

LEGISLATIVE LETTER<sup>®</sup>  
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March 10, 2014

LL#5:42

## TWO BIG \$\$ BILLS FOR SCHOOLS

Last fall, Colorado voters soundly rejected Amendment 66, a major effort to increase funding for our public schools and focus funds on specific reforms. The reasons for voting against the measure were as varied as the effort was large. Not one, but two bills have now been introduced to fund education for the 2014-15 school year. The School Finance Act, **HB 1298 Financing of Public Schools (Reps. Hamner and Buckner; Sens. Kerr and Steadman) (watch)**, addresses the annual school finance issues required by law. **HB 1292 Student Success Act (Reps. Hamner and Murray; Sen. Johnston) (oppose)** deals with what Rep. Hamner calls policy and values.

The 2014 School Finance Act (HB 1298) does the following: increases base per pupil funding to \$6,121 (to reflect a 2.8 percent inflation rate); maintains the negative factor at no worse than last year's rate; increases the number of slots in the Colorado Preschool Program (CPP) by 5,000; increases the appropriation to Boards of Cooperative Educational Services (BOCES) by \$2 million; and allows some school districts to operate with a higher limit on bonded indebtedness. With state revenues looking solid, these commitments can be honored without harming funding for other necessary programs.

The "Student Success Act" (HB 1292) is more finely focused. One provision could have been included in the School Finance Act. This is almost \$100 million to refill a portion of the "negative factor" (the legislature's way to get around Amendment 23 when funds became scarce after the 2009 downturn), bringing the now yearly cut in school funding from \$1 billion to \$904 million. We are glad to see some of this funding restored. The bill also provides \$40M to districts for implementing past mandates that were underfunded (SB191 and the Read Act, for example); gives \$15M to the Colorado Department of Education (CDE) to implement the average daily membership (ADM) student count system and a school level financial reporting system; adds \$35M for the newly revamped English Language Proficiency Act; and earmarks 75% of the first \$40M in recreational marijuana tax revenue for full-day kindergarten capital construction and divides the remaining 25% between a technology grant fund and charter school capital construction.

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Both bills were heard in House Education on March 3 with no action taken. The sponsors are willing to listen and to work on improving this legislation. There has only been one year in recent memory when the League opposed the School Finance Act. That was 2009, the year the economy was so bad, the cuts so draconian, we could not say yes. We would like to see the reduction in the negative factor included in the School Finance Act. If it were, we would support that bill (HB1298). Both the increase in funding for BOCES and the increased number of preschool/full day kindergarten slots are positive steps.

The six and a half hours of testimony have definitely impacted our LWVCO position on HB 1292, however. Support came from reform and business groups: Colorado Succeeds, Colorado Children's Campaign, Stand for Children, Democrats for Education Reform, and the Denver Metro Chamber of Commerce. South Metro Denver Chamber opposed the bill, supporting more local control and less bureaucracy. Pushback comes from the majority of superintendents from across the state. The major themes of their concerns were concisely and cleverly summed up by four self-described "over-tested" students from Bethune in Eastern Colorado. Their priorities: buy down the negative factor, eliminate earmarks, no new mandates, and protect the BEST (Building Excellent Schools Today) program.

We join their concerns:

1. Some are nervous about buying down the negative factor because of anxiety about future economic downturns. The legislature can always reverse the trend as they did in 2009. But we have been underfunding schools to the tune of \$1 billion per year for the last five years. It is time to begin to responsibly allow districts to recover. Again, this funding can be handled in the School Finance Act (and by implication, the Long Bill). Doing it this way, rather than in HB1292, would likely mean no new mandates.
2. Superintendents are verging on begging the legislature to trust them to know the needs in their districts. Districts have made cuts in different places and need the flexibility to determine what will work best for their schools. Here, local control is essential to Student Success, not micromanagement by the Legislature.
3. Funding a student count for purposes of receiving state money based on average daily membership (ADM) is a very good idea, as is "transparency" of school and district spending. However, the money to do this goes to the Colorado Department of Education (CDE) to **oversee** these programs. Districts will incur costs to do the count. Spending there will continue to detract from student learning. Even superintendents in large districts that have the administrative staff to absorb the additional work and have the greatest risk of swings in pupil count say the benefits would be minimal.
4. Colorado voters adopted BEST with the understanding that funds would go to schools that are falling apart. There are still terrific needs, in poorer rural areas, and even in Denver. These critical needs may, or may not, include facilities for full day kindergarten. Putting the funds from the marijuana tax into BEST and allowing them to be spent according to the parameters of that program also allows local control to do what will help children the most in each district. If necessary, that provision can be handled in a simple, separate bill.

While LWV appreciates all of the effort that has gone into this 107 page bill, it would appear from the testimony that the very people most directly affected were not intimately involved. The superintendent of schools in Elizabeth summed it up very late in the hearing. Public schools are probably the most fiscally transparent of any government entity. There is no transparency, on the other hand, regarding the financial support of the organizations that support the bulk of this bill. There is, indeed, work to be done on the bill. Until it is, we oppose the bill. We don't think it has much to do with Student Success.

