a pharmacy of the covered person's choice if certain conditions are met;
 - Imposing a copayment, fee, or other cost-sharing requirement for selecting a provider of the covered person's choosing;
 - Imposing other conditions on a covered person or provider that limit or restrict a covered person's ability to use a pharmacy of the covered person's choosing; or
 - Denying a provider the right to participate in any of its network contracts in this state or as a contracting provider in this state, so long as provider agrees to specified conditions.
- CACI testified in opposition to the bill and has opposed similar legislation which has failed during the last four legislative sessions. Such opposition is based on concerns that limiting co-payments on a patient for the services described triggers an increase in costs to businesses who seek to provide affordable health care coverage for their workers.

HB 18-1279 - Electronic Prescribing Controlled Substances (Sponsors: Representative Esgar & Senators Moreno & Priola)

Position: **Support**

Bill Status: Died in Senate Committee on State, Veterans & Military Affairs on 4/25/18

- The bill required certain providers to prescribe controlled substances through an electronically transmitted prescription to a pharmacy. For most prescribers, the requirement began on July 1, 2021. For those providers who work on a solo arrangement or are in rural areas, the bill allowed for a delayed requirement of July 1, 2022;
- The Council supported the bill based on feedback it received from its members that are retailers and who saw this bill as an opportunity to reduce costs, as well as reduce delays for consumers when completing prescription orders.

HB 18-1311 - Single Geographic Rating Area for Individual Health Plan (Sponsors: Representatives Rankin & Hamner)

Position: **Oppose**

Bill Status: Died in House Committee on Health, Insurance & Environment on 4/19/18

- The bill would have prohibited health insurers from using a policyholder's geographic location when they set rates for plans sold in the individual market, thereby creating a single statewide geographic rating area for the State. The bill applies to health plans issued, renewed, or amended after January 1, 2019;
- The Council had concerns with this bill based on the result it would have in the redistributing costs of purchasing health insurance forcing individuals along the front range to pay more so that individuals in high cost areas could pay less.

HB 18-1358 - Required Disclosures Pertaining to Charges for Health Care (Sponsors: Representatives Foote & Beckman & Senators Lundberg & Aguilar)

Position: **Oppose**

Bill Status: Died in House Committee on Health, Insurance & Environment on 4/27/18

- This bill would have required health care providers and facilities, pharmacies, and health insurance carriers to disclose cost, price, and billing information to consumers beginning January 1, 2019;
- The Council had concerns with this bill based on the type and amount of information that would have been required to be disclosed by members that include hospitals, insurance companies and pharmaceutical companies. Information maintained by these employers is often proprietary and should not be released.

HB 18-1370 - Drug Coverage Health Care (Sponsors: Representatives Esgar & Singer; Senator Jahn)

Position: **Oppose as Introduced**

Bill Status: Died in House Committee on Health, Insurance & Environment on 5/3/18

- This bill would have prohibited a health insurer from excluding or limiting drug coverage for an individual if:
 - the drug was covered at the time the individual enrolled in the health plan;
 - a health care provider continued to prescribe the drug for the individual; and
 - the drug is safe and effective, as determined by a provider.
- The bill also prohibited a plan from increasing a covered individual's copayment, coinsurance, or deductible for prescription drug benefits during the plan year or set limitations on coverage for prescription drugs;
- The Council opposed this bill based on concerns raised by several members who shared that health care premiums would increase for employers due to the language limiting insurers from changing drug coverage even if a lower cost drug is available for a patient.

HB 18-1392 - State Innovation Waiver Reinsurance Program (Sponsors: Representatives Kennedy & Rankin; Senators Coram & Donovan)

Position: **Oppose**

Bill Status: Died in Senate Committee on State, Veterans & Military Affairs on 5/4/18

- This bill would have required the Commissioner of Insurance to seek a State Innovation Waiver under the federal Affordable Care Act to create a reinsurance program. The reinsurance program would have applied to 2019 health plans sold on the individual health insurance market and to fund the program, the Commissioner would have assessed a fee on state-regulated health insurance carriers of up to 2 percent of all premiums;
- The Council opposed this bill and we testified against the bill based on the significant impact the bill would have had on our members and their employees who would have been subjected to an increase in their health insurance premiums to subsidize those in the individual market. Additional concerns were that the Division of Insurance failed to request State funding to pay for the program and relied solely on funding the program through premium increases to be paid by private sector employers and their employees.

