

LEGISLATIVE LETTER[®]
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February 10, 2014

LL#3:20

WHAT'S GOING ON IN ELECTIONS?

Last year the legislature passed HB13-1303, a complicated and extensive bill intended to modernize Colorado's elections. As with any sweeping changes, there are parts of the legislation that need adjusting, and proposals to do that are making their way through the 2014 General Assembly.

HB 1164 creates the Colorado Local Government Election Code to govern the conduct of nonpartisan elections by special districts that are not coordinated by a county clerk. The bill also clarifies some aspects of municipal elections that were muddled by HB13-1303. Special Districts are intended to provide a service to a specific area to meet a specific need such as a water district, sewer district, hospital district, library district, etc., and allow taxing (usually part of property taxes) to support the need. Some special districts are very large and have thousands of eligible electors (such as Highlands Ranch, or South Suburban Parks and Recreation District). Others are in their infancy, and electors are limited to the board of directors; this happens when a new real estate development is getting started. This code is based on the Municipal Election Code (MEC) that has serviced Colorado's cities and towns well for decades. Adopting and adapting MEC to special district elections accounts for the length of the bill (134 pages).

One of the key features of the bill is that it readopts the mail ballot procedures under which special districts and municipalities have operated for years. This is necessary because some of the provisions of HB13-1303 and the implementing rules from the Secretary of State place an unnecessary burden on special districts, such as requiring vote centers to be open for 8 days prior to elections, requiring expensive computer upgrades, etc. Some special districts have as few as 5 electors!

In addition, last year's bill approved a residency requirement of 22 days in the State in order to vote. Residency requirements for special districts have always been varied, which is very confusing to the voter and difficult for the election administrators. The bill would create statewide consistency. It will also allow registered electors to vote where they currently live and not have to return to their old address, where they no longer have a vested interest.

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Why is the bill moving so fast through the Legislature? One hundred seventy towns in Colorado have a regular biennial election on April 1st! In addition over 2000 special districts will conduct their regular elections on May 3rd. For the April elections, mail ballot plans must be filed with the Secretary of State's office by February 10th! Time is of the essence.

League supports this bill so that special districts and municipalities have clear and rational methods for holding their elections. Much of the opposition to HB 1164 comes from opposition to the same-day registration provision of HB13-1303 and from some lack of recognition that many provisions have been in use before HB 1303. To our dismay, what started out as a bill with bipartisan support broke down along the way.

Concerned about the potential for problems in a partisan, coordinated general election (unlike November, 2013, limited to issues and non-partisan races), opponents to last year's HB 1303 have proposed to suspend the provisions of 1303 for two years. This comes in the form of **SB 141 Suspend until 2016 HB 13-1303 Provisions (Sens. Grantham & Lundberg; Reps. Szabo and Murray) (oppose)**. If this were to pass, the 2014 election would return to one in which some voters (those who had requested to receive permanent mail-in ballots) would receive mail-in ballots, and others would not, despite having received them in 2013. The status of "inactive voter" would be restored and such "inactive voters" would not receive a mail-in ballot. Some counties might return to precinct polling places, while others might keep vote centers.

The 2013 election demonstrated the voters' preference for mail-in ballots, when approximately 75% of all voting was by mail, and turnout was the highest in many, many years. It is worth noting for the record that HB 13-1303 did not discontinue polling place voting. Under its provisions, those who desire to vote in-person at a polling place (now organized as vote centers), can still do so, and voting machines that allow the disabled to cast confidential ballots are in place at the voting locations. How confusing would it be for voters to have experienced the new format in the 2013 November election, and have the process change yet again this coming November! We appreciate that there may be aspects of HB 1303 that some might believe need amending, but to put the entire bill on hold for two years makes absolutely no sense.

Carol Tone 303.377.3746 Chris Watson 303.320.7645

GOVERNMENT

ADMINISTRATION

REDACTION OF SOCIAL SECURITY NUMBERS IN RECORDED DOCUMENTS

NEW **HB 1112 Authorize Clerks to Redact Social Security Numbers (Rep. Lebsock.; None) (support)**
As a further means of preventing identity theft, this bill would provide limited authorization for county clerks and recorders to redact the first five digits of a Social Security number from a recorded public document at the request of an individual whose Social Security number appears on the document. An individual must pay a fee and make the request in writing. The county clerk's association approves the measure while emphasizing that county clerks should not alter documents except in this narrow circumstance. Under this bill, redaction of numbers as described would be available only for documents in electronic form and only if the particular clerk's office has the equipment necessary to make the redaction automatically. House Local Government on February 5 passed the bill to the full House 12 – 0.

Fern Black 303.793.0807

ELECTIONS

COUNTY COMMISSIONERS ELECTION

NEW **SB 84 Elect County Commissioners by Districts (Sen. Roberts; Reps. Coram and Labuda) (support)** This bipartisan bill addresses the constituency of counties with a population of 70,000 or less who live in out-lying portions of the county and desire direct representation on the board of county commissioners from their own districts. A two-step process with two options would allow change to begin with a resolution by the county commissioners followed by a vote of the people at the next general election. The second option begins with a petition signed by at least eight percent of county voters followed by a ballot question at a general election of whether to change the method of electing county commissioners. Opponents point to home rule as an alternative available under current law. The measure has passed the Senate State Affairs Committee by a vote of 4-1 with Sen. Jones voting No and passed the full Senate unanimously. It was introduced in the House on February 4 and is assigned to the House State, Veterans and Military Affairs Committee.

