

The First Regular Session of the seventieth session of the Colorado General Assembly convened on January 13, 2016 and ended on May 11, 2016.

S.B. 16-121 **Higher Education Tuition Pledged for Bonding** **(Tate/Garnett)**

Under current law, a state institution of higher education or group of institutions may pledge up to 10% of tuition revenues of the institution for purposes of entering into contracts for the advancement of money. The bill allows an institution or group of institutions to pledge up to 100% of tuition revenue if the contract for the advancement of money for which it is pledging tuition is not subject to the higher education revenue bond intercept program and the institution is not a party to any existing contracts for the advancement of money that are subject to the higher education revenue bond intercept program.

APPROVED by Governor March 31, 2016
EFFECTIVE March 31, 2016

H.B. 16-1459 **Submission Threshold for Higher Ed Cash Projects** **(Becker, K. & Brown/Sonnenberg & Kefalas)**

Capital Development Committee. The bill:
* Increases the dollar threshold for when the Colorado commission on higher education (CCHE) is allowed to exempt projects that are not for new construction from the requirements for program and physical planning;
* Increases the dollar threshold for when CCHE has a duty to request from the governing board of each state institution of higher education a 2-year projection of projects that are not for new acquisitions of real property or new construction to be undertaken;
* Increases the dollar threshold for the submission to the capital development committee of a 2-year report for capital construction or capital renewal projects that are not for new acquisitions of real property or new construction for auxiliary and academic facilities to be funded solely from cash funds held by an institution of higher education; and
* Makes conforming amendments and clarifies the reporting requirements.

APPROVED by Governor June 10, 2016
EFFECTIVE August 10, 2016

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

H.B. 16-1100 **Define Tuition Status** **(Pettersen & Esgar/Cooke)**
Unaccompanied Homeless Youth

The bill amends statutory provisions relating to the persons qualified to determine domicile for purposes of establishing in-state tuition at state institutions of higher education. The bill adds unaccompanied homeless youth to the list of persons who are qualified to determine their own domicile. An "unaccompanied homeless youth" is defined in the bill, consistent with the federal definition, as an individual who has not attained 22 years of age and who is either an unaccompanied youth who is a homeless child or youth or who has been verified as unaccompanied, at risk of homelessness, and self-supporting by one of four verifiers listed in the bill. The bill amends the definition of "qualified person" in the statutory provisions relating to tuition status to include unaccompanied homeless youth.

APPROVED by Governor May 17, 2016

EFFECTIVE May 17, 2016

S.B. 16-161 **Regulate Athletic Trainers** **(Crowder/Primavera)**

The reengrossed bill requires athletic trainers to be registered with the Division of Professions and Occupations (DPO) in the Department of Regulatory Agencies (DORA), and reinstates the Athletic Trainer Practice Act as it existed prior to its 2015 repeal, by: • specifying educational background, certifications, and examination requirements; • providing DORA with the ability to set fees and schedule renewals of registrations; • establishing the grounds for disciplinary proceedings and authorizing the DPO director to take disciplinary actions; and • establishing a class 2 misdemeanor for conviction of the offense of practicing without an active registration, and a class 1 misdemeanor for a subsequent offense. In addition, the bill makes some changes to the act, including recodification, terminology modifications, and the following substantive changes: • adding title protection for the abbreviation A.T.C. (athletic trainer certified) to limit its use to registered athletic trainers; • requiring evidence of current national certification at registration and, if required by the DPO director, at renewal; and • adding as grounds for discipline the failure of an athletic trainer to practice pursuant to the direction of a Colorado-licensed or otherwise lawfully practicing health care professional and the failure to practice in a manner that meets generally accepted standards of athletic training practice. Entities involved with youth sports teams are not required to employ an athletic trainer and school coaches are not required to be athletic trainers. The bill repeals September 1, 2026, following a sunset review.

