

OFFICE OF GOVERNMENT RELATIONS ANNUAL REPORT 2009-2010



UNIVERSITY OF COLORADO *Boulder • Colorado Springs • Denver • Anschutz Medical Campus*

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OFFICE OF GOVERNMENT RELATIONS

Overview

Mission

The mission of the Office of Government Relations is to support the University of Colorado by building effective partnerships between the University and state and federal governments. This is achieved through representation and advocacy of CU's needs and interests with state and federal elected officials in Colorado and Washington, D.C.

Goals

- Promote the University's interests at the state and federal level.
- Enhance the understanding of the role and value of CU.
- Achieve status as one of the top public university governmental relations offices in the United States.

Strategies

- 1) Maintain visibility at both the state and federal level through testimony, tours, outreach events, Hill visits, and other activities to increase contact with state and federal policy makers.
- 2) Foster relationships between the president, chancellors and designated officers of the university with members of the General Assembly, Colorado Congressional Delegation, and Executive branch of both the state and federal government.
- 3) Engage the business community, CU Ambassadors, and alumni to help lobby the university's initiatives.
- 4) Request federal funding for special projects at each campus.
- 5) Lobby for increases in funding by federal agencies. The following agencies are the primary sources of research funding for CU:
 - National Science Foundation (NSF)
 - National Institutes of Health (NIH)
 - National Aeronautics and Space Administration (NASA)
 - Department of Defense (DOD)
 - Department of Energy (DOE)
 - Department of Commerce (DOC)
 - National Oceanic and Atmospheric Administration (NOAA)
 - National Institute of Space and Technology (NIST)
- 6) Educate elected officials about the university through contact with faculty, students, and administrators from all three campuses.
Provide internal communication by:
 - Holding frequent legislative strategy meetings with top university officers;
 - Providing legislative updates at all three campuses and via email to the university community; and
 - Communicating with appropriate university faculty, administrators, and students regarding specific legislation and policy issues.

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OFFICE OF GOVERNMENT RELATIONS

State Relations

General Fund, Cash Fund Appropriations, and Capital Construction FY2011

The sixty-eighth session of the Colorado General Assembly convened on January 13, 2010 and ended on May 12, 2010.

FY 2011 GENERAL FUND APPROPRIATIONS

CU is set to receive the following appropriations for FY11:

- General Fund – Fee for Service: CU total FY 11 Appropriation= \$103.8 Mil
- General Fund – Stipend: CU total FY 11 Appropriation= \$55.3 mil) Stipend amount now totals \$1,820 per student
- ARRA Funds – CU share of ARRA stabilization funds = \$ 33.4 mil

FY 2011 CASH FUND APPROPRIATIONS (TUITION)

With the passage of SB 10-003, Higher Education Flexibility, Governor Ritter authorized the Department of Higher Education to allow governing boards the ability to increase tuition beyond 9% through an application process.

FY 2011 CAPITAL CONSTRUCTION AND CONTROLLED MAINTENANCE

CU received funding for the following capital construction projects:

- \$9.7M* UC Denver AMC COP payment
(*7,698,527 Cash Fund and 1,996,149 General Fund)

CU received funding for the following controlled maintenance projects:

- \$518,063 UCB Fire Safety Upgrades
- \$497,152 UCCS Upgrade Fire Sprinkler System University Hall



OFFICE OF GOVERNMENT RELATIONS
CU Initiated State Legislation

House Bill 10-1427 Higher Ed Group Ins Benefit Coverage (Todd/Heath)

A state institution of higher education that has offered one or more group benefit insurance plans other than a plan contracted for by the director of the department of personnel to employees of the institution who are in the state personnel system may continue to offer those insurance plans to such employees.

APPROVED by Governor June 10, 2010
EFFECTIVE June 10, 2010

Senate Bill 10-003 Higher Education Flexibility (Morse/Middleton)

The general assembly makes legislative findings with regard to the challenges facing the state system of higher education, the need for a new master plan to address those challenges, and the need to grant institutions of higher education (institutions) greater flexibility with regard to tuition-setting and operations. Also provides flexibility in the areas of financial aid allocation, employment of PERA retirees, debt collection, capitol construction, international students among other things.

APPROVED by Governor June 9, 2010
EFFECTIVE June 9, 2010

Senate Bill 10-058 Eligibility Nursing Teacher Loan Forgiveness (Tapia/Gagliardi)

The act changes certain eligibility requirements for the nursing teacher loan forgiveness pilot program, including reducing the required employment in teaching from full time to half time and allowing the teaching position to begin within 4 years after the completion of the nursing teacher's advanced degree.

APPROVED by Governor April 20, 2010
EFFECTIVE August 11, 2010
NOTE: This act was passed without a safety clause.



OFFICE OF GOVERNMENT RELATIONS
Key State Higher Education Legislation

House Bill 10-1001 Renewable Energy Stds Solar Certif (Tyler/Schwartz)

Existing law creates a renewable energy portfolio standard (RPS) under which certain electric utilities are required to generate an increasing percentage of their electricity from renewable sources, in a series of increments from 3% in 2007 to 20% in 2020 and thereafter. The act boosts these RPS percentages to achieve 30% renewable generation by 2020 and requires a portion of the RPS to be met through a subset of renewable generation, "distributed generation" (DG).

APPROVED by Governor March 22, 2010

EFFECTIVE August 11, 2010

NOTE: This act was passed without a safety clause.

House Bill 10-1003 State Personnel Bd Appeal Deadline (McNulty/Tochtrop)

The deadline for the review of grievance petitions by the state personnel board is extended from 90 to 120 days.

APPROVED by Governor April 5, 2010

EFFECTIVE August 11, 2010

NOTE: This act was passed without a safety clause.

House Bill 10-1018 Reduce Waste Tire Stockpile Risks (Looper/Gibbs)

Current law gives several departments authority over fees collected upon the sale of new motor vehicle tires to deal with waste tires. The act consolidates all such authority in the department of public health and environment (department) and adds requirements for fire prevention planning, registration, decals, and manifests for certain waste tire haulers and waste tire facilities. The act ends the transfer of waste tire fees to the innovative higher education research authority program effective July 1, 2014.

APPROVED by Governor June 10, 2010

EFFECTIVE June 10, 2010

House Bill 10-1019 Reserved Disabled Parking Enforcement (Frangas/Williams)

The act creates a cash fund that receives fine moneys and donations to be used to implement the reserved parking program for the disabled. A disabled parking education program is created. The act changes the administration of reserved parking for the disabled including: requiring identification to obtain a license plate or placard; creating a form that a professional signs under penalty of perjury when verifying a disability among other things. In addition, the act changes the laws governing enforcement of the reserved parking program for the disabled including authorizing a peace officer or property owner to remove a vehicle that is violating the reserved

parking provisions prohibits taking adverse action against a person with a disability if the method of payment is not reasonably accessible.

APPROVED by Governor June 10, 2010

EFFECTIVE January 1, 2011

NOTE: This act was passed without a safety clause.

House Bill 10-1054 Higher Ed Safety Protocols Presentation (King/Carroll M.)

Institutions of higher education are required to develop policies and procedures that are tailored to the institution and that reflect best practices concerning critical incident response protocols and personal safety on campus and in school buildings on campus. Beginning in the 2011-12 academic year, each institution of higher education shall disseminate annually school safety information to students, faculty, and staff.

APPROVED by Governor April 15, 2010

EFFECTIVE August 11, 2010

NOTE: This act was passed without a safety clause.

House Bill 10-1096 Designate VIN Inspectors (Tipton/Morse)

Currently, only peace officers are allowed to perform certified vehicle identification number inspections. County sheriffs and municipal police chiefs will be allowed to certify additional individuals to perform the inspections if the individuals complete the inspection training provided by the peace officers standards and training board. The individuals must also be employees or bona fide representatives of a county or municipality and must pass fingerprint and background checks.

APPROVED by Governor May 20, 2010

EFFECTIVE August 11, 2010

NOTE: This act was passed without a safety clause.

House Bill 10-1128 Registrations Regulatory Efficiency (Looper/Hudak)

This act makes the "Colorado Licensing of Controlled Substances Act" and the sunset law consistent with provisions enacted in Senate Bill 09-128, enacted in 2009, that continued the regulation of administration of medication by unlicensed persons. The act clarifies the exemptions to the dental practice act by providing that dental students and residents practicing dentistry while in dental school are exempt from the dental practice act. The exemption is for foreign-trained dentists teaching at a dental school because such dentists were granted dental license options in legislation enacted in 2009 was deleted.

APPROVED by Governor April 29, 2010

EFFECTIVE April 29, 2010

House Bill 10-1149 **Update Radiation Control Laws (Hullinghorst/Foster)**

The act updates state radiation control laws in the areas of violations, fees, standards, rule-making, inspections and definitions.

APPROVED by Governor May 26, 2010

EFFECTIVE May 26, 2010

House Bill 10-1176 **Require Government Recovery Audits (Vaad/Mitchell)**

This bill requires the Office of the State Controller to contract with a third party to perform an audit of state executive agencies to determine whether overpayments to individuals, vendors, and others occur as a result of pricing errors, neglected rebates, discounts, unclaimed refunds, or other related general errors. The bill applies to state executive agencies that spend more than \$25 million annually and authorizes the Office of the State Controller to retain a portion of any amount recovered due to an audit to defray the administrative costs incurred in contracting for and providing oversight of the recovery audit.

