

LEGISLATIVE LETTER[®]
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LL#3:20

CONTINUING EFFORTS TO IMPROVE EDUCATIONAL OUTCOMES

LWVCO positions on education hold that: “The state legislature may establish base level expectations in the areas of discipline and academic achievement in order to insure consistency and equity across the state.” League also believes that the state school finance system should include equity, adequate sources of revenue, and incentives for efficiency and effectiveness. Because we are not a strictly education-oriented organization, our positions on education issues are based on a broad context; thus, our neutral position on Initiative/Proposition 103 (in the 2011 election). As important as adequate funding is to members of LWV, a broader look at state funding held sway.

While the League of Women Voters of Colorado applauds the state legislature for making public education a focus issue, we have some serious concerns about the direction legislation has been taking in an effort to solve problems facing public schools today. We opposed SB 10- 191 (teacher and principal effectiveness) two years ago, testifying that “our education position calls for incentives for improved efficiency and effectiveness instead of top-down directives from statutes, because this is an unfunded mandate, and because of the short timeframe for considering such a fundamental change in the process of evaluating educators.” As it turns out, the costs of implementing SB 191 are mounting, and some legislators have stated that they were misled about costs related to SB 191. Having been told that the costs to districts would be nil or minimal at best, we are looking at an approximately \$7.7 million cost to just implement the program, not counting the costs per year to districts for evaluating every teacher (new ongoing costs: \$531 per year for effective teachers, \$3,873 for newly identified ineffective teachers).

There is no doubt that it is critical for student success in school that strong reading skills be established by 3rd grade. Easier said than done, however. **HB 1238 Ensuring K-3 Literacy Education (Rep. Massey; Sen. Johnston) (oppose)** is a 44-page bill requiring the state board of education to determine minimum competency levels for reading skills (K-3rd grade) and develop a resource bank of appropriate assessments and recommended professional development programs by July 1, 2013. That fall, with two months to get ready, schools must assess the reading skill deficiencies of early-grade students. The bill goes on to require a parent notification process with a recommendation that students be retained if they do not meet the competency levels for their grade.

The goal is admirable: to catch kids early and offer extra help to make sure all children are successful. Early literacy grants will be available to districts that need help to fund this mandate; funds will be appropriated through the former read-to-achieve program. The League opposes this measure for basically the same reasons we opposed SB 191: top down

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statutory procedures rather than expectations, insufficient resources, and an unrealistic timeline. It's not that the goal isn't admirable. But, school districts are already treading water as fast as they can to meet current competency requirements. They have processes in place to meet the needs of low-level learners; albeit not always effective for a variety of reasons. This bill is looking to put into statute a process that, if found to be faulty, will need a new statute to change. This is not efficient governance. HB 1238 will be heard in House Education on Feb. 29.

Sally Augden 303.455.5800

GOVERNMENT

TRANSPARENCY ON RULES AND FEES

NEW **HB 1008 GA & Public Input on Proposed Agency Rules and Fees (Rep. Acree; Sen. Jahn) (support in part)** increases transparency of state agencies' regulatory agenda, and also includes more opportunity for citizen participation in rule making. Unfortunately, it also requires some fairly detailed information to be given to legislative committees that would reduce efficiency, and blur the separation of powers. The small fiscal note sent the bill to Appropriations, which approved it on a vote of 9-3. Voting yes: DelGrosso, Ferrandino, B. Gardner, A. Kerr, Looper, Pabon, Sonnenberg, Vaad, and Becker. Voting no: Hullinghorst, Levy, Solano. Excused: Gerou. The House passed it on February 9 by a vote of 40-23 with 2 excused. Previously reported LL #2, pg. 12

Christine Watson 303.250.1796

House Vote

	YES	40	NO	23	EXCUSED	2	ABSENT	0
Acree	Y		Fischer	N	Looper	Y	Solano	N
Balmer	Y		Gardner B.	Y	Massey	Y	Sonnenberg	Y
Barker	Y		Gerou	Y	McCann	Y	Soper	N
Baumgardner	Y		Hamner	Y	McKinley	E	Stephens	Y
Becker	Y		Holbert	Y	Miklosi	N	Summers	Y
Beezley	Y		Hullinghorst	N	Murray	Y	Swalm	Y
Bradford	N		Jones	N	Nikkel	Y	Swerdfeger	Y
Brown	Y		Joshi	Y	Pabon	N	Szabo	Y
Casso	Y		Kagan	Y	Pace	Y	Todd	Y
Conti	Y		Kefalas	N	Peniston	N	Tyler	Y
Coram	Y		Kerr A.	Y	Priola	Y	Vaad	Y
Court	N		Kerr J.	Y	Ramirez	Y	Vigil	N
DelGrosso	Y		Labuda	N	Ryden	Y	Waller	Y
Duran	N		Lee	E	Schafer S.	N	Williams A.	N
Ferrandino	N		Levy	N	Scott	N	Wilson	N
Fields	N		Liston	Y	Singer	N	Young	N
							Speaker	Y

ELECTIONS

IMPROVING VOTER LISTS

NEW **SB 109 Maintenance Regular List Registered Electors (Sen. Johnston; Rep. Coram) (support)** deals with the "Inactive – Failed to Vote" status and is scheduled to be heard in Senate State Affairs Committee on February 13th. Currently a voter who fails to vote in one General Election is placed in this status in the statewide registration system. The elections official then

sends a confirmation card to the voter, which if returned as undeliverable, places the voter in a new status "Inactive- Returned Mail." If the voter fails to respond to the card and does not vote in two subsequent general elections, the registration will be cancelled. Voters who are designated as "Inactive-Failed to Vote" status will remain that way until they take action to vote. While in this status, the election official is not required to send a ballot for an upcoming mail ballot election. However, in a primary election ballots are required to be mailed to active as well as inactive-failed to vote voters.