Fern Black 303.793.0807

MAIL BALLOTS FOR ALL

SB 71 Mail Ballot Opt Out (Sen. Lundberg; None (support)) had a short life. Opposition from several county clerks, expressed to their district's state senators, caused the bill to be postponed indefinitely on a vote of 3-2 in the House State Affairs Committee. This was despite the support from the El Paso County Clerk and Recorder. Other proponents of the bill (except League) represented groups or individuals working to eliminate mail-in ballots altogether. Voting to PI: Aguilar, Jones, Ulibarri. Voting to keep the bill alive: Harvey, Herpin.

Previously reported: LL#2, p. 14.

Christine Watson 303.250.1796

WHAT VOTER IDENTITY THEFT?

NEW HB 1128 Reduce Voter Identity Theft (Rep. Szabo; Sen. Harvey) (oppose) This bill would delete from the list of documents that can be used for identification in elections the following: a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of an elector. While we do not mind removing the use of a utility bill from the list, we strongly oppose the removal of the other forms of identification. Let's keep in mind that there are legitimate citizens who do not possess any of the other forms of acceptable identification. As there does not appear to be evidence of voter identity theft as a result of including these documents as acceptable means of identification, we are opposed to further efforts to eliminate these documents for voting purposes.

The bill is assigned to the House State, Veterans, and Military Affairs Committee.

Carol Tone 303.377.3746

GUN SAFETY

A FIREARM BILL WE LIKE

NEW HB 1230 Restoration of Firearms Carry for Some Felons (Rep. Buck; Sen. Steadman) (support) is a tighter, cleaner version of a bill proposed in 2013. If passed, it would allow people who have been convicted of certain kinds of felonies to petition to have rights to own and carry firearms restored, after having completed sentences and showing they are law-abiding citizens.

Petitioners under this act cannot have had convictions for violent crimes. Those whose offenses were property crimes (often juveniles), fraud, violations of licensing, election, occupational statutes that are classified as felonies are the only ones eligible. The Petitioner must be working, looking for work, or participating in training or rehabilitation, have had at least five years of clean record since completing all sentence obligations, and present a substantial reason for wanting the gun right restored. A judge will review the request. In some circumstances, or at the discretion of the District Attorney, the victim of the person's crime may be notified and have an opportunity to present information that would oppose or support the petition for gun rights. That information might be considered as part of an evaluation of whether the public safety will be placed at unreasonable risk.

In our view, the bill contains enough guard rails to protect public safety. League believes that society is safer and better off when those who have completed sentences for criminal activity have good and stable opportunities to earn a living and contribute to the community. The provisions of this bill may open job opportunities, recognizing that "criminal" is not necessarily a permanent condition.

Christine Watson 303.250.1796

GUN BILLS COMING AND GOING

SB 94 Background Checks and Fees for Gun Transfers (Sen. Rivera; Rep. Wright) (oppose) would repeal last year's bill requiring background checks for private sales. Proponents claimed that background checks and fees for private gun transfers were a burden to law-abiding citizens. Some Federal Firearms Licensees were refusing to do the checks because the \$10 fee didn't cover their costs. In rural areas, private gun sellers have to drive long distances for a background check. Opponents noted that from July when the bill passed thru December, 6198 private sales resulted in 110 denials, indicating that the law is working as intended. SB 94 was heard by State Affairs on Feb 3 and PI'd on a vote of 3-2. Voting to PI: Aguilar, Jones, Ulibarri. Voting No: Harvey, Herpin.

Previously reported: LL#2, p. 14.

HB 1041 Concealed Handgun Carry Without Permit (Reps. Wright & Holbert, Sen. Grantham) (oppose) would allow anyone who buys a firearm legally to carry a concealed weapon without a permit. Training for handling a handgun would be eliminated and taxpayers would again pay the cost of background checks.

Proponents argued that if guns can be carried openly without a permit, why does one need a permit for concealed weapons? HB 1041 was heard in the State Affairs Committee on January 30 on a vote of 7-4. Voting to PI: Buckner, Court, McLachlan, Pettersen, Salazar, Lee, Kagan. Voting No: Gardner, Lawrence, Murray, Waller.

Previously reported: LL#2, p. 14.

HB 1063 Deadly Force against Intruders at Businesses (Rep. Everett; Sen. Grantham) (oppose) justifies the use of physical force including deadly force when a person has made an unlawful entry into a business if an owner, manager or employee in a business has a reasonable belief that the person has committed or intends to commit a crime against a person or property in the business and reasonably believes that the person might use physical force, no matter how slight, against any occupant of the building. The person using physical force is granted immunity from prosecution. This bill has been in the Legislature for nine consecutive years.

HB 1063 was being heard in State, Veteran and Military Affairs on February 5 where after a short testimony session, it was tabled for further testimony on a date to be announced.

Previously reported: LL#2, p. 14.

NEW SB 100 Repeal Large-capacity Ammunition Magazine Ban (Sens. Baumgardner & Herpin; None) (oppose) SB 100 is identical to HB 1151 (LL#2, p. 14) which repeals the 15-round limit for firearm magazines. Assigned to Senate State, Veterans and Military Affairs.

All reported by Jean Grattet 303.863.0437

JUSTICE SYSTEM

APPEALS LIMITS DEFEATED

NEW SB 069 Swift Justice Act (Sen. Brophy; none) (oppose) This bill proposed that all appeals in death penalty cases be heard and decided within 3 years of the first appeal filing. Sen. Brophy's position was that this would be better for victims' families and cheaper for the State. The House Judiciary Committee heard testimony from 4 opponents and no supporters. A representative from the State Supreme Court objected to the violation of separate powers. A representative of an agency of defense lawyers that does all death penalty appeals stated that the Court already has time frames in place and that there were due process concerns. The ACLU

representative stated that less time equated to less justice and that the bill asked us to pretend that death penalty cases were simple and easy, which they are not. LWV's stance was that we were against this penalty in general, and that the money could be better saved by substituting a life without parole sentence.