APPROVED by Governor June 10, 2010

EFFECTIVE June 10, 2010

House Bill 10-1178 **Transparency In The Use Of Grant Moneys (Stephens/Scheffel)**

Each state agency, with the exception of any institution of higher education, that receives moneys from gifts, grants, and donations (grants) to provide funding for a bill enacted by the general assembly that relies on grants for its funding source is required to submit a report to the joint budget committee of the general assembly specifying information about the grant. Such information includes the source, amount, and duration of the grant and the bill number of the bill that created the specific program for which the grant money is intended to be used. State agencies are required to request that grant donors submit a letter including such information to the state agency at the time of making the grant to assist the state agency in tracking and reporting all grants received during a fiscal year.

APPROVED by Governor April 29, 2010

EFFECTIVE August 11, 2010

NOTE: This act was passed without a safety clause.

House Bill 10-1181 **DPA Administrative Clean-up (Todd/Bacon)**

This is an omnibus bill that makes changes to the administration of the department of personnel. Many of the changes impact CU or impose additional burdens especially in the area of procurement. The bill makes administrative changes to align with SB 10-003 Higher Education Flexibility and also includes additional areas of flexibility with capital construction projects, removes the \$1,500 cap on travel advances, grants the authority to negotiate sales and leases, exemption from state central services, the ability to contract for an independent procurement card program, and limits DPA's authority to do a duplicative post audit review.

APPROVED by Governor June 7, 2010
EFFECTIVE June 7, 2010

House Bill 10-1204 Plumbing Code Water Conservation Stnd (Soper/Tochtrop)

The act requires the plumbing code adopted by the examining board of plumbers in the department of regulatory agencies to include a standard for conservation, defined as efficiency measures that meet national guidelines and standards and are tested and approved by a nationally recognized testing laboratory, including water-efficient devices and fixtures and the use of locally produced materials when practicable.

APPROVED by Governor April 5, 2010
EFFECTIVE August 11, 2010
NOTE: This act was passed without a safety clause.

House Bill 10-1208 Higher Ed Statewide Transfer Agreements (Todd/Shaffer)

By July 1, 2016, the Colorado commission on higher education, collaborating with the institution governing boards and the institution council, will complete at least 14 transfer agreements (transfer agreements) to transfer associate of arts (AA) degrees and associate of science (AS) degrees from one state institution of higher education (institution) to another. A student who earns an AA or AS degree that is the subject of a transfer agreement and who is admitted to a 4-year institution will be enrolled with junior status. However, an institution that admits the student may require the student to complete additional lower-level courses if necessary for the degree program to which the student transfers, so long as the additional credits do not extend the student's time to degree completion beyond that required for a student who begins and completes his or her degree at the institution.

APPROVED by Governor May 5, 2010
EFFECTIVE August 11, 2010
NOTE: This act was passed without a safety clause.

House Bill 10-1225 Sunset Continue State Electrical Board (Soper/Tochtrop)

The act implements the recommendations of the department of regulatory agencies in its sunset review of the functions of the state electrical board and continues the board until 2019.

APPROVED by Governor May 5, 2010
EFFECTIVE July 1, 2010

House Bill 10-1241 Register Fire Suppress Sprinkler Fitters (Casso/Tochtrop)

The act prohibits a person from acting or advertising as a sprinkler fitter unless the person has registered with the state fire suppression administrator. In order to register, a person shall pay a fee and demonstrate that he or she has successfully completed a sprinkler fitter apprenticeship program, complete an application for reciprocity, perform at least 8,000 hours of documented

practical work experience on fire suppression systems, or otherwise demonstrate competency as a sprinkler fitter as determined by the administrator.

The act defines a sprinkler fitter to include a person who installs fire suppression systems and to exclude persons who perform maintenance and repair on fire suppression systems as a part of their employment, who perform work exclusively on cross-connection control devices, who work on their own homes, and who perform work exclusively on an underground system.

APPROVED by Governor June 7, 2010

EFFECTIVE July 1, 2011

NOTE: This act was passed without a safety clause.

House Bill 10-1264 Incent State Employees Suggest Cost Sav (Priola/Heath)

The act requires the state personnel director, or his or her designee, to create and make publicly available to all state employees an idea application to allow employees to suggest state agency improvements that result in cost savings. The executive director of the employee's state agency (executive director), or his or her designee, must respond to an idea application originating in his or her agency in a timely fashion. The executive director must also cause a projected savings calculation to be completed before he or she makes a decision to accept or reject the employee's idea application. For ideas that save money, as verified by the state auditor, 5 percent of the savings is distributed to the employee and 25 percent to the agency, up to \$5,000 and \$25,000 respectively. For agencies with enterprise status, the percentage of savings that can be reverted back to the general fund is proportional to the percentage of the total general fund the agency receives.

APPROVED by Governor May 26, 2010

EFFECTIVE August 11, 2010

NOTE: This act was passed without a safety clause.

House Bill 10-1375 Metro State College Finance Authority (Schaffer/Kerr)

The board of trustees for Metropolitan state college of Denver is added to the list of higher education governing boards that may exercise the power of eminent domain.

APPROVED by Governor May 27, 2010

EFFECTIVE May 27, 2010

House Bill 10-1428 Student Loans (Middleton/Romer)

The department of higher education (department) shall submit to the education committees of the general assembly a restructuring plan to deal with changes made in federal law regarding administering student loans. The act repeals statutory provisions concerning collegeinvest that are no longer needed because of changes in the way federally guaranteed student loans are originated and serviced. Collegeinvest will continue to service existing student loans.

The Colorado commission on higher education shall adopt policies and procedures to direct state-supported institutions of higher education to participate in student loan programs sponsored by the federal government.

APPROVED by Governor June 9, 2010
PORTIONS EFFECTIVE June 9, 2010
PORTIONS EFFECTIVE September 30, 2010

Senate Bill 10-028 Work Share Program (Heath/Pace)

The act requires the director of the division of employment and training in the department of labor and employment to establish a work share program allowing for the payment of unemployment compensation benefits to employees of a particular work unit whose work hours have been reduced at least 10% but not more than 40%. In order to be eligible for payment of benefits, an employer must submit a work share plan to the director for approval. The plan must apply to at least 10% of the employees in the affected unit.. The act also specifies that the benefits payable under the work share program are not in addition to the total maximum allowable regular unemployment benefits in a benefit year.

APPROVED by Governor June 9, 2010
EFFECTIVE June 9, 2010

Senate Bill 10-064 Institutions Apply For COF For Students (Bacon/Merrifield)

The act allows an institution of higher education to apply for a stipend from the college opportunity fund (COF) on behalf of an admitted student using the information in the student's admission application if the student agrees.

APPROVED by Governor May 26, 2010
EFFECTIVE May 26, 2010

Senate Bill 10-079 Mesa State College Program Authority (Penry/Bradford)

Under the act, the Mesa state college is identified as a general baccalaureate and graduate institution, rather than an institution with specialized graduate program authority.

APPROVED by Governor April 21, 2010
EFFECTIVE August 11, 2010
NOTE: This act was passed without a safety clause.

Senate Bill 10-088 Two-year College Degree Designation (Johnston/Massey)

Community colleges and junior colleges are authorized to offer 2-year degree programs with academic designation. For community colleges, the degree programs with academic designation must have a valid student transfer agreement. Prior to offering the degree program, a community college must submit the degree program designation for review and approval by the state board

for community colleges and occupational education and the Colorado commission on higher education. Prior to offering the degree program, a junior college must submit the degree program designation for review and approval by its board of trustees and the Colorado commission on higher education.

APPROVED by Governor April 21, 2010

EFFECTIVE August 11, 2010

NOTE: This act was passed without a safety clause.

Senate Bill 10-094 Art In Pub Places Define Appropriation (Steadman/Rice)

The act clarifies the types of public construction projects required to purchase art as part of the Art in Public Places Program. Specifically, the bill clarifies that the 1 percent allocation for public art be calculated based on the state-funded portion of a project's capital construction costs. It also specifies that funding for art must be included for projects that are funded through lease-purchase agreements.

APPROVED by Governor May 18, 2010

EFFECTIVE May 18, 2010

Senate Bill 10-101 CO Mountain College Bachelor Degrees (Gibbs/Scanlan)

The act authorizes Colorado mountain college (CMC) to offer up to 5 baccalaureate degrees that address the needs of the communities within its service area. The Colorado commission on higher education shall approve the baccalaureate degree programs.

APPROVED by Governor May 27, 2010

EFFECTIVE May 27, 2010

Senate Bill 10-108 Higher Ed Core Courses (King/Middleton)

Under current law, the Colorado Commission on Higher Education (CCHE) and the state-supported institutions of higher education are required to define a process for students to test out of core courses. This program, known as gtPATHWAYS, currently includes more than 1,000 lower-division general education courses in 20 subject areas approved for guaranteed transfer between public institutions.