SB 18-023 - Promote Off-Label Use of Pharmaceutical Products (Sponsors: Senator Martinez-Humenik; Representative Ginal)

Position: **Oppose**

Bill Status: Died in Senate Committee on Health & Human Services on 2/15/18

- The bill specifies that health insurance carriers and other third-party payers are not required to provide coverage for the cost of off-label uses of a prescription drug, biological product, or device. The bill also allowed pharmaceutical manufacturers to promote off-label uses of pharmaceutical products;
- The bill died in the first committee of reference on a unanimous vote.

SB 18-136 - Health Insurer Producer Fees and Fee Disclosure (Sponsors: Senator Neville & Representative Kraft-Tharp & Sias)

Position: **Support**

Bill Status: Signed by Governor

- This new law allows a health insurance broker to charge a fee for advising a client on the purchase of a health benefit plan if the broker does not receive a commission from a health insurer that offers the plan and discloses the fee in writing to the client.

Labor & Employment Council

HB 18-001 - Family & Medical Leave Insurance Program (Sponsors: Representative Winter & Gray; Senators Fields & Donovan)

Position: Oppose

Bill Status: Died in Senate Committee on State, Veterans & Military Affairs on 4/30/18

- HB 1001 is similar to legislation which failed during the last three legislative sessions. The bill would have created a new government program within the CO Dept. of Labor & Employment (CDLE) allowing workers to receive a partial wage replacement for up to 12 weeks of leave from employment per year for the purposes of caring for a new child or a family member with a serious health condition or who is unable to work due to the individual's own serious health condition;
- The bill applied to all employers & employees in Colorado and each employee would have paid an annual premium determined by CDLE based on a percentage of the employee's yearly wages. Additionally, a solvency surcharge could be assessed on workers to keep the program solvent;
- The Council took an oppose position and we testified against the bill based on concerns that the bill failed to provide a long-term, sustainable funding source and that workers could also be forced to pay a solvency surcharge. The Council was also concerned with the requirement on employers to administer the program and guarantee the same or equivalent position for the employee when they return after 12 weeks.

HB 18-1033 Employee Leave to Participate in Elections (Sponsors: Representative Weissman & Senator Coram)

Position: Neutral as Amended

Bill Status: Died in Senate Committee on State, Veterans & Military Affairs on 2/28/18

- HB 1033 would have allowed an employee to take leave to vote, register or get a ballot to vote, as well as take leave on any day that polling locations are open during the 8 days prior to or during an election. An employer could deny the request if the employee has 3 consecutive hours in which he or she is not scheduled to work during the hours the employee is entitled to take leave;
- The Council had initial concerns with the bill based on the lack of clarification on a limitation of the two hours for registering and obtaining a ballot. The bill also lacked language restricting the number of employees that could take the leave during the same period. After providing such feedback to the House sponsor, he amended the bill to address those concerns.

HB 18-1067 - Right to Rest Act (Sponsors: Representatives Salazar & Melton)

Position: Oppose

Bill Status: Died in House Committee on Local Government on 3/14/18

- HB 1314 would have created the Right to Rest Act and prohibited the State and local jurisdictions from enacting laws that limit, prohibit or penalize homeless individuals the right to use and move freely in public spaces; the right to rest in public spaces; the right to eat, share or give food in public spaces where food is not prohibited, or the right to occupy a person's motor vehicle;
- The bill was opposed by this Council and the Colorado Municipal League among other interest groups and was defeated in the House Committee on Local Government. This legislation failed when attempted during prior legislative sessions.

HB 18- 1128 - Protections for Consumer Data Privacy (Sponsors: Representatives Wist & Bridges; Senators Lambert & Court)

Position: Neutral as Amended

Bill Status: Passed in House & Senate; Sent to Governor

- The bill requires businesses to report to the Attorney General when a breach of information has occurred that affects a certain number of records. The bill also requires that the businesses destroy records with personal identifying information that is no longer needed by the business;
- Several of the Colorado Chamber's members raised concerns with the bill when introduced, including the timing for reporting a breach to the AG, as well as duplicative reporting requirements if federal law already requires similar reporting of a breach of information. The sponsors addressed many of the concerns raised by our members in the final version of the bill.