The bill was PI'd, with Sens. Guzman, Johnson and Newell voting to PI, and Sens. Lundberg and King voting No.

Jean Fredlund 303.863.0437

JUDICIAL PERFORMANCE BILL PASSES HOUSE

NEW HB 1069 District Commissions on Judicial Performance (Rep. Rosenthal; Sen. King) (support) would add representatives of the district attorney, the state public defender, and the local bar association to the list of "other interested persons" to be invited to be interviewed by district commissions on judicial performance as part of their evaluations of district and county judges. The bill passed out of the House Judiciary Committee unanimously and passed the House on Third Reading February 4 by a vote of 62-2-1, with Reps. Humphrey and Priola voting No, and Rep. Everett excused. It was introduced in the Senate February 6 and assigned to the Senate Judiciary Committee. The intent of the measure is improvement of judicial performance given the poor rate of return of surveys by lawyers and others who appeared in the courtrooms of the judges being reviewed.

Fern Black 303.793.0807

JUVENILE JUSTICE

SOCIAL WORKERS FOR JUVENILES IN DELINQUENCY CASES

NEW HB 1023 Social Workers for Juveniles (Rep. Lee; Sen. Ulibarri) (support) passed out of House Judiciary to Appropriations by a vote of 6 to 4. Voting YES: Buckner, Court, Pettersen, Salazar, Lee, Kagan. Voting NO: Gardner, Lawrence, Murray, Waller. Excused: McLachlan.

This bill was recommended by the Juvenile Defense Attorney Interim Committee. It allows the state public defender to hire social workers to assist in defending juvenile defendants. The social workers' role will be to do initial assessments, determine the juvenile's needs,

and recommend appropriate disposition. Currently there are 12 states that have this system in place, and it has proved to not only save money by increasing the use of alternatives to detentions and incarcerations but also by improving outcomes for juveniles. A Kentucky study showed that for every \$1 spent on social workers \$3 to \$7 was saved on detention and incarceration costs.

The bill does have a significant fiscal note of \$850,143 and 12 FTE in FY 2014-2015 and \$796,276 and 12 FTE in FY 2015-2016. The funds will pay to hire and assign a social worker to each of the state's eight juvenile detention centers, and four additional social workers will be hired and assigned to travel to remote parts of the state.

The large fiscal impact may give us pause, but we believe that this will be money well spent. It has the potential to reduce costs which will benefit the state and the taxpayers. It will improve the quality of the legal representation of juveniles. In addition, the potential for better outcomes will also be of benefit to the state and our citizens when these young people become contributing members of our communities.

Carla Bennett 303.757.2930

REPRODUCTIVE FREEDOM

LEGAL PERSONHOOD BILL DIES IN HOUSE JUDICIARY

HB 1049 Offenses Against Unborn Children (Rep. Joshi; none) (oppose) would have allowed for a *second* charge, such as homicide, to be filed if a crime committed against a pregnant woman is the cause of injury or death to her unborn child. Last year's HB13-1154 Crimes against Pregnant Women Act, now enacted in the state statutes, already addresses harm including death to unborn children; but this bill would have effectively conferred legal personhood on the unborn child and thus ultimately outlawed abortion. As one testifier pointed out, the bill's language – referring to a fetus as “an unborn member of the species homo sapiens” – was problematic and gave a clue to its true intent.

The bill was PI'd on a 6-4 vote. Voting Yes to PI: Buckner, Court, Pettersen, Salazar, Kagan, Lee. Voting No: Gardner, Lawrence, Murray, Waller. Excused: McLachlan.

Leslie Chomic 303.863.0437

TRANSPORTATION

EQUITABLE FEES

NEW SB 75 Deployed Military Motor Vehicle Fee & Taxes (Rep. Baumgardner; Sen. Sonnenberg) (support) This bill exempts members of the United States armed forces who are Colorado residents and deployed outside of the U.S. for a full year from paying certain motor vehicle registration fees. Under current law, owners of motor vehicles pay specific ownership tax (SOT) and several registration fees, some of which are based on the age, weight, and location of the vehicle. Persons eligible under the bill for the reduced fees and taxes are not exempted from paying special license plate fees and surcharges authorized in law. This bill includes passenger vehicles, motor homes, motorcycles, and personal trucks less than 16,000 pounds.

According to the fiscal note, the exemption will reduce revenues by \$490,556 in FY 2014-15 and by \$981,111 in FY 2015-16. This includes both state revenue from registration fees as well as local revenue from registration fees and SOT. The exemption will reduce funds credited to the Highway Users Tax Fund (HUTF) for both local accounts and for CDOT. The SOT, a local funding mechanism, helps support local schools, so the General Fund will be required to backfill some of that loss. Although League has supported the increased vehicle registration fees and penalties, this exemption for members of the military on active duty outside the U.S. seems equitable.

Introduced in the Senate on January 14, the bill was assigned to the Transportation committee which adopted an amendment to change “Class C” to “motor vehicle” without objection, then passed the bill unanimously to the Finance Committee on February 4.

