

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



March 24, 2014

LL#6:53

MORE ELECTION UPDATES

The bipartisan Colorado Voter Access and Modernized Elections Commission (COVAMEC) was created after passage of HB13-1303 to evaluate implementation of the bill. The Commission met nearly every week from June, 2013 until January, 2014. In addition, two subgroups were formed: one to assess technology and the other to assess best practices. Their two reports were submitted to the legislature mid-January. Some recommendations were incorporated in HB 1164 (see LL#3, page 20). More of the recommendations come forward as part of **SB 161 Update Uniform Election Code of 1992 (Sen. Ulibarri and Johnston; Rep. Hullinghorst) (support)**.

The bill clarifies deadlines for various forms of registration: 22 days before the election for voter registration drives; 8 days for paper forms, voter registration agencies and on-line. In order to receive a ballot by mail, a voter must register at least 8 days before the election. Voters will still be able to register at Voter Service and Polling Centers (VSPCs) and clerk offices through Election Day.

Residency requirements are also addressed, allowing voters to vote where they currently live if they've been in the state for 22 days, eliminating from oath the words "intent to reside," and increasing the penalty for voter registration fraud if residency is falsified from a class 6 to a class 5 felony. The bill directs the Secretary of State to conduct a monthly national change of address search using the US Postal Service database to update the statewide voter registration list, and directs clerks and recorders to make appropriate corrections depending upon elector's response to a confirmation card.

The bill also updates statutes concerning assistance for voters, expands procedures in the case of natural disasters, updates deadlines for requesting and receiving a ballot, allows military voters to request ballots electronically through Election Day, and recommends other measures aimed at improving Colorado's election system.

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Introduced on March 18th, the bill was heard in Senate State Affairs on Friday, the 21st, and passed on to Appropriations after a brief hearing on a vote of 4 – 1. Senators Aguilar, Herpin, Jones and Ulibarri voted in support and Senator Harvey in opposition.

In the midst of COVAMEC’s work, came recall elections, whose procedures were not specifically addressed by HB 13-1303 and also not addressed in COVAMEC’s report to the General Assembly. **SB 158 Recall Elections How Conducted & Align Article XXI (Sen. Steadman and Jones; Rep. Hullinghorst) (support)** will conform recall election procedures to the rest of election statutes, recognizing that some recall election procedures are ensconced in the Colorado Constitution. One of the major problems in those elections was the issue of when a candidate could petition onto the recall ballot. Under the constitution, a candidate had up to 15 days before the election date to submit signatures. That timeframe prevented the use of mail-in ballots as the clerks would not have been able to print and mail ballots in time for the election. This bill would designate that Election Day be defined as the date when voting begins, not the day that it ends. As increasing numbers of Colorado voters use mail-in ballots, this would assure that, like other elections in the State, recall elections be held as mail ballot elections, allowing the elector to mail, drop-off, or vote in person at a voter service and polling center.

In addition, the bill requires that people who circulate recall petitions execute affidavits that contain the same information and statements required for those who circulate initiative or referendum petitions. If the petition is found to be sufficient, the election shall be held between thirty and sixty days after filing. Should a general election be planned within ninety days after the petition is filed, then the recall election must be held as part of that election.

The bill, which was introduced on March 17th, was heard in Senate State Affairs on Friday, March 21. The nearly four-hour hearing centered on whether the legislature can change, through statute, something that is in the constitution. The constitution refers to Election Day, and we now have an election period which includes early voting and ends on the November Tuesday that has traditionally been viewed as Election Day. Ultimately the bill passed with Senators Aguilar, Jones and Ulibarri voting in support and Senators Harvey and Herpin opposed.

Carol Tone 303.377.3746

GOVERNMENT

ADMINISTRATION

LEGAL RIGHTS BILL FAILS

NEW **HB 1258 Respondents’ Legal Rights IEC Complaints (Rep. Stephens; None) (watch)** was heard March 10 in House State, Veterans and Military Affairs on a strike-below amended version presented by the bill’s sponsor. As background, the existence of the Independent Ethics Commission (IEC) was placed in the Colorado Constitution with the adoption of Amendment 41 by popular vote at the general election of 2006. A five-person appointed Commission, members to serve without compensation, was established to hear complaints against any public officer, member of the general

assembly, local government official, or government employee on ethics issues. By the Constitutional amendment, the Commission could investigate, hold public hearings, issue findings or advisory opinions, assess penalties, or dismiss frivolous complaints without a hearing. The Constitutional provision included a ban on gifts to the public officials listed above, or their families, of greater value than fifty dollars (\$50). (The Commission in 2011 increased the gift ban to fifty-three dollars, effective until the first quarter of 2015.)