This bill allows nonpublic institutions to request that the Department of Higher Education review courses the nonpublic school believes meet general education requirements for inclusion in gtPATHWAYS. If approved, these institutions may have courses included in the statewide agreements for transferability of credits. The nonpublic schools must accept transfer of core course credits from public schools. The department will determine the applicable number of credit hours and subject areas to be considered and will annually review the nonpublic school's transfer agreements. The department will charge an initial review fee and an annual review fee to cover all direct and indirect costs.

APPROVED by Governor May 27, 2010
EFFECTIVE May 27, 2010

Senate Bill 10-116 Change Orders On Public Works Contracts (Kopp/Rice)
Contracts between a public entity and a contractor or designer for a public works project must contain a clause requiring the public entity to pay the contractor on a periodic basis for any costs incurred by the contractor for work performed after the contractor has submitted an estimate of cost and until the change order is finalized.

APPROVED by Governor March 31, 2010
EFFECTIVE August 11, 2010
NOTE: This act was passed without a safety clause.

Senate Bill 10-146 PERA Contribution Rates (Keller/Pommer)
For the 2010-11 state fiscal year only, the employer contribution rate for employers in the state and judicial divisions of the public employees' retirement association (PERA) is decreased by 2.5%, and the member contribution rate for employees in the state and judicial divisions of PERA is increased by 2.5%.

APPROVED by Governor March 31, 2010
EFFECTIVE March 31, 2010

Senate Bill 10-180 Colo Smart Grid Task Force (Williams/Kerr)
The act creates an 11-member Colorado smart grid task force to gather information and report to the governor, general assembly, and Colorado public utilities commission on issues related to the implementation of a smart energy grid in Colorado. The task force's initial report is due by January 20, 2011, and the task force is directed to meet periodically to update the information in the report. The act provides for funding of the task force's activities through gifts, grants, donations, and an anticipated \$20,000 in federal stimulus funds and contains a 5-year sunset provision.

APPROVED by Governor June 11, 2010
EFFECTIVE June 11, 2010



OFFICE OF GOVERNMENT RELATIONS

Key State Health Care Legislation

House Bill 10-1005 Home Health Care (Massey/Foster)

The act makes telemedicine eligible for reimbursement under the state's medical assistance program in order to comply with direction from the federal centers for medicare and medicaid services. The act eliminates incorrect references to the way reimbursement payments are made under the medical assistance program and deletes the requirement that reimbursement rates from telemedicine be budget-neutral or result in cost savings to the program. It also requires that any cost savings identified be considered for use in paying for home health care or home- and community-based services instead of requiring the savings be applied to payment for the services.

APPROVED by Governor June 7, 2010

EFFECTIVE August 11, 2010

House Bill 10-1025 CO Medical Treatment Act Updates (Roberts/Newell)

The act repeals and reenacts, with amendments, the "Colorado Medical Treatment Decision Act". The term "lacking decisional capacity" replaces "incompetent", and a new term, "persistent vegetative state", is added to clarify different medical conditions under which the act shall be applied. The options available to the patient when he or she is in a terminal condition or persistent vegetative state and lacking decisional capacity are clarified. The act removes from statute the legal form that the declaration as to medical or surgical treatment may take and makes further clarifications concerning the declaration. Any declaration executed in compliance with Colorado law at the time it was made shall continue to be an effective declaration, and any declaration executed in compliance with the laws of another state shall be considered effective in Colorado, so long as the declaration does not violate any Colorado law.

APPROVED by Governor April 15, 2010

EFFECTIVE August 11, 2010

NOTE: This act was passed without a safety clause.

House Bill 10-1216 Chiropractor & Pharmacist Admin Drugs (Riesberg/Sandoval)

The act permits a prescription drug outlet to allow a pharmacist to take immunizations and vaccines off the premises for administration to a patient.

APPROVED by Governor April 15, 2010

EFFECTIVE August 11, 2010

House Bill 10-1332 Medical Clean Claims (Miklosi/Romer)

The act creates the "Medical Clean Claims Transparency and Uniformity Act", which requires the executive director of the department of health care policy and financing to establish a task force by November 30, 2010, to develop a standardized set of payment rules and claim edits to be used by payers and health care providers in Colorado. The task force is to be comprised of members of industry segments directly affected who have expertise in the areas of payment rules and claim edits and their impact on the submission and payment of health insurance claims.

APPROVED by Governor May 26, 2010

EFFECTIVE May 26, 2010

Senate Bill 10-020 CoverColorado Financial Viability (Boyd/Massey)

The board of directors of the CoverColorado program is authorized to establish a schedule of fees for compensating health care providers that render covered health care services to CoverColorado participants, which fee schedule is not to take effect before January 1, 2011. The fee schedule may be based on various reimbursement methodologies commonly used in the health insurance industry but must be set at levels exceeding the reimbursement rates generally paid by Medicare to any category of provider.

APPROVED by Governor May 20, 2010

EFFECTIVE July 1, 2010

Senate Bill 10-073 Nurse Home Visitor Program Admin (Tapia/McFadyen)

This bill modifies the duties for the Department of Public Health and Environment (DPHE) and the Anschutz Medical Campus health sciences facility concerning the operation of the Nurse Home Visitor Program. Under the bill, the health sciences facility is responsible for providing programmatic and clinical support; cooperating with DPHE on the financial administration of the program; and working with the state auditor's office.

APPROVED by Governor June 8, 2010

EFFECTIVE June 30, 2010

Senate Bill 10-124 Michael Skolnik Med Transparency 2010 (Carroll/Ryden)

This bill modifies the Michael Skolnik Medical Transparency Act, which requires regulated medical practitioners to disclose certain information to the State Board of Medical Examiners in the Department of Regulatory Agencies (DORA) whenever they obtain or renew a license. The board gathers the specified information and makes it available to the public. SB10-124 requires that no later than July 1, 2011, the following regulated professions also comply with the disclosure and reporting requirements: audiologists; acupuncturists; podiatrists; chiropractors; dentists and dental hygienists; physician assistants; midwives; nurses; optometrists; physical therapists; and all mental health therapists and counselors. The bill requires that all impacted professionals report the physical location of their practice, information about past education and licenses or certifications, and information about disciplinary actions.

APPROVED by Governor June 10, 2010

EFFECTIVE August 11, 2010

NOTE: This act was passed without a safety clause.

Senate Bill 10-126 **Pharmaceutical Transparency Act **(Carroll/Tyler)****

The bill requires the Department of Regulatory Agencies to post a report from the U.S. Department of Health and Human Services (DHHS) on its website. The report summarizes information collected by the federal government on the financial relationships between pharmaceutical and medical manufacturers and doctors. The report must be posted by September 30, 2013, and by June 30 each year thereafter.

APPROVED by Governor June 10, 2010

EFFECTIVE August 11, 2010

Senate Bill 10-167 **Medicaid Efficiency & False Claims **(Boyd/Riesberg)****

This bill creates efficiencies in the Department of Health Care Policy and Financing (DHCPF) by creating the Colorado Medicaid False Claims Act. Under the act, anyone who knowingly submits a false claim or intends to defraud the state or a political subdivision is liable for up to three times the amount of damages, the costs of civil action, and a civil penalty of between \$5,000 and \$10,000. Persons ineligible to receive state funds and who report to the Attorney General within 30 days of receiving such funds may be liable for two times the amount of damages and no civil penalty, provided certain conditions are met. The bill specifies certain investigative, notification, and court procedures for false claims and requires the Attorney General to prepare an annual report for certain legislative committees.

Five years after becoming law, the legislative services agencies of the General Assembly are required to conduct a post-enactment review of the implementation of the bill.

APPROVED by Governor May 26, 2010

EFFECTIVE May 26, 2010



OFFICE OF GOVERNMENT RELATIONS

Other Legislation

Senate Bill 10-190 Suspend Senior Property Tax Exemption (White/Riesberg)

The act suspends the property tax exemption for qualifying seniors for the 2010 and 2011 property tax years, declares the intent of the general assembly that any general fund savings resulting from the suspension be used to provide a portion of the state share of school districts' total program funding, and decreases the 2010 general fund appropriation for special purpose, senior citizen and disabled veteran property tax exemption by \$91,729,198.

APPROVED by Governor May 27, 2010

EFFECTIVE May 27, 2010



OFFICE OF GOVERNMENT RELATIONS *Federal Relations*

The 111th Congress, 2nd Session convened on January 5, 2010 and the target adjournment date is October 8, 2010. Because the congressional calendar runs year round many issues remain outstanding at the time of the publication of this report.

The Office of Government Relations supports the university by building effective partnerships between the University and the federal government. This is achieved through representation and advocacy of CU's needs and interests with federal elected officials in Washington, D.C. By working in coordination with all CU administrators and faculty members, we effectively communicate our priorities to Congress.