Sally Augden 303.455.5800

# GOVERNMENT

## ADMINISTRATION

### INFORMATION, PLEASE

#### **HB 1193 Research Retrieval Fees Public Records under CORA (Rep. Salazar; Sen. Kefalas) (support)**

The bill allows a custodian of public records under the "Colorado Open Records Act" to impose a fee in response to a request for the research and retrieval of such records. In order to impose a fee, the entity must first let the public know what it is by posting on web site or otherwise issuing a written policy. The hourly fee cannot be more than four times the state's minimum wage (so, currently, a maximum of \$32 per hour). A provision that caused considerable problems for local governments, restricting the total amount charged to a "nominal amount" regardless of the time or expense incurred, was removed.

The House approved HB 1193 on February 24, by a vote of 41-24. It awaits hearing the in Senate State Affairs Committee.

Previously reported LL#4, p. 33.

Christine Watson 303.250.1796

#### House Vote

	YES	60	NO	1	EXCUSED	4	ABSENT	0
Becker	Y		Gerou	Y	McLachlan	Y	Saine	Y
Buck	Y		Ginal	Y	McNulty	Y	Salazar	Y
Buckner	Y		Hammer	Y	Melton	Y	Schafer	N
Conti	Y		Holbert	Y	Mitsch Bush	Y	Scott	Y
Coram	Y		Hullinghorst	Y	Moreno	Y	Singer	Y
Court	Y		Humphrey	Y	Murray	Y	Sonnenberg	Y
DelGrosso	Y		Joshi	E	Navarro	Y	Stephens	Y
Dore	Y		Kagan	Y	Nordberg	Y	Swalm	E
Duran	Y		Kraft-Tharp	Y	Pabon	Y	Szabo	Y
Everett	Y		Labuda	Y	Peniston	Y	Tyler	Y
Exum	Y		Landgraf	Y	Pettersen	Y	Vigil	Y
Fields	Y		Lawrence	Y	Primavera	Y	Waller	Y
Fischer	E		Lebsock	Y	Priola	Y	Williams	Y
Foote	Y		Lee	Y	Rankin	Y	Wilson	Y
Garcia	Y		May	Y	Rosenthal	Y	Wright	E
Gardner	Y		McCann	Y	Ryden	Y	Young	Y
							Speaker	Y

### TELETESTIMONY

**NEW** **HB 1303 Legislature Take Public Testimony Remote Locations (Reps Scott and Ferrandino) (support).** What a good idea! The bill authorizes the General Assembly to set up locations around the state where citizen from every corner can come to give testimony to committees of reference or other committees without travelling to Denver. The bill

presumes that colleges would be logical locations because they have facilities with teleconferencing and video conferencing capabilities, but leaves it up to the Legislative Council to implement. The bill specifies that at least one location be on the Western Slope. We suggest making sure that the Eastern Plains are also guaranteed representation. This is a logical next step to the successful televising and audio streaming of the House and Senate floors and of committee hearings. It will enable more people to be involved in government, if they choose.

Christine Watson 303.250.1796

### LETTING LOBBYISTS OFF THE HOOK?

#### **NEW** **SB 119 Decriminalize Prohibited Practices for Lobbyists (Sens. Heath and Cadman; Reps. DelGrosso and Hullinghorst) (support)** What?

League supporting a bill that makes life easier on lobbyists? Actually, the League of Women Voters thinks government ought to work well to do what is intended. Statutes that "make a statement" but don't get the job done are pretty useless. That is the case here. Current statute makes criminal offenses out of certain financial practices, certain forms of dishonesty, certain threats or intimidations, and certain kinds of conflicts of interest on the part of lobbyists. The crimes are misdemeanors, punishable by up to 12 months in jail and/or a fine of up to \$5000. The trouble is, designating these actions as criminal offenses makes it harder, not easier, to investigate them and to sanction the individuals who might have committed these actions against the public interest. If a person is accused of one of these prohibited actions, he/she could refuse to cooperate in the legislative investigation, because of the risk of self-incrimination. Thus, the legislature is less able to determine if such an action has taken place and is less able to discipline the lobbyist, up to and including withdrawing lobbying privileges. In the meantime, the chances that the actions would be prosecuted as a crime are very, very remote.

The bill retains misdemeanor status for non-compliance with registration requirements, false statements in disclosures, and quid-pro-quo arrangements. Senate State Affairs Committee passed it unanimously to the floor, placing SB 119 on the consent calendar, thereby ensuring unanimous passage by the full Senate. The House State Affairs Committee will hear the bill on March 12.

Christine Watson 303.250.1796

## REDACT SOCIAL SECURITY NUMBERS

**HB 1112 Authorize Clerks to Redact Social Security Numbers (Rep. Lebsack; Sens. Ulibarri & Roberts) (support)** Having passed the House on February 11 on a vote of 64 – 0 – 1, this bill to permit county clerks to redact the first five digits of a Social Security number from recorded documents upon request was heard briefly in the Senate Local Government Committee (one witness, no questions) on February 25, then given a favorable recommendation to the full Senate by a vote of 7- 0. It passed the full Senate unanimously with Sen. Roberts excused. The bill now goes to the Governor.

Previously reported: LL#3, p. 21.

Fern Black 303.793.0807

## ELECTIONS

### ELECTION LAW REPEAL DEFEATED

**SB 141 Suspend Until 2016 House bill 13-1303 Provisions (Sens. Grantham & Lundberg; Reps. Szabo & Murray) (oppose)** Following 5½ hours of testimony on February 24th, SB 141 was defeated, and the November, 2014 election will be managed under the statutes enacted by the Elections Modernization Act, HB 13-1303.