EFFICIENT ENERGY USE

NEW SB 28 Expand Electric Vehicle Charging Station Grants (Sen. Jones; Reps. Duran & Tyler) (support) This bill expands the list of eligible persons and entities that may receive grants from the Electric Vehicle Grant Fund (grant fund) to include private nonprofit and for-profit corporations. The bill requires the Colorado Energy Office (CEO), as administrator of the grant fund, to prioritize grant applications based on the extent to which proposed charging stations would serve existing electric vehicles, or encourage the acquisition of additional electric vehicles. The CEO must also consider the extent to which, without the

grant, one or more charging stations might not be able to be

installed. The bill authorizes the CEO to grant the full cost of an installation in a location that is especially advantageous for supporting the electric vehicle market, but where revenue may not be available to defray the costs of installation.

Under current law, the grant fund is used to provide grants to local governments, landlords of multi-family apartment buildings, and unit owners' associations of common interest communities for the installation of electric vehicle recharging stations. House Bill 13-1110 required owners of electric plug-in vehicles to pay a \$50 annual license decal fee upon registration, \$20 of which is credited to the grant fund. The Department of Revenue (DOR) began collecting the fee from vehicle owners in January 2014.

Currently, the majority of awards from the grant fund are made to municipalities for electric vehicle charging stations that are available for public use. This bill expands the list of eligible applicants to include private non-profit and for-profit corporations. To the extent that local governments will now compete with corporations for access to CEO grant funding, the amount of grant money available and awarded to local governments may be reduced.

The Transportation committee amended the bill to include state agencies, public universities, and public transit agencies, then referred the amended bill to the Committee of the Whole on a vote of 5-0 on January 21. On January 28, the Senate passed the bill on a vote of 23-12. The bill has been assigned to the House Transportation & Energy Committee.

This bill is in line the League's transportation position which supports all transportation modes in order to provide a balanced transportation system and the energy position which emphasizes conserving energy and using energy-efficient technologies.

Both reported by Cynthia Thorstad 720.480.8345

Senate Vote

YES	23	NO	12	EXCUSED	0	ABSENT	0
Aguilar	Y	Heath	Y	King	Y	Scheffel	N
Balmer	N	Herpin	N	Lambert	N	Schwartz	Y
Baumgardner	N	Hill	N	Lundberg	N	Steadman	Y
Brophy	N	Hodge	Y	Marble	N	Tochtrop	Y
Cadman	N	Jahn	Y	Newell	Y	Todd	Y
Crowder	Y	Johnston	Y	Nicholson	Y	Ulibarri	Y
Grantham	N	Jones	Y	Renfroe	N	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	Y	President	Y
Harvey	Y	Kerr	Y	Roberts	Y		

NATURAL RESOURCES

WATER

WATER BILLS ADVANCE

HB 1005 Relocate Ditch Headgate Without Change Case (Rep. Sonnenberg; Sen. Lundberg) (support) was heard in House Ag on January 27 and with only a minor amendment ensuring absolute or decreed conditional water rights would not be harmed, the bill passed 11-2 (voting No: Coram, McLachlan) to the House floor. It passed Third Reading in the House on January 30 61-2-1-1 with Reps. Coram and Scott voting No and Rep. McLachlan excused and Rep. Everett absent. It has been introduced in the Senate and assigned to the Agriculture Committee.

Previously reported: LL#1, p. 8.

HB 1026 Water Flexible Markets (Rep. Fischer, Sen. Schwartz) (support) was heard on January 27 in House Agriculture and amended to ensure no injury on diversions or historical uses of water, clarifying any appropriated return flows of consumptive use associated with the water right, clarifying that flex use is within the basin of origin including a compact obligation and that a decreed flex use is subject to reconsideration by a water judge on the question of injury to the vested water rights of others and setting a time limit of three consecutive years without further review. It passed to the House on a vote of 10-3 with Reps. Coram, Garcia, and Scott voting No and passed Third Reading on February 3 on a vote of 47-13-5.

Previously reported: LL#2, p. 15.

House Vote

	YES	47	NO	13	EXCUSED	5	ABSENT	0
Becker	Y	Gerou	Y	McLachlan	E	Saine	E	
Buck	Y	Ginal	Y	McNulty	Y	Salazar	Y	
Buckner	Y	Hamner	Y	Melton	Y	Schafer	Y	
Conti	Y	Holbert	N	Mitsch Bush	Y	Scott	E	
Coram	N	Hullinghorst	Y	Moreno	Y	Singer	Y	
Court	Y	Humphrey	N	Murray	Y	Sonnenberg	Y	
DelGrosso	Y	Joshi	N	Navarro	N	Stephens	Y	
Dore	Y	Kagan	Y	Nordberg	N	Swalm	Y	
Duran	Y	Kraft-Tharp	Y	Pabon	E	Szabo	Y	
Everett	N	Labuda	Y	Peniston	Y	Tyler	Y	
Exum	Y	Landgraf	N	Pettersen	Y	Vigil	N	
Fields	Y	Lawrence	N	Primavera	Y	Waller	Y	
Fischer	Y	Lebsock	E	Priola	N	Williams	Y	
Foote	Y	Lee	Y	Rankin	Y	Wilson	N	
Garcia	N	May	Y	Rosenthal	Y	Wright	Y	
Gardner	Y	McCann	Y	Ryden	Y	Young	Y	
						Speaker	Y	

NEW **SB 115 Requirements Applicable to State Water Plan (Sen. Roberts; Rep. Fischer) (watch)** For the first time in the history of the state, the Colorado Water Conservation Board (CWCB) is undertaking a statewide water plan. They are reaching out to many entities including the Interbasin Roundtables and other planning entities which have been formed in the last 8 years and water quantity groups. Statewide water planning has been a priority of the League for decades and is pleased to see that the CWCB is being inclusive. This bill requires that the CWCB hold hearings on the draft state water plan within each basin and update the plan based on public comments. There is presently a time frame for the CWCB to be collecting comments, and they have been reaching out to many entities so that they can reach their targeted goal of having a plan out by next year. This legislation requires the interim water resources review committee to vote on whether or not to introduce legislation to approve the plan or amend it. This would delay any action of the plan and could prolong presentation of a plan. It is to be heard on February 13 in Senate Agriculture.