FY2010 AND FY2011 FEDERAL PRIORITIES

Special Projects Funded in FY2010

- \$1 million for the University of Colorado at Boulder's Smart Grid Communications Security Project
- \$500,000 for the University of Colorado at Boulder's Colorado School Safety Program
- \$1.6 million for eSpace's Center for Space Entrepreneurship*
- \$2.4 million for the University of Colorado at Colorado Springs' Trauma, Health and Hazards Center SupportNet for Frontline Providers for Traumatic Stress at Fort Carson
- \$1.5 million for the University of Colorado Denver for the Linda Crnic Institute for Down Syndrome
- \$575,000 for the University of Colorado Denver School of Medicine's Physician Pipeline for Rural Colorado Program
- \$850,000 for the I-225/Colfax Interchange**
- \$300,000 for the Colorado Drug, Diagnostic, and Device Development Institute**

**CU-Boulder, as a partner in the eSpace initiative, directly supported this request.*

***UC Denver directly supported this request.*

Special Projects Funding Requests in FY2011

This year, the Office of Government Relations will seek funding for the following projects:

- \$2.5 million for the University of Colorado at Boulder's Ultracold Matter Inertial Sensor Systems
- \$1 million for the University of Colorado at Boulder's Smart Grid Communications Security Project
- \$1 million for the University of Colorado at Colorado Springs' Southern Colorado Higher Education Consortium
- \$850,000 for the University of Colorado Denver's Creative Visualization Laboratory (Downtown Campus)
- \$925,000 for the University of Colorado Denver's Health Professions Pipeline for Rural Colorado (Anschutz Medical Campus)



OFFICE OF GOVERNMENT RELATIONS
Research Funding in FY2010

In addition to the federal initiatives, the university lobbied the congressional delegation for their support of federal research funding.

The University of Colorado continues to be a national leader in research funding by attracting \$847 million in FY 2009-2010, a nearly \$135.5 million increase from FY 2008-2009 (boosted largely due to the one-time federal stimulus dollars allocated through the American Recovery and Reinvestment Act. To date, CU researchers have won nearly \$162 million in ARRA grants for nearly every field of study).

The University of Colorado at Boulder had a more than \$114 million increase from \$339.7 million in FY 2009 to over \$454 million in FY 2010. The University of Colorado Denver remains the top research institution in the state with \$385 million in FY 2009-2010 funding, the majority from the National Institutes of Health. The University of Colorado at Colorado Springs received more than \$8 million in FY 2010 in sponsored research funding.

| Agency | Appropriations Bill |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| National Institutes of Health (NIH) Department of Health and Human Services (HHS) Center for Disease Control and Prevention (CDC) Department of Education | Labor/HHS/Education |
| National Science Foundation (NSF) National Aeronautics & Space Administration (NASA) National Oceanic & Atmospheric Administration (NOAA) National Institute of Standards & Technology (NIST) | Commerce / Justice / Science |
| Department of Defense (DOD) | Defense |
| Department of Energy (DOE) | Energy & Water |
| National Endowment for the Humanities (NEH) | Interior |
| Department of Homeland Security (DHS) | Homeland Security |



OFFICE OF GOVERNMENT RELATIONS

Key Health Care Federal Legislation

111th Congress, 2nd Session

H.R. 1586 *FAA Air Transportation Modernization and Safety Improvement Act* **(Rangel)**

As enacted, the bill funds education jobs and Medicaid, but in a previous version funded aviation programs. The title shown is that of the last version of the bill that contained a title. The bill provides \$10 billion to prevent K-12 teacher layoffs and \$16.1 billion to extend increased Medicaid payments made available to the states through the American Recovery and Reinvestment Act (H.R. 1).

Status: Became Public Law No: 111-226

H.R. 758 *Pediatric Research Consortia Establishment Act* **(DeGette)**

Would allow the Director of the National Institutes of Health to award grants, contracts, or cooperative agreements to public or nonprofit private entities to pay for all or part of the cost of planning, establishing, and providing basic operating support for up to 20 national pediatric research consortia. Each consortium will work in collaboration with a lead institution and will coordinate information among other consortia. Support for a consortium will be provided for a period of five years and can be extended for additional increments of five years. Payments cannot exceed \$2,500,000 per year for each consortium in the first 5 year cycle.

Status: Referred to House Committee on Energy and Commerce

S. 353 *Pediatric Research Consortia Establishment Act* **(Sherrod)**

Would allow the Director of the National Institutes of Health to award grants, contracts, or cooperative agreements to public or nonprofit private entities to pay for all or part of the cost of planning, establishing, and providing basic operating support for up to 20 national pediatric research consortia. Each consortium will work in collaboration with a lead institution and will coordinate information among other consortia. Support for a consortium will be provided for a period of five years and can be extended for additional increments of five years. Payments cannot exceed \$2,500,000 per year for each consortium in the first 5 year cycle.

Status: Referred to Senate Committee on Health, Education, Labor, and Pensions

S. 1239 ***340B Program Improvement and Integrity Act of 2009*** **(Bingaman)**

Amends the Public Health Service Act to expand the drug discount program to allow participation as a covered entity by certain (1) children's hospitals; (2) critical access hospitals; and (3) rural referral centers. The bill expands the program to include drugs used in connection with an inpatient or outpatient service by enrolled hospitals (currently, only outpatient drugs are covered under the program). The bill, however, prohibits enrolled hospitals from obtaining covered outpatient drugs through a group purchasing arrangement, but requires the Secretary of Health and Human Services (HHS) to establish reasonable exceptions to such prohibition, including drugs unavailable through the program and generic substitutions when a generic covered drug is available at a lower price. The bill requires a hospital enrolled in the 340B drug discount program to issue credit to a state Medicaid program for inpatient drugs provided to Medicaid recipients, and it requires the Secretary to (1) provide for improvements in manufacturers' and covered entities' compliance of the requirements for the drug discount program; and (2) establish and implement an administrative process for resolving claims by covered entities and manufacturers for violations of such requirements. Finally, the bill requires manufacturers to offer each covered entity covered drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.

Status: Referred to Senate Committee on Health, Education, Labor, and Pensions

H.R. 444 ***340B Program Improvement and Integrity Act of 2009*** **(Rush)**

Amends the Public Health Service Act to expand the drug discount program to allow participation as a covered entity by certain (1) children's hospitals; (2) critical access hospitals; and (3) rural referral centers. The bill expands the program to include drugs used in connection with an inpatient or outpatient service by enrolled hospitals (currently, only outpatient drugs are covered under the program). The bill, however, prohibits enrolled hospitals from obtaining covered outpatient drugs through a group purchasing arrangement, but requires the Secretary of Health and Human Services (HHS) to establish reasonable exceptions to such prohibition, including drugs unavailable through the program and generic substitutions when a generic covered drug is available at a lower price. The bill requires a hospital enrolled in the 340B drug discount program to issue credit to a state Medicaid program for inpatient drugs provided to Medicaid recipients, and it requires the Secretary to (1) provide for improvements in manufacturers' and covered entities' compliance of the requirements for the drug discount program; and (2) establish and implement an administrative process for resolving claims by covered entities and manufacturers for violations of such requirements. Finally, the bill requires manufacturers to offer each covered entity covered drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.

Status: Referred to House Committee on Energy and Commerce

S. 973 ***Resident Physician Shortage Reduction Act of 2009*** **(Nelson)**

Amends title XVIII (Medicare) of the Social Security Act to require the Secretary of Health and Human Services to: (1) reduce a hospital's otherwise applicable resident limit by the number of positions unused for the five most recent cost reporting periods; and (2) require the distribution of additional resulting residency positions to certain other hospitals. The act also requires all time spent by a resident in outpatient settings be counted towards full-time equivalency for the purposes of payments for direct graduate (GME) and indirect (IME) medical education costs, without regard to the setting in which the activities are performed, if the hospital continues to incur the costs of the resident's stipends and fringe benefits during the time the resident spends in that setting. The bill provides rules for counting resident time for didactic and scholarly activities and other activities, and it directs the Secretary of Health and Human Services to establish a process for the redistribution of residency slots after a hospital closes.

Status: Referred to Senate Committee on Finance

S.1009 ***Medicare Care Transition Program Act of 2009*** **(Bennet)**

Amends title XVIII (Medicare) of the Social Security Act to direct the Secretary of Health and Human Services to establish a Care Transitions Program under which outcomes-based payments are made to community-based transitional care (CTC) suppliers for: (1) furnishing care transition services to an individual after discharge from inpatient care; (2) improving quality of care; and (3) reducing rehospitalization rates.

Status: Referred to Senate Committee on Finance; later included in S. 1796 (America's Healthy Future Act of 2009)

H.R. 3648 *Rural Physician Pipeline Act of 2009*

(Salazar)

Amends title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities. Creates a competitive grant program to give allopathic and osteopathic medical schools the resources to establish or expand existing rural training programs designed to provide specialized training to students with an interest in serving rural communities. Key components of the bill include: 1) Recruitment: Grantees would recruit students from rural areas for admission who have a desire to practice in their hometowns or other rural communities; 2) Coursework/Training: Grantees would develop curricula and training focused on medical issues prevalent in underserved rural communities, including areas such as trauma, obstetrics, ultrasound, oral health, and behavioral health; 3) Rural Clinical Rotations: Grantees would require students in the program to participate in rural clinical rotations and emphasize specialties including family medicine, internal medicine, pediatrics, surgery, psychiatry, and emergency medicine; 4) Cohort Component: Students would be admitted together in group cohorts to develop and reinforce their commitment to practice in an underserved rural community through group social and educational activities; 5) Rural Community Partnerships: This bill incentivizes community and local health care provider partnerships by giving priority to those schools demonstrating a close relationship with rural regions in terms of financing and training students during their clinical rotations; and 6) Residency Placement Assistance: Grantees must assist students in obtaining placement in residency programs that will further their rural medical education.