At the beginning of the hearing, it was revealed to the Committee for the first time that there would likely be a 200-page amendment to the barely 4-page bill. The amendment would have reinstated the election law as it existed prior to the passage of HB13-1303 last year. The contents of the amendment (which was not ready at the time of the hearing), were the election laws in place before HB 13-1303 was adopted. Those laws must be specifically reenacted because once laws have been repealed, as happened when HB 13-1303 passed, those laws cannot be deemed to exist again without additional legislative action. Therefore, were this bill to have passed as introduced, there would have been no election laws in place for elections held during the 2-year time out.

Significant amendments to bills **should** be heard by the committee of reference, rather than introduced for the first time in floor debate. February 24 was the last time the Senate State Affairs Committee would meet before the deadline to report Senate bills out of committee. With the amendment not ready, the sponsors needed to have the committee pass the bill as introduced and digest or debate the amendment on the floor. Or, they needed

the committee to delay action on the bill past the deadline in order to bring the amendment to the committee. The sponsors requested the former and did not request the latter, but suggested to the committee chair that he could make such a request.

Proponents of the bill – to use the prior election statutes and delay use of HB 13-1303 for a general election – seemed to fall into a few categories: those who really don't like mail ballots at all; those who really want to return to the old days of neighborhood precinct voting; and those who are concerned about the possibility of fraud. Opponents believed that changing voting procedures back to the way they were prior to HB 13-1303 would be extremely confusing to the voter.

Both a motion to delay action until the next committee meeting (on Feb. 26) and a motion to move the bill to the floor were defeated on 3-2 votes. Sens. Aguilar, Jones and Ulibarri voted against delay and the bill; while Sens. Harvey and Herpin favored delayed action and the bill.

With the demise of SB 141, the election in November will follow the procedures set forth in HB 13-1303. Registered electors will receive mail in ballots. They will be able to mail them, drop them at various vote center locations and clerk's offices, or vote in person at vote centers during early voting or on Election Day itself.

Previously reported: LL#2, p. 21; LL#3, p. 34.

Carol Tone 303.377.3746

### ELECTION OF COUNTY COMMISSIONERS BY DISTRICT FAILS

**SB 84 Elect County Commissioners by Districts (Sen. Roberts; Reps. Coram and Labuda) (support)** was heard in House State, Veterans and Military Affairs on February 26, after passing the full Senate unanimously on February 3. In the house committee, many spoke in support of this bill to allow counties with a population of 70,000 or less the option of taking steps to elect county commissioners by districts, but a number were from the same county and emphasized the division between the urban and rural populations. The focus of the issue seemed to be the area in Southwestern Colorado where resort and ranching industries and cultures oppose one another. Opposition arguments pointed to the duties of county commissioners regarding a subdivision of state government with county-wide responsibilities and to current law by which the residents of a county could

accomplish a similar result by adopting home rule or by voting to elect five county commissioners. On a vote of 6 – 4, with one excused, the bill was postponed indefinitely. Voting to PI: Foote, Labuda, Melton, Ryden, Salazar, Williams. Voting No: Conti, Humphrey, Moreno, Nordberg.

Previously reported: LL#3, p. 21.

Fern Black 303.793.0807

## **GUN SAFETY**

### **UNSAFE GUN BILLS SHOT DOWN**

January and February was a busy month for bills concerning gun safety. Several attempted to reverse measures enacted last year or otherwise reduce public safety. They were defeated, as we had hoped and testified. One bill fills a hole in prior legislation and allows charter schools to hire armed security guards, just as traditional public schools can do.

#### **SB 38 Governor Cannot Restrict Firearms during Emergency (Sen. Renfroe; Rep Everett) (oppose)**

Since the early 90's Colorado has had a statute outlining the Governor's authority during an emergency. Included in the statute is a paragraph that grants authority to the Governor to "limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles." SB 38 strikes the word "firearms." The bill has been brought up year after year with only the bill number changed. SB 38 was heard in State, Veterans, and Military Affairs on February 10, and defeated. Voting against the bill: Sens. Ulibarri, Jones, Aguilar. Voting for it: Harvey, Herpin.

Previously reported: LL#2, p. 14.

#### **SB 100 Repeal Large-capacity Ammunition Magazine Ban (Sens. Baumgartner & Herpin; None) (oppose)**

Some of today's weapons can fire 100 rounds in rapid succession. The 2013 law limits the sale and transfer of magazines with rounds of ammunition to 15. In the hearing in front of Senate State Affairs Committee on February 12, sponsors and supporters of the bill focused on two things: their interpretations of rights under the second amendment and the view that public safety is enhanced when members of the public are armed and thus possibly able to shoot those who attack crowds, as in the prominent shootings of the last two years. Opponents of the bill (opponents of repeal) disagreed that public safety is enhanced when the public has access to these high capacity weapons. Chairman

Ulibarri noted that at the Sandy Hook incident, lives were saved when the shooter had to reload his gun. The bill was defeated on a vote of 3-2. Voting against the bill: Aguilar, Jones, Ulibarri. Voting in favor of it: Harvey, Herpin.