The sponsor’s amendment to the original bill sought to give any respondent before the IEC the right to legal representation at state expense, to assure notice to respondent of all elements of the charges or complaints, and to create personal liability of the commissioners for any reckless, intentional, or willful failure in their duties. Those who spoke at

the hearing, both for and against the bill, illustrated to the Committee the problems existing with past proceedings before the IEC. Citizens complained of bearing the entire burden of presenting evidence supporting a complaint to the IEC, including any public hearings. Proponents argued a public official could not afford to oppose a complaint on the salary of a public official. Other testimony exposed procedural deficiencies in the operation of the IEC. Some members of the Committee concluded problems exist with the IEC, but the proposed bill did not include the means to resolve them. On a vote of 6 – 5, the bill was postponed indefinitely. Voting to PI: Foote, Labuda, Melton, Ryden, Salazar, Williams. Voting No: Conti, Dore, Humphrey, Moreno, Nordberg.

Fern Black 303.793.0807

CORA FEES IMPROVED, ADVANCED

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" (CORA) to impose a fee in response to a request for the research and retrieval of such records. The Senate State Affairs Committee passed a much improved bill on to the floor. Under an amendment passed unanimously, the first hour of research and retrieval will not be charged. This seems reasonable given that some CORA requests might take more time to invoice than to respond to. After that, the fee would be a maximum of \$30 per hour. The maximum fee can increase every five years, to an amount equal to the inflation rate. Legislative Council will provide the new rate. This rate provision replaces a limit of 4 times the Colorado minimum wage (which also rises according to inflation). There are advantages and disadvantages to each means of adjusting the maximum rate. This, also, is reasonable. It does not limit the total amount of fees, as the introduced bill intended to do. However, the issues of large requests and those from abusers of the process may still be problematic. The amended bill passed the committee unanimously and awaits Second Reading in the Senate.

Previously reported: LL#4, p. 33; LL#5, p. 44.

Christine Watson 303.250.1796

DECRIMINALIZE LOBBYISTS

SB 119 Decriminalize Prohibited Practices for Lobbyists (Sens. Heath and Cadman; Reps. DelGrosso and Hullinghorst) (support). 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 by lobbyists. The crimes are misdemeanors, punishable by up to 12 months in jail and/or fine of up to \$5000. 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. The bill removes the criminal offense, allowing the General Assembly to follow its rules in disciplining lobbyists. On March 12, the House State Affairs Committee heard the bill. Only one witness spoke at the hearing. An election activist opposed the bill, fearing that lobbyists would be able to act dishonestly without sanction. The committee amended the bill to return lobbyists making loans to members as a criminal offense and passed the bill unanimously (Williams excused). On March 18, the House passed the bill unanimously (Everett absent); on March 20, the Senate concurred with House amendments; and the bill is on its way to the Governor.

Previously reported: LL#5, p. 44.

Christine Watson 303.250.1796

GUN SAFETY

SECURITY OFFICERS IN CHARTER SCHOOLS

HB 1291 Permit Charter Schools Hire Armed School Security (Reps. McLachlan & Humphrey; None) (support) This bill was heard by the House Education committee on March 18. It merely added the words "charter schools" to the existing law that allows "school security officers" to carry a concealed weapon, if they have a permit. However, it was pointed out that the present law left open the possibility that all public schools can write contracts with their employees for more than one position. During the hearing, it became apparent that the bill (and the language of the current statute) would allow current school employees who had

concealed-carry permits to have second contracts as security officers. These include IT personnel and teachers. Security officers are not the same as School Resource Officers, who are peace officers and thus have on-going training in the proper use of weapons. Rep. Wilson noted that he had a permit and a lifelong familiarity with guns, yet he would never act as a security officer without considerable training, even though he lives in a rural area where that training would be difficult to obtain. It was also pointed out that liability insurance would likely make it unlikely that any school would give very many of their employees a double contract.

There was consensus that this bill was necessary for there to be equity between charters and other public schools, but some members stated afterwards that separate legislation was needed to assure that these people had proper training.

The committee passed the bill by a vote of 12 to 1 with Rep. Fields voting No. It was then sent to the House floor where it passed Third Reading on March 21 on a vote of 59-3-3, with Reps. Fields, Fischer, and Melton voting No and McCann, Schafer, and Stephens Excused.

Previously reported: LL#5, p. 47.