Status: Referred to House Committee on Energy and Commerce; of this bill was later included in the final health care reform bill (H.R. 3590)

S. 1628 *Rural Physician Pipeline Act of 2009*

(Udall)

Amends title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities. Creates a competitive grant program to give allopathic and osteopathic medical schools the resources to establish or expand existing rural training programs designed to provide specialized training to students with an interest in serving rural communities. Key components of the bill include: 1) Recruitment: Grantees would recruit students from rural areas for admission who have a desire to practice in their hometowns or other rural communities; 2) Coursework/Training: Grantees would develop curricula and training focused on medical issues prevalent in underserved rural communities, including areas such as trauma, obstetrics, ultrasound, oral health, and behavioral health; 3) Rural Clinical Rotations: Grantees would require students in the program to participate in rural clinical rotations and emphasize specialties including family medicine, internal medicine, pediatrics, surgery, psychiatry, and emergency medicine; 4) Cohort Component: Students would be admitted together in group cohorts to develop and reinforce their commitment to practice in an underserved rural community through group social and educational activities; 5) Rural Community Partnerships: This bill incentivizes community and local health care provider partnerships by giving priority to those schools demonstrating a close relationship with rural regions in terms of financing and training students during their clinical rotations; and 6) Residency Placement Assistance: Grantees must assist students in obtaining placement in residency programs that will further their rural medical education.

Status: Program authorized in passed health care reform legislation (H.R. 3590); funding included in FY 2011 Labor/HHS/Education Appropriations bill

H.R. 3185 *To amend title XVIII of the Social Security Act to provide payment to hospitals for costs of expanded advanced practice nurse training programs* **(Capps)**

Amends title XVIII of the Social Security Act to provide payment to hospitals for the costs of expanded advanced practice nurse training programs. Costs covered would include educational costs of a hospital (including faculty salaries, student stipends if any, clinical instruction costs, and other direct and indirect costs) and affiliated schools and settings attributable to the training of advanced practice nurses. The education funded through this bill would provide training for primary and preventive care, transitional care, chronic care management, and other nursing services.

Status: Referred to House Committee on Ways and Means

S. 1857 *Establishing a Network of Holistic and Accessible National Centers of Excellence for Depression (ENHANCED) Act of 2009* **(Stabenow)**

Creates a network with a pathway for developing and expanding depression centers of excellence with a goal of increasing access to the most appropriate and evidence-based depression care. Develops and disseminate evidence-based treatment standards, clinical guidelines, and protocols to improve accurate and timely diagnosis of depression and bipolar disorders. Expands multidisciplinary, translational, and patient-oriented research by fostering the collaboration of academic and community-based service centers. Contributes data to a national database for multidisciplinary, large-sample effectiveness studies; create a repository of evidence-based interventions and disease management programs for depression and bipolar disorders. Uses network of centers as a sustainable national resource for public and professional education and training, to advance knowledge and eradicate the stigma associated with depression and mood disorders.

Status: Referred to Senate Committee of Help, Education, Labor & Pensions

S. 1776 *Medicare Physician Fairness Act of 2009* **(Stabenow)**

The legislation permanently replaces the Sustainable Growth Rate (SGR) methodology used to calculate Medicare physician payments with a zero percent annual update. Such action averts a scheduled reduction in 2010 Medicare physician payments of nearly 22% and eliminates the reductions projected for future years.

Status: Cloture on the motion to proceed to the bill not invoked in Senate by Yea-Nay Vote. 47 - 53

H.R. 3200 *America's Affordable Health Choices Act of 2009* **(Dingell)**

In addition to other insurance market reforms, Medicaid expansions, and the creation of an insurance "exchange," this bill expands coverage to an estimated 97 percent of Americans

Status: Placed on Union Calendar

S. 1679 *Affordable Health Choices Act of 2009* **(Harkin)**

In addition to other insurance market reforms, Medicaid expansions, and the creation of an insurance “exchange,” this bill expands coverage to an estimated 97 percent of Americans

Status: Placed Senate Legislative Calendar

S. 1796 *America’s Healthy Future Act of 2009* **(Baucus)**

Expands coverage to 94 percent of people residing in the U.S. through Medicaid expansions and an individual mandate to purchase insurance with low-income subsidies for people with incomes below 300% of the federal poverty level. Spends \$2.6 billion over 10 years to strengthen primary care and make other workforce improvements by: providing primary care/general surgery bonuses to physicians; redistributing unused GME slots to increase access to primary and generalist physicians, promoting greater flexibility for residency training programs, specifying rules for counting resident time for didactic and scholarly activities and preserving resident cap positions of closed and acquired hospitals. Prevents a scheduled 21% reduction in physician payments for FY2010 and provides a 0.5% increase.

Status: Placed Senate Legislative Calendar

H.R. 3962 *Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010* **(Dingell)**

The bill's public insurance option would reimburse providers using negotiated rates rather than Medicare rates. The bill includes a 6-month Medicare physician payment “fix” and establishes a retroactive (to June 1) physician payment update of a positive 2.2 percent. The bill also would extend Medicaid to 150% of the federal poverty level.

Status: Became Public Law No: 111-192

H.R. 3961 *Medicare Physician Payment Reform Act of 2009* **(Dingell)**

Averts the scheduled 21.2% cut to CY 2010 Medicare physician payments; eliminates the Sustainable Growth Rate (SGR) deficit (\$210 billion over 10 years); establishes two distinct spending targets/growth rates for physician payments.

Status: Signed by the President

H.R. 3590 *Patient Protection and Affordable Care Act* **(Rangel)**

Extends health care insurance coverage to 32 million uninsured Americans by 2019. Creates an insurance exchange where people can compare and purchase coverage, allow insurance co-ops to be formed, expand Medicaid to those earning 133 percent of the federal poverty level, and offer federal subsidies to help those without employer-sponsored coverage purchase insurance. Provides full federal funding to all states for newly eligible Medicaid recipients for three years.

Status: Became Public Law No: 111-148

H.R. 2847 *Hiring Incentives to Restore Employment Act* **(Mollohan)**

Includes \$23.5 billion to increase federal funding for state Medicaid programs through June 2011. The funding extends an American Recovery and Reinvestment Act provision that increased the federal medical assistance percentage through 2010 for states that maintain their Medicaid eligibility standards. In addition, the Act includes \$12.3 billion to extend the 65% COBRA health insurance subsidy to 15 months for individuals who lose their jobs through June 30, 2010, and \$750 million for competitive grants to train 150,000 people in the high-growth health care and environmental sectors.

Status: Became Public Law No: 111-147

S. 3000 *To extend the increase in the FMAP provided in the American Recovery and Reinvestment Act of 2009 for an additional 6 months* **(Rockefeller)**

Extends the increase in the FMAP provided in the American Recovery and Reinvestment Act of 2009 for an additional 6 months

Status: Referred to the Senate Committee on Finance

H.R. 4263 *State Medicaid Assistance Extension Act of 2009* **(Baldwin)**

Amends the American Recovery and Reinvestment Act of 2009 to extend for one year the period of temporary increase in the Medicaid federal medical assistance percentage (FMAP) under title XIX (Medicaid) of the Social Security Act. Extends the entire recession adjustment period from December 31, 2010, through December 31, 2011.

Requires the substitution for the FMAP for the first calendar quarter in FY2012 of the FMAP for either FY2008, FY2009, FY2010, or FY2011, as adjusted under ARRA, whichever is greatest, if the FY2012 FMAP is less than any of them.

Status: Referred to the House Committee on Energy and Commerce

H.R. 4213 *Unemployment Compensation Extension Act of 2010*

(Rangel)

The original version provided a six-month extension of enhanced FMAP funding for states-- through June 2011. This funding is an extension of the increase provided in the ARRA stimulus bill. The version also provided a 3 ½ year Medicare physician reimbursement fix “doc fix” will stave off a 21.3% cut that took place June 1.

The public law version amends the Supplemental Appropriations Act, 2008 with respect to the state-established individual emergency unemployment compensation account (EUCA). It amends the Assistance for Unemployed Workers and Struggling Families Act to extend until December 1, 2010, requirements that federal payments to states cover 100% of EUC. The law also amends the Supplemental Appropriations Act, 2008 to apply to claims for EUC payments the terms and conditions of state unemployment compensation law relating to availability of work, active search for work, and refusal to accept work. Finally, the law provides a 2.2% Medicare physician payment update for June 1- December 31, 2010, with a 1% update for 2011.

