



OFFICE OF GOVERNMENT RELATIONS
CU Initiated State Legislation

The First Regular Session of the seventieth session of the Colorado General Assembly convened on January 7, 2015 and ended on May 6, 2015.

[H.B. 15-1295](#) **Electrical and Plumbing Inspections by CU **(Priola & Melton/Holbert)****

Current law authorizes the University of Colorado (CU) to conduct electrical and plumbing inspections for its buildings on the Boulder campus. The act extends this authorization to the Denver campus and the health sciences campus and to buildings on property owned by the Boulder, Denver, or health sciences campuses but excludes contiguous buildings at the Auraria higher education center.

Current law also requires CU or any local government to start or cease inspections as of July 1 of any year and requires them to notify the state electrical board or the state plumbing board of its intentions by October 1 of the preceding calendar year. The act allows CU to start its inspections on July 1, 2015, without having given the required notice.

APPROVED by Governor April 24, 2015

EFFECTIVE April 24, 2015

[H.B. 15-1373](#) **Provisional Speech-language Pathology Certificate **(Singer/Aguilar)****

The act allows applicants seeking a certification in speech-language pathology who have completed the educational requirements and passed the national examination to apply for a provisional certification before completing a clinical fellowship.

A provisional certificate holder may practice speech pathology only under the general supervision of a speech-language pathologist who holds a certificate of clinical competence from the American Speech-Language-Hearing Association.

The provisional certification expires after 24 months or when the director issues the provisional certificate holder a full certification, whichever occurs first.

APPROVED by Governor May 29, 2015

EFFECTIVE May 29, 2015

[H.B. 15-1366](#) **Expand Job Growth Tax Credit for Higher Ed Project **(Pabon & Willett/Balmer)****

The act allows a taxpayer to receive an income tax credit through the existing job growth incentive tax credit commencing on or after January 1, 2015, but prior to January 1, 2018, if the project will be a qualified partnership between the taxpayer and a state institution of higher education, is located on or within one mile of the campus of or on other property owned by the state institution of higher education, and brings a net job growth of at least 5 new jobs to the state with an average yearly wage of at least 100% of the statewide average yearly wage.

The act specifies that if the project is a qualified partnership then:

- The Colorado economic development commission need not determine that the credit is a major factor in the taxpayer's decision to locate or retain the project in Colorado;
- The taxpayer need not identify the cost differential in the projected costs of the project compared to the projected costs if the were project commenced in a competing state; and

- The taxpayer need not provide documentation to demonstrate that the credit is a major factor in the decision to locate the project in the state.

The act also makes the following appropriations:

- For the 2015-16 state fiscal year, \$94,251 and 1.0 FTE is appropriated to the office of the governor; and
- For the 2015-16 state fiscal year, \$36,000 is appropriated to the department of revenue for use by the taxation business group.

APPROVED by Governor June 5, 2015

EFFECTIVE June 5, 2015

 **OFFICE OF GOVERNMENT RELATIONS**
Key State Higher Education Legislation

H.B. 15-1170 **Increasing Postsecondary and Workforce Readiness** **(Kraft-Tharp & Wilson/
Hill & Heath)**

Postsecondary and workforce readiness and closing the achievement gap are 2 of the performance indicators that the department of education (department) must use to measure a public school's, a public school district's, the state charter school institute's, and the state's level of performance. The act adds as a measure for each of these indicators the percentages of high school graduates who enroll in a career and technical education program, community college, or 4-year institution of higher education in the school year immediately following graduation. The department must give each postsecondary enrollment option equal weight in calculating performance.

Currently, each school district accountability committee must include a person from the community who is involved in business, and each school accountability committee must include a person from the community. The act clarifies that the community person on the school district accountability committee must be involved in business or industry and that the community person on the school accountability committee must be involved in business or industry in the community.

The act clarifies that the state board of education will issue career and technical education authorizations based on the qualifications that the state board for community colleges and occupational education adopts.

The act creates the position of postsecondary and workforce readiness statewide coordinator (statewide coordinator). The statewide coordinator is responsible to the state work force development council (council) in the department of labor and employment. The executive committee of the council and the commissioner of the department of education will enter into a memorandum of understanding as necessary to enable the statewide coordinator to collaborate with appropriate offices within the department of education. The statewide coordinator will work with local education providers, college preparation programs, apprenticeship programs, area vocational schools, community colleges, businesses, industry, the departments of education and labor and employment, and the work force development council to raise the level of postsecondary and workforce readiness that Colorado high school graduates achieve, especially with regard to obtaining skilled career positions in business and industry upon high school graduation. The statewide coordinator, collaborating with the departments of education and higher education and community colleges, will develop electronic tools and a support network to assist local education providers in providing workforce readiness programs and initiatives. The council and the department must annually review the work of the statewide coordinator and include a summary of the coordinator's work in the annual Colorado talent report.

