

LEGISLATIVE LETTER[®]
LEAGUE OF WOMEN VOTERS OF COLORADO
1410 Grant St., B-204, Denver, CO, 80203
303.863.0437
E-mail: info@lwvcolorado.org
www.lwvcolorado.org



LL#4:32

WHAT DO YOU DO WHEN YOU DON'T HAVE ENOUGH MONEY TO DO WHAT YOU WANT TO DO?

The Colorado Legislature faces a continuing shortage of revenue to accomplish all of the goals of its membership. A variety of bills have been proposed to allow accomplishment of some of these goals.

CAN WE REDIRECT FUNDS?

To create a reserve fund while improving highways and allowing more capital construction, Rep. Beezley and Sen. Brophy have proposed limiting general fund appropriations and dedicating the surplus to other areas.

NEW **HB 1075 Six Percent General Fund Appropriation Limit (Rep. Beezley; Sen. Brophy) (oppose)** Currently, the maximum allowable amount of total state general fund appropriations for a given fiscal year is equal to 5% of Colorado personal income. Beginning with the 2012-13 state fiscal year, this bill establishes a new limit for total state general fund appropriations that is equal to 6% over the total general fund appropriations for the previous fiscal year.

The end-year surplus in the general fund, which is moneys above the new appropriation limit, is transferred as follows:

- 50% to the newly created state reserve fund;
- 25% to the highway users tax fund; and
- 25% to the capital construction fund.

During economic downturns, the general assembly may appropriate or transfer moneys from the state reserve fund for any purpose for the enactment of a bill approved by a 2/3 majority vote of all of the members elected to each house.

The moneys transferred to the highway users tax fund are allocated as follows:

- 60% to the state highway fund;
- 22% to counties; and
- 18% to municipalities.

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Background: In 1991, the general fund appropriations limit was modified to limit the appropriations as the lesser of five percent of Colorado personal income or a six percent increase from the prior year's appropriation level. This limit is commonly referred to as the Arveschong-Bird limit. Historically, the six-percent appropriations growth limit has been the smaller amount. The six-percent appropriations growth limit was repealed by SB09-228 starting in FY 2009-10, which League supported. In periods of slow growth, when state revenue lagged, it permanently ratcheted down spending.

The League recognizes the needs for increases for highways, capital construction and establishing a robust reserve fund. However, HB 1075 will result in a persistent downsizing of General Fund appropriations – limiting funding for public schools, colleges and universities, health care for poor and working families, courts and prisons. HB 1075 limits the general assembly's ability to adjust appropriations in ways that reflect economic circumstances.

House Finance Committee referred the bill to Appropriations on vote of 7-5-1. Voting for: Acree, Beezley, Conti, Joshi, Swalm, Swerdfeger, DelGrosso. Voting against: Hullinghorst, Kefalas, Labuda, McCann, Pabon. Excused: Kagan.

CAN WE INCREASE REVENUE BY DECREASING TAX EXEMPTIONS?

Reps. Pabon and Ferrandino proposed limits on tax exemptions where the limits might increase revenue.

NEW HB 1287 Adjust Value Of Senior Property Tax Exemption (Rep. Pabon) (watch)

This bill caps the total cost to the state for the senior property tax exemption to 1.02 percent of General Fund revenue beginning in property tax year 2012. Under current law, 50 percent of the first \$200,000 (threshold amount) of the residential property's market value is exempt from the property tax. Under the bill, the Property Tax Administrator is required to calculate a threshold amount lower than \$200,000 for each property tax year such that the total amount spent on the exemption is equal to the cap. The bill does not affect the disabled veterans' property tax exemption.

Background: Voters approved adding the senior property tax exemption (also known as the homestead exemption) to the state constitution in November 2000. Under current law, 50 percent of the first \$200,000 of a residential property's market value is exempt from the property tax. Homeowners must be age 65 or over and have lived in the same primary residence for the immediately prior 10 years to be eligible.

The State Constitution authorizes the General Assembly to adjust the value of the exemption for tax year 2003 and beyond. To address budget shortfalls, the General Assembly reduced the benefit of the exemption to zero in tax years 2003, 2004, 2005 and in 2009, 2010, and 2011. Thus the exemption was not available in these years.

The state reimburses counties from the General Fund for the reduction in property taxes. In 2008, when 153,619 seniors claimed the exemption, local governments were reimbursed \$84.5 million from the General Fund. Based on the December 2011 Legislative Council Staff forecast, 184,000 seniors are expected to claim the exemption in tax year 2012 and local governments are expected to be reimbursed \$94.2 million from the General Fund under current law. Based on historical data and developing a formula, the bill attempts to keep some amount available to homeowners without severely impacting the General Fund.

League opposed the initial exemption on the grounds that it is not means tested, and thus heavily benefits middle income and wealthy senior homeowners while low income seniors who rent because they cannot afford homeownership are excluded. For seniors unable to pay property taxes, the state already offers a program under which taxes are deferred until the property is sold or until the owner dies. The deferral is a below market rate loan. In the vast majority of cases, the senior homeowner has substantial equity to pay the deferred taxes when the home is sold, and thus the real beneficiaries of the exemption are the heirs. Moneys from the General Fund used to reimburse counties are not available to support other programs such as education, health care for poor and working families, courts and prisons.