HB 1002 Water Infrastructure Natural Disaster Grant Fund (Rep. Young; Sen. Jones) (support) was heard in House Agriculture on February 3 and passed on a 12-0 vote with only minor amendments to House Appropriations.

Previously reported: LL#1, p. 8.

All reported by Jeannette Hillery 303.494.7718

ENERGY

COLORADO RENEWABLES PORTFOLIO STANDARD

NEW Colorado became the first state to create a renewable portfolio standard (RPS) by ballot initiative when Amendment 37 was passed in 2004. Since 2004, the Legislature has expanded the RPS in legislation passed in 2007, 2010 and 2013. The RPS sets the specific percentages of retail sales that must come from renewable energy by year. The RPS also requires utilities to have a certain percentage of retail sales come from distributed generation. LWVCO supported Amendment 37 and the subsequent legislation that strengthened the RPS.

The current RPS is as follows:

Investor-Owned Utility (IOU)

12% of its retail electricity sales in Colorado for the years 2011-2014

20% of its retail electricity sales in Colorado for the years 2015-2019

30% of its retail electricity sales in Colorado for the year 2020 and beyond

Cooperative Electric Association (CEA) serving up to 100,000 meters; Municipal Utility serving more than 40,000 customers

3% of its retail electricity sales in Colorado for the years 2011-2014

6% of its retail electricity sales in Colorado for the years 2015-2019

10% of its retail electricity sales in Colorado for the year 2020 and beyond

CEA serving 100,000 or more meters

20% of retail electricity sales in Colorado by the year 2020 and beyond

Generation & Transmission Cooperative

20% of electricity provided to Colorado member CEAs by the year 2020

So far, four bills have proposed to weaken the Colorado RPS introduced this year, and we oppose them. All of them were defeated in committee.

HB 1067 Renewable Energy Electric Std REAs Move To 2025 (Rep. Conti; Sen. Crowder) postpones from 2020 to 2025 the year in which a CEA serving 100,000 or more meters and a generation and transmission cooperative serving CEAs must increase amount of electricity generated from renewable resources 10% to 20%. The House Transportation and Energy Committee voted to PI the bill on a vote of 8-5. Voting to PI: Fischer, Ginal, Kraft-Tharp, Lee, Mitsch Bush, Peniston, Moreno, Tyler. Voting No: Buck, Coram, Everett, Lawrence, Scott.

HB 1113 Electric Renewable Energy Standard Reduction (Rep. Scott; None) reduces the minimum percentage of electricity generated by renewable sources for IOUs to 15% for the years 2015 to 2020 and thereafter. For CEAs serving 100,000 meters or more, the requirement decreases to 15% for the year 2020 and thereafter. The House Transportation and Energy Committee voted to PI the bill on a vote of 8-5. Voting to PI: Fischer, Ginal, Kraft-Tharp, Lee, Mitsch Bush, Peniston, Moreno, Tyler. Voting No: Buck, Coram, Everett, Lawrence, Scott.

CHILDREN'S ISSUES

REINSTATEMENT OF PARENT-CHILD LEGAL RELATIONSHIP

NEW Senate Bill 62, sponsored by Sens. Guzman and Roberts; Reprs. Foote and Gardner (support), concerns the reinstatement of the parent-child relationship for children 12 and over. It creates an additional avenue to provide permanency for a child whose parental rights were terminated (voluntarily or involuntarily). The child must have been in the custody of the state for three years before such an action is sought. The family of origin must have overcome the difficulties that were the basis of the termination. Information from the Senate hearing is that the most common families approved for the filing of a petition for re-instatement are those whose major disabilities at the time of termination were related to drug abuse. Laws similar to the proposed law exist in eleven other states, according to testimony presented in the Senate hearing. The bill addresses a transition process including a trial period extending up to six months. Projections made are that this process would be pursued in ten to fifteen cases per year.

Concerns communicated to the sponsors by e-mail are that birth families seeking reinstatement of parental rights are provided with no support after the reinstatement. Often families are in need of some financial support or support with mental health services. The response from Senator Guzman indicated that these concerns would be considered prior to the next hearing. The bill passed unanimously through the Senate Judiciary and Appropriations Committees.

Roberta Long-Twyman 303.377.9193

RE-HOMING ADOPTED CHILDREN BILL PASSES FIRST HURDLE

HB 1149 Advertising Children to Transfer Care Trafficking (Rep. Conti; Marble) (support) unanimously passed out of House Public Health Care and Human Services to Appropriations on Feb. 4. There were two amendments. One was technical and the other was suggested by a group of adoption agencies. It requires that a person have entered into an agreement with or be actively working with an exempted agency or entity in order to be exempted from the crime of child trafficking when advertising regarding adoption.

HB 1138 Renewable Energy Std Add Hydroelectric to Eligible (Rep. Humphrey & Rep. Saine; Sen. Tochtrop) amends the definition of renewable energy resources that can be used to meet the RPS to include all hydroelectricity and pumped hydroelectricity. Currently the RPS includes only small hydroelectricity facilities (10 megawatts or less for new or 30 megawatts or less for those in existence January 1, 2005). Testimony at the hearing stated that this change would mean that no additional renewable resources would have to be developed to meet the RPS because counting large hydroelectricity would mean that the standard had already been met. The House Transportation and Energy Committee voted to PI the bill on a vote of 8-4 with Rep. Scott Excused. Voting to PI: Fischer, Ginal, Kraft-Tharp, Lee, Mitsch Bush, Peniston, Moreno, Tyler. Voting No: Buck, Coram, Everett, Lawrence.