This bill would require that any registered "Inactive-failed to vote" elector be considered an active elector. The phrase "voter information card" would be changed to "voter confirmation card" and the status of "inactive" would be substituted with "Inactive – returned mail." In addition the bill requires the Secretary of State to conduct a national change of address search no later than 60 days after an election as well as 60 days prior to an election and provide the appropriate clerk with the data obtained. The clerk must then input address changes to SCORE and send a voter confirmation card to the elector to confirm the elector's change of address. Further, the status of a registered elector whose mail ballot is returned as undeliverable would be changed from "Inactive – undeliverable" to "Inactive – returned mail." Any elector whose ballot is returned by the postal service would be sent a confirmation card.

The current process of inactivating voters is inconsistent, inefficient and costly for the counties, and penalizes voters for the failure to vote. This bill makes an improvement.

Carol Tone 303.377.3746

NEW ELECTION PROCEDURES

NEW **HB 1267 Various Elections Procedures Mailings Stubs Timing (Rep. Coram; Sen. Grantham) (oppose)** This bill makes several changes to reduce the cost of administering elections. Currently early voting is available for ten days before a primary or a special legislative election and fifteen days before a general election or another November election. This bill would make early voting for ALL elections after January

1, 2013 available for only seven days before the election. The bill would allow county commissioners to increase the hours that the polls may be open, but would not allow them to increase the number of days. In view of the fact that there is no early voting over the weekend and the Monday prior to a Tuesday election, it would mean that voters would have only four early voting days, eliminating the possibility of voting on a weekend. While we appreciate the cost savings in cutting back early voting, we feel that a drop to four days is unreasonable. We would support the change if the early voting time were extended to 10 days prior (allowing 7 days for early voting) in order to include some weekend days.

In the case of a mail ballot PRIMARY election, the bill would require the county clerk and recorder to mail notice not less than sixty days (previously not less than thirty nor more than forty-five) to each unaffiliated active as well as "Inactive- failed to vote" eligible elector. Similarly voter information cards would be sent to any registered elector no fewer than ninety days before ANY OTHER mail ballot election. However, the notice would now be sent by nonforwardable mail.

Carol Tone 303.377.3746

COUNTY ELECTION COSTS

NEW **HB 1143 Adjust County Reimbursement Rate for Elections (Rep. Ferrandino) (support)** When a state ballot issue or question is on the ballot of a county, the state is required to reimburse the county for costs related to those issues or questions. The bill would increase the reimbursement rate of counties with 10,000 or fewer active registered electors from 80 cents to \$1 for each elector; likewise in counties with more than 10,000 the amount would be increased from 70 cents to 90 cents. With counties facing increasing costs in order to conduct elections, it is important that sufficient revenues are provided to support these additional expenses. The bill was heard in House State Affairs on February 8 and was amended to read that the respective increases would be 10 cents rather than 20 cents for both large and small counties. This seemed like a very small improvement for the counties who currently pay a very large portion of the cost. The bill passed unanimously as amended and was sent on to Appropriations.

Carol Tone 303.377.3746

CLEARER BALLOTS APPROVED

HB 1089 Specific Wording Relating to Statewide Ballot Title (Rep. Court; Sen. Steadman) (support) simplifies language in ballot titles, changing "in

conjunction therewith" to "that" and indicating that "yes" means "for the measure" and "no" means "against the measure." It passed out of the House State Affairs Committee unanimously, and awaits second reading. Previously reported LL #2, pg. 13

Christine Watson 303.250.1796

PREVENTING ELECTION FRAUD

NEW **SB 147 Intentional Communication of False Voting Info (Sen. Aguilar, Rep. A. Williams) (support)** would prohibit a person from intentionally communicating false information about election procedures or voter eligibility within 90 days prior to an election. Such violation would be a class 5 felony. The Attorney General must promulgate rules to develop means by which such false information may be countered (public service announcements, emergency alert systems, and other forms of public broadcast). The Attorney General must also, not later than 90 days after each general election, report to State, Veterans and Military Affairs Committees of both houses allegations of violations during the previous 2 years. Colorado's unusual and changing election dates make it both easy to confuse others intentionally and easy to be confused without anyone intended to do that. For example, even numbered year general elections take place the first Tuesday after the first Monday in November, but TABOR related elections (state-wide) take place the first Tuesday of November (which may, or may not, fall after the first Monday). The bill is scheduled to be heard in Senate State Affairs on February 15th.

Carol Tone 303.377.3746

FISCAL POLICY

COLORADO BUDGET "PAY AS WE GO"

NEW **HB 1039 Pay-as-you-go Requirements (Rep. Hullinghorst) (support)** requires that any bill passed out of Appropriations before the Long Bill identify how the funds to pay for it will be obtained, either by cutting some other spending, or by accessing discretionary funds that have been identified as available, over and above what is needed to fund the provisions of the Long Bill. This applies both to additional spending and to reductions in revenues from tax reduction benefits (called Tax Expenditures). Colorado has constitutional

limits to revenue and spending; however, population and needs have grown over the last 10 years faster than resources to meet them. This bill's goal is to provide transparency and accountability. This bill seems a reasonable way to address those constraints. We see this as a companion to using a Dynamic Model to analyze the direct and indirect or secondary economic effects related to a tax policy change – or, one hopes, spending that is intended to save money in the future. With the expanded information that, ideally, should come from a dynamic model, evaluating the costs and benefits of both the proposed programs and how they will be paid for can be clearer and more complete.

