



January 27, 2014

LL#2:12

THE DANGEROUS PRACTICE OF RE-HOMING ADOPTED CHILDREN

In September, 2013, Magen Twohey, a reporter for Reuter's news service, presented the results of her investigation into the practice of re-homing adopted children. She found that desperate adoptive parents were advertising their troubled adopted children on-line and handing them over to strangers in informal guardianship agreements without any oversight or vetting by state agencies, courts, or adoption agencies. The majority of these children had been adopted from overseas, and the parents were unable to find services to help them deal with their child's serious emotional and behavioral issues. Tragically, many of these children were unknowingly placed with pedophiles and/or child abusers. Some of the children experienced multiple re-homings.

In response to this report, **Rep. Kathleen Conti** has introduced **HB 1149 Advertising Children to Transfer Care Trafficking (support)**. She does not yet have a co-sponsor. The bill would make advertising a child through any public medium that originates in this state illegal if the purpose is: to find a child to adopt or otherwise take into custody; to find an adoptive home or any other permanent placement for a child; to arrange for or assist in the adoption, adoptive placement or any other permanent placement of a child; or to offer to place a child for adoption or in any other permanent placement.

This bill does not apply to: employees of the state department of human services, county departments of human services or a child placement agency who are acting within the scope of their employment to place a child for adoption or in foster care; agencies or individuals who provide adoption information through the state's adoption resource registry; an adoption exchange; a person who approaches the state or county human services or a child placement agency about placing their child for adoption; a person who has been determined by a department of human services or a child placement agency to be fit to be an adoptive parent; an attorney (licensed to practice in this state) who advertises his adoption services; a person who has obtained approval through one of the exempted agencies or entities or from a court.

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The League of Women Voters supports making the informal practice of re-homing illegal which this bill does. We do believe, however, that this will not solve the problem on its own. These re-homings are failed adoptions, and we need to look at and address the problems that lead to adoptive parents resorting to re-homing including the lack of support and post-adoption services. To that end, U.S. Rep. Jim Langevin of Rhode Island has introduced a bill in the House of Representatives. His bill provides for pre- and post-adoption counseling, helps fund treatments specialized to adopted children, provides access to peer mentoring and support groups for adoptive parents, creates a 24-hour emergency hotline, and calls for a GAO study of re-homing practices and how children are advertised for adoption on the internet. We would urge our state not to wait for federal legislation and instead begin to look at what we can do in Colorado to address the root causes of re-homing.

The bill is scheduled to be heard in House Public Health Care and Human Services on Feb. 4.

Carla Bennett 303.757.2930

GOVERNMENT

ELECTIONS

NEW ELECTION CODE FOR LOCAL ELECTIONS

NEW **HB 1164 Nonpartisan Elections Not Coordinated Cnty Clerks (Reps. Hullinghorst and Murray; Sens. Ulibarri and Roberts) (support)** This bipartisan bill creates a Colorado Local Government Election Code which applies to nonpartisan elections not coordinated by county clerk and recorders but conducted by a local government. However, local governments can opt to use applicable provisions of the Uniform Election Code of 1992 instead.

Local government means any district, business improvement district, or special district created under Title 32, or other political subdivision authorized to conduct elections. It does not apply to a county, school district, regional transportation district or municipality. Included in the lengthy bill are such things as establishment of polling places, use of voting equipment, conduct of elections, and maintenance of a list of electors who wish to permanently receive a mail ballot. In addition the bill provides processes for challenges to voters, surveys of returns, election contests, and judicial proceedings when controversies arise. Residency requirements for special districts, municipalities and schools boards have always been varied. This makes election administration difficult

as well as being confusing for the voter. The goal of this reform is to create statewide consistency. The bill aligns residency requirements from 30 to 22 days. If a voter moves but meets the 22-day state residency requirement, they can just update their address and vote in their new district.

Having a uniform code that is also up to date with current needs and capabilities and harmonized with state election rules reduces confusion and barriers to voting. Local and municipal elections are held in the spring. If this bill is passed, it will be in effect by the upcoming elections.