House Finance Committee PI'd on 2/22 on a vote of 7-6. Voting to PI: Acree, Beezley, Conti, Joshi, Swalm, Swerdfeger, DelGrosso. Voting not to PI: Hullinghorst, Kagan, Kefalas, Labuda, McCann, Pabon.

NEW HB 1241 Review Enterprise Zone Designations (Rep. Ferrandino; None) (support).

In order to be designated as an enterprise zone under current law, the area under consideration must meet certain population restrictions and at least one of the following criteria:

- an unemployment rate at least 25 percent above the state average for the most recent 12-month period;

- a population growth rate less than 25 percent of the state average rate for the most recent 5-year period; or
- per capita income less than 75 percent of the state average for the most recent period for which data is available.

The bill requires the director of the Colorado Office of Economic Development and International Trade (OEDIT) and the Colorado Economic Development Commission (EDC) to review enterprise zone designations at least once every five years to ensure that the existing enterprise zones continue to meet the criteria specified under the Urban and Rural Enterprise Zone Act.

As a part of each 5-year review, the director of OEDIT and the EDC must analyze the annual documentation of efforts required by law. Except in a period of high unemployment, the director and the commission may make changes or terminate existing enterprise zone designations based on the review.

Certain state income tax credits and sales tax exemptions are provided to businesses that meet statutory criteria within the boundaries of an enterprise zone. Examples include: an investment tax credit, job training tax credit, new business facility jobs credit, new business health insurance credit, research and development increase tax credit, and a vacant building rehabilitation tax credit. If enterprise zones are eliminated or reduced geographically in the future based on the bill, then some businesses within those zone boundaries will lose their eligibility to receive the enterprise zone tax credits and exemptions. Assuming no changes in business investment, such a change would increase state revenue.

The goal of the bill is to assure accountability and effectiveness of the Enterprise Zone Program. After testimony on Feb. 22, House Finance laid over HB 1241 for further action at a later hearing.

CAN WE SUBSTITUTE A MORE TARGETED PROGRAM FOR A BROADER ONE?

Rep. Kefalas has proposed a measure to increase support for low-income elderly to target assistance if the homestead exemption is suspended again this year.

NEW **HB 1253 Low-income Property Expenses Assistance Grants (Rep. Kefalas, Sen. Johnston) (support)** would increase grants to low-income elderly and disabled persons to help with property tax, rent and heating expenses claimed for 2013. Both the grant amounts and the income limits for eligibility would be raised. Governor Hickenlooper's proposed budget for 2012-13 calls for suspending the Senior Homestead Exemption, but increasing the Property Tax/Rent/Heat (PTC) Rebate funding by \$9.5 million in order to relieve the burden on low-income seniors. HB 1253 would accomplish the purpose of targeting property tax relief to those who need it most, including those who pay it indirectly through rent. The bill is scheduled to be heard in House Finance on February 29th.

Because of the differences in priorities and principles of the two parties in the legislature and because each party has a majority in one house, it is possible that none of these proposed bills will be enacted. There are clearly valuable goals in every bill, even those we oppose.

These bills were reviewed by Karen Knutson 303.674.7686 and Julie Leonard 720.384.8421. Their articles were assembled and commented on by Frank Bennett 303.757.2030.

GOVERNMENT

OPENNESS ON RULES

HB 1008 GA & Public Input on Proposed Agency Rules and Fees (Rep. Acree; Sen. Jahn) (support)

This bill addresses the procedures for rule-making within the executive branch. Significant to League's mission, it requires all agencies to incorporate input from stakeholder groups into rule making (many already do), thus enhancing citizen participation in the implementation of legislation. The bill also requires notification of the General Assembly when fines and

fees would be increased as a part of the rule making. Our concern initially was that this might be inefficient or blur the line between executive and legislative branches. There has been no objection to that provision, and testimony in the Senate hearing on the bill indicated that the purpose was information rather than potential for veto. For that reason, we are changing our position from "support in part" to "support." This bill is one of several that have been introduced in the General Assembly this year dealing with GA review of rulemaking and the implementation of legislation. It appears to us to be the one that makes the most sense, actually enhancing the process.

The Senate Finance Committee approved it unanimously on Feb. 23, and it now awaits hearing by Senate Appropriations.

Previously reported LL #2, p. 12, LL #3, p. 21.

Chris Watson 303.250.1796

CITIZENS AND THE PUC

NEW **HB 1234 Allow Customers To Be Heard In PUC Proceedings (Rep. Tyler; None) (support)** clarifies that, for purposes of the rules governing intervention in administrative hearings before the Colorado Public Utilities Commission (PUC), customers of a business regulated by the PUC qualify as persons who "will be interested in or affected by" the PUC's order, and thus eligible to be heard at the hearings. League supports citizens' rights in the processes of government.