Jean Fredlund 303.428.5420

JUSTICE SYSTEM

TRAFFICKING BILL ADVANCES

HB 1273 Human Trafficking (Reps. McCann & Wright; Sens. Newell & Schwartz) (support)

This bill repeals, reenacts, and makes changes to existing laws concerning human trafficking. The bill deals with human trafficking for involuntary servitude of an adult, of a minor, and with trafficking for sexual servitude. By making human trafficking of a minor for sexual servitude a "sex offense against a child" for the purposes of the statute of limitations, there will be no limit on the period of time in which criminal proceedings may be initiated against a defendant.

If an offender is convicted of human trafficking for involuntary servitude or for sexual servitude, the court must order that restitution be paid to the victim, if appropriate, even if the victim is unable to receive payment. If a victim is deceased or

unavailable for five years after the date of the restitution order, the defendant must pay the ordered restitution to the Prostitution Enforcement Cash Fund in the Colorado Department of Public Safety.

To continue to address this crime, the bill creates the 26-member Colorado Human Trafficking Council within the Department of Public Safety and specifies the council's membership and duties. The council may recommend statutory changes to more easily punish and prosecute persons who engage in human trafficking, and better protect victims. The council is also required to:

- develop an implementation plan for a public awareness campaign to educate the public about human trafficking and distribute victim services contact information to places where victims are likely to see it;
- develop training standards and curricula for organizations that provide assistance to victims of human trafficking, for persons who work with victims, and for law enforcement agencies; and
- identify best practices for the prevention of human trafficking.

The council must annually report to the Judiciary Committees of the General Assembly on the prevalence of human trafficking and the efforts of law enforcement to combat human trafficking in the state, beginning in 2016.

The House Judiciary Committee referred the bill to Appropriations on March 11 on a vote of 10-0 (Murray excused).

Previously reported: LL#4, p. 32.

PUNISHING CHILD ABUSERS

NEW **HB 1260 Penalties for Sexual Assault against a Child Under 12 (Rep. Foote; Sen. Johnston) (support)** More than 40 states in the U.S. have passed laws that are similar to Florida's House Bill 2005-1877 (commonly referred to as "Jessica's Law"). Colorado is one of five states that does not currently have mandatory minimum sentences for defendants convicted of a felony sexual assault against a child. This bill requires the court to provide an indeterminate sentence (which allows release only after successful treatment) for a class 2, class 3, or class 4 felony sex offenses when

the act includes a sexual intrusion or sexual penetrations against a child under the age of 12 when the offender was an adult and at least 10 years older than the child. Under the bill, sentencing for these sex offenses varies by felony class level. According to the fiscal note, this bill could increase workload for the Judicial Department as of FY 2014-2015 and will increase costs for the Department of Corrections. It is significant that the bill applies only to offenses committed after the effective date of the law, which would be July 1, 2014.

This bill was heard in the House State Affairs Committee, which passed it unanimously to the Appropriations Committee, which passed it unanimously to the full House, which passed the bill unanimously on Third Reading on March 18. In the Senate, it has been assigned to the Judiciary Committee but is not yet calendared.

Both reported by Kimberly Love 303.956.8840

BAN ON ADVERTISING CHILDREN PASSES THE HOUSE

HB 1149 Advertising Children to Transfer Care Trafficking (Rep. Conti; Sen. Marble) (support) passed out of House Appropriations unamended on March 7 by a vote of 12-1 with Rep. Sonnenberg voting No.

On March 10, it passed 2nd Reading where it was amended to exempt from the crime of child trafficking a relative who receives a child and to define a relative as a grandparent, brother, sister, half-sibling, aunt, uncle, or first cousin of the child. It was also amended to make clear that advertising through a public medium shall not include personal or work electronic mail, text, or telephone.

On March 12 the bill passed 3rd Reading by a unanimous vote with Rep. Holbert excused. It has been assigned to Senate Judiciary and is scheduled to be heard on March 24.

Previously reported LL#2, p. 12; LL#3, p. 27.

Carla Bennett 303.757.2930

JUVENILE JUSTICE

SENATE JOINT RESOLUTION ADDRESSES JUVENILE COURT ISSUES

NEW **SJR 010 Request Judicial Action on Juvenile Defense (Sen. Guzman; Rep. Kagan) (support)** is a recommendation from the 2013 Juvenile Defense Attorney Interim Committee. It has been laid over for action on 3rd Reading until April 7.

The resolution requests:

- That the Chief Justice of the Colorado Supreme Court issue a directive to the judges in the state court system to assign, to the extent practicable, juvenile delinquency cases to a single courtroom in each judicial district and also allow judges who hear juvenile cases to remain in that rotation so that they can become experienced in handling juvenile cases.
- That the Chief Justice convene a task force to review best practices in juvenile court.
- That the Chief Justice establish a committee to review the Colorado Rules of Juvenile Procedure, juvenile court forms, and Chief Justice Directive 04-04 (deals with appointment of counsel for the indigent) and make any recommendations for changes that may be necessary to improve the juvenile justice system.