APPROVED by Governor June 8, 2016

EFFECTIVE July 1, 2016

S.B. 16-196 **Inclusive Higher Education Pilot** **(Cooke & Cadman/Landgraf &**
Program **Young)**

The reengrossed bill creates an inclusive higher education pilot program aimed at establishing higher education programs for students with intellectual and developmental disabilities. The program will operate from FY 2016-17 through FY 2020-21 at three institutions: the University of Northern Colorado, the University of Colorado-Colorado Springs, and Arapahoe Community College. Participating institutions must develop pilot programs, which may include: • conducting an assessment to determine needs related to inclusive higher education; • identifying state and institution regulations, policies, and practices that encourage or impede inclusive higher education; • offering programming and support for students with disabilities to take at least two on-campus undergraduate courses each semester in their area of interest and one course per semester designed to meet the needs of students with disabilities; • integrating students socially and academically into the institution; • offering peer mentoring; • coordinating with vocational rehabilitation programs offered by the Department of Labor

and Employment; • preparing students for gainful employment; • offering admissions standards that do not require a nationwide college entrance exam; • becoming a certified transition program to allow students to access federal financial aid, if the institution deems the pilot program sustainable; and • developing a five-year plan that includes enrollment projections for an inclusive higher education program. The bill specifies that the three participating institutions are not required to operate a pilot program if sufficient money is not appropriated by the General Assembly. Should an institution cease to operate the pilot program, DHE may request that the General Assembly reallocate funds among the participating institutions. In years in which the selected sites offer a pilot program and sufficient money is appropriated by the General Assembly, JFK Partners must annually evaluate the program from the perspective of multiple stakeholders listed in the bill, and provide a written report to the Department of Higher Education (DHE). As part of their annual presentation, DHE must report on the pilot program to the education committees of the House and Senate and the Joint Budget Committee and include the report from JFK Partners in years in which a pilot program is operating. The three participating institutions, JFK Partners, and Colorado Initiative for Higher Education (IN!) are encouraged to participate in an annual statewide summit on inclusive higher education in order to share best practices and promote the development of inclusive higher education programs. The bill transfers \$250,000 from the Intellectual and Developmental Disabilities Services Cash Fund to the General Fund in both FY 2015-16 and FY 2016-17 and appropriates \$250,000 for the program in FY 2016-17. The bill adds the pilot program as a purpose for which DHE can enter into fee-for-service contracts with participating institutions of higher education, and exempts the funding from provisions requiring that increases in higher education funding be matched by increases in funding to the College Opportunity Fund, or for financial aid.

APPROVED by Governor June 6, 2016

EFFECTIVE June 6, 2016

H.B. 16-1453 Colorado Cybersecurity Initiative (Hamner/Lambert)

Joint Budget Committee. The Colorado cybersecurity council (council) is created in the department of public safety to operate as a steering group to develop cybersecurity policy guidance for the governor, develop comprehensive goals, requirements, initiatives, and milestones, and to coordinate with the general assembly and the judicial branch regarding cybersecurity. The council is comprised of specified officers from the governor's office, executive branch agencies, military organizations, institutions of higher education, the attorney general's office, and the state auditor's office. The department of public safety may coordinate with specified entities to define the operational requirements for in-state and interstate operational and training networks. The coordinating entities may:

- * Consider establishing memoranda of understanding or interstate compacts with entities that encourage the interstate sharing of information for cybersecurity;
- * Support the requirements for the fusion of cyber defense, cyber surveillance, and international and domestic intelligence and law enforcement operations;
- * Consider network infrastructures for interstate cyber training and operations;
- * Support secure Colorado requirements to identify threats and vulnerabilities, defend state cyber infrastructures, and investigate and enforce cyber-related crimes; and
- * Conduct training, inspections, and operational exercises. The university of Colorado at Colorado Springs (UCCS), in partnership with a nonprofit organization that supports national, state, and regional cybersecurity initiatives (nonprofit organization), may establish and expand cyber higher education programs and establish needed cyber education and training laboratories in specified subject areas. UCCS and the nonprofit organization may:
 - * Coordinate with the United States department of homeland security and the national security agency to certify cyber courses and curricula;
 - * Coordinate planning for cyber education with appropriate institutions of higher education;