Previously reported: LL#2, p. 14.

#### **HB 1151 Repeal Ammunition Magazine Prohibition (Reps. Holbert & Saine; Sen. Marble) (oppose)**

HB 1151 was identical to SB 100, above. After similar testimony in front of the House State Affairs committee on February 10, the committee defeated the bill on a vote of 7-4. Voting against HB 1151: Ryden, Salazar, Foote, Labuda, Melton, Moreno, Williams. Voting for it: Conti, Dore, Humphrey, Nordberg.

Previously reported: LL#2, p. 14.

#### **HB 1157 Policies Allowing Concealed Carry in Public School (Rep. Humphrey; Sen. Renfroe) (oppose)**

Public school boards and governing boards of charter schools would have the power to allow district employees with Concealed Carry of a Weapon (CCW) permits to take concealed handguns onto school property. Supporters claimed that smaller schools can't afford to hire security officers and having an employee(s) to act as security officer would be a good school safety measure. Concerns were expressed by opponents regarding where would a teacher have a concealed weapon. One opponent testified that Kansas has passed such a law and schools with armed employees are having difficulties getting insurance. One portion of the bill gave charter schools the ability to hire armed resource officers that traditional public schools now have. That provision is important, and has been brought back in **HB 1291**, below. Heard in House Judiciary. Voting against: Reps. Kagan, Lee, Buckner, Court, Pettersen, McLachlan, Salazar. Voting for: Reps. Gardner, Murray, Lawrence, Waller.

Previously reported: LL#2, p. 14.

**HB 1166 Renewal Of Handgun Permits (Rep Vigil, Sen. Tochtrop) (watch)** would allow the renewal of a CCW permit by the local sheriff if the permittee has moved or has a business in the new county, rather than renewal by a sheriff in the permittee's previous location. A copy of the expiring permit must be presented to the local sheriff who must confirm that the permit has not been revoked or suspended. HB 1166 was heard in House Local Government and passed unanimously. It passed the full House unanimously with McCann and Stephens excused. In Senate State, Veterans and Military Affairs, the bill was again passed unanimously with Sen.



Aguilar excused. It then passed the full Senate unanimously with Roberts excused.

Previously reported: LL#2, p. 14.

**NEW** **HB 1291 Permit Charter Schools Hire Armed School Security (Reps. McLachlan & Humphrey; None) (support)** This would authorize charter schools to employ a school security officer by contract and allow that person to carry a concealed handgun if the person has a valid concealed-carry permit. It would add charter schools to current law covering traditional public schools. HB 1291 has bi-partisan support and will be heard in the House Education committee.

All reported by Jean Grattet and Jean Fredlund  
303.863.0437

## **JUSTICE SYSTEM**

### **GOVERNOR'S AUTHORITY SUPPORTED**

**NEW** **HB 1197 Governor's Authority to Grant Reprieve (Rep. Szabo; None) (oppose)** The bill was heard by the House State Veterans and Military Affairs committee. This bill, as acknowledged by the sponsor, was written in response to the reprieve given by Gov. Hickenlooper last year. The bill would have prevented the Governor from granting a reprieve for more than 90 days, and then only for "administrative difficulties." In testimony League's position about the death penalty was re-stated as well as concern about the ambiguity of "administrative difficulties." The ACLU and the Colorado Criminal Defense Bar spoke in opposition. One individual spoke in support. The bill did not pass and was PI'd by a vote of 6-3, with 2 excused. Voting to PI were Reps. Foote, Labuda, Melton, Moreno, Salazar, and Williams. Reps. Conti, Humphrey, and Nordberg voted No. Reps. Ryden and Dore were excused.

Jean Fredlund 303.863.0437

## **JUVENILE JUSTICE**

### **JUVENILE DEFENSE BILL PASSES FIRST HURDLE**

**HB 1032 Defense Counsel for Juvenile Offenders (Rep. Kagan, Sen. Guzman) (support)** passed out of House Judiciary to Appropriations by a unanimous vote on Feb. 27 after being amended by a strike below amendment and amendments to the amendment. The

bill's passage is the result of cooperation between the supporters and the opponents who worked hard to arrive at a compromise bill that all could live with. The DAs, who had originally opposed the bill, took a neutral position on the bill as it was amended.

As amended, the bill continues to provide a clear process for informing children and their parents about the child's right to counsel and how to access it and to provide access to defense counsel for children at the front end of the court process at the first appearance on a summons or at a detention hearing.

As the bill now stands:

- Children will be represented by counsel at the detention hearing.
- When a child receives a summons, the summons will contain information about how to contact the public defender's office before the first court appearance. The public defender will appear at the first appearance if the family makes the request five days before the hearing.
- A child may waive the right to counsel even in very serious cases.
- Only the child may waive the right to counsel, and the court must ensure that the child understands they have the right to counsel; that the decision is made knowingly and voluntarily; and that the child understands the consequences of an adjudication and sentence.
- A child will be represented by the public defender or alternate defense counsel if the judge finds counsel to be in the best interest of the child, the child is in the custody of the Department of Human Services, or the parent refuses to hire private counsel. In the latter case, indigency will be determined by the parent's assets and income unless there is a conflict between the interests of the parent and the child. If there is no conflict, and the parent is not indigent, the court will appoint an attorney who is paid by the judicial department, and the parent will be charged a set fee.
- A Guardian Ad Litem may not be appointed as a substitute for defense counsel.