It is scheduled for hearing in House State Affairs on Monday, January 27th.

Carol Tone 303.377.3746

APPROVAL VOTING

NEW **HB 1062 Optional Approval Voting In Nonpartisan Elections (Rep. Singer; Sen. Balmer) (support)** provides local governments the option of using approval voting in nonpartisan elections. However, county clerks and recorders may decline to coordinate an election if the local government elects to employ approval voting. The approval voting method allows an elector to cast a vote for as many of the candidates per office as the elector chooses. If there are more than two candidates this gives the voter more expressivity than does the plurality system of voting. The League has the position of encouraging all citizens to vote and approval voting may increase voter

turnout. Our research shows that methods other than pluralities can result in good election outcomes in non-partisan elections. These methods need to be tried so that there is experience from which to work.

Introduced in the House on January 8, the bill was assigned to the State, Veterans and Military Affairs Committee.

Shirley Jin 303.499.1574

PROTECTING BALLOTS

NEW For many years, the League of Women Voters has advocated for mail-in ballots to be used as a standard voting option (rather than being limited to use for voters who could not vote in person on Election Day). We believed that it would increase voter turnout. That has been the case. At the same time, some election advocates have warned about the dangers of unsecured mail ballots. **SB 71 Mail Ballot Opt Out (Sen. Lundberg; None) (support)** addresses some of those concerns. It allows a citizen to opt out of receiving a mail-in ballot. In this way, a person who chooses to vote at a polling place on Election Day can choose not to receive a mail ballot that could be at risk, especially if the voter did not surrender it at the polling place when he or she voted on Election Day.

One concern: the bill proposes that a voter who has opted OUT of receiving a mail ballot can opt back IN by notifying the clerk and recorder at least seven days prior to the election. We wonder if the seven day window is workable. If the intention is to accommodate last minute changes in circumstances, early voting is a reasonable option because it will have begun.

Should the bill pass, the Department of Revenue will need to make some changes in forms used in motor voter registration. We hope they might take that opportunity to also clarify in the forms that people who present proof of non-citizenship as proof of legal residency should NOT register to vote.

The bill has been assigned to the Senate State, Veterans and Military Affairs Committee.

Christine Watson 303.250.1796

GUN SAFETY

GUN LEGISLATION OFTEN REPEATS

After the turmoil surrounding the passage in 2013 of several bills relating to gun safety, we expected efforts to repeal them, as well as to repeal or rescind other safety measures that have been in place for several years. Six such bills have been introduced. The bills and their initial committee assignments are:

SB 038 Governor Cannot Restrict Firearms During Emergency (Sen. Renfroe; Rep. Everett) proposes to repeal the Governor's authority to restrict firearms transfers during emergencies. (Senate State Affairs)

SB 094 Background Checks and Fees For Gun Transfers (Sen. Rivera; Rep. Wright) proposes to repeal background check requirements and thus fees for conducting the background checks (Senate State Affairs)

HB 1041 Concealed Handgun without Permit (Reps. Wright and Holbert; Sen. Grantham) proposes to repeal the requirement for a permit to carry a concealed handgun (House Judiciary)

HB 1063 Deadly Force against Intruders at Businesses (Rep. Everett; Sen. Grantham) proposes to allow use of deadly force against intruder to business, under the same conditions as intruder to dwelling (House State Affairs)

HB 1151 Repeal Ammunition Magazine Prohibition (Reps. Holbert and Saine; Sen. Marble) proposes to repeal the large ammunition magazine prohibition (House State Affairs)

HB 1157 Policies Allowing Concealed Carry in Public School (Rep. Humphrey; Sen. Renfroe) proposes to allow any employee of a school district to carry a concealed weapon in a school. (House Judiciary)

We believe the impact of these bills, if passed, would be to threaten, rather than enhance, public safety, and we oppose them.

