2019 Overview:

When the First Regular Session of the 72nd Colorado General Assembly began in January, Colorado had a new Governor, Jared Polis, and over 20 new members and the Democrats controlled both chambers and the Governor’s office. With unified government, House Speaker K.C. Becker, D (Boulder) and Senate President Leroy Garcia, D (Pueblo) set forth their agendas for this year’s legislative session. Speaker Becker set out a broad democratic policy agenda and said we will see measures dealing with gun control, paid family leave, infrastructure funding, additional funding for public education and bold action to deal with climate change. Senate President Garcia also laid out a new democratic agenda revolving around investing in higher education, combating the opioid crisis and lowering the cost of healthcare while increasing access. When Governor Polis gave his vision for the state, he set out to implement free full day kindergarten for all of Colorado by fall 2019. Governor Polis also wanted to lower healthcare costs with programs like reinsurance and Canadian drug importation. On the business side, Governor Polis said he would support measures to give paid family leave to both public and private sector employees. Addressing climate change was also a central theme for Governor Polis. He set a goal for Colorado to use 100 percent renewable energy by 2040 and lead the statewide transition to a clean sustainable, growing economy.

With the agenda set and only 120 days in the legislative session the Democrats set forth to accomplish these ambitious goals. The pace in the months of January and February was slow and despite the lofty and often talked about legislation, many of the big-ticket items had not been formally introduced at the half-way point of session. That changed late on Friday afternoon March 1st when the Senate Democrats introduced SB19-181: Protect Public Welfare Oil and Gas Operations. The Democrats then quickly scheduled the bill to be heard in committee the following Tuesday March 5th. The pace of which the Democrats were moving this legislation drew the ire of the oil and gas community as well as the Senate Republicans. In an effort to slow the process down Senate Republicans asked that a 2,000-page bill be read at length. In response the Democrats used 5 computers each reading at over 600 words per minute to accomplish this task in less than a day. In the following days, the Senate Republicans sued Senate President Leroy Garcia over how the bill was read at length. Ultimately a Judge decided that the manner in which the bill was read violated the constitution because of the incomprehensible speed. This set off a chain of partisan fighting over the next 50 days of the legislative session. By reading bills at length and filibustering for hours, Senate Republicans...
successfully controlled the pace of the Senate and ultimately made the Senate Democrats prioritize what they wanted passed this session.

In the end the Democrats were able to accomplish much of what they laid out in the first few days of session. However, they had to greatly scale back legislation for Paid Family Leave, Local Minimum Wage and Comprehensive Sexual Education. They were also forced to let the Immunization Legislation and many other bills die on the calendar. Below is a walk-through of the major legislation that was passed in 2019 by subject as well as the FY 2019-2020 budget and the interim committees that will be meeting this summer. Without question education was a priority in this legislative session. Because of that the legislature invested over $500 million in K-12 and higher education. The major pieces of education legislation this session included:

**K-12 Education**

*Program-Specific Funding*

- **HB19-1262 State Funding for Full-day Kindergarten:** Beginning with FY 2019-20, this bill provides $182,911,699 in funding to be distributed through the school finance formula for free full-day kindergarten. This bill also held harmless 60 school districts already offering full day kindergarten and prohibited school districts and charter schools from charging any fees for attending kindergarten that are not routinely charged for students enrolled in other grades. Lastly this bill freed up 5,000 spots in the Colorado Pre-School Program.

- **SB19-246 Public School Finance:** A bi-partisan effort and very favorable budget conditions led to this year’s school finance act. In total this year’s school finance act came in at $7.4 billion. The bill sets the average per pupil funding at $8,476, which is more than a 4% increase over last year. The bill also includes $100 million to pay down the budget stabilization factor, as well as $20 million for rural districts and reporting requirements on use of funds, $22 million for Special Education Tier B funding, and $40 million for the state education fund.

- **HB19-1257 and HB19-1258:** This package of bills is a referred measure which if passed would allow the state to keep any money they collect over the TABOR limit. If passed by the voters, the money would be equally distributed to public schools, higher education, and roads, bridges, and transit. The state will be required to appropriate the money for public schools and higher education during the state fiscal year in which the money is credited to the account, with the exception of the first two years. Of the money that is allocated for roads, bridges, and transit, 60% will go to the state highway fund, 22% will go to counties, and 18% to cities and incorporated towns.