Shirley Jin 303.499.1574

ELECTIONS

SOUND LIKE GOOD IDEAS TO US

NEW **SB 135 Secretary of State Post Election Returns Online (Sen. Lundberg; Rep. Murray)(Support)** authorizes the Secretary of State to use some of his cash funds to implement a system to assemble election results from counties and post them online at the SOS website. At no time will vote tabulation processes be connected to the internet when results are being transmitted. The measure is chiefly of interest to candidates and parties, but is useful for ardent election watchers generally. The bill passed out of Senate State Affairs Committee unanimously. The money must be appropriated, even though it is cash funds (not General Fund), so the bill will make a stop in Appropriations.

Chris Watson 303.250.1796

NEW **HB 1313 Statewide Initiative Title Board Procedures (Rep. Szabo; Sen. Bacon) (support)** does 4 things:

- clarifies the authority of the Secretary of State and Attorney General to designate a representative to serve on the Title Board;
- requires a person who submits a motion for a rehearing before the Title Board to specify the grounds for the rehearing and for the motion to be typewritten;

- specifies that after the Title Board takes action on a motion for rehearing, no further motions for rehearing may be heard; and
- codifies case law that appeals of Title Board decisions must be filed with the Colorado Supreme Court within 5 business days.

These are common sense changes. Although the Fiscal Note suggests there could be some rise in the number of rehearings (although not enough to drive a fiscal impact) we see that this might make the titling process more efficient, saving resources in the long run. House State Affairs will hear the bill on March 14.

Chris Watson 303.250.1796

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. 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. We hope that the law and possibility of punishment might deter such behavior to begin with. The bill passed out of Senate State Affairs Committee on Feb. 15 on a vote of 3-2. Voting yes: Boyd, Bacon, Heath. Voting no: Grantham, Neville. The full Senate approved SB 147 on Feb. 23 by a vote of 19-16.

Previously reported LL#3, p. 22

Carol Tone 303.377.3746

Chris Watson 303.250.1796

Senate Vote

YES	19	NO	16	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Lambert	N	Scheffel	N
Bacon	Y	Harvey	N	Lundberg	N	Schwartz	Y
Boyd	Y	Heath	Y	Mitchell	N	Spence	N
Brophy	N	Hodge	Y	Morse	Y	Steadman	Y
Cadman	N	Hudak	Y	Neville	N	Tochtrop	Y
Carroll	Y	Jahn	N	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	N	Renfro	N	President	Y
Grantham	N	King S.	N	Roberts	N		

PUBLIC FINANCING OF ELECTIONS

NEW **HB 1279 Public Financing Of Legislative Campaigns (Rep. Lee) (support)** is a local version of campaign finance systems that the League of Women Voters US supports at a national level. It creates a public campaign fund to be administered and enforced by Colorado Citizen Funded Campaigns Commission. Candidates for Colorado's General Assembly can choose to participate in the publicly funded system.

To tap into the fund, potential candidates must first raise “seed money” that demonstrates they have support in the community. This includes \$5 donations from at least 300 people (Senate) or 150 people (House), and a very limited amount of their own money. Seed money donations are limited to \$100 per donor. The seed money can be spent in an exploratory phase of a campaign. After demonstrating viability in this way, candidates choosing public funding would cease raising money independently.

Monies for the Campaign Fund will be primarily from gifts, grants, or donations made to the fund from any public or private source. They will also be from any fines levied in the process by candidates not campaign finance rules, interest from the fund, or any legislative appropriations made.

The bill comes at a time when many people are concerned about the role of “Super PACs” funded by wealthy donors, businesses, unions, and the like from all points on the political spectrum. There is also concern about candidates who can fund expensive campaigns from their own wealth, without having to listen to constituents. Candidates choosing the path of public funding may demonstrate their understanding and value as potential representatives through more time in the community listening to concerns and how those might be solved than raising money.

The bill is calendared for hearing on Wednesday, Feb. 29 in House State Affairs Committee.

Shelly Tokerud 303.513.2098

IMPROVED VOTER LISTS ADVANCE

SB 109 Maintenance Regular List Registered Electors (Sen. Johnston; Rep. Coram) (support))

would require that any registered “Inactive failed to vote” elector be considered an active elector for the purposes of receiving mail ballots, either for an all-mail ballot election, or for having asked to receive a mail-in ballot permanently. The bill was heard in Senate SVM on February 22 and passed unamended on to Appropriations. Voting in favor of the bill were Heath, Bacon and Boyd; opposed were Grantham and Neville.

Previously reported LL#3, p. 21

Carol Tone 303.377.3746

GUN CONTROL

MORE LIBERAL USE OF GUNS

NEW HB 1088 Deadly Force Against Intruder At Place Of Business (Rep. Holbert & Becker; Sen. Grantham) (oppose) The bill extends the right to use deadly force against an intruder under certain conditions to include owners, managers, and employees of businesses. Colorado has a statute protecting crime victims who use deadly force in self defense. The Colorado Association for Chiefs of Police opposes the bill. Passed 3rd reading in the House on February 13. Assigned to Senate State Affairs.