- * Identify appropriate curricula for community college and technical certification programs and for elementary and secondary education feeder programs;
 - * Establish a public policy think tank as an academic research center of excellence for government, academic, and industrial communications, conferences, research, and publications; and
 - * Establish education, training, and academic symposia for government leaders at all levels. UCCS and the nonprofit organization also may establish a secure environment for research and development, initial operational testing and evaluation, and expedited contracting for production for industrial cyber products and techniques and may consider:
 - * Creating a business plan to develop a secure facility on the property of UCCS to allow physical, electronic, proprietary, and administrative security;
 - * Exploring secure facility development and use at other Colorado universities and facilities;
 - * Establishing relationships with appropriate federally funded research and development corporations under the sponsorship of the United States department of defense and the United States department of homeland security;
 - * Consider establishing relationships with certain existing federally funded research and development corporations, or consider creating a new organization to focus on defense and homeland security requirements;
 - * Establishing cooperative relationships with Colorado cyber companies and other businesses, local governments, and other Colorado institutions with requirements for cybersecurity participation;
 - * Establishing cooperative relations with civilian industrial producers; and
 - * Linking to local and national military, homeland security, and intelligence community activities to support research and development, rapid test and evaluation, contracting, and production requirements.
- The cybersecurity cash fund (fund) is created in the state treasury. The fund consists of any money that the general assembly may appropriate or transfer to the fund. Subject to annual appropriation, the regents of the university of Colorado may expend money from the fund for the purposes of the bill. The cybersecurity gifts, grants, and donations account (account) is created in the fund. The regents of the university of Colorado may seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of the bill and are required to credit any such gifts, grants, or donations to the account. The moneys in the account are continuously appropriated to the department of higher education for use by the regents of the university of Colorado for the purposes of the bill.

APPROVED by Governor May 20, 2016

EFFECTIVE July 1, 2016

H.B. 16-1423 Student Data Collection Use Security (Lundeen/Hill)

Overview. The bill creates the Student Data Transparency and Security Act, and requires that the State Board of Education (SBE), the Colorado Department of Education (CDE), and schools, school districts, and Boards of Cooperative Educational Services (local education providers or LEPs) take actions to increase the transparency and security of student personally identifiable information (student PII). The bill imposes requirements on both the commercial entities that provide school services by formal contract with the CDE or an LEP (contract providers), and on the commercial entities that an LEP or employees of an LEP choose to use without entering into a formal, negotiated contract (on-demand providers). Contract providers. Each contract provider must give the CDE and LEPs clear information concerning the collection, use, and sharing of student PII. A contract provider may only collect and use student PII for specified purposes authorized by the contract, and must obtain parental consent to use a student's data in any other way. Further, contract providers are prohibited from: • selling student PII; • using student PII for use in targeted advertising; or • using student PII to create a profile, except for purposes authorized by contract, or with parental consent. Student PII may only be shared with subcontractors, who are subject to the same restrictions and requirements imposed on the contract provider. Each contract provider must maintain a comprehensive information security program, and