SB 35 Renewable Energy Standard Repeal SB 13-252 (Sen. Harvey; Rep. Saine & Rep. Humphrey) would repeal many of the provisions of the legislation passed in 2013 which raised the RPS to 20% for CEAs serving 100,000 or more meters and for a generation and transmission cooperative serving Colorado CEAs. The bill would roll back the requirement to 10% as well eliminate the distributed generation requirement for all CEAs. The State Affairs Committee voted to PI the bill by a vote of 3-2. Voting to PI: Aguilar, Jones, Ulibarri. Voting No: Harvey, Herpin.

ENCOURAGING HYDROELECTRIC POWER

NEW **HB 1030 Small Hydroelectric Incentives (Reps. Coram & Mitsch Bush; Sens. Schwartz & Roberts) (support)** was recommended by the Water Resources Review Committee and will facilitate the development of small-scale hydropower projects. The Federal Energy Regulatory Commission (FERC) and the Colorado Energy Office (CEO) have an agreement to develop procedures to streamline and simplify the authorization process for small scale hydropower projects. The CEO conducted a pilot project for adding small-scale hydroelectric to existing infrastructure such as diversion ditches and was able to reduce the amount of time required for approval. Small-scale hydropower has many potential benefits: it builds on existing infrastructure, creates income and jobs in rural areas, and is a reliable energy source.

On February 5, the Transportation & Energy Committee passed the bill to the full House unanimously.

All reported by Sigrid Higdon 303.233.8111

The fiscal note showed a less than \$5,000 per year increase in state revenue credited to the Fines Collection Cash Fund and only a possible increase in state expenditures. There were no convictions for trafficking in children in Colorado between Jan. 1, 2012 and Dec. 31, 2013 so it was hard to determine the possible costs for the Judicial Department and the Department of Corrections, but the costs were not expected to be large because it is assumed that there won't be many cases to drive the costs.

Previously reported: LL #2, p. 12

Carla Bennett 303.757.2930

EDUCATION

A REVIEW OF TESTING STANDARDS

LWVCO education positions support a school system that provides “a balanced curriculum of humanities, arts and sciences that leads to lifelong learning for all students” and a school finance system that includes “incentives for efficiency and effectiveness.” **SB 136 Delay Statewide Testing Study Academic Standards (Sen. Marble; Rep. Saine) (support)** would delay implementation of the new statewide **assessments** in English language arts, mathematics, science, and social studies for one year and create a task force charged with reviewing the standards and initiating an independent cost-benefit analysis of implementing and assessing the new standards and assessments.

Let's be clear. Our support for this legislation does not mean we reject measures of effectiveness. It means we question the efficiency, and effectiveness of the assessments. The League recognizes that a great amount of effort has gone into revising the state standards and that comparisons have determined that close to 95% (at least 85%) of the Colorado English and math standards revised in 2010 correlate with the Common Core Standards developed nationally through the National Governors Association and the Council of Chief State School Officers. We also understand that our state will use nationally developed assessments for assessing the English and math standards. Tests for other areas are being developed by the state. Districts have been gearing up to give the assessments, and an interruption of those efforts will have a cost. However, there is a growing controversy among many parents, educators, and communities about the assessments' relevance to Colorado's students, about the cost – both in money and in lost instruction time – and about the loss of attention to art, P.E., music, etc, in the heavy focus on the core

subjects. There is additional concern that because these tests can only be taken on computers, it is creating a serious burden for schools without sufficient technology. In addition, test scores of impoverished students with minimal contact with computers will be compared with high-income students with constant contact with technology and found lacking. Is the test then about English or science or math skills or about computer skills? There is additional concern about the reliability of the PARCC tests in particular. There are many questions left unanswered.

While the League is not fond of task forces, the bill does an admirable job of designing a group with representation from all stakeholders: State Board of Education, higher education, teachers and parents. The cost (about \$420,000 for the two years) is substantial. But, without full support from parents and educators, how effective is this testing program going to be? The millions that will be pumped into tests and computers and teacher and student time may be worth little if the results are not accurate indicators of students' skills.

Sally Augden 303.455.5800

INCREASE ADULT EDUCATION

HB 1085 Adult Education and Literacy Programs (Rep. Fields; Sen. Zenzinger) (support) establishes a new department in the Colorado Department of Education to manage a grant program for adult education and literacy programs as part of a workforce development partnership. The bill was recommended by the Economic Opportunity Poverty Reduction Task Force. Colorado has 430,000 working age adults without a high school diploma or the equivalent (9% of our workforce). Colorado is also the ONLY state that does not fund adult literacy. In addition, we have a shortage of middle skill workers.

The CDE would administer the \$1.2 million program, potentially offering ten grants each year of \$100,000 each to local school districts, institutions of higher education, and non-profit organizations. Many strong programs already exist. This funding would expand their outreach.

The League sees this as an investment with great potential payback – improved skills, improved employability, less reliance on government subsidies, increased payroll taxes for state coffers, and children with a more stable home life and more literate parents to provide academic support. Businesses win, the state wins, the schools win.

The bill passed out of House Education referred to appropriations on January 27 on a vote of 8 to 5. Voting Yes: Buckner, Court, Fields, McNulty, Pettersen, Young, Peniston, Hamner. Voting No: Everett, Holbert, Murray, Priola, Wilson.