The bill was PI'd in House Finance Committee on a vote of 7-6. Voting to PI: Acree, Beezley, Conti, Joshi, Swalm, Swerdfeger, DelGrosso. Voting No: Duran, Labuda, Kagan, Kefalas, Hullinghorst, Pabon.

Karen Knutson 303-674-7686

DYNAMIC MODELING

NEW **SB 83 Dynamic Modeling for Fiscal Impact of Bills (Sen. Scheffel, DelGrosso) (support).** Dynamic models are mathematical economic models used initially to analyze the direct and indirect or secondary economic effects related to a tax policy change – or, one hopes, spending that is intended to save money in the future. At their best, they can provide insight as to the benefits or costs of tax policy changes. The bill authorizes the use of gifts, grants and donations to implement a pilot program of dynamic modeling. As soon as there is sufficient money in the dynamic modeling cash fund, which includes gifts, grants, and donations, the director must purchase the dynamic model to be used by the legislative council staff.

League has supported use of dynamic modeling to evaluate future consequences of fiscal policy. We see this as a companion to the public policy that has been called "Pay as You Go," which calls for identification of spending cuts or sources of funds to pay for tax reductions or investment spending. With the expanded information that, ideally, should come from a dynamic model, evaluating the costs and benefits of both the spending and the sacrifice should be more complete. The bill is assigned to the Senate Finance Committee.

Karen Knutson 303-674-7686

GUN CONTROL

GUN BILLS ADVANCE

HB 1064 Firearm Possession during State of Emergency (Rep. Stephens) (Oppose) proposes to remove firearms from the list of things the sale of which the Governor can suspend in an emergency. The bill was heard in House Judiciary Committee on February 9 and passed on a vote of 6-4, with one excused.

Testimony, all in favor, focused on the conditions in New Orleans during Hurricane Katrina, and also on the rights under the Second Amendment. The NRA provided a witness in support from the national organization. One witness, who appeared to be new to the process, commented about how much she had learned from listening to questions and debate. Voting in favor: DelGrosso, Nikkel, Sonnenberg, Waller, Barker, Gardner. Voting against: Duran, Kagan, Pabon, Ryden. Excused: Lee.

HB 1092 Concealed Handgun Carry without Permit (Rep. Priola; Sen. Brophy) (oppose) would allow anyone who can legally purchase a handgun to conceal it with no further permitting required. House Judiciary heard the bill on February 9, and passed it to the floor on a vote of 6-3, with 2 excused. Supporters included the Firearms Coalition of Colorado. Opponents include the advocates for victims of domestic violence and education associations concerned with safety on school property. Voting for the bill: DelGrosso, Nikkel, Sonnenberg, Waller, Barker, Gardner. Voting against: Kagan, Pabon, Ryden. Excused: Duran, Lee.

HB 1048 End CBI Instacheck Duty for Firearm Transfers (Rep. Waller) (oppose) The bill eliminates the requirement that a background check of gun purchasers be done both through federal and Colorado Bureau of Investigation data bases. The House Judiciary Committee heard the bill on February 9. As in the past, supporters included gun rights advocates. Opponents, in addition to advocates for victims of domestic violence, included County Sheriffs Association, District Attorney Council, and Chiefs of Police. The bill passed to Finance on a vote of 6-4-1. Voting in favor: DelGrosso, Nikkel, Sonnenberg, Waller, Barker, Gardner. Voting against: Duran, Kagan, Pabon, Ryden. Excused: Lee. All previously reported LL#2, p. 13.

Christine Watson 303.250.1796

JUVENILE JUSTICE

DIRECT FILE REFORM BILL INTRODUCED

NEW **HB 1271 Juvenile Direct File Limitations (Rep. Nikkel, McCann; Sen. Giron) (support)** is being brought forward by a coalition of groups including LWVCO that is working on reforming Colorado's direct file statute. The bill has been introduced and assigned to House Judiciary.

The bill makes a number of changes to the statute:

- It limits the offenses for which a juvenile can be direct filed to class 1 and 2 felonies, crimes of violence, felonies for prior violent juvenile offenders, and violent juvenile sex offenders.
- It allows a direct filed juvenile to petition the court to transfer their case back to juvenile court.
- It lists the factors the court shall consider when determining whether or not to transfer the case to juvenile court.
- It excludes a direct-filed juvenile who is sentenced as an adult from the mandatory minimum sentence provisions.
- It requires a juvenile who is convicted as an adult of an offense that is not eligible for direct file to be remanded to juvenile court. The conviction then becomes a juvenile adjudication.
- It lists other situations where a direct filed juvenile can be remanded to juvenile court.

The changes this bill makes are important because they ensure that only juveniles who have committed the most egregious crimes will be eligible to be direct filed. It offers due process for direct-filed juveniles through the reverse transfer process. It supports the goal of rehabilitation by exempting the direct-filed juvenile from adult mandatory minimum sentencing provisions which can result in very long sentences in settings that may not be conducive to rehabilitation. Finally, it ensures that only those juveniles who have been convicted of an offense that is eligible for direct file will be remain under district court (adult) jurisdiction.