- **SB19-199 READ Act:** Despite a significant investment in the READ act in the last several years, lawmakers have not seen a significant improvement in reading proficiency. This bill increases the reporting on how READ act money is spent and requires the Department of Education to study and put in place evidence-based practices and training aimed at meaningfully increasing literacy levels in the state.

- **Long Bill—Charter Schools:** This year’s long bill included a line item for CSI Mill Levy Equalization. The bill covered a total appropriation of $14 million of which $7 million is general fund and $14 million is re-appropriated funds.
Course Content and Curriculum Guidance

- **HB19-1032 Comprehensive Human Sexuality Education**: This was one of the bills democrats were forced to severely cut back in order for it to pass. What was left is a bill that restates what is in current law but adds in language about teaching consent.

- **HB19-1192 Inclusion of American Minorities in Teaching Civil Government**: Under current law, Colorado's public schools are required to teach the history and civil government of the United States and of Colorado, including the history, culture and contributions of American Indians, Hispanic Americans, and African Americans. This bill requires that schools also teach the history, culture, and contributions of Asian Americans, and the interconnected nature of these communities.

- **SB 19-176 Expanding Concurrent Enrollment Opportunities**: This bill mandates public schools to offer concurrent enrollment tuition-free to qualified students. It also requires additional information to be shared with students and parents regarding other costs and transferability of coursework to degrees, certificates and institutions. It also creates an innovation grant program to assist teachers with the costs of obtaining a graduate degree that allows the teacher to teach a postsecondary course; cover the cost of books, supplies, fees, and transportation; purchase technology to share data and streamline the enrollment process; or provide services, support, and coordination resources for schools and institutions.

Higher Education

Funding/Financial Aid

- **Budget**: This year the Governor and the Legislature included $121 million in the long bill to hold tuition flat at state institutions of higher education.

- **HB19-1196 Financial Aid for ASSET Students**: This bill allows students qualifying for ASSET to be eligible for state financial aid in addition to current COF eligibility.

- **SB 19-095 Five-year Review of Higher Education Funding Formula**: Requires CCHE to review the funding formula for higher education every 5 years and to submit a report to the JBC recommending funding changes. Requires CCHE to include stakeholder meetings and engaging with institutions directly.

- **SB 19-097 Area Technical Colleges Grant Program**: Establishes a grant program for ATC capital construction and equipment purchases for including in the overall capital construction funding request to the legislature.

Other

- **SB 19-170 Ban the Box on College Admissions**: This bill prohibits institutions from asking about criminal history, with certain limitations around sexual assault, rape and stalking, from applicants. Local district colleges and area technical colleges are exempted.

- **HB 19-1206 Supplemental Academic Instruction**: This bill prohibits institutions from placing a student into developmental education based on a single test. It also requires students to be enrolled only in co-requisite remediation or supplemental academic instruction coupled with gateway college-level courses.
• **HB19-1278 Modifications to Uniform Election Code:** This bill requires counties to locate some drop boxes on higher education campuses and under-served communities. It will also allow pre-registered 17-year olds to participate in primary elections and caucuses if they will be 18 by the date of the next general election. Finally, it creates the Local Elections Assistance Cash Fund, to reimburse counties for the one-time purchase of voting equipment necessary to fulfill the requirements of the bill and allows up to $350,000 in federal Help America Vote Act funds in the Federal Election Assistance Fund to be used for this equipment reimbursement.

**Business**

• **SB19-085 Equal Pay for Equal Work Act:** This bill, which will take effect in 2021, modifies wage discrimination law and creates new provisions regarding transparency in wages and promotions. Employers will also be required to publicly post job openings with estimated salaries and are prohibited from asking about salary history. Lastly employees will now be able to sue over wage discrepancies and collect up to three years of back pay.

• **HB19-1210 Local Government Minimum Wage:** This bill will allow 10% of the local governments in Colorado to set their own minimum wage at or above the state’s minimum wage, which is set to increase to $12 an hour in January.