must destroy student PII in accordance with the terms of the contract. The bill creates some exceptions to the data restrictions and contract requirements imposed on contract providers. On-demand providers. Each LEP must post on its website a list of the on-demand providers in use by the LEP or its employees, and update the list twice each school year. If the LEP has evidence that an on-demand provider does not comply with its own privacy policy, or does not meet the restrictions and requirements imposed on contract providers, the LEP is encouraged to stop using the on-demand provider. The CDE must post on its website a list of the on-demand providers that LEPs stop using as a result of data privacy issues, and any written statements from those on-demand providers. Colorado Department of Education. The CDE is required to ensure that contracts the department enters into that share student PII include certain restrictions and requirements. The CDE must terminate the contract if a researcher commits a material breach of the contract involving the misuse or unauthorized release of student PII. The department must also maintain on its website a detailed list of the vendors, researchers, research organizations, and government agencies with which it has data sharing agreements involving student PII. The CDE must create a sample student information privacy and protection policy, and sample school service provider contract language that LEPs may choose to use. The department must make training materials and, upon request, training services, available to LEPs for training employees with regard to student information security and privacy. Local education providers. No later than December 31, 2017, each LEP must adopt a student information privacy and protection policy, make copies available to parents upon request, and post the policy on its website. Small rural school districts have until July 1, 2018, to adopt a policy. Each LEP is required to ensure that data sharing agreements with contract providers include the bill's restrictions and requirements. If the contract provider misuses data, or makes an unauthorized release of student PII, the LEP must either terminate the agreement or hold a public meeting to discuss the nature of the material breach, and to decide whether to terminate the agreement. Each LEP is required to post on its website a list of the student PII collected and maintained by the LEP, in addition to the student PII that the LEP submits to the CDE. Parents' rights. The bill recognizes a parent's right to inspect and review his or her child's student PII, request a paper or electronic copy of his or her child's student PII, and request corrections to factually inaccurate student PII that an LEP maintains. The governing board of each LEP must adopt a policy for hearing complaints from parents concerning the LEP's data policies.

APPROVED by Governor June 10, 2016

EFFECTIVE August 10, 2016

S.B. 16-209 Authorize School District Property (Todd & Holbert/Buckner & Priola)
Lease to Higher Education Institution

The bill authorizes a school district board of education to lease school district property to a state institution of higher education and to accept in-kind services from the institution as all or part of the lease payments. The bill clarifies that a school district may issue bonds to construct a building for lease to a state institution of higher education.

APPROVED by Governor June 6, 2016

EFFECTIVE August 10, 2016

H.B. 16-1142 **Rural and Frontier Health Care Preceptor Tax Credit** **(Buck & Ginal/Crowder & Cooke)**

As amended in House Finance Committee, for tax years 2017, 2018, and 2019, this bill creates a state income tax credit for licensed Colorado health care professionals who provide uncompensated personalized instruction, training, and supervision to one or more graduate students seeking a medical degree at a Colorado institution for higher education. Instruction, training, and supervision must last at least four weeks during the income tax year in which the credit is claimed. The credit is limited to 200 qualifying taxpayers each year at \$1,000 per taxpayer. This credit is non-refundable, meaning it is limited to a taxpayer's income tax liability. Credits in excess of this amount may be carried forward for up to five years. A qualifying health care professional must be practicing in a designated rural or frontier county and must provide a certification form with their income tax return certifying that the he or she has satisfied the requirements for the tax credit. The certification form may be provided by an institution of higher education, hospital, or area health education center (AHEC) located in the jurisdiction of the health care professional's practice. AHECs may charge a reasonable fee for providing the certification form.

APPROVED by Governor June 6, 2016

EFFECTIVE August 10, 2016

H.B. 16-1101 **Medical Decisions for Unrepresented Patients** **(Young/Lundberg)**

The reengrossed bill allows an attending physician to designate another willing physician to act as a patient's proxy decision-maker for health care treatment under certain conditions. The attending physician cannot act as the proxy decision-maker. A physician may be designated as a proxy decision-maker if: • after reasonable effort, the physician cannot locate any interested person, including the patient's spouse, a parent, an adult child, a sibling, a grandchild, or any close friend of the patient, who is willing and able to act as proxy decision-maker; • the physician has obtained an independent assessment of the patient's decision-making capacity from another health care provider confirming the patient's lack of decisional capacity; and • the physician has consulted with and obtained a consensus on the proxy designation with the medical ethics committee of the facility where the patient is receiving care. The designated physician's authority to act as proxy decision-maker terminates if: • an interested person is appointed to act as the proxy decision-maker; • a guardian is appointed for the patient; • the patient regains decisional capacity; • the proxy decision-maker no longer wishes to serve in that capacity; or • the patient is transferred or discharged from the facility where he or she is receiving care, unless the proxy decision-maker expresses his or her intention to continue acting in that capacity. The bill outlines procedures for decision-making by the attending physician, the proxy decision-maker, and the facility's medical ethics committee, including for end-of-life treatment. A physician or his or her designee who is acting in good faith as a proxy decision-maker is not subject to civil or criminal liability or regulatory sanction, except that liability remains for any negligent acts or omissions in rendering care to an unrepresented patient.