Status: Became Public Law No: 111-205



OFFICE OF GOVERNMENT RELATIONS

Key Research Federal Legislation

111th Congress, 2nd Session

S. 1373 *Federal Research and Public Access Act of 2009* **(Lieberman)**

Provides for federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency. Will require each federal agency with extramural research expenditures of over \$100 million to develop a specified federal research public access policy that is consistent with and advances the purposes of the agency. Each federal research public access policy applicable to: (1) researchers employed by the federal agency whose works remain in the public domain; and (2) researchers funded by the agency. This Act requires the submission of annual reports by each federal agency on its federal research public access policy.

Status: Referred to Senate Committee on Homeland Security and Governmental Affairs

H.R. 1715 *Protection for Participants in Research Act of 2009* **(DeGette)**

Amends the Public Health Service Act to require all human subject research conducted, supported, or otherwise subject to federal regulation, to be conducted in accordance with the Common Rule and the vulnerable-population rules, as set forth in the Code of Federal Regulations. This includes informed consent before an individual may be a subject of human research and an Institutional Review Board to approve all human subject research proposals.

The Secretary must to establish criteria for determining whether a human subject research project must be conducted in accordance with a data safety and monitoring plan, promulgate regulations enhancing the protection of people with diminished decision-making capacity participating in human subject research; and study whether the number of certain members of Institutional Review Boards should be increased.

Status: Referred to House Committee on Energy and Commerce

H.R. 5116 *America COMPETES Reauthorization Act of 2010* **(Gordon)**

Per the House Committee on Science and Technology's website, the Act "aims to maintain and strengthen [the] nation's global economic competitiveness by: improving science, technology, engineering and math (STEM) education, so that all students are prepared for the highly technical, high-paying jobs of the future; setting our basic research programs on a doubling path: the labs at the National Institute of Standards and Technology (NIST); National Science Foundation (NSF); and the Department of Energy's (DOE) Office of Science; and addressing the need for transformational energy technologies with the Advanced Research Projects Agency for Energy (ARPA-E), which is pursuing high-risk, high-reward energy technology development."

Status: Referred to Senate Committee on Commerce, Science, and Transportation



OFFICE OF GOVERNMENT RELATIONS
Key Intellectual Property Federal Legislation
111th Congress, 2nd Session

H.R. 1260 *Patent Reform Act of 2009*

(Conyers)

Amends federal patent law to rewrite provisions concerning the conditions for patentability. Defines "effective filing date of a claimed invention" as the filing date of the patent or the application for patent containing the claim to the invention (thus establishing a first-to-file system).

Revises various other rights and requirements related to patents, including regarding: (1) damages; (2) post-grant procedures; (3) citation of prior art; and (4) *inter partes* reexaminations; (5) pre-issuance submissions by third parties; (6) venue and jurisdiction; and (7) the regulatory authority of the Patent and Trademark Office. Replaces the Board of Patent Appeals and Interferences with the Patent Trial and Appeal Board. Revises provisions concerning the residency of federal circuit judges.

Status: Committee hearings held

S. 515 *Patent Reform Act of 2009*

(Leahy)

Amends federal patent law to define "effective filing date of a claimed invention" as the filing date of the patent or the application for patent containing a claim to the invention (thus establishing a first-to-file system). Revises the conditions for patentability and also repeals provisions relating to: (1) inventions made abroad; (2) statutory invention registration; and (3) interfering patent remedies. Revises derivation proceeding procedures and policies. Makes (to the extent consistent with U.S. obligations under international agreements) patent examination and search duties sovereign functions. Additionally, it requires that those functions be performed within the United States by U.S. citizens who are federal employees.

This bill modifies requirements regarding the oath or declaration required of an inventor. It allows a person to whom an inventor has assigned (or is under an obligation to assign) an invention to make an application for patent. It also replaces the Board of Patent Appeals and Interferences with the Patent Trial and Appeal Board and revises provisions concerning the residency of federal circuit judges.

As well, it removes a provision limiting to two years the period during which any federal agency may, notwithstanding any other provisions relating to travel and subsistence expenses, pay travel expenses in lieu of any payment otherwise authorized or required under those provisions.

Status: Senate Committee on the Judiciary filed written report

H.R. 1548 *Pathway for Biosimilars Act* **(Eshoo)**

Amends the Public Health Service Act to allow a person to submit an application for licensure of a biological product based on its similarity to a licensed biological product (the reference product). The bill requires the Secretary of Health and Human Services to approve the application if: (1) the biological product is biosimilar to the reference product with respect to each condition of use for which the reference product is approved; and (2) the applicant consents to the inspection of the facility that is the subject of the application. It prohibits a biological product from being evaluated against more than one reference product, and licensure of a biological product containing specified toxins or a schedule I or II controlled substance unless the Secretary determines there would be no increased risk to the security or health of the public from licensing such product. It also prohibits the Secretary from approving an application until 12 years after the date on which the reference product was first licensed. The bill sets forth provisions governing patent infringement actions, judging patent infringement by the applicant's submission of a statement on reasons why the making, use, or sale of the biosimilar product would not infringe the patent, or why the patent is invalid or unenforceable, if the purpose of such submission is to obtain approval to engage in the commercial manufacture, use, or sale before the expiration of such patent.

Status: Referred to the House Committee on Energy and Commerce and the Committee on the Judiciary

H.R. 1427 *Promoting Innovation and Access to Life-Saving Medicine Act* **(Waxman)**

Amends the Public Health Service Act to provide for the licensing of biosimilar and interchangeable biological products. Defines "biosimilar" and "interchangeability" for purposes of this Act. Allows any person to file an abbreviated biological product application with the Secretary of Health and Human Services. Requires such applications to include information demonstrating a high degree of similarity or interchangeability between the biological product and the licensed biological product (reference product). Requires the Secretary to: (1) approve an application and issue a license for a biosimilar product unless the Secretary finds and informs the applicant that the information in the application fails to demonstrate biosimilarity between the biological product and the reference product or the safety, purity, and potency of the biological product; and (2) establish requirements for the efficient review, approval, suspension, and revocation of abbreviated biological product applications. Allows an applicant to request the Secretary to make a determination as to the interchangeability of a product and its reference product based on whether a product can be expected to produce the same clinical result as the reference product in any given patient. Grants market exclusivity to any biological product that is determined to be interchangeable for a specified period. Sets forth provisions governing patent infringement claims involving comparable biological products and legal remedies to expedite the adjudication of patent infringement disputes. Extends the period for approval of biological products to allow for studies of the use of new biological products in the pediatric population.

Status: Referred to the House Committee on Energy and Commerce and the Committee on the Judiciary

S. 1679 *Affordable Health Choices Act of 2009* **(Harkin)**

Would allow a 12-year period of data exclusivity to provide sufficient economic incentive to commit the necessary financial investments for develop. Would also establish procedures by which third-party patent owners can defend their patents in patent dispute resolutions between biosimilar licensees and innovator companies

Status: Placed Senate Legislative Calendar

H.R. 5322 *Patent and Trademark Office Funding Stabilization Act of 2010* **(Conyers)**

Authorizes the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (Director) to set or adjust patent and trademark fees in order to recover costs, including administrative costs, for patent and trademark processing, activities, services, and materials. Reduces such fees for micro and small entities. Terminates the Director's authority to establish and adjust fees upon the expiration of the 10-year period beginning on the date of enactment of this Act. Makes, as of October 1, 2011, funds for the United States Patent and Trademark Office available until expended. Establishes in the Treasury the United States Patent and Trademark Office Public Enterprise Fund. Revises patent service fees. Establishes a 15% patent fee surcharge through September 30, 2011.

Status: Referred to the House Committee on the Judiciary



OFFICE OF GOVERNMENT RELATIONS

Key Security Federal Legislation

111th Congress, 2nd Session

S. 1649 *WMD Prevention and Preparedness Act of 2009* **(Lieberman)**

Directs the Secretary of HHS: (1) to establish a list of the most dangerous subset of the current Select Agents, (2) to establish biosecurity standards for labs handling Tier I agents, (3) to mandate (in coordination with DHS and USAD) the registration of laboratories or work on pathogens that have sufficient potential to pose a threat to public health and safety or to animal or plant health, and (4) to ensure that State, local and tribal governments have access to relevant safety and security information concerning registered labs in their jurisdictions.

Directs the Attorney General to consult with the DHS Secretary when individuals apply for access to certain agents.

Stipulates a \$50,000,000 grant system per year for four years, to assist labs in achieving the required security and establish a National Bioforensics Analysis Center and repository collection at DHS. This repository and bioforensics lab would serve to better identify perpetrators.

Status: Referred to Senate Committee on Homeland Security and Governmental Affairs

H.R. 5057 *WMD Prevention and Preparedness Act of 2010* **(King)**

Directs the Secretary of HHS: (1) to establish a list of the most dangerous subset of the current Select Agents, (2) to establish biosecurity standards for labs handling Tier I agents, (3) to mandate (in coordination with DHS and USAD) the registration of laboratories or work on pathogens that have sufficient potential to pose a threat to public health and safety or to animal or plant health, and (4) to ensure that State, local and tribal governments have access to relevant safety and security information concerning registered labs in their jurisdictions.

Directs the Attorney General to consult with the DHS Secretary when individuals apply for access to certain agents.