For the 2015-16 fiscal year, the act appropriates \$92,934 to the department of education for longitudinal analysis of student assessment results and \$118,969 to the department of labor and employment to implement the act.

APPROVED by Governor May 26, 2015

EFFECTIVE May 26, 2015

H.B. 15-1215 **In-State Tuition Dependents of Military Members** **(Priola/Johnston)**

The act expands existing law that permits in-state tuition status to the dependents of active duty members of the armed forces of the United States if the member moves to Colorado on a permanent duty assignment. The act increases by two years the length of time during which a dependent retains in-state tuition status to include dependents who are under twenty-three years of age and who enroll in a

Colorado institution within twelve years after the member was stationed in Colorado. The act repeals an obsolete tuition status for active duty military members who are covered pursuant to the presumptions in statute relating to granting in-state tuition status.

APPROVED by Governor May 4, 2015

EFFECTIVE August 5, 2015

H.B. 15-1274

Creation of Career Pathways for Students

**(Melton & Garnett/
Kerr & Woods)**

Based upon the model developed for creating the manufacturing career pathway, the act directs the state work force development council (state council) to coordinate multiple agencies and industries in the design of industry-driven career pathways for critical occupations in growing industries. The state council will work with partners through the talent pipeline work group to define critical occupations and growing industries to determine which career pathways to design and in what order.

The act includes the initial time frame for the development of career pathways and specifies that the first 3 career pathways will be in construction and related skilled trades, information technology, and health care. At least one career pathway must be designed and ready for implementation in the 2016-17 academic year, and at least 2 career pathways must be created annually in subsequent years. Industry, through regional sector partnerships, and statewide trade associations shall review each career pathway to ensure that the career pathways remains relevant to the industry. The career pathways must include provisions that allow students to learn industry-related skills and obtain employment in the industry sector, including internship and apprenticeship opportunities when relevant and available, as well as advance to higher levels of employment or education. The state council will provide outreach and training to agency partners and industries related to advising students on the career pathways.

The act requires the state board of community colleges and occupational education to collaborate with the state council in the design of the career pathways and to use the development model created for the design of the manufacturing career pathway.

The act requires information about the career pathway to be posted on-line.

The act appropriates:

- \$485,043 of general fund moneys to the department of labor and employment for use by the division of employment and training, based upon the assumption that the division will require an additional 2.5 FTE to implement the act. The division may use the appropriation for the work force development council.
- \$86,960 in re-appropriated funds from the college opportunity fund program fee-for-service contracts with state institutions for use for the state board for community colleges and occupational education state system community colleges.
- \$200,000 in re-appropriated funds to the department of higher education from the funds received by the department of labor and employment. The department of higher education may use the funds for administration for the Colorado commission on higher education.

APPROVED by Governor May 18, 2015

EFFECTIVE August 5, 2015

S.B. 15-290

Colorado Student Leaders Institute

(Wilson/Todd)

The act creates the Colorado student leaders institute (institute) in the office of the lieutenant governor to operate as a pilot program through the summer of 2019. The institute is an annual, 4-week, summer residential educational program for students who are entering tenth or eleventh grade. The institute is hosted by an institution of higher education in Colorado (host institution). The institute combines courses, lectures, and seminars with enrichment classes in music, art, and theater. Students who participate in the institute must also complete a history research project as part of a competition held during the institute and complete a public service practicum. Each student who successfully completes

the institute will receive 3 hours of postsecondary academic credit from the host institution. To apply to the institute, a student who attends a public school that is not a charter school must be nominated by the superintendent of the school district in which the student is enrolled. A student who attends a charter school or a private school must be nominated by the school principal. A student who participates in a nonpublic home-based educational program may apply without being nominated.

The institute is overseen by an executive board consisting of educators and persons from the community, appointed by the governor, and the chief executive officer of the host institution, the commissioner of education, and the executive director of the department of higher education, or their designees. The executive board reviews applications and selects students to participate in the institute, selects the faculty and courses for the institute, and contracts with the host institution to manage the institute. The executive board may also appoint an advisory board to assist in raising funds and marketing for the institute.

Under its contract, the host institution must create the application and establish timelines for submitting applications and selecting participants, review the applications and make recommendations to the executive board, and solicit faculty members for the institute, as well as provide meeting and living space and food service for institute participants.