Carla Bennett 303.757.2930

PROSECUTING JUVENILES FLEXIBLY

NEW **SB 28 Aggravated Juvenile Offender (Sen. Grantham; None) (support)** gives prosecutors more flexibility regarding prosecuting a juvenile in juvenile court as opposed to district court (adult) by allowing for the possibility of a sentence longer than the maximum of 7 years under current law.

The bill was heard in Senate Judiciary on Jan. 30. At the hearing, the DA's testified in support because they want to be able to charge very young juveniles in juvenile court, but the current maximum sentence did not always fit the crime. Under this bill, if a juvenile has been adjudicated a delinquent for 1st or 2nd degree murder, the court may sentence the juvenile consecutively for specified serious offenses that are included in the delinquency petition. The bill also requires that the juvenile serve a 10 year parole following completion of a sentence for 1st degree murder.

There are some other good provisions in the bill:

- Entitles the juvenile to counsel at the reconsideration hearing (If a juvenile serving a juvenile sentence has not completed the sentence by age 20 ½ there is a hearing to determine if the juvenile should be granted early release or should be transferred to the Department of Corrections.)
- Specifies factors to be considered at the reconsideration hearing
- If the decision is to transfer to DOC, the court is given options as to where to place the juvenile (a correctional facility, Youthful Offender System, Community Corrections, early release with 5 years of adult parole, or remain with Division of Youth Corrections with release at 21 followed by juvenile parole)

There was opposition to the bill as it was originally written from the Colorado Juvenile Defender Coalition and the Public Defenders' Office. However, the DA's and the other groups worked together on an amendment that everyone could live with and actually proved to be better than the original bill. The bill passed unanimously out of the committee and was sent to Appropriations. The fiscal impact is \$11,840.

Carla Bennett 303-757-2930

REPRODUCTIVE RIGHTS

OFFENSES AGAINST THE UNBORN

NEW **HB 1130 First Degree Murder Of Unborn Child (Rep. Joshi; Sen. Mitchell) (watch)** This bill defines new offenses for:

- unlawful termination of a pregnancy in the first, second, third and fourth degree;
- vehicular unlawful termination of a pregnancy; and
- aggravated (use of alcohol or drugs) vehicular behavior.

NATURAL RESOURCES

ENERGY

PROTECTION BILLS DEFEATED

HB 1176 Oil Gas Surface Owner Horizontal Drilling Setback, (Rep. Ryden) (support) was asking the Oil and Gas Commission for longer setbacks when drilling operations were near schools or residences. This bill was heard in House Local Government on February 6 and PI'd on an 8-3 vote. Voting to PI: Conti, Gardner, Kerr, J., Labuda, Pace, Swerdfeger, Balmer, Szabo. Voting No: Fields, Lee, Soper. Previously reported LL#2, p. 15.

NEW Also heard in the same hearing was **HB 1173 Protect Pub Health Oil & Gas Hydraulic Fracturing (Rep. Wilson)**. It failed on the same vote, with Soper excused. It appears that legislators feel there are already enough restrictions in place with Colorado Oil and Gas Conservation Commission (COGCC) and want to wait and see what the commission will do in the future.

LOCAL CONTROL OVER DRILLING

NEW **HB 1277, Rep. Jones, Sen. Bacon, Local Control Oil Gas Regulation, (Support)** is a simple bill that clarifies that oil and gas operations are subject to local government control as established for other mineral extractions. These regulations include the impact on land use and state interest in orderly land use and environmental protection. It clarifies that the Colorado Oil and Gas Control Commission should abide by this statute in issuing permits. It has been assigned to House Local Government, but no hearing has been scheduled.

All reported by Jeannette Hillery 303.494.7718

WATER

SEPTIC SYSTEM UPGRADE

NEW Rep. Gerou has introduced **HB 1126, On-Site Wastewater Treatment Systems, (support)** which is a similar bill to her bill last session (HB 11-1179). This bill proposes some updates to statutes to address the advances in the wastewater industry in dealing with septic systems. The industry has been meeting for several years to obtain better standards to address this area. There are amendments to be made to the introduced bill which is scheduled to be heard on February 16 in House Health and Education.

Jeannette Hillery, 303.494.7718

The bill excludes from prosecution medical care for which the mother provided consent. However, under definitions, the bill states that "Unlawful termination of pregnancy" means a termination of pregnancy by means other than birth or a "Justified Medical Termination." This is vague and prevents us from fully supporting the bill at this time.

It will be heard in House Judiciary on Tuesday, Feb. 21 at 1:30.

Carolyn Engelken 303.750-0949

ENCOURAGE PREGNANCY TESTING

NEW **HB 1100 Pregnancy & Evidence Of Substance Use (Rep. Summers, Sen. Aguilar) (support)** The bill makes results of information related to substance use obtained at the time of a pregnancy test inadmissible in any criminal proceeding.

Substance use during pregnancy is a big problem in Colorado, with devastating effects on the fetus. The age group most likely to use dangerous substances and to avoid pregnancy tests for fear of discovery of illegal substances being found and used against them in criminal cases is the very young age group of 15-17. This bill would encourage this group, and other cohorts close to them, to have pregnancy tests, seek important prenatal care and receive treatment of drug and alcohol counseling as needed without fear of drug charges.

Passed House Judiciary on 11-0 vote; passed House Floor on Feb. 9 on 62-1 vote (Casso, no; Lee and McKinley, excused).