HB 18-1250 - Analysis to Improve Compliance with Rules by Businesses (Sponsors: Representatives Kraft-Tharp, Sias & Senator Priola)

Position: Support

Bill Status: Signed by Governor on 5/3/18


- The bill requires each state agency to conduct an analysis of noncompliance of agency rules by Colorado businesses to identify rules that have the greatest level of non-compliance and fines. The bill also requires a determination of how many first-time offenders were given the opportunity to cure a minor violation.

HB 18-1256 - Sunset of Continuation of Colorado Civil Rights Commission (Sponsors: Representatives Duran & Herod; Senator Gardner)

Position: Support

Bill Status: Passed in House & Senate; Sent to Governor

- The bill continues the Colorado Civil Rights Division and Commission to allow for the regulation of civil rights issues, and to implement the recommendation of the Department of Regulatory Agencies' 2017 sunset review and report. The bill received significant debate and controversy



while moving through the House and Senate. A final compromise on the bill was reached between both chambers in the final hours of the last day of the Session. That compromise included a re-authorization of the Commission as follows:

- The Commission and the Division will be reauthorized for nine years.
- The governor will continue to appoint members of the seven-member Commission.
- The Commission will be subject to a legislative audit.
- The Commission will include three members representing employee organizations.

The Commission will include:

- Three members who will be Republicans;
- Three members who will be Democrats;
- One member who will be unaffiliated or belong to a minor political party.

Three of the members will represent the business community:

- One will be the majority owner of a business employing five to 50 workers.
- One will be the majority owner of a business with more than 50 employees.
- One will represent a statewide business organization.

Finally, if the Senate rejects a nominee by the Governor, then the Governor cannot nominate the person again for a period of two years.

HB 18-1261 - Colorado Arbitration Fairness Act (Sponsors: Representative Weissman & Senator Kagan)

Position: **Oppose**

Bill Status: Died in Senate Committee on State, Veterans & Military Affairs on 4/18/18

- The bill required private, arbitration organizations to disclose certain data about the arbitration proceedings that they administer, who the parties are and the outcome of the arbitration proceedings;
- Concerns were raised by the Council that disclosing this information could violate confidentiality provisions reached between the parties who are involved in the arbitration process. There were other concerns that this bill was much more extensive than laws passed in other states.

HB 18-1262 - Arbitration Services Provider Transparency Act (Sponsors: Representatives Jackson & Roberts; Senator Kagan)

Position: **Oppose**

Bill Status: Died in Senate Committee on State, Veterans & Military Affairs on 4/18/18

- This bill created impartiality standards and disclosure requirements on existing arbitration organizations. Concerns were raised by the Council that the bill imposed standards that arbitrators currently must comply with already through the Uniform Arbitration Act, CO Rules of Professional Conduct, and the Federal Arbitration Act, in addition to state and federal case law;



- Other concerns raised were that adding additional levels of partiality and conflict standards could increase litigation time and costs and ultimately slow down the arbitration process.

HB 18-1368 - Local Control of Minimum Wage (Sponsors: Representatives Danielson & Melton; Senators Merrifield & Moreno)

Position: **Oppose**

Bill Status: Died in Senate Committee on State, Veterans & Military Affairs on 5/3/18

- Currently local governments are prohibited from enacting minimum wage laws separate from those of the state. The bill attempted to repeal that provision and allowed local governments to establish minimum wages through their governing body, an initiative, or referendum.

HB 18-1377 - Prohibition of Seeking Salary Information (Sponsors: Representatives Coleman & Pettersen; Senators Donovan & Moreno)

Position: **Oppose**

Bill Status: Died in House Committee on State, Veterans, & Military Affairs on 5/2/18

- The bill would have made it an unfair practice for an employer to seek salary and benefits history information unless the employer has notified the applicant of the salary range for the position or the applicant voluntarily agreed to discuss their salary history;
- The Council had concerns with this bill and staff testified against the bill because it created a new type of discrimination claim under the Colorado Anti-Discrimination Act and subjected an employer to unreasonable and costly penalties. If the law had passed, an applicant could sue a business for simply asking for salary or benefits history, and be sued for punitive damages; compensatory damages, attorney's fees & costs and front pay.