Stipulates a \$50,000,000 grant system per year for four years, to assist labs in achieving the required security and establish a National Bioforensics Analysis Center and repository collection at DHS. This repository and bioforensics lab would serve to better identify perpetrators.

Status: Referred to the Subcommittee on Horticulture and Organic Agriculture

H.R. 5498 *WMD Prevention and Preparedness Act of 2010*

(Pascrell)

Directs the Secretary of HHS: (1) to establish a list of the most dangerous subset of the current Select Agents, (2) to establish biosecurity standards for labs handling Tier I agents, (3) to mandate (in coordination with DHS and USAD) the registration of laboratories or work on pathogens that have sufficient potential to pose a threat to public health and safety or to animal or plant health, and (4) to ensure that State, local and tribal governments have access to relevant safety and security information concerning registered labs in their jurisdictions.

Directs the Attorney General to consult with the DHS Secretary when individuals apply for access to certain agents.

Stipulates a \$50,000,000 grant system per year for four years, to assist labs in achieving the required security and establish a National Bioforensics Analysis Center and repository collection at DHS. This repository and bioforensics lab would serve to better identify perpetrators.

Status: Referred to the Subcommittee on Horticulture and Organic Agriculture



OFFICE OF GOVERNMENT RELATIONS

Other Key Federal Legislation

111th Congress, 2nd Session

H.R. 2920 *Statutory Pay-As-You-Go Act of 2009*

(Hoyer)

Requires the Congressional Budget Office (CBO), as soon as practicable after Congress completes action on any Pay-As-You-Go (PAYGO) legislation, to provide an estimate of its budgetary effects to the Office of Management and Budget (OMB). Requires OMB to maintain and make publicly available a document containing a PAYGO ledger and, within seven days (excluding weekends and legal holidays) after the enactment of any PAYGO legislation, record on such ledger its estimate of the legislation's budgetary effects in each fiscal year, applying the look-back and averaging requirements of this Act. Exempts from the requirements of this Act any PAYGO legislation designated as an emergency requirement by the President and enacted by Congress. (Requires OMB to display the budgetary effects of such legislation as an addendum in the document containing the PAYGO ledger but not record the budgetary effects in it.)

Status: Referred to the Senate Committee on the Budget

H.R. 413 *Public Safety Employer-Employee Cooperation Act of 2009*

(Kildee)

Provides collective bargaining rights for public safety officers employed by states or local governments. Directs the Federal Labor Relations Authority to determine whether state law provides specified rights and responsibilities for public safety officers, including: (1) granting public safety employees the right to form and join a labor organization which excludes management and supervisory employees, and which is, or seeks to be, recognized as the exclusive bargaining agent for such employees; and (2) requiring public safety employers to recognize and agree to bargain with the employees' labor organization. Requires the Authority to issue regulations establishing rights and responsibilities for public safety employers and employees in states that do not substantially provide for such public safety employee rights and responsibilities. Directs the Authority, in such cases, to: (1) determine the appropriateness of units for labor organization representation; (2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit; (3) resolve issues relating to the duty to bargain in good faith; (4) conduct hearings and resolve complaints of unfair labor practices; and (5) resolve exceptions to arbitrator's awards. Grants a public safety employer, employee, or labor organization the right to seek enforcement of Authority regulations and orders, as well as prohibitions against lockouts or strikes, through appropriate state courts. Prohibits public safety employers, employees, and labor organizations from engaging in lockouts or strikes.

Status: Hearings Held by the Subcommittee on Health, Employment, Labor, and Pensions Prior to Referral

S. 1611 ***Public Safety Employer-Employee Cooperation Act of 2009*** **(Gregg)**

Provides collective bargaining rights for public safety officers employed by states or local governments. Directs the Federal Labor Relations Authority to determine whether state law provides specified rights and responsibilities for public safety officers, including: (1) granting public safety employees the right to form and join a labor organization which excludes management and supervisory employees, and which is, or seeks to be, recognized as the exclusive bargaining agent for such employees; and (2) requiring public safety employers to recognize and agree to bargain with the employees' labor organization. Requires the Authority to issue regulations establishing rights and responsibilities for public safety employers and employees in states that do not substantially provide for such public safety employee rights and responsibilities. Directs the Authority, in such cases, to: (1) determine the appropriateness of units for labor organization representation; (2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit; (3) resolve issues relating to the duty to bargain in good faith; (4) conduct hearings and resolve complaints of unfair labor practices; and (5) resolve exceptions to arbitrator's awards. Grants a public safety employer, employee, or labor organization the right to seek enforcement of Authority regulations and orders, as well as prohibitions against lockouts or strikes, through appropriate state courts. Prohibits public safety employers, employees, and labor organizations from engaging in lockouts or strikes.

Status: Referred to the Senate Committee on Health, Education, Labor, and Pensions



OFFICE OF GOVERNMENT RELATIONS

FY2010 U.S. President's Budget Request (by Agency)

National Science Foundation (NSF)

- The FY11 budget request is \$7.4 billion, an increase of 8% over the 2010 enacted level.
- NSF will also receive \$3 billion from the American Recovery and Reinvestment Act of 2009.
- As part of the President's Plan for Science and Innovation, the increase seeks to:
 - Increase support for graduate research fellowships and early-career researchers.
 - Encourage more novel high-risk, high-reward research proposals.
 - Increase support for critical research priorities in global climate change.

National Aeronautics and Space Administration (NASA)

- The FY11 budget request is \$19 billion. Combined with the \$1 billion provided to NASA in the American Recovery and Reinvestment Act of 2009, this represents a total increase of more than \$2.7 billion over the 2008 level.
- Funding will provide for:
 - A space-based research program that supports the Administration's commitment to deploy a global climate change research and monitoring system.
 - A robust program of space exploration involving humans and robots.
 - The safe flight of the Space Shuttle through the vehicle's retirement at the end of 2010.
 - The development of new space flight systems for carrying American crews and supplies to space.
 - The completion of the International Space Station and continued development of new space transportation systems.
 - Aeronautics research to increase airspace capacity and mobility, enhance aviation safety, and improve aircraft performance while reducing noise, emissions, and fuel consumption.

Department of Health and Human Services (HHS)

- The FY11 budget request is \$81.3 billion, a 5.3 % increase or \$4.1 billion from the projected FY09 funding levels. (In addition, the Recovery Act includes \$22.4 billion).
- The Budget lays the groundwork for comprehensive reform of the American health care system, most notably by setting aside a reserve fund of over \$630 billion during 10 years to help finance health reform.
- The budget includes:
 - \$290 million to address the shortage of doctors, nurses, and dentists in underserved areas.
 - Over \$6 billion within the National Institutes of Health (NIH) to support cancer research.
 - Funds to states for the Nurse Home Visitation program, which will provide home visits by trained nurses to first-time low-income mothers and mothers-to-be.

- \$222 million in HHS for research into the causes of and treatment for autism spectrum disorders (ASD), treatment, screenings, public awareness, and support services.
- \$3.3 billion for the Low-Income Home Energy Assistance Program (LIHEAP) to help low-income families with their home heating and cooling expenses.
- Increased resources to detect, prevent, and treat HIV/AIDS domestically, especially in underserved populations.

Department of Defense (DOD)

- The FY11 budget request is \$548.9 billion, or a 3.4 percent increase from the 2010 enacted level of \$530.8 billion.
- The budget provides:
 - \$33 billion in supplemental appropriations for 2010 and \$159.3 billion for 2011 to support ongoing overseas contingency operations.
 - Support for a transparent budget process, which simultaneously and separately requests estimated base budget and overseas contingency operations costs.
 - Increase the U.S. military presence in Afghanistan and drawing down troops from Iraq.
 - Improved efforts to care for wounded service members and to treat mental health needs.
 - Construction of additional Army wounded warrior complexes at posts.
 - Increase size of Army and Marine Corps by the end of 2009.

Department of Education-- Student Financial Aid and Higher Education

- The FY11 budget request is \$49.7 billion; an increase of \$2.9 billion over the FY10 requested level.
- The request includes a five-year, \$2.5 billion Access and Completion Incentive Fund to support innovative state efforts to help low-income students succeed and complete their college education.
- Doubles funding for the Early Head Start program and expand Head Start.
- The 2010 budget builds on the recovery act by supporting a \$5,550 Pell Grant maximum award in the 2010-2011 school year, an increase of \$700 over the FY09 award.
- Will additionally make campus-based, low-interest loans more widely available through a new Perkins loan program.

Department of Energy (DOE)

- The FY11 budget request is \$28.4 billion; an increase of \$2 billion from the FY10 requested level.
- The budget request builds on the \$38.7 billion provided to DOE by the recovery act. The act includes.
 - Energy storage, cyber security, and investments in research, development and demonstration of smart grid technologies that will accelerate the transformation of the nation's energy transmission and distribution system, enhance security and reliability of energy infrastructure, and facilitate recovery from disruptions to the energy supply.

- \$1.8 billion for the DOE's basic science programs, providing substantially increased support for the Office of Science and expanding graduate fellowship programs that will train students in critical energy-related fields.
- \$2.4 billion is provided for energy efficiency and renewable energy programs.
- Focuses on cleanup and management of radioactive waste and nuclear materials.