Carolyn Engelken 303.750-0949

VOTING RIGHTS

MILITARY VOTING BILL IMPROVED

SB 062 Voting by Military Personnel (Sen. S. Williams, Rep. Looper) (support) was heard in Senate State Affairs on February 6th and substantially amended. As the portions of the bill which referred to an internet-based program were removed in the amendment, we are able to change to a support position. The bill, as amended, was sent to Finance on a 5 – 0 vote and will be heard there on February 14th.

Carol Tone 303.377.3746

SOME WATER BILLS HIT A DAM

SB 9 Consolidate Division of Water Resources Funds (Sen. Hodge; Rep. Swerdfeger) (support) consolidates several water funds into one for more efficiency. It passed the Senate unanimously on February 8. Previously reported LL#2, p. 15

HB 1003 Authorize Graywater Use (Rep. Fisher; Sen. Nicholson) (watch) was heard in House State Affairs on February 2. Some committee members were concerned that the Colorado Water Congress had not supported the bill. Evidently, the Water Congress was concerned that there was no accounting for water that might be lost that was previously returned to streams. The bill was PI'd. Voting to kill the bill: Baumgartner, Liston, Waller, Coram, J. Kerr. Voting in favor of the bill: Casso, Court, Duran, Todd. Previously reported LL#2, p. 15.

Sen. S. King sponsored **SB 17 Prohibit Water Quality Standards Regs for Nutrients (oppose)** which proposed that water quality standards for nitrogen and phosphorus not be given numerical standards. This is an area that has been under intense study and there is an existing working group on this issue. The bill was heard in Senate Agriculture on February 8 and PI'd on a 4-3 vote. Voting against the bill: Carroll, Giron, Tochtrop, Schwartz. Voting in favor of the bill: Brophy, Grantham, Harvey. Previously reported LL#1, p. 8.

All reported by Jeannette Hillery 303.494.7718

SOCIAL POLICY

CHILDREN'S ISSUES

DIFFERENTIAL RESPONSE APPROVED

NEW Senate Bill 11 Child Abuse Differential Response Program (Sen. Spence; Rep. Summers) (support) proposes to streamline and individualize the approach to child abuse and neglect cases. Two years ago a bill was passed setting up a pilot project involving five counties to see the results of a project allowing counties to respond differently to high and low or moderate risk cases. During the intake process the case is assigned a level of risk based on many family factors and on social workers' initial assessments. Families judged to be low risk can receive services voluntarily and without court involvement. This may increase their cooperation with services and the success of those services. Additional counties have requested the ability to participate in the pilot project using a differential response with cases of differing risk levels. Many other states use the system outlined in the pilot program. The

director of Human Services Department will select the additional counties based on information gathered later this year. The bill was heard in the Senate Health and Human Services Committee on Wednesday, January 18, 2012. The idea was positively received, and the vote was unanimous to refer SB 11 to the committee of the whole.

Reported by Roberta Long-Twyman 303.377.9193

CHILD FATALITY REVIEW PROGRESSES

SB 33 Child Fatality Reviews (Sen. Guzman; Rep. Massey) (support) passed unanimously out of Senate Health and Human Services on January 18 and passed 3rd reading unanimously on February 8. It has not yet been assigned to a committee in the House.

The bill requires the state Child Fatality Review Team to review incidents of near-fatalities and egregious abuse or neglect. The bill is not expected to have a fiscal impact at the state or county level because so few cases would meet these criteria. The Department of Human Services reported that there were only 11 such cases in 2010. It is expected that the added workload could be handled within existing appropriations. Previously reported: LL #1, p. 8

Carla Bennett 303.757.2930

CHILDREN'S TRUST FUND EXTENSION

NEW SB 64 Colorado Children's Trust Fund (Sen. Nicholson; Rep. Massey) (support) enables the Children's Trust Fund to continue to 2022. The bill was heard by the Senate Health and Human Services Committee. The legislation allows the Fund to provide money for preventive services to families to prevent out of home placement. The bill was passed unanimously and referred to the Appropriations Committee for further action. The Appropriations Committee passed the bill unanimously with the recommendation that it be placed on the Senate's Consent Calendar (bills pass unanimously). So designated, it passed second reading in the House on February 10, and will likely have final Senate approval on February 13.

Roberta Long-Twyman 303.377.9193

GUARDIANSHIP BILL PASSES SENATE

SB 66 Guardianship Program Eligibility (Sen. Nicholson; Rep. Gardner) (support) unanimously passed out of Senate Judiciary on Jan. 30. No one spoke in opposition to the bill, and it was interesting that both Sen. Nicholson and Sen. Guzman who are members of the committee had had positive personal experiences

with guardianship situations. The bill passed 2nd reading in the Senate on Feb. 6 and then passed 3rd reading unanimously on Feb. 8.

The bill expands eligibility for the Guardianship Assistance Program. The bill does not have a fiscal impact at the state level. At the local level, it is expected that the savings for the county departments will outweigh the costs. The savings will be realized by moving children out of the costly foster care system. Not all counties have Guardianship Assistance Programs. Those that don't will not be affected by this bill. Previously reported: LL #2, p. 15

Carla Bennett 303.757.2930

JUVENILE CORRECTIONAL FACILITY

NEW SB 99 Expand Access to Academic Model Juvenile Facility (Sen. Spence; Rep. Todd) (watch) would allow dependent and neglected youth who are in the temporary custody of a county department of human services or who are in need of out-of-home placement to be placed at Ridge View Academy which is a staff-secure, academic-model juvenile facility that houses juveniles who have been adjudicated delinquent and have been committed to the Division of Youth Corrections.