APPROVED by Governor May 18, 2016

EFFECTIVE August 10, 2016

H.B. 16-1408 **Cash Fund Allocations for Health-related Programs** **(Rankin/Steadman)**

Recommend by the Joint Budget Committee, this rerevised bill establishes a new formula for the allocation of the annual payment received by the state as part of the Tobacco Master Settlement Agreement (Tobacco MSA). The new formula allocates all Tobacco MSA revenue by percentage shares, rather than the hybrid scheme of fixed dollar amounts and capped percentage shares in multiple tiers. The formula increases annual allocations to most programs receiving funding under the current distribution, while eliminating dedicated funding for the six purposes: • the Early Literacy Fund in the Department of Education; • the Public Health Services Support Fund in the Department of Public Health and Environment; • the Offender Mental Health Services Program in the Department of Human Services; • the Alcohol and Drug Abuse Prevention Program in the Department of Human Services; • the Children's' Mental Health Treatment Program in the Department of Human Services; and • the annual audit of Tobacco MSA-funded programs by the Office of the State Auditor. For all of these purposes listed above except the audit, the bill makes FY 2016-17 appropriations from the Marijuana Tax Cash Fund in the amounts that the programs are expected to receive under the current law allocation formula. The bill repeals the Public Health Services Support Fund and the Tobacco Litigation Settlement Trust Fund. It requires the State Treasurer to transfer any remaining balance in the Public Health Services Support Fund and the Offender Mental Health Services Fund to the Tobacco Litigation Settlement Cash Fund at the end of FY 2015-16. The bill creates a new Primary Care Provider Sustainability Fund in the Department of Health Care Policy and Financing to fund increased access to primary care office visits, immunization administration, health screening services, and newborn care, including neonatal critical care. On July 1, 2016, \$20.0 million is transferred from the Children's Basic Health Plan Trust to this new fund. The bill also modifies statute concerning higher education fee-for-service contracts paid to the University of Colorado for specialty education services, specifying that these contracts include care provided by faculty of the University of Colorado Health Sciences Center and are eligible for payment under the state's Medicaid provider reimbursement.

APPROVED by Governor May 4, 2016

EFFECTIVE July 1, 2016*

*The requirement that all money in the Public Health Services Support Fund and the Offender Mental Health Services Fund be transferred to the Tobacco Litigation Settlement Cash Fund at the end of FY 2015-16 takes effect upon signature of the Governor.

S.B. 16-062 **Veterinary Pharmaceuticals **(Marble/Becker J.)****

This bill, as amended by the House State, Veterans, and Military Affairs Committee, creates the Veterinary Pharmaceutical Advisory Committee (advisory committee) in the Department of Regulatory Agencies (DORA) to hear matters concerning veterinary pharmaceuticals referred by the State Board of Pharmacy (board), specifically related to board action on an investigation or complaint, application review, and rules. The three-member advisory committee — whose qualifications, terms, succession, and meeting requirements are outlined in the bill — serve without compensation or expense reimbursement. DORA is to provide staff assistance to the advisory committee. The board, in consultation with the State Board of Veterinary Medicine, may promulgate rules to implement the advisory committee. The advisory committee repeals on September 1, 2026, following a sunset review. The board is prohibited from regulating the sale of disposable veterinary devices. It may exempt from regulation veterinary devices that are regulated by the federal Food and Drug Administration and other devices for which it determines regulation is unnecessary. Finally, the bill creates a reduced civil penalty between \$50 and \$500 for a single violation, and a maximum penalty of \$5,000 for multiple violations, for persons who unlawfully distribute a veterinary drug; except that the board may issue a per violation fine between \$500 and \$5,000 if it determines that the registrant has committed one or more egregious violations. Before issuing a fine, the board must provide notice to the registrant and a hearing opportunity. The board must also consider the registrant's ability to pay the fine and waive the fine if it would cause the registrant undue hardship.