Jean Grattet 303.863.0437

House Vote

	YES	35	NO	26	EXCUSED	4	ABSENT	0
Acree	Y	Fischer	N	Looper	Y	Solano	N	
Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y	
Barker	Y	Gerou	Y	McCann	N	Soper	Y	
Baungardner	Y	Hammer	N	McKinley	Y	Stephens	Y	
Becker	N	Holbert	Y	Miklosi	E	Summers	Y	
Beezley	Y	Hullinghorst	N	Murray	Y	Swalm	Y	
Bradford	E	Jones	N	Nikkel	Y	Swerdfeger	Y	
Brown	Y	Joshi	Y	Pabon	N	Szabo	Y	
Casso	Y	Kagan	N	Pace	Y	Todd	N	
Conti	Y	Kefalas	N	Peniston	N	Tyler	N	
Coram	Y	Kerr A.	N	Priola	E	Vaad	Y	
Court	N	Kerr J.	E	Ramirez	Y	Vigil	Y	
DelGrosso	Y	Labuda	N	Ryden	N	Waller	Y	
Duran	N	Lee	N	Schafer S.	N	Williams A.	N	
Ferrandino	N	Levy	N	Scott	Y	Wilson	N	
Fields	N	Liston	Y	Singer	N	Young	Y	
						Speaker	Y	

GUN BILLS ADVANCE, RETREAT

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 House passed it on a vote of 45-19 with 1 excused. It now awaits hearing in Senate State Affairs Committee.

House Vote

	YES	45	NO	19	EXCUSED	1	ABSENT	0
Acree	Y	Fischer	N	Looper	Y	Solano	N	
Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y	
Barker	Y	Gerou	Y	McCann	E	Soper	Y	
Baungardner	Y	Hammer	N	McKinley	Y	Stephens	Y	
Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y	
Beezley	Y	Hullinghorst	N	Murray	Y	Swalm	Y	
Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y	
Brown	Y	Joshi	Y	Pabon	N	Szabo	Y	
Casso	Y	Kagan	N	Pace	Y	Todd	N	
Conti	Y	Kefalas	N	Peniston	N	Tyler	N	
Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y	
Court	N	Kerr J.	Y	Ramirez	Y	Vigil	Y	
DelGrosso	Y	Labuda	N	Ryden	N	Waller	Y	
Duran	N	Lee	Y	Schafer S.	N	Williams A.	N	
Ferrandino	N	Levy	N	Scott	Y	Wilson	Y	
Fields	N	Liston	Y	Singer	Y	Young	Y	
						Speaker	Y	

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. On Feb 20, a third reading vote referred the bill back to the House Judiciary Committee (approved 34-30, 1 excused).

Both previously reported LL #2, pg 13. LL #3, p. 23.

Chris Watson 303.250.1796

Jean Grattet 303-863-0437

JUVENILE JUSTICE

JUVENILE PRETRIAL DETENTION BILL GOES TO SENATE

HB 1139 Pretrial Detention of Children Tried as Adults (Rep. Levy; Sen. Guzman) (support) deals with the issue of where children charged as adults are held prior to trial. It passed out of House Judiciary unamended on February 14. The vote was unanimous with Rep. Duran excused. On February 20 it passed 3rd reading in the House by a unanimous vote with Rep. McCann excused. It has been assigned to Senate Judiciary. Previously reported LL #2, p. 13.

Carla Bennett 303.757.2930

REPRODUCTIVE CHOICE

PREGNANCY AND DRUG USE

HB 1100 Pregnancy & Evidence of Substance Use (Rep. Summers, Sen. Aguilar) (support) This bill sailed quickly through both houses of the Legislature coming to closure on Feb. 24, with a 32-3 vote on 3rd reading in the Senate. Senators Harvey, Neville, Lundberg voted no. Earlier in the week it passed Senate Judiciary Committee unanimously.

Previously reported: LL#2, p. 25.

Carolyn Engelken 303.750-0949

HB 1130 First Degree Murder of Unborn Child (Rep. Joshi; Sen. Mitchell) (oppose) First heard in House Judiciary on Feb. 24, this bill received a long, convoluted debate over the intention and meaning of an amendment that replaced the introduced bill with a new one-paragraph bill as follows: "If the commission of any crime is the cause of death or injury to an unborn member of the species homo sapiens, the homicide and assault charges for that death or injury may be brought along with the charges against the mother." The big question here is that the state has no murder or assault law except for crimes against a person; so does this

suggest that at any stage of development, an unborn member of species homo sapiens deserves the same protection as a child after birth? We oppose this bill because of severe legal uncertainty. The bill, as amended, passed the House Judiciary committee on a 6-5 vote. (Yes: Rep. Gardner, Barker, DelGrosso, Nikkel, Sonnenberg, Waller. No: Duran, Kagan, Lee, Pabon, Ryden). It now goes to House Appropriations carrying a large fiscal impact.

Previously reported LL 2, p. 24.

Carolyn Engelken 303.750.0949

VOTING RIGHTS

PREREGISTRATION FOR VOTING

NEW HB 1298 Voter Preregistration at 16 (Rep. Singer) (support) Qualified persons age sixteen and older but who will not be eighteen by the date of the next election would be allowed to preregister by any authorized means. (Preregistration is currently allowed only for people who will be 18 by the next election.) Upon reaching eighteen, the person would be automatically registered and may change information on the registration records by completing a form on the official website. Each elector would have to affirm that he/she is a citizen of the US and shall have resided in CO at least thirty days and in the (assigned) precinct at least thirty days before the election and that the address listed is their sole legal place of residence. The League certainly strives to encourage participation in the political process. Allowing youth to register before they are eligible to vote would significantly increase the likelihood of their voting later. We caution, however, that the forms must be perfectly clear as to the eligibility of the prospective elector. The bill is scheduled to be heard in House State Affairs on March 1st.