Beginning in the 2017 legislative session, the executive board must report to the joint education committees regarding the success of the institute, which at a minimum is measured by the success of institute alumni in postsecondary educational programs.

A student who participates in the institute is encouraged to donate up to \$400 to the institute. The institute is funded by appropriations, which may include appropriations from the state education fund. In addition, the executive board may accept gifts, grants, and donations for the operations of the institute. Each year, operation of the institute is conditional on receiving at least \$40,000 in gifts, grants, and donations.

The institute is repealed, effective July 1, 2019.

For the 2015-16 fiscal year, the act appropriates \$218,825 from the state education fund to the department of education. The department of education must transfer the moneys to the office of the lieutenant governor for the institute.

BECAME LAW June 6, 2015

EFFECTIVE June 6, 2015

H.B. 15-1220

Campus Sexual Assault Victim Medical Care

**(Ryden & Danielson/
Martinez Humenik &
Cooke)**

The act requires all public institutions of higher education and private institutions of higher education that enter into a performance contract with the state (institutions) to enter into at least one memorandum of understanding or other agreement with a nearby medical facility or other facility that employs persons trained in sexual assault patient care and sexual assault forensic evidence collection. Additionally, the act requires institutions to:

- Post information on the institution's web site concerning where a sexual assault medical forensic examination may be obtained; and
- Have a sexual assault training and response policy that includes training for staff, referral to victim advocates, and information concerning transportation or assistance in transportation to the facility.

APPROVED by Governor May 4, 2015

EFFECTIVE May 4, 2015



OFFICE OF GOVERNMENT RELATIONS

Key State Health Care Legislation

H.B. 15-1029

**Health Care Delivery Via Telemedicine
Statewide**

**(Buck & Ginal/Kefalas
& Martinez Humenik)**

Under current law, health benefit plans issued, amended, or renewed in this state cannot require in-person health care delivery for a person covered under the plan who resides in a county with 150,000 or fewer residents if the care can be appropriately delivered through telemedicine and the county has the technology necessary for care delivery via telemedicine.

Starting January 1, 2017, the act removes the population restrictions and precludes a health benefit plan from requiring in-person care delivery when telehealth is appropriate, regardless of the geographic location of the health care provider and the recipient of care. A provider need not demonstrate that a barrier to in-person care exists for coverage of telehealth under a health benefit plan to apply.

Additionally, the act specifies that delivery of care via telehealth is not required when a provider determines that telehealth is inappropriate or if the covered person chooses not to receive care through telehealth.

The act also specifies that carriers:

- Must reimburse a participating provider who delivers care through telehealth on the same basis that the carrier is responsible for reimbursing that provider for providing the same service in person;
- Cannot deny coverage of a health care service that is a covered benefit because the service is provided through telehealth if delivery of the service via telehealth is appropriate;
- Must include in the payment for telehealth interactions reasonable compensation for the transmission costs to the site where the covered person is receiving services, unless the covered person is located at a private residence when receiving services;
- Must charge the same deductible, copayment, or coinsurance amounts and durational benefit limitation or maximum benefits under the health benefit plan to the health care services delivered via telehealth that the carrier applies to the same health care services when performed through in-person care; and
- Cannot impose an annual or lifetime dollar maximum that applies separately to health care services delivered through telehealth.

"Telehealth" is defined as a mode of delivery of health care services through telecommunications systems to facilitate the assessment, diagnosis, consultation, treatment, education, care management, or self-management of a covered person's health care while the covered person is located at one site and the health care provider is located at a distant site. The term excludes delivery of health care services via telephone, facsimile machine, or electronic mail systems.

APPROVED by Governor March 20, 2015

EFFECTIVE January 1, 2017

S.B. 15-197

**Advanced Practice Nurse Prescriptive
Authority**

**(Fields & Willett/Crowder &
Jahn)**

The act reduces the number of mentorship hours that an advanced practice nurse must complete to achieve full prescriptive authority from 3,600 practice hours to 1,000 practice hours. The practice hours must include at least 3 years of combined clinical work experience as a professional or advanced practice nurse. The act allows the role of mentor to be filled by an advanced practice nurse with prescriptive authority and the same role and population focus as the applicant.

APPROVED by Governor May 18, 2015

EFFECTIVE September 1, 2015

 **OFFICE OF GOVERNMENT RELATIONS**
Other Legislation

S.B. 15-234 2015-16 Long Appropriations Bill (Hamner/Lambert)

For the fiscal year beginning July 1, 2015, the act provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2015. The grand total for the operating budget is set at \$26,280,342,056 of which \$7,021,502,865 is from the general fund portion of the appropriation, \$2,489,355,187 is from the general fund exempt portion, \$7,318,615,401 is from the cash funds portion, \$1,450,482,289 is from the re-appropriated funds portion, and \$8,000,386,314 is from the federal funds portion.