• **SB19-188 FAMLI:** This is another bill that the democrats had to severely limit despite the best efforts of the Senate sponsors. Ultimately this bill was turned into a study so data can be collected to determine what paid family leave program best suits Colorado.

• **SB19-103 Legalizing Minors’ Businesses:** This bill prohibits a local government from requiring a license or permit for a business that is occasionally operated by a minor and is located a sufficient distance from a commercial entity.

• **SB19-1025 Limits on Job Applicants Criminal History Inquiry:** This bill prohibits an employer from stating in a job posting or on any form of application that a person with a criminal history may not apply. It also prohibits an employer from inquiring into or requiring disclosure of an applicant’s criminal history on an initial application.

**Environment**

• **SB19-181 Protect Public Welfare Oil and Gas Operations:** This was a high priority bill for the Democrats this session. This bill modifies the composition and the regulatory charge of the Colorado Oil and Gas Conservation Commission by requiring them to protect public health and safety. It also expands the regulatory charge of the Colorado Department of Public Health and Environment by having them adopt rules to minimize emissions of methane and other hydrocarbons and nitrogen oxides, and to regulate air pollution from oil and gas facilities during all segments of the oil and natural gas supply chain. This bill imposes new requirements on oil and gas operators, and perhaps most
importantly provides additional regulatory authority over oil and gas operations to local governments.

- **SB19-236 Sunset of the Public Utilities Commission:** While some sunset bills are simple reauthorizations, others like this, create extensive policy change. This bill will now require the PUC to consider the cost of carbon when evaluating future energy projects. It also deals with distributed resource planning and sets the template for Xcel Energy to move forward with its goal to reduce its greenhouse gas emissions by 80% by 2030 and have zero carbon emissions by 2050. House sponsors also added in securitization language that will allow utilities in front of the PUC to issue energy impact bonds when they are closing electric generating facilities before their useful life is up.

- **HB19-1261 Climate Action Plan to Reduce Pollution:** Focusing on a goal of the legislature and Governor Polis, this bill sets statewide greenhouse gas pollution reduction goals relative to 2005 statewide GHG pollution levels as follows: 26 percent reduction by 2025; 50 percent reduction by 2030; and 90 percent reduction by 2050.

**Healthcare**

- **HB19-1174 Out of Network Health Services:** The bill requires health care providers, facilities, and health insurance carriers to provide disclosures to consumers about the potential effects of receiving services from an out-of-network provider or at an out-of-network facility. The bill establishes reimbursement schedules for out-of-network providers who are providing services at an in-network facility and out-of-network providers of emergency services.

- **HB19-1168 State Innovation Waiver Reinsurance Program:** The bill authorizes the commissioner of insurance to apply to the secretary of the United States department of health and human services for a state innovation waiver, for federal funding, or both, to allow the state to implement and operate a reinsurance program to assist health insurers in paying high-cost insurance claims. The state cannot implement the program absent waiver or funding approval from the secretary.

- **HB19-1004 Proposal for Affordable Health Coverage Option:** This bill requires the Departments of Health Care Policy and Financing and Regulatory Agencies to develop a proposal for a state option for health care coverage.

**State Budget**

**SB19-207** appropriates a total of $31.9 billion in State and Federal funds, including funding for new programs, expansion of existing programs, and reductions to or elimination of existing programs. Several departments saw sharp increases in General Fund appropriations, demonstrating a growing reliance on state dollars to fund core government functions.

Based on the March 15th revenue forecast Legislative council staff is forecasted that the General Assembly will have $1.18 billion, or 9.5 percent, more to spend or save in the General Fund than what was budgeted for FY 2018-19. This amount assumes current law and is largely attributable to the FY 2018-19 excess reserve carrying into the FY 2019-20 beginning balance,
year-over-year growth in General Fund revenue, and smaller transfers from the General Fund in FY 2019-20. However, relative to the December 2018 forecast, General Fund revenue expectations were reduced by $249.4 million on slower expectations for economic activity. There also is no anticipated TABOR refund in the next few fiscal years.