Currently the city and county of Denver is its own judicial district, and it is the only one that has a juvenile court that is separate from the adult court. The rest of the judicial districts in the state assign judges to hear juvenile cases on a rotating basis, although sometimes a judge who would like to remain in a juvenile rotation will be allowed to. The advantage to specialized juvenile courts is that they have judges and staff who are interested in and trained in juvenile law and the issues that are involved. It may not be practical for all judicial districts to have a separate juvenile court, but it would be worthwhile to encourage the assignment of juvenile cases to a single courtroom and to encourage allowing judges who rotate into hearing juvenile cases to stay in that rotation so that they can become experienced in how to handle juvenile cases. It is worth remembering that juvenile cases

NATURAL RESOURCES

ENERGY

SMALL HYDRO TO GOV

HB 1030 Small Hydroelectric Incentives (Reps. Coram & Mitsch Bush; Sens. Schwartz and Roberts) (support) will streamline the authorization process for adding small scale hydro (10 megawatts or less) to existing infrastructure such as streams or diversion ditches for irrigation. The bill passed the Senate on March 19 on a vote of 26-7-2. It is now headed for the Governor’s desk.

Previously reported LL#3, p. 27.

Sigrid Higdon 303.233.8111

Senate Vote

YES	26	NO	7	EXCUSED	2	ABSENT	0
Aguilar	Y	Heath	Y	King	E	Scheffel	N
Balmer	N	Herpin	Y	Lambert	N	Schwartz	Y
Baumgardner	N	Hill	N	Lundberg	N	Steadman	Y
Brophy	Y	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	Y	Renfroe	E	Zenzinger	Y
Guzman	Y	Kefalas	Y	Rivera	Y	President	Y
Harvey	Y	Kerr	Y	Roberts	Y		

SOCIAL POLICY

CHILDREN’S ISSUES

REINSTATEMENT OF PARENTAL RIGHTS

Senate Bill 62, Reinstatement of Parent-child Legal Relationship sponsored by **Sens. Guzman, & Roberts and Reps. Foote & Gardner (support)**, which allows the reinstatement of parental rights for children who have lingered in the custody of the state, is ready to move on for the governor’s signature. In spite of serious concerns from the League of Women Voters, the bill passed Third Reading in the House unanimously and without amendments.

Although the League applauds the effort to provide an additional pathway to permanency for children who have remained in the custody of Human Services for at least 3 years and most likely for 5 years or more, there is no specific requirement that the court order counties to provide services for the children after the termination of the trial period. Families without substantial resources might not be able to retain custody of their children without

also include dependency and neglect actions, and it would be beneficial to have judges who are familiar with and trained in those issues hearing those cases.

Carla Bennett 303.757.2930

REPRODUCTIVE FREEDOM

ANTI-ABORTION BILL DEFEATED

On March 11, **HB 1133 Protect Human Life at Conception (Rep. Humphrey; Sen. Renfroe) (oppose)** was defeated in a House Judiciary hearing showing disagreements among abortion opponents about how absolute a ban should be. The bill would have exempted most forms of birth control but otherwise presented severe limitations to medical care that might result in intentional or unintentional termination. Two doctors testifying for Planned Parenthood expressed concern that these measures could endanger lives and would interfere with doctors’ care of their patients. Other witnesses opposed to the bill also noted the difficulty the bill would pose in the treatment of women with life- and health-threatening complications of pregnancies.

Two committee members offered amendments that amounted to alternative bills, in an effort to make the bill constitutional. One amendment would have prevented late-term abortions; another would have allowed abortion in the case of rape, incest, and where health of the mother is threatened. The first was ruled as not fitting under the title, and the second was defeated by vote. Interestingly, the sponsor acquiesced in the first, but did not agree with the second.

On a vote to send the bill un-amended to the Public Health Care and Human Services Committee, Reps. Gardner and Waller voted with the 2–9 majority against the bill due to its unconstitutionality. Voting for the bill: Lawrence, Murray. The vote to PI was 7–4. Voting Yes: Buckner, Court, McLachlan, Pettersen, Salazar, Lee, Kagan. Voting No: Gardner, Lawrence, Murray, Waller.

Previously reported in LL#2, p. 15.

Leslie Chomic 303.863.0437

services designed to help them deal with unanticipated behaviors. The League has repeatedly stated this concern. No legislative response has resulted.