The bill does have a significant fiscal impact--\$1,342,059 and 18.4 FTE for FY 2014-2015 and \$1,231,979 and 20 FTE for FY 2015-2016. This will be money well spent because it makes much needed improvements in our juvenile justice process.

Previously reported: LL#1, p. 7.

Carla Bennett 303.757.2930

# NATURAL RESOURCES

## ENERGY

### PIPELINE COMPANIES VS. LANDOWNERS

**NEW** SB 93 Pipeline Right-of-Way (Sen. Jahn; Rep. May) (oppose) would give authority for pipeline companies to acquire a right-of-way using eminent domain. Under C.R.S. Article 5, Title 38, pipeline companies have historically negotiated rights-of-way and prepared condemnation petitions where those negotiations failed to obtain rights-of-way, under eminent domain powers vested in “pipeline companies.”

This bill overrides a May, 2012, Colorado Supreme Court decision which held that only pipeline companies transmitting electricity or natural gas may use eminent domain. The litigants in that case were concerned about the impacts to their land and the power given a private entity. The bill passed the Senate on February 27 on a vote of 24-10-1 with amendments that clarify that pipeline companies that convey oil, gasoline or other petroleum products may acquire right-of-way by eminent domain with just compensation for property taken by eminent domain. This bill would put pipeline companies in the same category as utilities (electricity, telephone, water) and public transportation infrastructure with regard to using eminent domain.

An additional amendment would allow counties or municipalities to obtain professional assistance in determining the safety of a proposed petroleum, petroleum products or hazardous liquid pipeline of at least 6-inch diameter with the cost paid by the pipeline applicant.

The decision to transfer functions to the private sector needs to consider community impact and ensure preservation of the common good. We question whether the interests of a private enterprise (pipeline company) transporting oil or gas for its own purposes rises to the same level of common good as utility company providing heating, etc.

A hearing in House Judiciary is scheduled for March 13.

Jeannette Hillery 303.494.7718

#### Senate Vote

YES	24	NO	10	EXCUSED	1	ABSENT	0
Aguilar	N	Heath	Y	King	Y	Scheffel	Y
Balmer	Y	Herpin	N	Lambert	N	Schwartz	Y
Baumgardner	E	Hill	N	Lundberg	N	Steadman	Y
Brophy	N	Hodge	Y	Marble	N	Tochtrop	Y
Cadman	Y	Jahn	Y	Newell	Y	Todd	Y
Crowder	Y	Johnston	Y	Nicholson	Y	Ulibarri	Y
Grantham	Y	Jones	N	Renfroe	Y	Zenzinger	Y
Guzman	Y	Kefalas	N	Rivera	N	President	Y
Harvey	Y	Kerr	Y	Roberts	Y		

# SOCIAL POLICY

## HEALTH CARE

### HEALTH CARE BILLS MOVE ALONG (MOSTLY)

**HB 1051 Dev. Disability Services Strategic Plan (Reps. Schafer and Landgraf; Sens. Kefalas and Crowder) (support)** The bill addresses development of a strategic plan by the Department of Health Care Policy and Financing (HCPF) with required reporting. The bill was heard in the Senate Health & Human Services Committee on February 26 and referred on a unanimous vote, with minor amendments, to the Senate consent calendar. The bill passed Second Reading on March 3 with amendments, passed Third Reading on March 4 unanimously (with Sen. Roberts excused), and was repassed by the House on March 5. The bill now goes to the Governor.

Previously reported: LL#1, p. 9; LL#4, p. 38.

**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 group of adults who are otherwise eligible for the Colorado medical assistance program (Medicaid). The bill was heard in Public Health Care & Human Services on February 18 and amended with a strike below modifying the original pilot program and substituting conducting a study. The amended bill was referred to Appropriations on a vote of 7-5 with 1 member excused. (Voting YES: Conti, Everett, Landgraf, Singer, Stephens, Wilson, Primavera. Voting NO: Ginal, McCann, Schafer, Tyler, Young. Excused: Joshi). A fiscal note was added indicating that an appropriation of \$150,000 was required, including \$75,000 from the General Fund and \$75,000 from federal funds. The bill was heard in Appropriations on March 7 where it was postponed indefinitely on a vote of 10-3. Voting to keep the bill alive: Gardner, Gerou, Rankin.

Previously reported: LL#3, p. 29.

**HB 1207 CDPHE Household Medication Take-back Program (Rep. Young; Sens. Aguilar & Newell) (support)** The bill requires the department of public health and environment to establish a household medication take-back program to collect and dispose of unused household medications.

The bill was heard in Finance on March 5 and referred unamended to Appropriations on a vote of 11-1 with one member excused. (Voting No: Saine. Excused: Joshi.)

Previously reported: LL#4, p. 38.

**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.

The bill was heard in House Health, Insurance, & Environment on February 27 and referred unamended to House Committee of the Whole on a vote of 9-2. Voting Yes: Ginal, Humphrey, Joshi, Landgraf, McNulty, Primavera, Singer, Swalm, McCann. Voting No: Fields, Schafer. The bill then passed the full House with Schafer voting No and Fischer, Joshi, Swalm, and Wright excused.