Department of Commerce

- The FY11 budget request is \$8.9 billion, a decrease of \$5 billion from the enacted FY10 level.
- The budget includes:
 - \$2 billion to develop and acquire vital weather satellites and climate sensors in order to provide continuity of satellite coverage needed for weather forecasting and climate data records.
 - Supports implementation of the Magnuson-Stevens Act and its requirement to eliminate overfishing by 2011.
 - \$80 million for the Technology Innovation Program, which invests in high-impact research that will address critical national needs and advance innovation.
 - \$130 million for the Hollings Manufacturing Extension Partnership to enhance the competitiveness of the nation's manufacturers by facilitating the adoption of more efficient manufacturing processes.



OFFICE OF GOVERNMENT RELATIONS

Highlighted Hill Visits, Tours, and Events

Washington, DC advocacy visits July 2009-June 2010:

- The Office of Government Relations has participated in more than 100 hill and department visits in Washington, D.C. with Chancellors DiStefano, Shockley-Zalabak, and Wilson; and faculty from all four campuses.

Tours:

- The Office of Government Relations coordinated several in-state tours/meetings for the campuses with our congressional members and/or their staff

Events:

In addition to our lobbying efforts on the federal side, highlighted below are a few of the many events our office participated in to help garner our internal relationships as well as those with outside entities:

- Senator Mark Udall's Energy Jobs Summit at AMC, which included Secretary of Energy Steven Chu, Governor Bill Ritter, Senator Michael Bennet, and Congressman Ed Perlmutter
- Representatives Diana DeGette and Ed Perlmutter's health care reform forum
- 9 News Health Care Forum at AMC; Senators Michael Bennet and Mark Udall; and Representatives Diana DeGette, Jared Polis, Mike Coffman, and Ed Perlmutter participated in the discussion
- Veterans traveling wall at the Downtown Denver Campus; staffers for Senators Michael Bennet and Mark Udall and Representatives Diana DeGette, Jared Polis, Mike Coffman, and Ed Perlmutter attended and read letters from the members to the veterans honored by the event
- Senator Michael Bennet's health reform jobs forum; Chancellor Wilson participated in the roundtable discussion
- UC Denver's Research and Activities Symposium; Congresswoman Diana DeGette served as the keynote speaker
- UCCS Science and Engineering Grand Opening Gala; staff for Senators Michael Bennet and Mark Udall attended
- Congressman Jared Polis' visit to the International English Center at UCB
- UCB's CO-LABS Congressional Briefing; staffers for Senator Mark Udall and Michael Bennet and Representatives Diana DeGette, Jared Polis, and Ed Perlmutter attended
- UCB's Biotechnology Building Groundbreaking Ceremony; staff for Congressman Jared Polis attended
- Congressman Jared Polis' address to the UCB GAANN (Graduate Assistantships in Areas of National Need) Program students
- Congressman Jared Polis' visit to UCB to meet with the TRIO program students
- Dr. Dan Baker's Distinguished Research Lecture; staff for Congressman Polis attended



OFFICE OF GOVERNMENT RELATIONS
CU Ambassadors Program

The Office of Government Relations coordinates the university's CU Ambassadors program. The CU Ambassadors are a group of Colorado residents who advocate on behalf of CU and higher education with the Colorado state legislature.

The primary goal of CU Ambassadors is to increase awareness and advocate for CU's interests among lawmakers. By influencing state legislative opinion, the program seeks to strengthen the University of Colorado academic programs and support research in a way that benefits all Colorado citizens.

Through their participation in the program, Ambassadors receive:

- An invitation to attend Ambassadors-only meetings with CU leadership.
- Regular email communication including updates on issues of importance to the University, legislative updates, and advance notice of CU outreach events.
- Legislative Calls to Action - during the legislative session, the President calls on Ambassadors to contact their legislators to advocate for action supporting the University or the interests of higher education.

During 2010, the CU Ambassador's Program staff researched new ways to connect with CU Ambassadors in collaboration with other CU entities. To better engage the Ambassadors and other CU constituents, the State Relations staff created a Facebook page for the Office of Government Relations. Online for five months, the page has 117 people who "like" it. CU Ambassadors also received email updates from Government Relations each month and President Benson regularly.

Special thanks to all of our Ambassadors who made vital contacts with our elected officials this year.

To join the CU Ambassadors program, please email cuambassadors@cu.edu. Only non-university resources may be used to contact state elected officials. If you are a CU employee and would like to join, please provide a personal email account.



OFFICE OF GOVERNMENT RELATIONS

Office of Government Relations Team



Tanya Kelly-Bowry **Vice President**

Tanya Kelly-Bowry was selected by President Benson and confirmed in October, 2008 by the Board of Regents, as vice president of government relations. She was chosen to lead the university's efforts to increase funding at the state and federal levels. Her new position builds on the 10 years she has served CU. Kelly-Bowry has nearly 20 years of advocacy experience, having lobbied on behalf of higher education, human services and health care issues in both Colorado and Washington, D.C. She earned bachelor's degrees in international affairs and political science at CU-Boulder and a master's degree in nonprofit management from Regis

University as a Colorado Trust Fellow. Kelly-Bowry also studied at Harvard University's John F. Kennedy School of Government as a member of the senior executives in state and local government.



Connie Johnson **Senior Policy Analyst and Assistant Director**

In 2007, Connie Johnson joined the Office of Government Relations as the Senior Policy Analyst and Assistant Director. She is responsible for managing the day-to-day office operations, managing the department's budget and website, providing support to the Vice President and supporting state and federal activities. Prior to CU, Connie served for over 18 years in higher education in Washington State. She has a B.S. in Accounting from Central Washington University, a Master of Public Administration from the Daniel J. Evans School of Public Affairs at the University of Washington, and was a fellow in the 2008 CU Emerging

Leaders Program.



Kirsten Castleman **Senior Director of State Relations**

Kirsten Castleman serves as Senior Director of State Relations. She serves all three institutions in the CU system by taking the lead on most legislation affecting CU, as well as being the lead on system-wide capital construction funding and health care policy issues for the University of Colorado Hospital, University of Colorado Denver School of Nursing, and the CU Colorado Springs Beth El College of Nursing and Health Sciences. She also takes special interest in CU's issues related to research, technology transfer, academic programs and administration.

Kirsten is an alumnus of the 50 for Colorado 2005 program and is active in the Denver metro non-profit community. In her free time she enjoys hiking, camping, traveling to exotic places and spending time with friends and family. Kirsten has a Bachelor of Arts from the University of Virginia and a Master of Arts in Higher Education from the University of Michigan, Ann Arbor.



Heather Kline
Assistant Director of State Relations

Heather Kline is the Assistant Director of State Relations. She is responsible for tracking state higher education and health care legislation during the session, as well as preparing state legislative fact sheets. She also organizes state legislator tours and events and works with state legislative offices on constituent issues. Additionally, she assists the Senior Director with scheduling, correspondence and coverage of committee hearings and floor work at the Capitol. Heather worked in the office as a student assistant for three years. She also served as Executive Assistant to our state and federal lobbyists, Special Assistant to the Executive Director and Policy Analyst of State Relations. She has a Bachelor of Arts in Political Science from the University of Colorado at Boulder.



David Sprenger
Senior Director of Federal Relations

David Sprenger, Senior Director of Federal Relations is based in Washington, DC, and has expanded the presence of the University of Colorado by developing strong and effective relationships with legislative staff, professional organizations, and key advocacy groups within the federal departments and with the Congressional offices. He brings the office an extensive background on public policy and direct advocacy. He also represents the University of Colorado before AAU and is also an honorary member of the DC CU Alumni Buffs Club. Prior to joining the CU, David served as the senior healthcare policy advisor to former Colorado Congressman Scott McInnis, managing the Congressman's seat on the Ways and Means Committee. He also served as an Assistant Vice President for the firm of B&D Consulting in Washington directing advocacy efforts for healthcare and higher education clientele. David received Bachelor degrees in Political Science and History from Regis University, and is currently pursuing his Masters in Public Policy at George Mason University.



Lynne Lyons
Director of Federal Relations

Lynne Lyons serves as Director of Federal Relations. She is lead on Federal special projects for UC Denver. Lynne lobbies on legislation ranging from research funding, academic health and workforce issues, Medicare and Medicaid funding, patent reform and higher education issues. She serves on the AAMC Government Relations Steering Committee, the APLU Council of Federal Relations, as well as the AAU Council on Federal Relations. Lynne has a Bachelor of Science from the University of Colorado at Boulder and a Masters in Public Administration from the University of Colorado Denver.



Elizabeth Watkins

Policy Analyst of Federal Relations

Elizabeth Watkins is the Policy Analyst of Federal Relations. She aids in tracking federal legislation that affects the campuses' operations, preparing fact sheets and other correspondence related to the university's legislative priorities, organizing events and tours on the campuses for the congressional offices, and arranging meetings between the congressional offices or federal agencies and university officials. Elizabeth has a Bachelor of Arts from the University of Colorado Denver and is currently pursuing a Masters in Social Sciences from the University of Colorado Denver.