Previously reported: LL#3, 27; LL#4, p. 37.

Roberta Long-Twyman 303.377.9193

EDUCATION

SCHOOL DISTRICT SUPERINTENDENTS' PLEA, "REDUCE THE NEGATIVE FACTOR"

After concluding two weeks ago that much needs to be done to make the two school finance bills acceptable, House Education last week made rather short work of modifications to both **HB 1298 Financing of Public Schools (Reps. Hamner and Buckner; Sens. Kerr and Steadman) (watch)** and **HB 1292 Student Success Act (Reps. Hamner and Murray; Sen. Johnston) (oppose)**.

An amendment to the School Finance Act (1298) by Rep. Young passed, mandating that 75% of any surplus in the general fund at the end of the fiscal year be placed in the state education fund. Rep. Wilson attempted, but failed, to eliminate an additional 5,000 preschool slots in order to allow the allotted \$17 million to go back to districts unrestricted. While acknowledging the overwhelming evidence of early childhood education benefits, Wilson emphasized that every district has distinct needs and should be allowed to use the funds accordingly. We have long recognized the value of early childhood education, and if anything is earmarked this should be it, but this year we must support the districts in their efforts to make reasonable repairs to the painful cuts they have made over the last few years.

Amendments to the Student Success Act (HB 1292): give some leeway to rural districts in reports to the financial transparency system; remove requirements in the English Language Learners program that districts found onerous and transfer some of the designated ELL funds to other categorical programs; and add implementation of student learning objectives for evaluation for teachers not covered in SB 191 by student testing to the list of acceptable purposes for implementation funding.

Both bills passed with a favorable recommendation to House Appropriations – HB 1292: vote of 11 to 1, with Rep. Holbert voting no, and HB 1298: vote of 7:5 (Yes: Buckner, Court, Fields, Pettersen, Young, Peniston, Hamner; No: Holbert, McNulty, Murray, Priola, Wilson). Chair Millie Hamner acknowledged that there is more work to be done on both bills. Our concerns stated in LL#5 remain.

Colorado voters clearly rejected the "reforms" put forth in the funding requirements for Amendment 66 last fall. The average teacher salary in Colorado has dropped over \$7,000 in inflation adjusted dollars from 1992 to 2012. Yet, all districts are searching for "highly qualified" teachers. A teacher can make more money working at Bed, Bath, and Beyond in Pueblo than teaching in nearby Custer County. Roofs continue to leak in rural schools. Children are riding miles to school in buses that should have already been replaced. Urban districts have suffered, but have been able to weather the storm with less disastrous results. Rural districts are seriously hurting. The Colorado Constitution requires a "thorough and uniform system of free public schools throughout the state." It is time to return a modicum of funds to school districts without restrictions (\$200 million is a mere 20% of the cuts schools have taken each year), so they can begin to repair the damage done by annual shortages of \$1 billion (relative to the mandates imposed) over the last several years. Budget transparency, new costly counting systems, expensive tests that require computers and wi-fi, more FTEs for Colorado Department of Education (none of which, by the way, offer any real evidence that they can produce "student success") can wait. Our students cannot wait for new text books, stability in the classroom, appropriate class sizes, and technology to access learning opportunities.

Previously reported: LL#5, p. 42.

Sally Augden 303.455.5800

HEALTH CARE

INCREASING VACCINATION

NEW **HB 1288 Student Immunizations Prior to School Attendance (Rep. Pabon; Sen. Aguilar) (support)** would put in place requirements for

parents of children who desire an exemption from immunizations because of personal beliefs.

When a parent, guardian, emancipated student or a student over 18 years of age has a personal belief that is opposed to immunizations, this bill would require the person to submit to the student's school a statement of exemption which would include:

- the signature of a health care provider or a representative of the Colorado Department of Public Health (or a county, district, or municipal public health agency) who is permitted to administer vaccines, stating that the parent, guardian or student has received information about the benefits and risks of immunization;
- or a certificate of completion of an on-line education module developed by the infant immunization program at the Department which discloses the benefits and risks of vaccinations.

The bill also requires the Department to make known the rules concerning student immunizations.

The success of vaccines preventing disease is well established. High rates of immunizations coverage are necessary to prevent the spread of vaccine-preventable diseases. Because of the success, League of Women Voters believes immunizations are highest priority in prevention of disease. This bill would ensure the public is educated about immunizations and make it more difficult for parents/students to exempt out of vaccines.

The bill passed the House Health, Insurance, and Environment Committee on a vote of 9-2. Voting Yes: Fields, Ginal, Landgraf, McNulty, Primavera, Singer, Swalm, McCann, Schafer. Reps. Humphrey and Joshi voted No. It now awaits Third Reading in the House.