The grand total for fiscal year 2015 capital construction projects is \$396,231,034 of which \$249,945,429 is from the capital construction fund portion of the appropriation, \$166,938,201 is from the cash funds portion, \$13,911,135 is from the re-appropriated funds portion, and \$15,436,269 is from the federal funds portion.

The 2013 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of education and health care policy and financing. The general fund portion is decreased and the general fund exempt is increased resulting in no change in the overall funding for either department.

The head notes to the 2014 long bill are amended to include the human services building in the definitions and general provisions portion.

The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, higher education, human services, judicial, local affairs, public health and environment, public safety, and revenue and the offices of the governor, lieutenant governor, and state planning and budgeting.

Appropriations made in House Bill 14-1156, concerning extending the age of eligibility for the child nutrition school lunch protection program, is amended to reduce the amount appropriated to the program.

Appropriations made in Senate Bill 14-151, concerning the use of moneys derived from civil penalties imposed on nursing facilities to fund innovations in nursing home care, is amended to clarify where to appropriation is allocated.

Appropriations made in House Bill 14-1045, concerning the continuation of the breast and cervical cancer prevention and treatment program, is amended to make adjustments in the total amount appropriated.

Appropriations made in Senate Bill 14-001, concerning making college education more affordable by imposing further restrictions on tuition increases, increasing financial aid, and increasing operating support for each governing board of a state-supported institution of higher education by eleven percent, is amended to clarify that moneys are appropriated from the general fund exempt account rather than the general fund.

The act clarifies that a specified amount of money appropriated to the child care automated tracking system by House Bill 14-1317 remains available until June 30, 2016.

The act clarifies that a specified amount of money appropriated economic analysis and analytical work for regional tourism projects by House Bill 14-1350 remains available until June 30, 2016.

The act clarifies that a specified amount of money appropriated CITA annual maintenance and support by House Bill 14-1350 remains available until June 30, 2016.

APPROVED by Governor April 24, 2015

EFFECTIVE April 24, 2015

**H.B. 15-1063 Prohibited Communications
Concerning Patents**

(Pabon/Balmer)

The act prohibits a person from making a written or electronic communication with another concerning a patent if the communication is in bad faith. In finding bad faith, a court may consider if:

- The communication falsely states that litigation has been commenced against the recipient or an affiliated party; or
- The allegations in the communication lack a reasonable basis because of specified deficiencies.

The act contains specified exclusions from the prohibition. The act authorizes only the attorney general to file an action to enforce the prohibition and authorizes specified damages.

The act appropriates \$94,441 to the department of law to investigate and enforce the prohibition.

APPROVED by Governor June 5, 2015

EFFECTIVE August 5, 2015

**H.B. 15-1392 Payroll System to Pay State Employees Twice a
Month**

**(Young & Tate/Newell
& Neville)**

Beginning July 1, 2017, state employees who are paid through the state's payroll system will be paid twice a month rather than once a month. For work performed from the first day of the month through the 15th day of the month, employees will be paid on the last day of the same month, and for work performed from the 16th day of the month through the last day of the month, employees will be paid on the 15th day of the next month; except that, for work performed from the first day of June through the 15th day of June, employees will be paid on July 1.

Any state employee may apply to the department of personnel for a one-time loan to assist the employee in July 2017. The amount of the loan cannot be more than an amount equal to the employee's net pay for a half-month pay period. There are 2 repayment options for employees who choose to take advantage of the loan and an employee may repay the loan early with no prepayment penalty. If an employee separates from state employment prior to the full loan repayment, the balance of the loan will be deducted from the employee's last paycheck.

APPROVED by Governor June 5, 2015

EFFECTIVE June 5, 2015

**S.B. 15-082 County Workforce Development
Property Tax Incentives**

**(Lawrence & Moreno/
Hodge & Marble)**

Each county is authorized to establish a workforce development program to be known as "bright future Colorado" to provide financial assistance to county residents who pursue post-secondary education or training from an accredited institution of higher education or certified training program. A county workforce development program may include, but need not be limited to, county residents who are high school graduates, county residents who have successfully completed a high school equivalency examination, or county residents who are veterans. Any county that establishes a workforce development program may also establish a workforce development fund to accept contributions for the purpose of the program.