There are D&N youth who have also been adjudicated for criminal offenses. However, League has concerns about housing D&N youth who have not been adjudicated delinquent in a juvenile correctional facility—even one as good as Ridge View. The bill makes no distinction, and there is no mention of whether the D&N youth would be differentiated from the adjudicated ones relative to freedom or services.

Rites of Passage is the private entity that has the contract to run Ridge View. Rites of Passage will be required to work with the Department of Human Services to develop and maintain a program that is appropriate for and meets the needs of the juveniles. Does ROP have experience in meeting the special needs of D&N youth particularly in the area of trauma? What message are we sending to a D&N youth who has not engaged in criminal behavior when we send him to a juvenile correctional facility?

The bill passed out of Senate Health and Human Services on February 8 by a 7 to 2 vote. Supporting the bill: Aguilar, Foster, Mitchell, Roberts, White, Newell, Boyd. Opposing: Lundberg and Nicholson.

Carla Bennett 303-757-2930

HEALTH CARE

DENTISTRY FOR PREGNANT WOMEN

NEW SB 108 Medicaid Dental Services Pregnant Women (Sen. Nicholson; None) (support) includes dental services as a benefit for pregnant women under the Colorado Medicaid program. Services would begin as of January 1, 2014. The dental services provided to pregnant women will include those relevant dental services provided to children under early and periodic screening, diagnosis and treatment benefits. Additionally certain supplemental dental services will be provided.

The state department is authorized to seek gifts, grants and donations to pay for any necessary computer system changes and federal authorization for the dental benefits and services.

It is recognized that untreated oral health conditions may result in medical complications that impact a woman's pregnancy as well as the health of the fetus. Improving health outcomes in pregnant women can promote savings in the Medicaid program.

The state health department will report annually to the Joint Budget Committee of the General Assembly, the Senate HHS committee, and the House Health and Environment committee as to the implementation of this program.

The bill was introduced January 31, 2012, assigned to Senate Health and Human Services Committee.

Marion Colliander 303.322.3926

GETTING HEALTHCARE WORKERS TO RURAL AREAS

NEW HB 1052 Health Care Work Force Data Collection (Rep. Summers; Sen. Boyd & Roberts) (support) would require the director of the division of registrations in the department of regulatory agencies to implement a system to collect health care work force data from health care professionals who are eligible for the Colorado health services corps. This includes practical and professional nurses and pharmacists. The bill requires a voluntary advisory group to be designated by the director of the primary care office to recommend the structure of the data collection elements regarding specific information about each health care professional and his or her practice.

The director is authorized to accept and extend any grants, gifts or donations available to implement this data collection system.

The bill was introduced January 11 and assigned to House Health and Environment. The HHE committee referred the bill unanimously to Economic and Business Development January 24. That committee, in turn, moved the bill to Finance on a vote of 10-3. Voting yes: Miklosi, Priola, Singer, Soper, Swerdfeger, Szabo, Tyler, A. Williams, Wilson, Liston. Voting no: Balmer, Holbert, Swalm. On February 8, the House Finance Committee sent the bill to Appropriations unanimously. This is perhaps the most “heard” and “herded” bill in a long time.

It would be hoped that this data collection process would lead to more efficient use of health care personnel, especially in the many rural counties of Colorado where there are shortages of these providers.

EFFICIENCY BILL MOVES ON

NEW **HB 1054 Simplify Procurement DHCPF Health Care Providers (Reps. Fields, Summers; Sen. Boyd) (support)** This bill is about simplification of procurement procedures. Under the bill, a provider that has already completed a department-approved application will no longer be required to complete a secondary provider agreement and state contract for the sole purpose of complying with state fiscal rules. Overall, this bill will reduce workload within the DHCPF by reducing the amount of paperwork required to complete procurements. This bill promotes several efficiency measures for the deliverance of health care.

The bill passed both the House Health and Environment Committee and House Third Reading unanimously and has been assigned to the HHS Committee in the Senate.

All reported by Marion Colliander 303.322.3926

ACCESS TO PACE PROGRAMS

NEW **SB 23 Improve Eligible Persons Access to PACE Program (Sen. Boyd) (watch)** This bill removes organizations providing a Program of All-inclusive Care for the Elderly (PACE) from licensure by the department of public health and environment as home care agencies. The bill removes PACE providers from licensing as a home care agency. The bill addresses how the PACE program works with accountable care collaboratives and similar integrative initiatives and provides eligible persons information about what is available to them. Fiscal note shows need for \$1,038,000

from General Fund, in addition to Federal funds. The bill is assigned to Senate HHS, and testimony was heard on Feb. 2.

Carol Pace 303.751.4125

MEDICAID ASSET TEST DEFEATED

SB 32 Medicaid Program Seek Federal Waiver (Sen. Brophy) (oppose)

This bill sought to receive a waiver from the Federal Government in order to impose an asset test for recipients of the children’s basic health plan. The bill was heard in Senate Health and Human Services Committee on February 1 and postponed indefinitely by a vote of 5-4. Voting to defeat the bill: Aguilar, Foster, Nicholson, Newell, Boyd. Voting in favor of the bill: Lundberg, Mitchell, Roberts, White. Previously reported LL#1, p. 8.

Carol Pace 303.751.4125 and Marion Colliander 303.322.3926.