Marion Colliander 303.322.3926

EXCHANGE WILL CONTINUE

HB 1192 Repeal Health Benefit Exchange (Rep. Joshi; Sen. Lundberg) (oppose) This bill would have repealed the act passed by Colorado which created a health benefits exchange in the state. The bill was heard by the House Committee on Public Health Care & Human Services on February 25 and postponed indefinitely on March 11 on a vote of 8-5. (Voting to PI: Ginal, McCann, Schafer, Singer,

Stephens, Tyler, Young, Primavera. Voting No: Conti, Everett, Joshi, Landgraf, Wilson.)

Previously reported: LL #3, p. 29.

HEALTHCARE CLEAN UP BILLS

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 passed Third Reading in the House on March 7 with only Rep. Schafer voting No and Reps. Fischer, Joshi, Swalm, and Wright excused. It was introduced in the Senate on March 12 and assigned to Health & Human Services.

Previously reported: LL #5, p. 49; 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 Appropriations Committee passed the bill unanimously to the full House, where it passed Third Reading on March 19 on a vote of 52-12-1.

Previously reported: LL#4, p. 39; LL #5, p. 48.

House Vote

	YES	52	NO	12	EXCUSED	1	ABSENT	0
Becker	Y		Gerou	Y	McLachlan	Y	Saine	N
Buck	N		Ginal	Y	McNulty	Y	Salazar	Y
Buckner	Y		Hammer	Y	Melton	Y	Schafer	Y
Conti	N		Holbert	N	Mitsch Bush	Y	Scott	Y
Coram	Y		Hullinghorst	Y	Moreno	Y	Singer	Y
Court	Y		Humphrey	N	Murray	N	Sonnenberg	Y
DelGrosso	Y		Joshi	Y	Navarro	Y	Stephens	E
Dore	N		Kagan	Y	Nordberg	N	Swalm	Y
Duran	Y		Kraft-Tharp	Y	Pabon	Y	Szabo	Y
Everett	N		Labuda	Y	Peniston	Y	Tyler	Y
Exum	Y		Landgraf	N	Pettersen	Y	Vigil	Y
Fields	Y		Lawrence	N	Primavera	Y	Waller	Y
Fischer	Y		Lebsock	Y	Priola	N	Williams	Y
Foote	Y		Lee	Y	Rankin	Y	Wilson	Y
Garcia	Y		May	Y	Rosenthal	Y	Wright	Y
Gardner	Y		McCann	Y	Ryden	Y	Young	Y
							Speaker	Y

HB 1290 Telepharmacy Remote Pharmacy Outlet (Rep. Becker; Sen. Roberts) (support) The bill adds a telepharmacy to the definition of other outlet under the statutes governing the

practice of pharmacy. The telepharmacy model facilitates and increases access to health care for rural areas, which is consistent with League positions on overall health care access, and we are therefore moving to a Support position on the bill.

The bill was heard in Public Health Care & Human Services on March 11 and referred amended to the House Committee of the Whole on a unanimous vote with McCann excused. The bill passed Third Reading unanimously on March 17. The bill has been assigned to Senate Health & Human Services.

Previously reported: LL #5, p. 49.

NEW SB 159 Implement Med Clean Claims Recommendations (Sens. Aguilar, Kefalas; Rep. Primavera) (support)

The medical clean claims task force in the Department of Health Care Policy and Financing was convened as a result of earlier legislation and is tasked with developing standardized payment rules and claim edits for use by payers in processing medical claims. Carriers will be required to use the payment rules. The bill delays implementation until January 1, 2017 as the task force is still at work and public feedback will be sought prior to implementation. League supports measures which standardize and therefore streamline and add to efficiency in health care delivery.

Introduced in the Senate on March 17, the bill was assigned to Health & Human Services.

NEW SB 032 Alternative Health Care Providers Treat Children (Sen. Lundberg; Rep. Saine) (oppose)

This bill amends restrictions in the Naturopathic Doctor Protection Act and the Colorado Natural Health Consumer Protection Act which prohibit complementary and alternative health care practitioners from providing treatment to children under the age of two, as well as medical treatment without parental permission and disclosure, to children under the age of eight. The bill removes alternative care practice limitations on children from consumer protection laws.