Carol Tone 303.377.3746

PHOTO ID BILL ADVANCES

HB 1111 Photo Identification For Voting (Reps. Szabo and Summers) (oppose) was heard in the Old Senate Chambers on February 22 and around 7 p.m. was passed unamended to Appropriations. Voting in favor of the bill were Baumgardner, Coram, Kerr, Nikkel and Waller; opposed were Casso, Court, Duran and Todd.

Previously reported LL#2, p. 14.

Carol Tone 303.377.3746

NATURAL RESOURCES

ENERGY

LOCAL CONTROL OF DRILLING

HB 1277 Local Control Oil Gas Regulation (Rep. Jones, Sen. Bacon) (Support) attempted to clarify and open discussion between local governments and the Oil and Gas Commission. This is one of a number of bills introduced this session that are attempting to calm local governments of the burgeoning oil and gas industry coming into their territory. Although this was an attempt to clarify roles in dealing with oil and gas permits, testimony and some house members saw this as stretching more broadly. The bill was heard in House Local Government on Feb. 20 and was PI'd. Voting to PI were Balmer, Conti, B. Gardner, Swerdfeger, Szabo, Bradford. Voting No were Fields, Labuda, Lee, Soper. Previously reported: LL#3, p. 25.

Jeannette Hillery, 303.494.7718

WATER

SEPTIC UPGRADES CONTINUE

HB 1126 On-Site Wastewater Treatment Systems (Rep. Gerou) (support) proposes to update statutes to address the advances in the wastewater industry in dealing with septic systems. As Rep. Gerou stated in her introduction to the bill at the hearing in House Health and Environment on Feb. 16, "Science is a wonderful thing." This bill had no one speaking in opposition and there were a couple of amendments to clarify language, such as defining septic tanks and striking the fiscal note that was attached to this bill. It passed unanimously to Appropriations. Previously reported: LL#3, p. 25.

SCIENTIFIC REVIEW OF WATER QUALITY RULES

HB 1161 Nutrients Scientific Advisory Board Water Quality (Rep. Looper; Sen. K. King) (oppose) would create a scientific advisory board appointed by leadership of the general assembly to review proposed numeric water quality standards regulating nitrogen and phosphorus. There has been an ongoing stakeholder process to comply with the EPA, which is asking for these standards. Many smaller wastewater systems are concerned about the numeric standards that may be set and their potential inability to achieve them without costly upgrades to their systems. There was much testimony addressing this issue and how to resolve it.

LL#3, p. 38 (Copyright 2012 by LWVCO)

Many feel that an appointed board would not be as flexible as the stakeholder group that is presently in place and the only role that a scientific advisory group can have is to accept or not the information that has been created to date from the group. The role of the stakeholder group is consistent with policy being made mandatory in HB12-1008 (reported in this legislative letter). Also, the Colorado Department of Public Health and Environment is concerned about losing their primacy in dealing with water quality issues, should the EPA come in and take control. After lengthy testimony in House Ag on Feb. 20, the bill was laid over for action on Feb. 27. Previously reported: LL#3, p. 15.

Both reported by Jeannette Hillery, 303.494.7718

SOCIAL POLICY

CHILDREN'S ISSUES

EARLY CHILDHOOD PROGRAMS

NEW SB 130 Governance of Child Development Programs (support), sponsored by **Newell & Hodge** in the Senate and **Massey & Hamner** in the House, is a bill designed to make programs concerned with meeting the needs of young children (under eight years of age) and pregnant women more efficient, effective, consistent and coordinated. It would focus into one administration over twenty streams of revenue. Direct services to families under the administration would remain the same. The bill passed the Senate Health and Human Services Committee on February 23 with dissenting votes from Mitchell and Lundberg.

The needs of young children would be defined as physical health needs, mental health needs, education needs, and family support and parent education. Involved in the delivery of these services are the Department of Education, Department of Health and Environment, Department of Health Care and Financing, Human Services, and Higher Education, etc.

The oversight for the administration of the services to young children would remain in the lieutenant governor's office as the Early Childhood Leadership Commission. This commission (with up to 35 members) would be made up of the heads of the four offices mentioned in the above paragraph. They would be joined by other members including legislators and recipients of the services provided by early childhood programs.

We hope this legislation will improve the efficiency and effectiveness with which Colorado meets the needs of its youngest citizens when the adults in their lives are unable to do so.

Roberta Long-Twyman 303-377-9193

BILL TO EXPAND ACCESS TO RIDGE VIEW ACADEMY PASSES SENATE

SB 99 Expand Access to Academic Model Juvenile Facility (Sen. Spence; Rep. Todd) (oppose in part) passed 3rd reading in the Senate on February 23. The vote was unanimous. The bill had been amended on 2nd reading in a way that was supposed to address the concerns of opponents of the bill (including LWVCO) who believe that dependent and neglected youth who have not engaged in criminal behavior should not be placed in a juvenile correctional facility even one as good as Ridge View Academy.