HB 18-1378 - Equal Pay for Equal Work (Sponsors: Representatives Danielson & Buckner; Senators Donovan & Fields)

Position: **Oppose**

Bill Status: Died in House Committee on State, Veterans, & Military Affairs on 5/2/18

- The bill would have authorized CDLE to administer and enforce the law that prohibits an employer from discriminating against an employee and impose penalties on employers for violations. It removed the Department's enforcement authority and instead allowed the individual to bring a civil action in district court to pursue legal remedies;
- The Council had several concerns and staff testified against the bill based on the following reasons:
 - Circumvents the current requirement that these claims go through CDLE first & creates a new private right of action to sue an employer;
 - Posting of all employment promotion opportunities is a concern as there are situations where employers will use succession planning or other talent programs to advance their employees, but those positions may not be open to all employees;
 - Creating a new definition for the use of liquidated damages thereby assessing a double penalty on employers which could ultimately cripple their business.



HB 18-1298 - Colorado Secure Savings Plan (Sponsors: Reps. Pettersen & Bridges; Senator Todd & Donovan)

Position: **Oppose**

Bill Status: Died in House Committee on State, Veterans, & Military Affairs on 5/1/18

- HB 1298 would have created a statewide retirement savings plan program requiring private sector employers to participate in the program. Similar legislation has been attempted and failed during prior legislative sessions;
- The Council took an oppose position and staff testified against the bill based on concerns that it did not provide protections that private plans offer and potential risk to individuals' funds that would be placed in the program due to a lack of state liability;
- Finally, the bill failed to compensate employers for the continual compliance and audits that would be required. Employers would bear the cost of ongoing compliance including:
 - Additional insurance to protect employers from lawsuits;
 - Hiring staff to ensure compliance;
 - An annual audit to ensure they are compliant; and
 - Establishing a system for deposits to the state.

SB 18-178 - Similar Coverage Independent Commercial Vehicles (Sponsors: Senator Smallwood & Representative Kraft-Tharp)

Position: **Support**

Bill Status: Signed by Governor on 5/4/18

- Under current law, independent operators of commercial vehicles are required to hold workers' compensation or a private insurance policy that provides similar coverage. The bill revises 'private insurance policy' in statute to 'occupational accident coverage insurance policy' and specifies when a policy is considered as similar coverage. The Council supported the bill because it provides additional insurance coverage opportunities for companies using commercial vehicles.

SB 18-193 - Limit State Agency Occupational Regulations (Sponsors: Senator Coram; Representative Carver)

Position: **Oppose**

Bill Status: Died in House Committee on State, Veterans & Military Affairs on 5/2/18

- The bill would have prohibited state agencies from imposing a personal qualification requirement to engage in a profession or occupation unless the agency could show that the requirement is necessary and addresses a specific, legitimate public health, safety, or welfare objective;
- The bill also allowed a person to file a civil lawsuit requesting the Court enjoin an occupational regulation which raised concerns among Council members.

Tax Council

HB 18-1022 – Department of Revenue Issuance of Sales Tax Request for Information (Sponsors: Representative Kraft-Tharp & Sias; Senators Neville & Jahn)

Position: Support

Bill Status: Signed by Governor on 3/1/18

- Requires the Department of Revenue to issue a request for information for an electronic sales and use tax simplification system that state or local governments that currently levy sales or use tax could implement. This includes home rule municipalities and counties;
- This bill was the result of the legislative Sales & Use Tax Simplification Task Force that met over the summer of 2017 with the goal of making the current tax system less complicated and burdensome on businesses.

HB 18-1036 - Reduction of Business Personal Property Tax (Sponsors: Representative Leonard & Senator Neville)

Position: Support

Bill Status: Died in House Committee on State, Veterans & Military Affairs on 2/1/18

- The bill would have raised the exemption from property tax for business personal property to \$50,000 beginning in tax year 2018 and raised it for inflation for subsequent tax years. The bill also would have raised the value of BPP that qualifies for an exemption for consumable property from \$350 to \$500;
- The bill died due to the significant negative fiscal impact to the State if the bill would have passed which was estimated at: \$6.6 million for fiscal year 2018/19, and \$13.3 million for fiscal year 2019/20.