Previously reported: LL#3, p. 29.

**NEW HB 1283 Modify Prescription Drug Monitoring Program (Rep. McCann; Sens. Newell & Kefalas) (watch)** The bill makes modifications to the electronic prescription drug monitoring program, including: developing criteria for indicators of controlled substance misuse, abuse and diversion; allowing CDPHE and HCPF access for public health purposes and Medicaid patient coordination; allowing out-of-state pharmacists access to the data base for similar patient care purposes; and authorizing creation of a prescription drug monitoring program task force to develop a plan to reduce prescription drug abuse. The bill is consistent with League public policy interests in advancing quality health care by encouraging prevention of disease and health promotion, which is additionally facilitated by the use of technological resources to assemble data for the purpose of furthering overall public health, especially as it relates to reducing prescription drug abuse.

The bill was introduced in the House on February 18 and assigned to Health, Insurance, & Environment, where it was heard on March 6. It was referred Amended to Appropriations on a vote of 7-2. (Voting Yes: Fields, Ginal, Primavera, Singer, Swalm, Schafer, McCann. Voting No: Humphrey, McNulty. Excused: Joshi, Landgraf.)

**NEW HB 1290 Telepharmacy Remote Pharmacy Outlet (Rep. Becker; Sen. Roberts) (watch)** The bill adds to the definition of other outlet under the statutes governing the practice of pharmacy a telepharmacy outlet located more than 20 miles from the nearest pharmacy. A prescribing practitioner cannot own a telepharmacy, and the state board of pharmacy is authorized to impose additional telepharmacy ownership restrictions by rule. The bill is consistent with League public policy interests in facilitating and increasing access to health care for all residents which is demonstrated by this effort to increase pharmacy reach through the use of telepharmacy innovations. The bill was introduced in the House on February 21 and assigned to Public Health Care & Human Services.

**SB 050 Financial Assistance in Colorado Hospitals (Sen. Aguilar; Rep. Moreno) (support)**

Currently, Colorado hospitals are required to inform patients about available financial assistance and are required to limit the amounts charged to uninsured qualified patients to the lowest negotiated rate from a private health plan. This bill would specify the information to be made available and the means, and it would limit the amount that could be charged to the Medicare rate plus 20% for households under 400% of the poverty level. The original requirement was passed several years ago. However, compliance has been spotty, and SB 50 also increases monitoring activity by the Department of Public Health and Environment.

The bill was heard in Senate Health & Human Services on February 27 and referred Amended to Appropriations on a vote of 4-3. (Voting Yes: Kefalas, Nicholson, Newell, Aguilar. Voting No: Crowder, Hill, Lundberg.)

Previously reported: LL#3, p. 29.

**SB 144 Family Medicine Residency Programs in Rural Areas (Sens. Nicholson & Aguilar; Rep. Ginal) (support)** The bill extends the commission in support of the development of family medicine residency programs in rural and other underserved areas of the state and requires a report with an evaluation and recommendations concerning the use of Medicaid graduate medical education funding to support residency programs.

The bill was heard on February 27 in Senate Health & Human Services and referred on a vote of 6-1 (Voting No: Hill) to Appropriations.

Previously reported: LL#4, p. 38.

All reported by Carol Pace 303.751.4125



## INCOME ASSISTANCE

### HOUSE SUPPORTS HOUSING

**HB 1017 Expand Availability of Affordable Housing (Rep. Duran; Sen. Ulibarri) (support)** passed the House on Second Reading on March 3 and Third Reading on March 4. As amended by the Local Government, Finance and Appropriations committees, it expands the allowable sources of funding and recipients for loans and grants, and reinstates tax credits for building affordable housing. Priority is given to property damaged by natural disasters. Amendments were proposed on the floor to allocate 100% of the money for victims of natural disasters, or alternatively 50%. These were defeated, as the majority wanted to maintain more flexibility to respond as needed.

The Appropriations committee vote was 8-5. Voting Yes: Hamner, Labuda, Pabon, Singer, Tyler, Young, May and Duran. Voting No: Dore, Gardner, Gerou, Rankin, Sonnenberg. Passage by the full House was 36-24, with 5 excused.

Previously reported: LL#2, p. 18; LL#4, p. 39.

#### House Vote

	YES	36	NO	24	EXCUSED	5	ABSENT	0
Becker	Y		Gerou	N	McLachlan	Y	Saine	N
Buck	N		Ginal	Y	McNulty	N	Salazar	Y
Buckner	Y		Hamner	Y	Melton	Y	Schafer	E
Conti	N		Holbert	N	Mitsch Bush	Y	Scott	E
Coram	N		Hullinghorst	Y	Moreno	Y	Singer	Y
Court	Y		Humphrey	N	Murray	N	Sonnenberg	E
DelGrosso	N		Joshi	N	Navarro	N	Stephens	E
Dore	N		Kagan	Y	Nordberg	N	Swalm	N
Duran	Y		Kraft-Tharp	Y	Pabon	Y	Szabo	E
Everett	N		Labuda	Y	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	N		McCann	Y	Ryden	Y	Young	Y
							Speaker	Y

### CHILD CARE TAX CREDIT ADVANCES

**HB 1072 Income Tax Credit for Child Care Expenses (Sen. Kefalas; Reprs. Pettersen and Exum) (support)** was amended in the Finance Committee and referred to Appropriations on a 7-5 vote. The bill aims to fill a gap in eligibility for child care tax credits which has left out the lowest-income working families. As amended, individuals with an income under \$25,000 who can't claim the federal child care tax credit may receive a refundable state credit of 25% of actual child care expenses, up to a limit of \$500 for one child or \$1000 for two or more. The credit sunsets in three years.