Sally Augden 303.455.5800

HEALTH CARE

BATTLES OVER HEALTH CARE CONTINUE

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

League supports this bill which gives the insurance commissioner authority to adopt rules to provide consistency of pediatric dental benefits inside and outside the Colorado health benefit exchange.

The Senate Health & Human Services committee heard the bill on February 6 and referred it unamended to Senate Committee of the Whole on a vote of 5-2. (Voting YES: Crowder, Kefalas, Nicholson, Newell, Aguilar. Voting NO: Hill, Lundberg).

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

NEW **HB 1192 Repeal Health Benefit Exchange (Rep. Joshi; Sen. Lundberg) (oppose)** This bill would repeal the act passed by Colorado which created a health benefits exchange in the state. Following passage of the federal Affordable Care Act (ACA) in 2010, Colorado passed legislation exercising the option to establish a state health benefit exchange in lieu of participating in a national exchange. That exchange is functioning under Colorado statute currently, and the General Assembly has oversight responsibility. This bill would repeal the act which enables that exchange to operate, effective January 1, 2015. The League supports increased access to healthcare facilitated by the federal ACA and Colorado's health benefit exchange and therefore opposes this bill.

Introduced in the House on January 29, the bill was assigned to Public Health Care & Human Services and Health, Insurance, & Environment.

NEW **HB 1115 Medicaid Expansion Private Insurance Pilot Program (Rep. Stephens; none) (watch)** The bill establishes a pilot program to substitute a health plan from the Colorado health benefit exchange for a pilot group of adults who are otherwise eligible for the Colorado medical assistance program (Medicaid). The pilot program, as described, provides

inadequate detail to warrant the League taking a position at this time. A more convincing pilot study would incorporate existing research, data and successful cost-reduction mechanisms, in addition to providing clearer assurances that costs will not destroy a crucial safety net for a vulnerable population.

Introduced in the House on January 15, the bill was assigned to Public Health Care & Human Services where it is scheduled for hearing on February 18.

NEW **HB 1257 Performance Audit Health Benefit Exchange (Reps. Sonnenberg & Nordberg; Sens. Balmer & King) (watch)** The bill allows the state auditor to conduct a performance audit of the Colorado health benefit exchange and submit a written report to the legislative audit committee with any findings and recommendations. As the health benefit exchange currently has legislative oversight and is subject to audits, the League has not taken a position at this time related to this bill's additional audit authority.

Introduced in the House on February 3, the bill was assigned to Health, Insurance, & Environment where it is scheduled for hearing on February 13.

NEW **SB 50 Financial Assistance in Colorado Hospitals (Sen. Aguilar; Rep. Moreno) (support)** Following passage of legislation two years ago, Colorado hospitals are required to inform patients about available financial assistance and are further required to limit the amounts charged to uninsured qualified patients to the lowest negotiated rate from a private health plan. This bill changes that limit for patients who fall below 400% of the federal poverty line, to the Medicare reimbursement rate plus 20%. The bill further requires the Department of Public Health and Environment (DPHE) to promulgate rules and to evaluate each hospital for compliance at the time of licensing and license renewal. League supported the passage of the law which increased hospital billing transparency and facilitated communication and enrollment of eligible patients into health plan coverage. League supports this bill which addresses standards and compliance for hospitals under these rules.

Introduced in the Senate on January 10, the bill was assigned to Health & Human Services. A fiscal note issued on February 3 identifies that the bill requires an appropriation to the DPHE in FY 2014-15 of \$51,019 from the General Fund, and 0.8 FTE, which rises the following year. New tasks will include evaluating current billing statements, meeting with stakeholders, developing proposed rules, and registering the new rules with the Secretary of State. To monitor hospital

compliance DPHE will be required to survey and visit 97 hospitals in Colorado for compliance with the new rules.

The bill is scheduled for hearing by Health & Human Services on February 13.

All reported by Carol Pace 303.751.4125

INCOME ASSISTANCE

PROPERTY TAX REBATES ADVANCE

SB 14 Prop Tax Rent Heat Fuel Grants For Low-income (Sen. Kefalas; Rep. Pettersen) (support) The PTC rebate program is a targeted, means-tested way to help elderly and disabled homeowners and renters afford to stay in their homes. A recent audit, the first in the program’s 40 years, found shortcomings in the accuracy of determining eligibility and in outreach that have left thousands of people without rebates they could have gotten for property tax, rent and heat expenses. SB 14 would implement several of the recommendations made by the audit committee.

The bill would also raise the maximum rebate amounts and set a minimum figure for the lowest level of rebates. The maximum property tax/rent grant would rise from \$600 to \$700 for individuals with annual income of \$6639 or less (\$10,731 for couples). The rebates would gradually decrease to \$227 and then go away above an income of \$14,937 (\$20,163 for couples). The heat and fuel grant would work the same way, with a maximum grant of \$192 and minimum of \$73. LWVCO supported increases proposed in 2012 that didn’t pass at that time.

The slightly amended bill was voted out of Health and Human Services 5-2 and goes next to Appropriations. Voting Yes: Crowder, Kefalas, Nicholson, Newell, Aguilar. Voting No: Hill, Lundberg.

Previously reported: LL #1, p. 10.