HB 18-1185 - Market Sourcing for Business Income Tax Apportionment (Sponsors: Representative Kraft-Tharp & Wist; Senators Neville & Moreno)

Position: Support

Bill Status: Passed in House & Senate; Sent to Governor

- The bill as passed changes the apportionment method for corporations that do business in multiple states. Under current law, income from the sale of services and intangible property is apportioned based on where the income-producing activity is performed. This new law will change the sourcing rules so that the income is apportioned based on where the income-producing activity is used or delivered;
- The Council worked on this proposal with the Office of the Governor and the Office of Economic Development beginning in October 2017 to ensure that our members agreed with this change in tax policy. The Council recommended changes to the proposal which were ultimately adopted in this legislation.

HB 18-1201 - Severance Tax Voter Approved Revenue Change (Sponsors: Representative Thurlow & Senator Coram)

Position: Support

Bill Status: Died in House Committee on Finance on 4/19/18

- The bill would have required a referred measure for the Nov. election allowing the State to retain and spend an amount equal to state severance tax revenue when the State would otherwise be required to make a Tabor refund, and was conditioned on the State not:
 - Repealing or reducing any of the existing severance tax exemptions or credits; or
 - Reducing the percentage of the severance tax revenue that is allocated to local governments.

HB 18-1387 - Eliminate Oil & Gas Abatement Refund Interest (Sponsors: Representative Rankin & Senator Moreno)

Position: Oppose

Bill Status: Died in Senate Committee on Finance on 5/2/18

- This bill was introduced in the final weeks of Session and would have eliminated the refund interest that can be collected by a taxpayer on a property tax abatement if the tax was erroneously levied and collected;
- This bill was brought by the Garfield County Assessor who was required to pay an oil and gas operator a large tax refund. The Assessor had conducted an audit of the taxpayer over a one year & three-month period during which time the interest had accumulate;
- Concerns raised by the Tax Council included that by eliminating payment of interest to a taxpayer, it would create a lack of incentive for a county to pay the refund back to a taxpayer in a timely manner. The taxpayer would be required to endure a long and expensive appeals process while the county holds the taxpayer's money for up to 3 years without paying interest. Currently, if a county chooses to do an audit, they have the option of paying the refund immediately and avoiding accumulation of the interest;
- The Tax Council offered the sponsors a potential compromise of reducing the amount of time that a taxpayer can receive an abatement and forego the refund interest. That length of time failed to receive consensus from all parties and the bill was killed by the Senate sponsor.

SB 18-061 - Reduce the State Income Tax (Sponsors: Senators Sonnenberg & Grantham; Representative Lawrence)

Position: Support

Bill Status: Died in House Committee on State, Veterans & Military Affairs on 5/2/18

- For tax years beginning January 1, 2018, the bill would have reduced both the individual and the corporate state income tax rate from 4.63% to 4.43%. The bill also reduced the state alternative minimum tax by 0.63% beginning January 1, 2018;

- The bill died due to the significant negative fiscal impact to the State if passed which was estimated at: \$375 mill. for fiscal year 2018-19 and \$395 mill. for fiscal year 2019/20.

Government Affairs Council

HB 18-1128 -- Protections for Consumer Data Privacy (Sponsors: Representatives Wist & Bridges; Senators Lambert & Court)

Position: Neutral as Amended

Bill Status: Passed Both Chambers – Sent to Governor

- The bill requires businesses to report to the Attorney General when a breach of information has occurred that affects a certain number of records. The bill also requires that the businesses destroy records with personal identifying information that is no longer needed by the business;
- Several of the Colorado Chamber's members raised concerns with the bill when introduced including the timing for reporting a breach to the AG, as well as duplicative reporting requirements if federal law already requires similar reporting of a breach of information. The sponsors addressed many of the concerns raised by our members in the final version of the bill.