Voting Yes: Becker, Foote, Kagan, Melton, Pabon, Labuda, Court. Voting No: DelGrosso, Priola, Saine, Swalm, Wilson. Excused: Joshi.

Previously reported: LL #2, p. 18.

Both reported by Julie Leonard 720.384.8421

## MENTAL HEALTH

### NEW DUTY TO WARN

**NEW HB 1271 Mental Health Duty to Warn Target Entities (Rep. Melton; Sen. Newell) (support)** This bill, according to the sponsor, was a response to the Aurora theater shooting in 2012. As the law currently stands, therapists have a duty to warn possible targets of their clients only "where the patient has communicated to the mental health provider a serious threat of imminent physical violence against a specific person." The major change in the statute was the enlargement of the existing duty to warn specific individuals to one to warn larger, though still specific, entities that a mentally ill person had voiced credible threats against them.

An amendment to change "target entities" to "persons... identifiable by their association with a specific location or entity" was approved in the Health, Insurance, and Environment Committee, which then passed the bill unanimously. It passed the House on Second Reading on March 5 and on Third Reading on March 6 by a vote of 61-0-3-1. Excused were Fischer, Joshi, McNulty; Everett was absent.

### CIVIL COMMITMENTS REVISED

**NEW HB 1253 Recommendations Civil Commitment Review Task Force (Rep. McCann; Sen. Newell) (support)** This bill was the product of the Legislative Civil Commitment Task Force that has been meeting since last year. It was heard by the House Health Insurance and Environment committee. A major change in the statute was the inclusion of the statutes regarding alcohol and substance abuse into the one governing mental health. This will simplify and mostly standardize the procedures for placing and reporting short and long-term commitments.

Another significant element of the bill is the use of the term "recent" to describe an act or a threat of harm to the person or to others that would trigger a civil commitment. "Recent" replaces "imminent danger," and was the subject of much testimony and controversy in the hearing. Both terms are vague; so appropriate decisions always depend on the judgment of the mental

health professional. Also, the option of a jury trial regarding a mental health commitment was removed from the statutes; thus all hearings will be decided by a judge. The sponsor explained that the jury option was rarely used, that they were not required in these civil matters, and that judges who heard these cases frequently were more likely to maintain confidentiality than randomly selected juries. A representative of the NRA testified in opposition, stating that without a jury persons might be held for political reasons and also objected to reports from the court being used for

background checks. He wanted the mentally ill to retain their rights to guns.

An amendment to clean up language was offered by the sponsor and passed. The bill passed by a vote of 6 to 5. Voting Yes were Reps. Fields, Primavera, Shafer, Ginal, Singer and McCann. Voting No were Reps. Humphrey, Landgraf, Swalm, Joshi, and McNulty. The bill was scheduled for Second Reading in the House on February 28, but it has now been laid over until March 14.

Both reported by Jean Fredlund 303.428.5420

## 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
<b>Administration</b>	<b>SB</b>	<b>119</b>	<b>Decriminalize Prohibited Practices For Lobbyists</b>	<b>S</b>	<b>44</b>	<b>H-SA</b>
Administration	HB	1112	Authorize Clerks To Redact Social Security Numbers	S	21,45	To Gov
Administration	HB	1193	Research Retrieval Fees Public Records Under CORA	SIP	33,44	S-SA
<b>Administration</b>	<b>HB</b>	<b>1303</b>	<b>Legislature Take Public Testimony Remote Locations</b>	<b>S</b>	<b>44</b>	<b>H-SA</b>
Children's Issues	SB	62	Reinstatement Of Parent-child Legal Relationship	S	27,37	H-PHC
Children's Issues	HB	1149	Advertising Children To Transfer Care Trafficking	S	12,28	H-2nd Rdg
Education	SB	33	Tax Credits For Non-Public Education	O	8,16	PI'd
Education	SB	136	Delay Statewide Testing Study Academic Standards	S	28,38	PI'd
Education	HB	1076	Early Childhood Quality Incentive Program	S	16	H-App
Education	HB	1085	Adult Education and Literacy Programs	S	28	H-App
<b>Education</b>	<b>HB</b>	<b>1292</b>	<b>The Student Success Act</b>	<b>O</b>	<b>42</b>	<b>H-Ed</b>
<b>Education</b>	<b>HB</b>	<b>1298</b>	<b>Financing Of Public Schools</b>	<b>W</b>	<b>42</b>	<b>H-Ed</b>
Elections	SB	71	Mail Ballot Opt Out	S	14,22	PI'd
Elections	SB	84	Elect County Commissioners By Districts	S	21,45	PI'd
Elections	SB	141	Suspend Until 2016 House Bill 13-1303 Provisions	O	21,45	PI'd
Elections	HB	1062	Optional Approval Voting In Nonpartisan Elections	S	13	H-SA
Elections	HB	1128	Reduce Voter Identity Theft	O	22, 35	PI'd
Elections	HB	1164	Nonpartisan Elections Not Coordinated Cnty Clerks	S	13,20,34	Signed
Energy	SB	35	Renewable Energy Std Repeal SB 13-252	O	27	PI'd
Energy	SB	9	Disclose Separate Ownership Mineral Estate	S	36	To Gov
<b>Energy</b>	<b>SB</b>	<b>93</b>	<b>Pipeline Right-of-Way</b>	<b>O</b>	<b>48</b>	<b>H-Jud</b>
Energy	HB	1030	Hydroelectric Generation Incentive	S	27	S-Ag
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
Gun Safety	SB	38	Governor Cannot Restrict Firearms During Emergency	O	14,46	PI'd
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	23,46	PI'd
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	PI'd
Gun Safety	HB	1151	Repeal Ammunition Magazine Prohibition	O	14,46	PI'd
Gun Safety	HB	1157	Policies Allowing Concealed Carry in Public School	O	14,46	PI'd