The bill was heard on February 26 in Senate Health & Human Services and referred amended to the full Senate on a vote of 4-3 (Voting Yes: Crowder, Hill, Lundberg, Newell. Voting No: Kefalas, Nicholson, Aguilar. The bill was amended to permit

complementary and alternative health care practitioners to treat children under the age of two, with the same parental consent and disclosure required for children over two but under eight years old. Registered naturopaths have been removed from the bill, which now references unlicensed practitioners. The bill passed Third Reading on March 12. The bill is assigned to House Health, Insurance, & Environment.

League opposes the bill which removes consumer protections for children, a vulnerable population, related to medical care provided by unlicensed practitioners, which after the bill was amended, are the only practitioners addressed by the bill.

Senate Vote

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	N	Heath	N	King	Y	Scheffel	Y
Balmer	N	Herpin	Y	Lambert	Y	Schwartz	N
Baumgardner	Y	Hill	Y	Lundberg	Y	Steadman	N
Brophy	Y	Hodge	N	Marble	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Newell	Y	Todd	N
Crowder	Y	Johnston	N	Nicholson	N	Ulibarri	N
Grantham	Y	Jones	N	Renfroe	Y	Zenzinger	N
Guzman	N	Kefalas	N	Rivera	Y	President	N
Harvey	Y	Kerr	N	Roberts	N		

All reported by Carol Pace 303.751.4125.

INCOME ASSISTANCE

CHILD CARE IMPROVEMENTS

NEW HB 1317 Colorado Child Care Assistance Program (CCCAP) Changes (Rep. Duran; Sens. Nicholson and Kefalas) (support)

was introduced March 11 and heard in Public Health Care & Human Services on March 18. However, it's the result of years of efforts to provide better support for working parents and their children, and months of work by stakeholders to hammer out specific proposals. There's a lot of balancing to be done, for example between allowing local control and providing consistent access to child care while trying to improve the family's economic status. Currently, some counties allow up to 48 months of CCCAP while parents pursue education that will improve their job prospects. Others allow none. HB 1317 would require at least two years, subject to availability of appropriations.

Other changes would make child care more affordable, such as limiting the copay to 1% of income while the parent's income is below the federal poverty level. Above that level, a tiered system would ease the cliff effect, gradually increasing the copay while leaving the working

parent part of their pay increase. When a family reaches the income limit for CCAP, they would have at least 90 days to transition off the program.

Another focus is breaking the cycle of poverty through improving school readiness. A tiered system of reimbursement to child care providers would encourage participation by providers highly rated by Qualistar. Children could also receive a more consistent educational experience by decoupling child care hours from going strictly by the parent's work hours, as they do now. If a parent is doing temp work and their hours keep changing, so do the child's hours of attendance at preschool.

County human services departments are concerned about the provider reimbursement rates being set by the state department, even though they would be based on a market survey in each county. They feel they could serve more families by negotiating lower rates themselves. The amendment adopted in committee already addressed some other county concerns.

Public Health Care & Human Services sent the amended bill to Appropriations on an 8-5 vote. Voting Yes: Ginal, McCann, Schafer, Singer, Stephens, Tyler, Young, Primavera. Voting No: Conti, Everett, Joshi, Landgraf, Wilson.

AFFORDABLE HOUSING GOES TO SENATE

HB 1017 Expand Availability of Affordable Housing (Rep. Duran; Sen. Ulibarri) (support) had language added in Senate Finance to assure that tax credits are only given to developments that meet the federal accessibility and adaptability requirements. The bill was then referred to Appropriations on a 3-2 vote. Voting Yes: Ulibarri, Kerr, Johnston. Voting No: Grantham, Hill.

Previously reported: LL#2, p. 18; LL#4, p. 39; LL#5, p. 50.

Both reported by Julie Leonard 720.384.8421

MENTAL HEALTH

SOLITARY FOR THE MENTALLY ILL

NEW **SB 64 Use of Isolated Confinement Mental Illness (Sen. Ulibarri; Rep. Salazar) (watch)** As introduced, SB 64 would have made

specific instructions to the Dept. of Corrections (CDOC) regarding the handling and treatment of prisoners diagnosed with mental illness, especially with regard to their placement in administrative segregation (solitary confinement). The prescriptiveness of the original draft did not allow CDOC enough flexibility to address the different situations it encounters. In committee it was amended by a strike-below that changed the bill to establish a work group made up of Corrections management and psychiatric personnel, inmate advocates, and independent mental health professionals, while still restricting the use of solitary confinement of persons with mental illness to "exigent circumstances."