EXCHANGE REPEAL DEFEATED

SB 53 Colorado Health Benefit Exchange Repeal (Sen. Neville; Rep. Looper) (oppose)

This bill proposed to repeal the authorization for the Colorado Health Benefit Exchange (and thus stop the exchange) if any part of the Affordable Health Care Act was repealed or found unconstitutional. Health care exchanges have been favored by policy-makers and advocates seeking market based programs to help increase the number of people who have health insurance, and so cancelling Colorado’s program does not seem logical. Fortunately, the bill was defeated by the Senate Health and Human Services Committee on February 2, on a vote of 5-4. Voting to defeat the bill: Aguilar, Foster, Nicholson, Newell, Boyd. Voting in favor of the bill: Lundberg, Mitchell, Roberts, White. Previously reported: LL#2, p. 16.

Carol Pace 303.751.4125 and Marion Colliander 303.322.3926.

INCOME ASSISTANCE

SCALED BACK TO PILOT

SB 22 Maintain Child Care Assistance Working Families (Sen. Williams, S.; Rep. Massey) (support) was amended in Health and Human Services and referred to the House floor on a 7-1 vote (Sen. Lundberg voting against). As amended the bill would allow 10

counties to apply for a pilot program to gradually reduce Child Care Assistance to low-income working parents, instead of cutting them off at a set income level. This addresses concerns that, given the limited allocations for Child Care Assistance, some counties might have had to deny it to new applicants in even worse financial situations in order to fund mandatory extensions. Previously reported: LL #2, p. 18.

Julie Leonard 720.384.8421

ON TO THE SENATE

HB 1028 Continue Low-income Energy-related Assistance (Rep. Gerou; Sen. Steadman) (support) extends funding from the severance tax trust fund for low-income energy assistance funds. It passed the House on third reading and has been introduced in the Senate, where it is assigned to Health & Human Services.

Previously reported: LL#1, p. 9, LL #2, p. 18.

Julie Leonard 720-384-8421

House Vote

	YES	49	NO	16	EXCUSED	0	ABSENT	0
Acree	Y		Fischer	Y	Looper	N	Solano	Y
Balmer	N		Gardner B.	Y	Massey	Y	Sonnenberg	N
Barker	Y		Gerou	Y	McCann	Y	Soper	Y
Baumgardner	N		Hanner	Y	McKinley	Y	Stephens	Y
Becker	N		Holbert	N	Miklosi	Y	Summers	Y
Beezley	N		Hullinghorst	Y	Murray	N	Swalm	N
Bradford	Y		Jones	Y	Nikkel	N	Swerdfefer	Y
Brown	N		Joshi	N	Pabon	Y	Szabo	N
Casso	Y		Kagan	Y	Pace	Y	Todd	Y
Conti	Y		Kefalas	Y	Peniston	Y	Tyler	Y
Coram	N		Kerr A.	Y	Priola	N	Vaad	Y
Court	Y		Kerr J.	Y	Ramirez	Y	Vigil	Y
DelGrosso	Y		Labuda	Y	Ryden	Y	Waller	Y
Duran	Y		Lee	Y	Schafer S.	Y	Williams A.	Y
Ferrandino	Y		Levy	Y	Scott	N	Wilson	Y
Fields	Y		Liston	Y	Singer	Y	Young	Y
							Speaker	Y

POVERTY TASK FORCE

NEW HB 1152 Economic Opportunity Poverty Reduction Task Force (Rep. Kefalas; Sen. Boyd) (support). The task force was created in 2009 to develop

a plan for reducing poverty by at least 50% in Colorado by 2019. Several bills it put forward passed in 2009, but in 2010 funding for all interim committee activities was suspended. The task force still toured the state to study successful poverty reduction efforts and has continued to meet with stakeholders. HB 1152 would extend the task force another year until 2015 and require that vacancies be filled within 30 days. It also clarifies that the task force will seek funding every year from the legislative council but may continue to meet if none is received.

Assigned to House State, Veterans & Military Affairs Committee.

Julie Leonard 720.384.8421

DRUG TESTING FOR COLORADO WORKS

NEW HB 1046 Colorado Works Program Drug Testing Requirement (Rep. Sonnenberg; Sen. Brophy) (oppose) This bill requires a person applying for assistance through the Colorado Works program to take a drug test as a condition of eligibility for assistance and pay for that drug test. If applicant fails the drug test, the applicant is not eligible for assistance for 1 year. If the applicant passes the drug test, the cost will be reimbursed. This kind of restriction most often sounds better than it turns out to be, and the fiscal note of \$482,620 is one reason. Drug tests have false positives. Marijuana is legal under Colorado law if prescribed by a physician. Recipients can consume other products that are both expensive and bad for health (though not illegal).

On February 9, the House Health and Human Services Committee sent the bill to Appropriations on a vote of 7-5. Voting yes: Bradford, Brown, Joshi, J. Kerr, Massey, Acree, Summers. Voting no: Fields, Kefalas, McCann, Peniston, Young. Excused: S. Schafer.

Carol Pace 303.751.4125

STATUS SHEET

The Status Sheet is a constantly updated list of bills being followed by Legislative Action Committee members.

New bills are in **boldface**.