HB 18-1392 – State Innovation Waiver Reinsurance Program (Sponsors: Representatives Kennedy & Rankin; Senators Coram & Donovan)

Position: Oppose

Bill Status: Died in Senate Committee on State, Veterans & Military Affairs on 5/4/18

- This bill would have required the Commissioner of Insurance to seek a State Innovation Waiver under the federal Affordable Care Act to create a reinsurance program. The reinsurance program would have applied to 2019 health plans sold on the individual health insurance market and to fund the program, the Commissioner would have assessed a fee on state-regulated health insurance carriers of up to 2 percent of all premiums;
- The Council opposed this bill and we testified against the bill based on the significant impact the bill would have had on a majority of the Chamber's members and their employees who would have been subjected to an increase in their health insurance premiums to subsidize those in the individual market. Additional concerns were that the Division of Insurance failed to request State funding to pay for this program and relied solely on funding the program by private sector employers.

SB 18-062 - Snow Removal Service Liability Limitation (Sponsors: Senator Moreno & Representative Melton)

Position: Neutral as Amended

Bill Status: Passed in House & Senate; Sent to Governor

- This bill creates the "Snow Removal Service Liability Limitation Act" and voids any snow removal and ice control services contract if it requires one party to the contract to:

- indemnify the other party for damages;
- hold the other party harmless for damages; and
- provide for the defense of the other party in a liability lawsuit.

- The bill was amended to address concerns raised by Council members and clarified when the provisions above apply if services were performed outside of contracted agreement.

SB 18-230 - Modify Laws Drilling Units Pooling Orders (Sponsors: Senator Marble & Representative Saine)

Position: **Support**

Bill Status: Passed in House & Senate; Sent to Governor

- This bill was one of the proposals discussed during the summer and fall of 2017 by an oil and gas working group led by Senator Marble and Representative Saine;
- Current law allows for an oil and gas operator to apply to the CO Oil & Gas Conservation Commission for an order to pool and force the development of oil and gas resources located near a drilling unit. This bill changes current law by permitting the COGCC to authorize more than one drilling unit in a pooling order for oil and gas resources;
- The law also states that a nonconsenting owner involved in forced pooling must pay the consenting owners 200% of the nonconsenting owner's proportionate share of the cost. The bill changes the limits the cost recovery to wells 5,000 feet or less in depth and increases compensation to 300% for wells greater than 5,000 feet in depth, and for horizontal wells. The bill also specifies that the leasing offer must be given at least 60 days before the pooling hearing.

SCR 18-004 – Congressional Redistricting (Sponsors: Senators Grantham & Fenberg; Representatives Duran & Neville)

Position: **Support**


Bill Status: Passed in House & Senate; Sent to Governor

- This resolution refers a measure to the voters for the 2018 Election to amend the Colorado Constitution to establish the Independent Congressional Redistricting Commission. The Resolution requires the Commission to create a congressional redistricting plan and the Commission would include 12 members: 4 from the state's largest party; 4 from the state's second largest party; and 4 unaffiliated members;
- The Council supported this Resolution based on the interests in improving the current redistricting process that has resulted in partisan influence and significant litigation.

SCR 18-005 – Legislative Redistricting (Sponsors: Senators Grantham & Fenberg; Representatives Duran & Neville)

Position: **Support**

Bill Status: Passed in House & Senate; Sent to Governor

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- This Resolution refers a measure to the voters for the 2018 Election to amend the Colorado Constitution to replace the current Reapportionment Commission with an Independent Legislative Redistricting Commission. The commission will consist of 12 members: 4 from the state's largest party; 4 from the state's second largest party; and 4 who are unaffiliated;
 - The Council supported this Resolution based on the interests in improving the current redistricting process that has resulted in partisan influence and significant litigation.

SB 18-001 – Transportation Infrastructure Funding (Sponsors: Senator Baumgardner & Cooke; Representatives Buck & Winter)

Position: Support

Bill Status: Passed in House and Senate; Sent to Governor

- SB 001 was passed by both the House and Senate during the final days of the legislative Session. After months of debate between the two chambers, the bill was finally approved and includes \$645 million in one-time funding over the next two years to state highways, local roads and multi-modal options (transit and bike lanes);
- The bill also provides \$50 million per year in transportation funding from the State's General Fund for the next 20 years. The bill also includes language allowing for a referred measure to be put on the ballot during the 2019 Election and seeks voter approval for \$2.3 billion in bonds for state-highway and multi-modal projects if the 2018 ballot initiatives for transportation funding do not pass;
- The Colorado Chamber has been in support of any 2018 legislation that provides General Fund dollars to the long-term needs of transportation infrastructure in the state, and staff testified in support of the bill.