However, it appears to us that the bill still does not exclude D&N only youth from being placed at Ridge View. The bill allows youth who are in the temporary custody of a county department of human services to be housed at Ridge View. Unfortunately, that category of youth includes not only D&N youth who have been involved in delinquent activities but also youth who are only dependent and neglected. We believe the bill should be amended to exclude the D&N only youth from being sent to Ridge View.

Senator Spence is continuing to work with the stakeholders around this issue. An amendment has been drafted that does specifically exclude the youth we are concerned about. We support that amendment and could support the bill with the amendment.

Previously reported LL #3, p. 27.

Carla Bennett 303.757.2930

CHILDREN'S TRUST FUND

NEW The House Health and Human Services Committee voted 9-0 on Feb. 23 to approve the **Children's Trust Fund** extension to July 1, 2022. The bill (**SB 64**) (**support**), unamended, was sent to the appropriations committee. Sponsors of the legislation are **Sen. Nicholson and Rep. Massey**. The fund, established in 1989, is designed to provide funding to programs designed to prevent abuse and neglect of children. The bill makes clear that funding is to be used for prevention and not for intervention. Funding for the Trust Fund comes from the Docket Fee for a Dissolution of

Marriage Action (\$15). There are also Federal funds augmenting this amount.

Roberta Long-Twyman 303.377.9193

EASING RULES FOR KINSHIP HOMES

NEW **HB 1047 Non-safety Licensing Standards Kinship Foster Care (Rep. Kefalas; Sen. Newell) (support)** passed unanimously in the House Health and Environment Committee on February 2nd. On February 10 and 11 the bill went to second and third readings in the House and passed. The focus of the bill is to streamline the process of licensure for Kinship Foster Homes. At times waivers are granted for requirements concerning the structure housing the foster home. There are requirements that children have a certain number of square feet in which to play for instance. If the family passes all the additional requirements, this or other similar requirements can be waived. Previously this waiver was granted by the state and, should this bill pass, the waiver could be granted by the county. Previously there was a sixty day window for the state to grant the waiver and during this time the child would have to be placed in a licensed facility and then moved to the kinship home. The change in the process would change the experience of the child to a more smooth transition from his birth home. The State Department of Human Services rule-making body will identify the specific requirements that can be waived.

The bill passed third reading in the House unanimously (McKinley excused), and a number of additional sponsors have signed on in the House. It has been assigned to the Senate Health and Human Services Committee on Thursday, March 1, in the afternoon.

Roberta Long-Twyman 303-377-9193

EDUCATION

FUNDING AT-RISK STUDENTS

NEW Currently, 116 district charter schools throughout the state are receiving state education funds appropriated for at-risk students based on the percentage of at-risk students in their district, rather than based on the number of at-risk students in their school. In the interest of equity, a basic LWV tenet, LWVCO supports **SB 103 At-risk Funding Formula Charter School & District (Sen. Bacon; None) (support)**. This bill would adjust the formula now being used to include charter schools approved before July 1, 2004 (the year the Charter School Institute was initiated). Thirty-nine school

districts will receive more funding under this new formula (\$6.9 million) because charter schools would receive less; five districts will receive less because charter schools would receive more. This bill is scheduled for hearing in Senate Education this Thursday, March 1, at 1:30 p.m.

Sally Augden 303.455.5800

REASONABLE TOLERANCE?

SB 46 Discipline in Schools (Sens. Newell & Hudak; Reps. Nikkel & Levy) (support) has gone through major restructuring, but maintains the core of revising mandatory “no tolerance” suspensions and expulsions, establishing requirements for school safety plans, and training for school resource officers. Testimony was heard in Senate Education on February 16. Supporters included school resource officers, parents, school psychologists, and others who work with youth involved in the justice system. The bill was laid over for further testimony on March 1.

Previously reported LL#2, p. 15.

Sally Augden 303.455.5800

HIGHER EDUCATION

NEW TUITION CATEGORY CONTINUES TO MAKE PROGRESS

SB 15 Creating Optional Category of Higher Education Tuition by Sens. Giron & Johnston, Rep. Duran (Support) The Colorado ASSET bill to create a new category of student tuition at state higher education institutions passed Second Reading in the Senate on February 10. Arguments in support and opposition were similar to those heard in the Senate Education Committee meeting. The Third Reading of the bill is now scheduled for March 5.

Previously reported: LL #1, p. 9, LL #2, p. 17.

TWO BILLS GAIN UNANIMOUS SUPPORT

SB 45 Higher Ed Associate Degree Transfer Students (Sens. Hudak & King, K. & Massey & Field, et. al.) (Support) Now known as reverse transfer of credits, this bill has gained bipartisan support. The bill proposes to allow students who have not completed a two-year degree program before moving on to a four-year institution to do so as soon as he/she has the appropriate number of credit hours. This bill provides a statewide policy and minimum standard for students who want to

take advantage of this program. It passed the Senate Education Committee on February 9 unanimously. A strike below amendment addressed technical aspects of the agreement but kept the intentions of the bill the same. On February 16, it passed Third Reading in the Senate unanimously with Renfroe and White excused. It was introduced in the House on February 20 and assigned to the House Education Committee.