**Highlights of the FY 2019-2020 budget compared to the FY 2018-2019 budget:**

- Health Care Policy and Financing – Increase of $336.3 million total funds (increase of $195.0 million General Fund);
- Higher Education – Increase of $302.2 million total funds (increase of $126.1 million General Fund);
- Education – Increase of $79.3 million General Fund;
- Corrections – Increase of $77.9 million total funds (increase of $75.0 million General Fund);
- Human Services – Increase of $65.1 million total funds (increase of $29.0 million General Fund); and
- Transportation – Increase of $336.7 million total funds as well as $100.00 million appropriation included as apart of the deal between Democrat and Republican leadership in the Senate.

*Please see the following page for interim and year-round committee information.*
2019 Committees meeting during the Interim
The following is an entire list of all year-round committees meeting:

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<td>Joint Technology Committee</td>
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<td>Capitol Building Advisory Committee</td>
<td>Legislative Audit Committee</td>
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<td>Colorado Commission on Uniform State Laws</td>
<td>Legislative Council</td>
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<tr>
<td>Colorado Health Insurance Exchange Oversight Committee</td>
<td>Legislative Emergency Preparedness, Response, and Recovery</td>
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<td>Committee on Legal Services</td>
<td>Statutory Revision Committee</td>
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<td>Executive Committee of the Legislative Council</td>
<td>Treatment of Persons with Mental Health Disorders in the Criminal Justice System</td>
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<td>Joint Budget Committee</td>
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The following is a list of all interim committees meeting:

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<td>Colorado Youth Advisory Council Review Committee</td>
<td>Prison Population Management Interim Study Committee</td>
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<td>Early Childhood and School Readiness Legislative Commission</td>
<td>Sales and Use Tax Simplification Task Force</td>
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<tr>
<td>Energy Legislation Review Interim Study Committee</td>
<td>School Safety Committee</td>
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<td>Investor-owned Utility Review Interim Study Committee</td>
<td>Statewide Health Care Review Committee</td>
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<td>Legislative Interim Committee on School Finance</td>
<td>Tax Expenditure Evaluation Interim Study Committee</td>
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<td>Making Higher Education Attainable Interim Study Committee</td>
<td>Transportation Legislation Review Committee</td>
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<td>Opioid and Other Substance Use Disorders Study Committee</td>
<td>Water Resources Review Committee</td>
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<td>Pension Review Commission</td>
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<td>Pension Review Subcommittee</td>
<td>Zero Waste and Recycling Interim Study Committee</td>
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**Legislative Interim Committee on School Finance**

- **First meeting:** June 25, 2019
- **Co-Chairs:** Rep. Julie McCluskie (D Summit) and Sen. Paul Lundeen (Arapahoe)
  - Rep. Mark Baisely (R)
  - Rep. Time Geitner (R)
  - Sen. Rachel Zenzinger (D)
  - 2 House Democrats TBD
Making Higher Education Attainable Interim Study Committee
- The policy issues to be studied are: the high costs of higher education; college tuition rate setting; roadblocks to obtaining postsecondary education; and risks and rewards of postsecondary education.
- Members TBD

School Safety Interim Committee (created by Legislative Leadership post STEM School shooting)
- The policy issues to be studied are: reviewing those statutes, the division of constitutional authority between school districts and state government, and then they will move forward on proposing solutions to better protect students.
- First Meeting: July 11, 2019
- Co-Chair: Rep. Dafna Michaelson-Jenet (D Adams) and Sen. Rhonda Fields (D Aurora)
- Rep. Susan Beckman (R)
- Sen. Bob Garner (R)
- Sen. Julie Gonzales (D)
- Sen. Paul Lundeen (R)
- Rep. Emily Sirota (D)
- Rep. Kevin Van Winkle (R)

Tax Expenditure Evaluation Interim Study Committee
- This interim committee will study the evaluations and policy recommendations for state tax expenditures prepared by the Office of the State Auditor in the ongoing Tax Expenditures Compilation Report. The policy recommendations include, among other things, changing or repealing various tax credits.
- Chair: Rep. Adrianne Benavidez (D Adams)
- Rep. Bockenfeld (R)
- Rep. Snyder (R)
- Sen. Jack Tate (R)
- Other house Democrats TBD