S=Support O=Oppose SIP=Support in Part OIP=Oppose in Part W=Watch or Monitor

POLICY AREA	S/H	BILL #	BILL TITLE	S/O	PAGE	STATUS
Children's Issues	SB	11	Child Abuse Differential Response Program	S	26	H-2nd Rdg
Children's Issues	SB	33	Child Fatality Reviews	S	8, 26	To House
Children's Issues	SB	64	Colorado Children's Trust Fund	S	26	H-3rd Rdg
Children's Issues	SB	66	Guardianship Program Eligibility	S	15, 26	To House
Children's Issues	SB	99	Expand Access To Academic Model Juvenile Facility	W	27	S-2nd Rdg.
Education	SB	46	Discipline In Public Schools	S	15	S-Ed
Education	HB	1238	Ensuring K-3 Literacy Education	O	20	H-Ed
Elections	SB	147	Prohibit False Election Info Made To Deter Voting	S	22	S-SVM
Elections	HB	1024	Plain Language For Ballot Titles	S	7	To Senate
Elections	HB	1076	Additional Voluntary Info On Initiative Petitions	W	7	H-SVM
Elections	HB	1089	Specific Wording Relating To Statewide Ballot Title	S	13, 22	H-SVM
Elections	HB	1143	Adjust County Reimbursement Rate For Elections	S	22	H-App
Energy	HB	1160	Captured Methane From Coal Mines	S	14	H-Ag
Energy	HB	1164	Require Disclosure Severed Mineral Estate	S	14	H-Jud
Energy	HB	1173	Protect Pub Health Oil & Gas Hydraulic Fracturing	S	25	PI'd
Energy	HB	1176	Oil Gas Surface Owner Horizontal Drilling Setbacks	S	15, 25	PI'd
Energy	HB	1277	Local Control Oil Gas Regulation	S	25	H-LG
Equal Opportunity	SB	2	Civil Unions	S	7	S-Jud
Fiscal Policy	SB	83	Dynamic Modeling For Fiscal Impact Of Bills	S	23	S-FIN
Fiscal Policy	HB	1039	Pay-as-you-go Requirements	S	23	PI'd
Government	SB	27	Committee Of Reference Review Of Rules	O	12	S-Jud
Government	HB	1008	GA & Public Input Proposed Agency Rules & Fees	SIP	12, 21	To Senate
Gun Control	SB	25	Concealed Handgun Carry With No Permit	O	13	PI'd
Gun Control	HB	1048	End CBI Instacheck Duty For Firearm Transfers	O	13, 23	H-FIN
Gun Control	HB	1064	Firearm Possession During State Of Emergency	O	13, 23	H-2nd Rdg
Gun Control	HB	1092	Concealed Handgun Carry Without Permit	O	13, 23	H-2nd Rdg
Health Care	SB	23	Improve Eligible Persons Access To PACE Program	W	28	S- HHS
Health Care	SB	32	Medicaid Reform Seek Federal Waiver	O	8,28	PI'd
Health Care	SB	53	Colorado Health Benefit Exchange Repeal	O	16, 28	PI'd
Health Care	SB	60	Improve Medicaid Fraud Prosecution	W	17	S-HHS
Health Care	SB	65	Prior Authorization Form Prescription Drugs	S	16	S-HHS
Health Care	SB	93	Notice Of Hosp Serv Not Provided Religious Grounds	S	16	S-HHS
Health Care	SB	108	Medicaid Dental Services Pregnant Women	S	27	S-HHS
Health Care	HB	1017	Extend Local Access Health Care Pilot	S	17	H-LG
Health Care	HB	1052	Health Care Work Force Data Collection	S	27	H-APP
Health Care	HB	1054	Simplify Procurement DHCPF Health Care Providers	S	28	S-HHS
Health Care	HB	1065	Deadline Advan Prac Nurse Retain Prescriptive Auth	W	16	H-FIN
Higher Education	SB	15	Creating Optional Category Of Higher Ed Tuition	S	9, 17	S-3rd Rdg
Higher Education	SB	45	Higher Ed Associate Degree Transfer Students	S	18	S-2nd Rdg.
Higher Education	HB	1072	Higher Ed Prior Learning Assessments	W	18	H-2nd Rdg
Income Assistance	SB	22	Maintain Child Care Assistance Working Families	S	18, 28	S-2nd Rdg.
Income Assistance	HB	1028	Continue Low-income Energy-related Assistance	S	9,18,29	S-HHS
Income Assistance	HB	1046	Colorado Works Program Drug Testing Requirement	O	29	H-APP
Income Assistance	HB	1152	Economic Opportunity Poverty Reduction Task Force	S	29	H-SVM
Juvenile Justice	SB	28	Aggravated Juvenile Offender	S	24	S-App

Juvenile Justice	HB	1139	Pretrial Detention Of Children Tried As Adults	S	13	H-Jud
Juvenile Justice	HB	1271	Juvenile Direct File Limitations	S	24	H-Jud
Reproductive Rights	HB	1100	Pregnancy & Evidence Of Substance Use	S	25	H-HE
Reproductive Rights	HB	1130	First Degree Murder Of Unborn Child	W	24	H-Jud
Voting Rights	SB	62	Voting By Military Personnel	S	14, 25	S-FIN
Voting Rights	SB	109	Maintenance Regular List Regis Electors	S	21	S-SVM
Voting Rights	HB	1111	Photo Identification For Voting	O	14	H-SVM
Voting Rights	HB	1267	Various Elections Procedures Mailings Stubs Timing	O	21	H-SVM
Water	SB	9	Consolidate Div Water Resources Funds	S	7,15,26	To House
Water	SB	17	Prohibit Water Quality Standards Regs Nutrients	W	8, 26	PI'd
Water	HB	1003	Authorize Graywater Use	W	8,15,26	PI'd
Water	HB	1126	On-site Wastewater Treatment Systems	S	25	H-HE
Water	HB	1161	Nutrients Scientific Advisory Bd. Water Quality	O	15	H-Ag