Previously reported: LL #2, p. 18.

HB 1072 Higher Ed Prior Learning Assessments (Reps. Massey & Fields, et. al. & Sens. Bacon, King, K. & Hudak) (watch) is a bill that initially required that CCHE (Colorado Commission on Higher Education) in cooperation with state institutions of higher education create a statewide process to evaluate prior learning experiences allowing students to substitute them for coursework/credit hours in a program of study. There was strong support for this bill in committee as it increases student accessibility and affordability to higher education. An amendment to the bill modified the process for establishing these procedures as a responsibility of the Department of Higher Education. Rather, it is now the responsibility of the individual of the higher educational institution to develop programs to accomplish this task. By adopting this amendment, the fiscal note of \$860,360 was eliminated. The bill now only creates a policy requiring institutions to develop and identify programs for accepting prior learning experiences into a program of study.

The bill passed the House Education Committee on February 8th unanimously with Schafer excused. It passed on Third Reading of the House on February 14 by a vote of 63-0 with Bradford and Miklosi excused.

Previously reported: LL #2, p. 18.

All reported by Barbara Whinery 970.353.6731

EQUAL OPPORTUNITY

CIVIL UNIONS ADVANCE

SB 002 Civil Unions (Sen. Steadman) (support) enumerates specific rights and responsibilities that any couple agrees to in entering a civil union, and provides for a legal process by which government authorities certify a civil union. The bill has passed two of its three Senate committee hurdles. The Judiciary Committee approved it on a vote of 5-2 on Feb. 15. Voting yes: Giron, Nicholson, Roberts, Guzman, Carroll. Voting no: S. King, Lundberg. The next day, Senate Finance heard the bill because it is anticipated to raise revenues from

fees, and sent it to Appropriations on a vote of 4-3.
Voting yes: Guzman, Jahn, Giron, Johnston. Voting no:
Brophy, K. King, Scheffel.

Chris Watson 303.250.1796

HEALTH CARE

REQUIRED NOTICE ADVANCES

SB 93 Notice of Hospital Service Not Provided (Sen. Carroll; Rep. Duran) (support)

This bill requires hospitals to provide notice of all services that the hospital refuses to provide because of religious beliefs or moral convictions. Heard in Health and Human Services on February 16, the bill passed by a vote of 5 (Aguilar, Boyd, Foster, Newell, Nicholson) to 3 (Lundberg, Mitchell, Roberts) (White excused). The bill passed second reading on Feb. 24.

Previously reported: LL#2, p. 16.

Carol Pace 303.751.4125

HELP FOR POOR IN HOSPITALS

NEW SB 134 Hospital Payment Assistance Program (Sen. Aguilar; None) (support)

This bill provides greater transparency in hospital billing, including screening patients to see if they are eligible for discount and charity programs. It calls for bills to uninsured patients to be capped at the lowest negotiated private payer rate. The bill was heard in Health and Human Services February 16. However, after testimony, the sponsor Senator Irene Aguilar requested the bill be laid over, as there were ongoing discussions to secure support from the Colorado Hospital Association. On February 23 the Health and Human Services Committee considered an amended version of the bill. Amendments included reducing to 250 percent of poverty level the income of patients offered charity care, removing the cap on percentage of annual income that patients must be required to pay, and adding a clause that patients in the affected income range must be billed by the hospital for no more than the facility bills insurance companies for the same procedure. The bill passed unanimously and was referred to the Committee on Appropriations.

Carol Pace 303.751.4125

INCOME ASSISTANCE

IMPROVE TANF PROGRAM

NEW SB 139 Coordination of Work Support Assistance (Sen. Boyd) (support) is being developed with input from county administrators of the Colorado Works program – Colorado’s version of the federally funded Temporary Assistance for Needy Families (TANF). Stakeholder nonprofits have also been involved in the effort to better support low-wage workers as they move toward self-sufficiency. The bill would expand the definition of work activities, including financial education and self-employment; allow participants more say in setting goals and choosing case managers; and help offset work-related expenses.

Assigned to Health & Human Services

Julie Leonard 720.384.8421

NO INTERIM STATUS FOR POVERTY TASK FORCE

HB 1152 Economic Opportunity Poverty Reduction Task Force (Rep. Kefalas; Sen. Boyd) (support) This task force continues to meet, using grant money and support services from stakeholder organizations. Currently it is creating a statewide database of best practices for creating economic opportunity from around the state. The task force had hoped to regain status as an interim committee entitled to support from the Legislative Council in drafting bills, but HB 1152 was Postponed Indefinitely by the House State, Veterans & Military Affairs committee. Voting to PI: Baumgardner, Liston, Waller, Coram, Kerr J; opposed by Casso, Court, Duran and Todd.

Previously reported LL#3, p. 29.

