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Nexus Weekly Legislative Report
March 15, 2018

The Colorado General Assembly met for the 10th week of the 2018 legislative session. This week was a very productive one for the state legislature, as bills concerning the opioid epidemic, Free Standing Emergency Departments and PERA reform were discussed late into the evening.

The House Public Health Care & Human Services committee heard three bills this week which came out of the Opioid and Other Substance Use Disorders Interim Study Committee. HB18-1003—Opioid Misuse Prevention—by Representative Pettersen, would enact several measures to prevent future opioid misuse. It would continue the interim committee for another two years. It would allow school-based health centers to expand behavioral health services to include treatment for opioids. Most importantly, the committee added an amendment to the bill which would create a grant program to someday provide money to organizations who are helping the most vulnerable youth who have been negatively impacted by the opioid epidemic in Colorado.

SB18-200—Modifications to PERA to Eliminate Unfunded Liability—by Senators Tate, Priola and Jahn, which was introduced last Wednesday, has quickly moved through the Senate Finance committee this week. The Public Employees Retirement Association currently has an unfunded liability between $32 billion and $50 billion. The bill both increases contributions from taxpayers—by 2 percent—and employees—by 3 percent—and cuts benefits for current and future retirees. The bill had a long debate Wednesday afternoon in the Senate Finance committee. Members of the K12 education community described how costly this bill would be, and the effects on top of the budget shortfalls that our school districts already face. The higher education community also has concern around the costly impact of the employer contribution part of the bill, while higher education institutions also face a budget shortfall. The bill as introduced would reportedly cost higher education $140M over two years and would cost K12 education $125M in one year. The Senate Finance committee made one big change to the bill: it removed the employer contribution section. This was not supported by the Democratic members of the committee, who believe everyone needs to take a share of responsibility for the unfunded liabilities. Republicans of the committee supported the amendment and voted to move the bill forward. It will be heard next week in Senate Appropriations, where more changes could be made to the bill.

Three bills regulating Free Standing Emergency Departments and their hospital counterparts were heard in House Health, Insurance and Environment Thursday night. SB18-146, which requires FSEDs to provide consumer notice in their facilities, had wide support in the Senate. It was also supported in its first committee hearing in the House. An amendment was added to SB 146 that would remove patient liability on charges they receive at a FSED from an out-of-network doctor if the FSED is an in-network facility. HB18-1282—Health Care Provider Unique

Identification Per Site or Service—by Representatives Sias and Lontine, also passed out of the House Health committee Thursday. This bill provides transparency on hospital costs by requiring hospitals to create different National Provider Identifier (NPI) codes for each geographic area of where their services are offered. This requirement would impact both hospitals and hospital owned FSEDs. The final bill heard was HB18-1212—FSED Licensure—by Representatives Landgraf and Kennedy, which would create the first FSED licensure under the Colorado Department of Public Healthcare and Environment. It also would require FSEDs to disclose their operating costs and facility charges on their billing. The bill has a special carve out for rural areas, where FSEDs can sometimes be the only emergency facility in the area. This bill did not receive the same bipartisan support as the previous two, with a vote of 8-5. All three made it out of the committee.

The Joint Budget Committee will be finalizing their budget next week after the March Revenue Forecast comes out on Monday. The March Revenue forecast numbers are used by the JBC as their final numbers in budgeting for the Long Bill. There is expected to be more general fund money this year than in previous years because of Colorado's booming economy. This gives JBC more money to set aside for big budget bills, as well as possibly funding some of the Governor's budget proposal requests. One of the Governor's requests aims to equalize mill levy override revenues for Charter School Institute schools, which currently don't receive any mill levy override funding from local taxes. In order to equalize funding, the JBC would allocate $11M total funds, including $5.5M General Fund and the same amount in reappropriated funds. The JBC has other requests to consider, such as funding for the rural teacher shortage, solving declining severance tax support to local governments, a proposed total funding increase for K12 education and higher education, as well as transportation funding.