NEW Another bill merits close watching. **HB 1166 Renewal of Handgun Permits (Rep. Vigil; Sen. Tochtrop) (watch)** would allow the renewal of a conceal carry permit by the local sheriff where that permittee has moved, has a secondary residence, or has a business, rather than require renewal with

sheriff of original permit. If the renewal is sought from a different sheriff than the one granting the original permit, the holder must provide a copy of the original permit, and the renewing sheriff must confirm that the permit has not been revoked or suspended in the intervening time. The provisions of HB 1166 do not appear to threaten public safety and may, in fact, facilitate compliance with permit regulations. The bill is assigned to House Local Government.

Jean Grattet 303.863.0437

REPRODUCTIVE FREEDOM

HERE WE GO AGAIN

This session's first anti-abortion bills seek to go beyond a bill enacted in 2013 (HB 13-1154) that sought to give prosecutors a means of addressing “unlawful termination of pregnancy” by criminal or negligent acts. Both bills seek to outlaw abortion in the state.

NEW **HB 1133 Protect Human Life at Conception (Rep. Humphrey; Sen. Renfroe) (oppose)** would criminalize abortion by subjecting any abortion providers to a Class 3 felony penalty. There are two exceptions: if a physician, in trying to save a mother's life, “makes a reasonable medical effort” to save both mother and fetus; and if medical treatment to a mother “results in the accidental or unintentional injury or death” to a fetus. In no case would the pregnant woman be charged criminally.

It is important to note that there is no exception to allow abortion to protect the health of the mother, and the physician performing the abortion must attempt to save the life of the fetus.

Contraception would be allowed if it is administered prior to conception and if it is sold, used, prescribed or administered according to manufacturer's instruction. Because of the uncertainty about how some contraception methods prevent pregnancy, the effects of this part of the law are unclear. If enacted, HB 1133 would cost the state in terms of increased prosecutions and would cause state

expenditures related to noncompliance with federal Medicaid and Medicare laws.

The bill is assigned to House Judiciary, but not yet scheduled for a hearing.

NEW In another refinement of the “unlawful termination” law, **HB 1049 Offenses Against Unborn Children (Rep. Joshi; none) (oppose)** allows for a second charge to be filed if a crime committed against a pregnant woman is the cause of injury or death to her unborn child. This bill is designed to confer “personhood” on fetuses and is, therefore, in opposition to League positions on a woman's right to control her reproduction.

HB 1049 is scheduled to be heard in House Judiciary on January 30.

Marion Colliander 303.322.3926

NATURAL RESOURCES

WATER

FLEXIBLE DOLLARS AND WATER USE

SB 25 Wastewater Treatment Small Communities Grants (Sen. Hodge; Rep Fischer) (support), which would clarify that severance tax dollars credited to small communities to address water and wastewater needs may be used for domestic wastewater treatment works, was heard in Senate Agriculture on January 16 and passed unanimously with a minor amendment. On January 24, the Senate approved the bill on third reading, also unanimously. It now moves to the House.

Previously reported: LL#1, p. 8.

NEW **Rep. Fischer and Sen. Schwartz** have introduced **HB 1026, Water Flexible Markets (support)**. This bill proposes that water courts consider more flexible uses of water in change-in-use cases, such as implementing fallowing, regulating deficit irrigation, reducing consumptive use cropping or other alternatives to permanent dry-

up of irrigation lands. The bill defines “flex consumptive use” as the fully consumptive portion of a water right that has been quantified by either a water court decree or a substitute water supply plan approval on or after June 1, 2014. It also describes the procedures for obtaining a flex use change-in-use decree. This bill would help in addressing water needs in water basins and allow more flexibility. It is calendared for House Agriculture January 27.

Both reported by Jeannette Hillery 303.494.7718

SOCIAL POLICY

EDUCATION

SUPPORTING PUBLIC EDUCATION

SB 33 Income Tax Credits for Nonpublic Education (Sen. Lundberg; none) (oppose) On January 22, Senate State, Veterans and Military Affairs defeated Senate Bill 33 by a vote of 3-2. Voting against the bill: Sens. Aguilar, Jones and Ulibarri; voting for the bill: Sens. Harvey and Herpin.