Julie Leonard 720.384.8421

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-HHS
Children's Issues	SB	33	Child Fatality Reviews	S	8, 26	H-HHS
Children's Issues	SB	64	Colorado Children's Trust Fund	S	26	H-APP
Children's Issues	SB	64	Children's Trust Fund	S	39	H-APP
Children's Issues	SB	66	Guardianship Program Eligibility	S	15, 26	H-JUD
Children's Issues	SB	99	Expand Access To Academic Model Juvenile Facility	OIP	27,39	To House
Children's Issues	SB	130	Governance Of Child Development Programs	S	38	S-APP
Children's Issues	HB	1047	Non-safety Licensing Standards Kinship Foster Care	S	39	S-HHS
Education	SB	46	Discipline In Public Schools	S	15,40	S-ED
Education	SB	103	At-risk Funding Formula Charter School & District	S	39	S-ED
Education	HB	1238	Ensuring K-3 Literacy Education	O	20	H-Ed
Elections	SB	109	Maintenance Regular List Regis Electors	S	21,36	S-SVM
Elections	SB	135	Secretary of State Post Election Returns Online	S	35	S-APP
Elections	SB	147	Prohibit False Election Info Made To Deter Voting	S	22,35	S-APP
Elections	HB	1024	Plain Language For Ballot Titles	S	7	S-SA
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	S-SA
Elections	HB	1143	Adjust County Reimbursement Rate For Elections	S	22	H-APP
Elections	HB	1267	Various Elections Procedures Mailings Stubs Timing	O	21	H-SVM
Elections	HB	1279	Public Financing Of Legislative Campaigns	S	35	H-SVM
Elections	HB	1313	Statewide Initiative Title Board Procedures	S	35	H-SVM
Energy	HB	1160	Captured Methane From Coal Mines	S	14	H-2nd Rdg
Energy	HB	1164	Require Disclosure Severed Mineral Estate	S	14	PI'd
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	25,38	PI'd
Equal Opportunity	SB	2	Civil Unions	S	7,40	S-APP
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
Fiscal Policy	HB	1075	Six Percent General Fund Appropriation Limit	O	32	H-APP
Fiscal Policy	HB	1241	Review Enterprise Zone Designations	S	33	H-FIN
Fiscal Policy	HB	1287	Adjust Value of Senior Property Tax Exemption	W	33	PI'd
Government	SB	27	Committee Of Reference Review Of Rules	O	12	S-APP
Government	HB	1008	GA & Public Input Proposed Agency Rules & Fees	S	12,21,34	S-APP
Government	HB	1234	Allow Customers To Be Heard in PUC Proceedings	S	35	H-SVM
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	13,23,36	S-SA
Gun Control	HB	1088	Deadly Force Against Intruder At Place Of Business	O	36	S-SVM
Gun Control	HB	1092	Concealed Handgun Carry Without Permit	O	13,23,37	H-JUD
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-2nd Rdg.

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	16,41	S-3rd Rdg
Health Care	SB	108	Medicaid Dental Services Pregnant Women	S	27	S-HHS
Health Care	SB	134	Hospital Payment Assistance Program	S	41	S-APP
Health Care	HB	1017	Extend Local Access Health Care Pilot	S	17	H-2nd Rdg
Health Care	HB	1052	Health Care Work Force Data Collection	S	27	H-2nd Rdg
Health Care	HB	1054	Simplify Procurement DHCPF Health Care Providers	S	28	S-2nd Rdg.
Health Care	HB	1065	Deadline Advan Prac Nurse Retain Prescriptive Auth	W	16	S-HHS
Higher Education	SB	15	Creating Optional Category Of Higher Ed Tuition	S	9,17,40	S-3rd Rdg
Higher Education	SB	45	Higher Ed Associate Degree Transfer Students	S	18,40	H-ED
Higher Education	HB	1072	Higher Ed Prior Learning Assessments	W	18,40	S-ED
Income Assistance	SB	22	Maintain Child Care Assistance Working Families	S	18, 28	S-2nd Rdg.
Income Assistance	SB	139	Coordination Of Work Support Assistance	S	41	S-HHS
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	29,41	PI'd
Income Assistance	HB	1253	Low-income Property Expenses Assistance Grants	S	34	H-FIN
Juvenile Justice	SB	28	Aggravated Juvenile Offender	S	24	S-App
Juvenile Justice	HB	1139	Pretrial Detention Of Children Tried As Adults	S	13,37	S-Jud
Juvenile Justice	HB	1271	Juvenile Direct File Limitations	S	24	H-Jud
Reproductive Rights	HB	1100	Pregnancy & Evidence Of Substance Use	S	25,37	To Gov
Reproductive Rights	HB	1130	First Degree Murder Of Unborn Child	O	24,37	H-APP
Voting Rights	SB	62	Voting By Military Personnel	S	14, 25	H-SA
Voting Rights	HB	1111	Photo Identification For Voting	O	14,37	H-APP
Voting Rights	HB	1298	Voter Preregistration At 16	S	37	H-SVM
Water	SB	9	Consolidate Div Water Resources Funds	S	7,15,26	H-AG
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	25,38	H-APP
Water	HB	1161	Nutrients Scientific Advisory Bd. Water Quality	O	15,38	H-Ag

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