APPROVED by Governor June 10, 2016
EFFECTIVE July 1, 2016

S.B. 16-135 **Collaborative Pharmacy Practice** **(Aguilar/Ginal)**
Agreements

The bill allows health insurance plans to provide coverage for health care services provided by a pharmacist as part of a collaborative pharmacy practice agreement if certain conditions are met. Specifically, the health plan must provide coverage for the same service if it is provided by a licensed physician or an advanced practice nurse and the pharmacist must be included in the insurers network of participating providers. The State Board of Pharmacy, the Colorado Medical Board, and the State Board of Nursing must jointly create rules governing collaborative pharmacy practice agreements. Collaborative pharmacy practice agreements are voluntary agreements between a licensed pharmacist and a physician or advanced practice nurse that allow a pharmacist to provide evidence-based health care services to one or more patients pursuant to a specific treatment protocol delegated to a pharmacist by a physician or advanced practice nurse. Collaborative pharmacy practice agreements also may include a statewide drug therapy protocol developed by the State Board of Pharmacy and the Department of Public Health and Environment for public health care services, including health care services for smoking cessation, travel health services, and self-administered hormonal contraception.

APPROVED by Governor June 6, 2016
EFFECTIVE August 10, 2016

 **OFFICE OF GOVERNMENT RELATIONS**
Other Legislation

H.B. 16-1405 2016-17 Long Appropriations Bill (Hamner/Lambert)

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, 2016, except as otherwise noted.

APPROVED by Governor May 3, 2016

EFFECTIVE May 3, 2016

H.B. 16-1114 Repeal Employment Verification Standards (DelGrosso/Ulibarri)

As amended by the House Business Affairs and Labor Committee, this bill eliminates current employment verification standards that: • require each employer in Colorado to attest within 20 days that it has verified the legal work status of each employee, has not altered or falsified employee identification documents, and has not knowingly hired an unauthorized alien; • require each employer in Colorado to submit documentation to the director of the Division of Labor in the Colorado Department of Labor and Employment (CDLE) that demonstrates that the employer is in compliance with federal employment verification requirements; and • fine an employer for failing to provide required documentation or for providing fraudulent documentation.

APPROVED by Governor June 8, 2016

EFFECTIVE August 10, 2016

H.B. 16-1048 Expand Business Enterprise Program (Primavera/Lundberg)

This bill, as amended by the House Business Affairs and Labor Committee, establishes a working group in the CDLE consisting of various stakeholders and representatives from state agencies concerning the Business Enterprise Program (BEP). Specifically, the working group is required to study ways to expand opportunities for BEP vendors at the Department of Corrections, the Department of Natural Resources, institutions of higher education, and the Colorado State Fair. The working group will also consider the possibility of the BEP vendors expanding beyond food service and vending facilities. The working group is required to prepare a report and make recommendations to the relevant committees of the General Assembly by January 1, 2017. The bill also allows the CDLE to issue licenses to BEP vendors to operate businesses other than vending facilities.

APPROVED by Governor May 4, 2016

EFFECTIVE July 1, 2016

**H.B. 16-1104 Summons in Lieu of Warrant for (Roupe/Cooke)
Non-violent Crimes**

The reengrossed bill changes the rules and procedures for when a summons can be issued to a defendant in lieu of a warrant. The bill: • allows law enforcement officers, rather than the courts, to issue a summons in lieu of a warrant, based on the officer's discretion if certain conditions are met; • prohibits a summons in lieu of a warrant for class 4 felonies and crimes relating to victims' rights laws; and • allows for a summons in lieu of a warrant for level 1 and 2 drug felonies. A law enforcement officer may issue a summons if he or she believes there is a reasonable likelihood the defendant will appear, the local district attorney approves and has developed criteria for the procedure, the defendant has had no felony arrests in the past five years, there is no allegation that the defendant used a deadly weapon, and there are no outstanding warrants for the defendant's arrest. Under the bill, a defendant receives the summons

from the law enforcement officer rather than by mail, and it is signed by either the judge, the clerk of court, or the law enforcement officer. The law enforcement officer must deliver a copy to the court and the district attorney in the jurisdiction where the offense took place, no later than ten days after he or she issued the summons. The bill specifies that an information or complaint may be filed in open court on the date listed in the summons.