Each county that has established a workforce development program is authorized to offer an incentive, in the form of a county property tax credit or rebate, to a residential or commercial property owner in the county who contributes to a county workforce development fund. A county cannot give a credit or rebate unless the board of county commissioners approves the total program amount annually at a public budget hearing.

APPROVED by Governor March 13, 2015

EFFECTIVE August 5, 2015

S.B. 15-211

Automatic Funding for Capital Assets

(Rankin/Lambert)

The act specifies that for every appropriation in the capital construction section of the 2015-16 annual general appropriation act and every appropriation in the capital construction section of each annual general appropriation act thereafter, not including appropriations for information technology projects, additional funding must be set aside as follows:

- If the funding source for the appropriation is from a cash fund, not including the lottery fund or the limited gaming fund, the state agency is required to annually calculate an amount equal to the depreciation of the capital asset acquired, repaired, improved, replaced, renovated, or constructed with the appropriation based on the depreciation period, and on June 30 the state controller is required to credit such amount from the cash fund that was the source of funding for the appropriation to a capital reserve account established by the state agency in such cash fund;
- If the funding source for the appropriation is from the general fund, the capital construction fund, or the controlled maintenance trust fund, the general assembly is required to include an annual depreciation-lease equivalent payment line item payable from the general fund in the operating section of the annual general appropriation act for each state agency or state institution of higher education equal to the depreciation of the capital asset acquired, repaired, improved, replaced, renovated, or constructed with the appropriation based on the depreciation period, as calculated by the state agency or state institution of higher education. The state controller is required to credit the depreciation-lease equivalent payment to the capital construction fund on June 30; except that, of such payment, an amount equal to 1% of the project cost will be deducted from the payment and credited to the principal of the controlled maintenance trust fund.
- If the funding source for the appropriation is a financing arrangement and the source of the funding for the financing payment is:
 - From a cash fund, then the state agency is required to annually calculate an amount equal to one percent of the project cost and the general assembly is required to include an annual controlled maintenance line item payable from the cash fund in the operating section of the annual general appropriation act for each agency equal to such amount. The state controller is required to credit such amount on June 30 to a capital reserve account established by the state agency in such cash fund; and
 - From the general fund, the capital construction fund, or the controlled maintenance trust fund, then the general assembly is required to include an annual controlled maintenance line item payable from the general fund in the operating section of the annual general appropriation act for each state agency or state institution of higher education equal to one percent of the project cost, as calculated by the state agency or state institution of higher education. The state controller is required to credit such amount on June 30 to the controlled maintenance trust fund.
- If the funding source for the appropriation is a combination of the funding sources, then the annual set aside must be made in proportion to the funding source.

The act also specifies that moneys that are credited by the state controller from the general fund to the capital construction fund or to the principal of the controlled maintenance trust fund are not part of the basis for the calculation of the general fund reserve.

APPROVED by Governor May 11, 2015

EFFECTIVE May 11, 2015

S.B. 15-270

Create the Office of State Architect

(Waller/Morse)

The act statutorily creates the office of the state architect (office) within the department of personnel (department). The act makes conforming amendments to replace the office as the responsible party for duties attributed in current law to the department. The office is already managing these responsibilities

in practice. The act adds a new responsibility to the office for statewide planning. With respect to the planning responsibilities, the office must:

- Work with the office of state planning and budgeting, the Colorado commission on higher education, the department of higher education, and a representative from a state institution of higher education to develop and establish criteria for recommending capital construction projects;
- Review and make recommendations to the office of state planning and budgeting regarding all capital construction budget requests and supplemental budget requests submitted by a state agency;
- Review each state agency's operational master plan and approve each state agency's facilities master plans, facilities program plans, and 5-year plans;
- Provide the capital development committee with a report regarding the approved facilities master plans, facilities program plans, and 5-year plans of each state agency;
- Develop, after consultation with the office of state planning and budgeting, standards for the preparation of current facilities master plans coordinated with operational master plans, and facility program plans coordinated with operational program plans for each state agency, except state institutions of higher education;
- Coordinate the preparation and maintenance of long-range master plans that recommend executive and legislative actions for achieving desired state objectives and that include recommended methods for evaluation.

The act makes clear that the acquisition of a capital asset or a capital construction project for any state agency may not be authorized unless the facilities program plan has been approved by the state architect. The act also clarifies that it is the policy of the general assembly to only appropriate funds for capital construction projects if such projects have been approved by the office.

The act also specifies that the office of state planning and budgeting's plan for capital construction expenditures must consider recommendations made by the office of the state architect for state agencies and by the Colorado commission on higher education for state institutions of higher education.

APPROVED by Governor June 5, 2015

EFFECTIVE June 5, 2015