Previously reported: LL#1, p. 8.

NEW Under **HB 1076 Early Childhood Quality Incentive Program (Reps. Peniston and Duran; Sen. Zenzinger) (support)**, school districts participating in the Colorado Preschool Program (CPP) would be able to apply for grants to cover the cost of evaluation of the quality of their preschool programs and subsequently qualify for additional grants to enhance the quality of programs with a 1, 2 or 3 rating. These grants would be an amount equal to \$3,000 per preschool classroom. District programs with ratings of 4 or 5 would be eligible to receive an additional reimbursement per child. The nearly \$12 million effort requires the Colorado Department of Education to establish the program on a two year cycle. This approach builds improved quality into the current Colorado Preschool Program (CPP) which provides funding for approximately 2,400 classrooms in 172 school districts in the state.

Long a proponent of early childhood education, LWVCO is particularly pleased to support the effort to fund an educational program that has strong research behind it. The Denver Preschool Program which was initiated in 2006 with a sales tax increase approved by voters, has produced very positive results (<http://www.dpp.org/results-and-research/our-results>). Early childhood education is not a “quick fix” for public education, but a quality program can provide the long-term results everyone wants.

The bill is scheduled for a hearing in House Education on January 27.

Both reported by Sally Augden 303.455.5800

HEALTH CARE

CLEANING UP HEALTH CARE LAWS

NEW **SB 016 CDPHE Regulate Freestanding Emergency Centers (Sen. Aguilar; Rep. Moreno) (support)** This bill concerns the ability of certain health care facilities to provide emergency services outside of a hospital setting. Certain freestanding emergency centers in Colorado are not currently subject to the same requirements as hospital-affiliated emergency departments, including the federal Emergency Medical Treatment and Labor Act (EMTALA), which ensures public access to emergency services. These freestanding centers do not serve Medicare and Medicaid patients and are not required to provide services for all patients. The bill addresses the ability of the Department of Public Health and Environment (CDPHE) to regulate licensure for new and renewing freestanding emergency services facilities. League program policy emphasizes healthcare access for all as a key objective, and thus supports this regulation of emergency services.

Introduced in the Senate on January 8, the bill was assigned to Health & Human Services. A fiscal note was added January 15 which stated that the Health Facility General Licensure Cash Fund would stand to lose \$3,400 for renewals of existing facilities and \$1,700 for new facility licenses, which would instead fall under a hospital license. The bill would result in minimal workload increase for CDPHE which would be required to verify that new facilities

are 25 miles or more away from a licensed or certified hospital.

HB 1053 Consistent Requirements Pediatric Dental Benefits (Rep. McCann; Sen. Aguilar)

(support) After additional research that made clear the bill’s intent to harmonize requirements for insurance offered inside and outside the Health Care Exchange, League changed its position to support for this bill. It gives the insurance commissioner the authority to adopt rules to provide consistency of pediatric dental benefits inside and outside the Colorado health benefit exchange.

The Health, Insurance & Environment committee referred the bill unamended to House Committee of the Whole on a vote of 6-4. (Voting YES: Fields, Ginal, Primavera, Singer, Schafer, McCann. Voting NO: Joshi, Landgraf, McNulty, Swalm. Excused: Humphrey.) It passed Second Reading on January 17 and Third Reading on January 21 by a vote of 41-22 with 2 excused. It was introduced in the Senate on January 23 and assigned to Health & Human Services. A fiscal impact note added on January 10 concluded there would be minimal workload increase and no new appropriation to implement the bill.

Previously reported: LL#1, p. 9.