IMPROVING AID TO THE POOR

SB 12 Aid to the Needy Disabled Program (Sen. Kefalas; Rep. Exum) (support) provides a small amount of monthly assistance to Colorado residents who have a total work disability for at least six months. To be eligible for Aid to the Needy Disabled (AND), an individual must have resources under \$2000 (\$3000 for a couple) and monthly income below the amount of the monthly benefit – currently \$175. Recipients are required to apply for federal Supplemental Security Income (SSI); if they qualify, the state and county are reimbursed for the AND payments made in the meantime. Historically, the reimbursement rate has been about 25%, according to the Legislative Council.

The annual appropriation for AND has stayed about the same since 2007, while the number of recipients has grown, causing monthly payments to decline from \$238 in 2007 to \$175 currently. SB 12 would set the monthly benefit at 28% of the federal poverty level, bringing it back to 2007 levels.

The Health and Human Services committee sent the bill to Finance, with very slight amendments on a 5-2 vote. Voting Yes: Kefalas, Lundberg, Nicholson, Newell, Aguilar. Voting No: Crowder, Hill.

Previously reported: LL#1, p. 10.

Both reported by 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
Administration	HB	1112	Authorize Clerks To Redact Social Security Numbers	S	21	H-2nd Rdg
Children's Issues	SB	62	Reinstatement Of Parent-child Legal Relationship	S	27	S-2nd Rdg.
Children's Issues	HB	1149	Advertising Children To Transfer Care Trafficking	S	12,28	H-App
Education	SB	33	Tax Credits For Non-Public Education	O	8,16	PI'd
Education	SB	136	Delay Statewide Testing Study Academic Standards	S	28	S-Ed
Education	HB	1076	Early Childhood Quality Incentive Program	S	16	H-App
Education	HB	1085	Adult Education and Literacy Programs	S	28	H-App
Elections	SB	84	Elect County Commissioners By Districts	S	21	H-SA
Elections	SB	71	Mail Ballot Opt Out	S	14,22	PI'd
Elections	SB	141	Suspend Until 2016 House Bill 13-1303 Provisions	O	21	S-SA
Elections	HB	1062	Optional Approval Voting In Nonpartisan Elections	S	13	H-SA

Elections	HB	1128	Reduce Voter Identity Theft	O	22	H-SA
Elections	HB	1164	Nonpartisan Elections Not Coordinated Cnty Clerks	S	13,20	S-2nd Rdg.
Energy	HB	1030	Hydroelectric Generation Incentive	S	27	H-2nd Rdg
Energy	HB	1067	Renewable Energy Electric Std REAs Move To 2025	O	26	PI'd
Energy	HB	1113	Electric Renewable Energy Standard Reduction	O	26	PI'd
Energy	HB	1138	Renewable Energy Std Add Hydroelectric To Eligible	O	27	PI'd
Energy	SB	35	Renewable Energy Std Repeal SB 13-252	O	27	PI'd
Gun Safety	SB	38	Governor Cannot Restrict Firearms During Emergency	O	14	S-SA
Gun Safety	SB	94	Background Checks And Fees For Gun Transfers	O	14,22	PI'd
Gun Safety	SB	100	Repeal Large-capacity Ammunition Magazine Ban	O	23	S-SA
Gun Safety	HB	1041	Concealed Handgun Without Permit	O	14,22	PI'd
Gun Safety	HB	1063	Deadly Force Against Intruders At Businesses	O	14,22	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-2nd Rdg
Gun Safety	HB	1230	Restoration Of Firearm Carry Right For Some Felons	S	22	H-Jud
Health Care	SB	16	CDPHE Regulate Freestanding Emergency Centers	S	16	S-HHS
Health Care	SB	50	Financial Assistance In Colorado Hospitals	S	29	S-HHS
Health Care	HB	1045	Breast & Cervical Cancer Treatment	S	9	H-App
Health Care	HB	1051	Dev Disability Services Strategic Plan	S	9	S-HHS
Health Care	HB	1053	Consistent Requirements Pediatric Dental Benefits	S	9,17,29	S-2nd Rdg.
Health Care	HB	1115	Medicaid Expansion Private Insurance Pilot Program	W	29	H-PHC
Health Care	HB	1192	Repeal Health Benefit Exchange	O	29	H-PHC
Health Care	HB	1257	Performance Audit Health Benefit Exchange	W	29	H-HIE
Higher Education	SB	1	College Affordability Act	S	10	S-Ed
Income Assistance	SB	12	Aid To The Needy Disabled Program	S	10,30	S-Fin
Income Assistance	SB	14	Prop Tax Rent Heat Fuel Grants For Low-income	S	10,30	S-App
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
Justice System	SB	69	Swift Justice Act	O	23	PI'd
Justice System	HB	1069	District Commissions On Judicial Performance	S	23	S-Jud
Juvenile Justice	HB	1023	Social Workers For Juveniles	S	23	H-App
Juvenile Justice	HB	1032	Defense Counsel For Juvenile Offenders	S	7	H-Jud
Reproductive Freedom	HB	1049	Offenses Against Unborn Children	O	15,24	PI'd
Reproductive Freedom	HB	1133	Protect Human Life At Conception	O	15	H-Jud
Transportation	SB	28	Expand Electric Vehicle Charging Station Grants	S	24	H-T&E
Transportation	SB	75	Deployed Military Motor Vehicle Fee & Taxes	S	24	S-Fin
Water	SB	115	State Water Plan Public Review & GA Approval	W	26	S-Ag
Water	SB	25	Wastewater Treatment Small Communities Grants	S	8,15	H-Ag
Water	HB	1002	Water Infrastructure Natural Disaster Grant Fund	S	8,26	H-App
Water	HB	1005	Relocate Ditch Headgate Without Change Case	S	8,25	S-Ag
Water	HB	1026	Water Flexible Markets	S	15,25	S-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.