APPROVED by Governor April 21, 2016

EFFECTIVE August 10, 2016

H.B. 16-1438 Employer Accommodations Related (Winter/Martinez Humenik)
to Pregnancy

This reengrossed bill requires employers to engage in a timely, good-faith, interactive process when an employee or applicant requests reasonable accommodations related to pregnancy or physical recovery from childbirth. Reasonable accommodations may include the provision of more frequent or longer break periods; more frequent bathroom, food, or water breaks; acquisition or modification of equipment or seating; limitations on lifting; temporary transfer to a less strenuous or hazardous position or light duty, if available; assistance with manual labor; or modified work schedules, as long as certain conditions are met. Employers must provide these accommodations to an applicant for employment or to an employee, if requested, unless the accommodations place an undue hardship on the employer's business. "Undue hardship" is defined as an action requiring significant difficulty or expense to the employer and can include consideration of the following factors: • the nature and cost of the accommodations; • the overall financial resources of the employer or overall size of the business; and • the accommodation's effect on expenses, resources, or operations. In response to a request or need for reasonable accommodations related to pregnancy or childbirth, an employer may not: • take adverse actions against an employee; • deny employment opportunities to an applicant or employee; • require an applicant or employee to accept an accommodation that the applicant or employee has not requested or is unnecessary; or • require an employee to take leave if the employer can provide another reasonable accommodation. Employers must provide written notice of the right to be free from discriminatory or unfair employment practices related to these requirements to new employees and existing employees within 120 days of the bill's effective date, and they must post the notice in a conspicuous place. With the exception of posting the notice, any violation of these requirements constitutes a discriminatory or unfair employment practice. The bill clarifies that it neither increases nor decreases an employee's rights, under any other law, to paid or unpaid leave associated with the employee's pregnancy. The bill also specifies that a court must not award punitive damages in a civil action involving a claim of failure to make reasonable accommodations for conditions related to pregnancy or childbirth if the defendant demonstrated good faith efforts to comply with the requirement.

APPROVED by Governor June 1, 2016

EFFECTIVE August 10, 2016

S.B. 16-218 State Severance Tax Refunds (Lambert & Steadman/Hamner
& Rankin)

This reengrossed bill addresses a severance tax refund obligation arising as a result of the Colorado Supreme Court's April 25, 2016, decision in BP America v. Colorado Department of Revenue. The bill creates a mechanism for refunds of severance tax revenue to businesses, including businesses that revise their severance tax returns to claim additional tax deductions for tax years 2012 through 2015. It establishes a reserve from which all severance tax refunds are to be paid prior to the allocation of tax revenue to cash funds in the Department of Natural Resources (DNR) and the Department of Local Affairs (DOLA). For FY 2015-16, income tax revenue is diverted from the General Fund to the reserve in amounts sufficient to pay any severance tax refunds that exceed severance tax revenue collected after

the bill's effective date and before the end of the fiscal year. For FY 2016-17, income tax revenue is diverted each month from the General Fund to the reserve in amounts sufficient to pay any severance tax refund that exceeds 15 percent of severance tax revenue collected for that month. The bill imposes restrictions on \$19.1 million in the Severance Tax Perpetual Base Fund, \$10.0 million in the Severance Tax Operational Fund, and \$48.3 million in the Local Government Severance Tax Fund. While restrictions are in place, these moneys must remain in their respective cash funds and can not be expended for state purposes. Restrictions may be lifted in whole or in part upon a majority vote of the members of the Joint Budget Committee (JBC). The bill also extends a statutory repeal date, allowing severance tax revenue to continue to be allocated to the Severance Tax Trust Fund and the Local Government Severance Tax Fund between January 1, 2017, and July 1, 2017.

APPROVED by Governor June 10, 2016

EFFECTIVE June 10, 2016