House Vote

	YES	41	NO	22	EXCUSED	2	ABSENT	0
Becker	Y		Gerou	Y	McLachlan	Y	Saine	N
Buck	N		Ginal	Y	McNulty	N	Salazar	Y
Buckner	Y		Hammer	Y	Melton	Y	Schafer	Y
Conti	N		Holbert	N	Mitsch Bush	Y	Scott	N
Coram	E		Hullinghorst	Y	Moreno	Y	Singer	Y
Court	Y		Humphrey	N	Murray	Y	Sonnenberg	N
DelGrosso	N		Joshi	N	Navarro	Y	Stephens	Y
Dore	N		Kagan	Y	Nordberg	N	Swalm	N
Duran	Y		Kraft-Tharp	Y	Pabon	Y	Szabo	N
Everett	N		Labuda	E	Peniston	Y	Tyler	Y
Exum	Y		Landgraf	N	Pettersen	Y	Vigil	Y
Fields	Y		Lawrence	N	Primavera	Y	Waller	N
Fischer	Y		Lebsock	Y	Priola	N	Williams	Y
Foote	Y		Lee	Y	Rankin	N	Wilson	N
Garcia	Y		May	Y	Rosenthal	Y	Wright	N
Gardner	Y		McCann	Y	Ryden	Y	Young	Y
							Speaker	Y

Both reported by Carol Pace 303.751.4125

INCOME ASSISTANCE

CONTINUE SUCCESSFUL PROGRAM FOR JOB DEVELOPMENT

NEW Among bills introduced early in the session were several addressing business and job development. **HB 1015 Extend Transitional Jobs Program (Rep. Kraft-Tharp; Sen. Kerr)** **(support)** proposes to extend the time frame for what has been a successful effort to move certain low skilled workers from unemployed through subsidized employment to unsubsidized employment. The program is called “Rehire Colorado” (a second iteration of “Hire Colorado” from 2009-10). In the first iteration, 1700 people were served, and 75% of them moved to unsubsidized jobs.

Rehire Colorado, originally funded in 2013 for the period July 1, 2013 through December 31, 2014, focuses on veterans, people over 50, and non-custodial parents who pay child support. Working with agencies such as Goodwill, the state subsidizes up to 30 weeks of employment for each participant at minimum wage. The contracting agency is able to pay higher wage on its own, and is obligated to provide work training and specific jobs skills. HB 1015 seeks to extend the program and provide funding through June 30, 2017. The extension would obligate about \$2 million per year from the General Fund, with about 90% going to the wage subsidy itself.

Testimony from Department of Human Services in the House Business, Labor and Economic Development Committee indicated that many workers transition to unsubsidized work after 2-3 months (well short of the maximum of 30 weeks). Workers/recipients are subject to taxes on the income and can begin to transition off of other forms of income assistance. The goal for Rehire Colorado is a 65% transition.

The best poverty reduction is a job. Rehire Colorado helps those who currently have limited skills to find and keep jobs. Other bills addressing business and job development focus on incentivizing creation of higher skilled jobs.

House Business Affairs Committee passed the bill to Appropriations on a vote of 6-5. Voting YES: Exum, Hamner, Rosenthal, Ryden, Kraft-Tharp, Williams. Voting NO: Holbert, Navarro, Nordberg, Szabo and Wright.

Voting YES: Exum, Garcia, Lebsock, Rosenthal, Vigil, Singer, Fields. Voting NO: Dore, Navarro, Rankin, Wright. Excused: Gardner, Landgraf.

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CREDIT FOR CHILD CARE

AFFORDABLE HOUSING

NEW **HB 1017 Expand Availability of Affordable Housing (Rep. Duran; Sen. Ulibarri) (support)** makes changes to the Housing Investment Trust Fund (created in 2012 with some of Colorado’s settlement from mortgage servicing companies) and to the existing Housing Development Grant Fund. The changes expand the possible sources of funding and the list of who can receive loans and grants. HB 1017 also revives the state low-income housing tax credit program, which provides incentives for the private sector to develop affordable housing. The federal tax credits currently available in Colorado draw four times the number of proposals that can be accommodated.