Gun Safety	HB	1166	Renewal Of Handgun Permits	W	14,46	To Gov
Gun Safety	HB	1230	Restoration Of Firearm Carry Right For Some Felons	S	22, 35	Pl'd
<b>Gun Safety</b>	<b>HB</b>	<b>1291</b>	<b>Permit Charter Schools Hire Armed School Security</b>	<b>S</b>	<b>47</b>	<b>H-Ed</b>
Health Care	SB	16	CDPHE Regulate Freestanding Emergency Centers	S	16	S-2nd Rdg
Health Care	SB	50	Financial Assistance In Colorado Hospitals	S	29,49	S-App
Health Care	SB	144	Family Medicine Residency Programs In Rural Areas	S	39,49	S-App
Health Care	HB	1045	Breast & Cervical Cancer Treatment	S	9	H-App
Health Care	HB	1051	Dev Disability Services Strategic Plan	S	9,38,48	S-HHS
Health Care	HB	1053	Consistent Requirements Pediatric Dental Benefits	S	9,17,29,38	Signed
Health Care	HB	1115	Medicaid Expansion Private Insurance Pilot Program	W	29,48	Pl'd
Health Care	HB	1192	Repeal Health Benefit Exchange	O	29	H-PHC
Health Care	HB	1207	CDPHE Household Medication Take-back Program	S	39,48	H-App
Health Care	HB	1257	Performance Audit Health Benefit Exchange	W	29,49	To Senate
<b>Health Care</b>	<b>HB</b>	<b>1283</b>	<b>Modify Prescription Drug Monitoring Program</b>	<b>W</b>	<b>49</b>	<b>H-App</b>
<b>Health Care</b>	<b>HB</b>	<b>1290</b>	<b>Telepharmacy Remote Pharmacy Outlet</b>	<b>W</b>	<b>49</b>	<b>H-PHC</b>
Higher Education	SB	1	College Affordability Act	S	10	S-App
Income Assistance	SB	5	Wage Protection Act	S	39	S-App
Income Assistance	SB	12	Aid To The Needy Disabled Program	S	10,30,39	S-App
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	18,39,50	S-Fin
Income Assistance	HB	1072	Income Tax Credit For Child Care Expenses	S	18,50	H-App
Justice System	SB	69	Swift Justice Act	O	23	Pl'd
Justice System	HB	1061	Eliminate Prison For Inability To Pay Fines	S	35	H-App
Justice System	HB	1069	District Commissions On Judicial Performance	S	23	S-Jud
<b>Justice System</b>	<b>HB</b>	<b>1197</b>	<b>Governor's Authority to Grant Reprieve</b>	<b>O</b>	<b>47</b>	<b>Pl'd</b>
Justice System	HB	1273	Human Trafficking	S	32	H-Jud
Juvenile Justice	HB	1023	Social Workers For Juveniles	S	23	H-App
Juvenile Justice	HB	1032	Defense Counsel For Juvenile Offenders	S	7,47	H-App
Mental Health	SB	88	Suicide Prevention Commission	S	40	S-App
<b>Mental Health</b>	<b>HB</b>	<b>1253</b>	<b>Recommendations Civil Commitment Review Task Force</b>	<b>S</b>	<b>50</b>	<b>H-2nd Rdg</b>
<b>Mental Health</b>	<b>HB</b>	<b>1271</b>	<b>Mental Health Duty To Warn Target Entities</b>	<b>S</b>	<b>50</b>	<b>To Senate</b>
Reproductive Freedom	HB	1049	Offenses Against Unborn Children	O	15,24	Pl'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-App
Transportation	HB	1105	Tax Exempt Gas Sales Between Gov Entities	S	36	H-3rd Rdg
Water	SB	115	State Water Plan Public Review & GA Approval	W	26,37	S-App
Water	SB	25	Wastewater Treatment Small Communities Grants	S	8,15	Signed
Water	SB	103	Phase In High-efficiency Water Fixture Options	S	37	H-T&E
Water	HB	1002	Water Infrastructure Natural Disaster Grant Fund	S	8,26	S-Ag
Water	HB	1005	Relocate Ditch Headgate Without Change Case	S	8,25	To Gov
Water	HB	1026	Water Flexible Markets	S	15,25	S-Ag

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