NEW **HB 1072 Income Tax Credit For Child Care Expenses (Reps. Pettersen and Exum; Sen. Kefalas) (support)** Many of the lowest-income Coloradans are currently left out of the state child care tax credit, making it harder for them to hold jobs while raising children. If they don’t owe federal income tax, they can’t take the federal child care tax credit, and the Colorado tax credit is based on the amount of the federal credit received. Under HB 1072, individuals with an income under \$25,000 could receive a credit of 25% of actual child care expenses, up to a limit of \$500 for one child or \$1000 for two or more. Those with incomes between \$25,000 and \$60,000 would continue to be eligible for the current tax credit.

The bill is scheduled to be heard in House Finance on Feb. 5.

The Local Government committee referred the slightly amended bill to Finance on a vote of 7-4-2.

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	HB	1149	Advertising Children To Transfer Care Trafficking	S	12	H-PHC
Education	SB	33	Tax Credits For Non-Public Education	O	8,16	Pl’d
Education	HB	1076	Early Childhood Quality Incentive Program	S	16	H-Ed
Elections	HB	71	Mail Ballot Opt Out	S	14	S-SA
Elections	HB	1062	Optional Approval Voting In Nonpartisan Elections	S	13	H-SA
Elections	HB	1164	Nonpartisan Elections Not Coordinated Cnty Clerks	S	13	H-SA
Gun Safety	SB	38	Governor Cannot Restrict Firearms During Emergency	O	14	S-SA
Gun Safety	SB	94	Backgroud Checks And Fees For Gun Transfers	O	14	S-SA
Gun Safety	HB	1041	Concealed Handgun Without Permit	O	14	H-Jud
Gun Safety	HB	1063	Deadly Force Against Intruders At Businesses	O	14	H-SA
Gun Safety	HB	1151	Repeal Ammunition Magazine Prohibition	O	14	H-SA
Gun Safety	HB	1157	Policies Allowing Concealed Carry in Public School	O	14	H-Jud

Gun Safety	HB	1166	Renewal Of Handgun Permits	W	14	H-Jud
Health Care	SB	16	CDPHE Regulate Freestanding Emergency Centers	S	16	S-HHS
Health Care	HB	1045	Breast & Cervical Cancer Treatment	S	9	H-PHC
Health Care	HB	1051	Dev Disability Services Strategic Plan	S	9	H-PHC
Health Care	HB	1053	Consistent Requirements Pediatric Dental Benefits	S	9,17	S-HHS
Higher Education	SB	1	College Affordability Act	S	10	S-Ed
Income Assistance	SB	12	Aid To The Needy Disabled Program	S	10	S-HHS
Income Assistance	SB	14	Prop Tax Rent Heat Fuel Grants For Low-income	S	10	S-HHS
Income Assistance	HB	1015	Extend Transitional Jobs Program	S	17	H-App
Income Assistance	HB	1017	Expand Availability Of Affordable Housing	S	18	H-Fin
Income Assistance	HB	1072	Income Tax Credit For Child Care Expenses	S	18	H-Fin
Juvenile Justice	HB	1032	Defense Counsel For Juvenile Offenders	S	7	H-Jud
Reproductive Freedom	HB	1133	Protect Human Life At Conception	O	15	H-Jud
Reproductive Freedom	HB	1049	Offenses Against Unborn Children	O	15	H-Jud
Water	SB	25	Wastewater Treatment Small Communities Grants	S	8,15	To House
Water	HB	1002	Water Infrastructure Natural Disaster Grant Fund	S	8	H-Ag
Water	HB	1005	Relocate Ditch Headgate Without Change Case	S	8	H-Ag
Water	HB	1026	Water Flexible Markets	S	15	H-Ag

The Legislative Letter is written by the members of the Legislative Action Committee, edited by Frank Bennett and Chris Watson, and published by the Colorado League of Women Voters every two weeks during the Legislative Session. To subscribe, please contact the League Office at 303-863-0437 for information about rates and delivery.