This work group will advise the department on policies and procedures related to the proper care and treatment of severely mentally ill offenders in long term isolated confinement and will receive quarterly reports from the CDOC regarding the status of the department's work related to these inmates. This amendment allows more flexibility over time. It does not codify the most recent practices of the Department which all agree have been admirable, such as evaluating all inmates prior to admittance to the prison for mental illnesses, and not using isolated confinement for inmates who are severely mentally ill. It also omits the list of psychiatric diagnostic terms from being written into the law. These terms do change with some frequency. The amendments were supported by several advocacy groups involved in treatment of those with mental illnesses.

We must note that, with budget cuts over the last 15-20 years that have significantly reduced the access to mental health treatment facilities, including those for people who have committed crimes, prisons have been place where persons with mental illness have been "housed" disproportionately. This bill and the new practices of the CDOC are important (if small) steps toward changing past, counterproductive practices.

The amended version was passed unanimously by the Senate Judiciary committee on March 11 and sent to Appropriations.

DUTY TO WARN EXPANDED

HB 1271 Mental Health Duty to Warn (Rep. Melton; Sen. Newell) (support) This bill, according to the sponsor, was a response to the Aurora theater shooting last year. The major change in the statute was the enlargement of the existing duty of therapists to warn specific individuals to one to warn larger, though still specific, entities (locations) that a mentally ill person had voiced credible threats against them.

The bill was passed on Third Reading on March 6 on a vote of 61-0-3-1, with Reps. Fischer, Joshi, and McNulty Excused and Rep. Everett Absent. It was sent to the Senate Health and Human Services committee which passed it unanimously to the full Senate on March 20.

Previously reported: LL#5, p. 50.

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
Administration	SB	119	Decriminalize Prohibited Practices For Lobbyists	S	44,55	To Gov
Administration	HB	1112	Authorize Clerks To Redact Social Security Numbers	S	21,45	Signed
Administration	HB	1193	Research Retrieval Fees Public Records Under CORA	SIP	33,44,55	S-2nd Rdg
Administration	HB	1258	Respondents' Legal Rights IEC Complaints	W	54	PI'd
Administration	HB	1303	Legislature Take Public Testimony Remote Locations	S	44	H-SA
Children's Issues	SB	62	Reinstatement Of Parent-child Legal Relationship	S	27,37	To Gov
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
Education	HB	1292	The Student Success Act	O	42,58	H-App
Education	HB	1298	Financing Of Public Schools	W	42,58	H-App
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	SB	158	Recall Elections How Conducted & Align Article XXI	S	54	S-SA
Elections	SB	161	Update Uniform Election Code Of 1992	S	53	S-SA
Elections	HB	1062	Optional Approval Voting In Nonpartisan Elections	S	13	PI'd
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
Energy	SB	93	Pipeline Right-of-Way	O	48	H-2nd Rdg
Energy	HB	1030	Hydroelectric Generation Incentive	S	27,58	To Gov
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	Signed
Gun Safety	HB	1230	Restoration Of Firearm Carry Right For Some Felons	S	22, 35	Pl'd
Gun Safety	HB	1291	Permit Charter Schools Hire Armed School Security	S	47	To Senate
Health Care	SB	16	CDPHE Regulate Freestanding Emergency Centers	S	16	S-2nd Rdg
Health Care	SB	32	Alternative Health Care Providers Treat Children	O	60	H-HIE
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	SB	159	Implement Med Clean Claims Recommendations	S	61	S-HHS
Health Care	HB	1045	Breast & Cervical Cancer Treatment	S	9	H-App
Health Care	HB	1051	Dev Disability Services Strategic Plan	S	9,38,48	Signed
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	29,60	Pl'd
Health Care	HB	1207	CDPHE Household Medication Take-back Program	S	39,48,60	S-HHS
Health Care	HB	1257	Performance Audit Health Benefit Exchange	W	29,49,60	S-HHS
Health Care	HB	1283	Modify Prescription Drug Monitoring Program	S	49	H-App
Health Care	HB	1288	Student Immunizations Prior To School Attendance	S	59	H-3rd Rdg
Health Care	HB	1290	Telepharmacy Remote Pharmacy Outlet	S	49,60	S-HHS
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	18,39,50,62	S-App
Income Assistance	HB	1072	Income Tax Credit For Child Care Expenses	S	18,50	H-App
Income Assistance	HB	1317	Colorado Child Care Assistance Program Changes	S	61	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
Justice System	HB	1149	Advertising Children To Transfer Care Trafficking	S	12,28,57	S-Jud
Justice System	HB	1197	Governor's Authority to Grant Reprieve	O	47	Pl'd
Justice System	HB	1260	Penalties For Sex Offenses Against A Child Under 12	S	56	S-Jud
Justice System	HB	1273	Human Trafficking	S	32,56	H-App
Juvenile Justice	SJR	10	Request Judicial Action On Juvenile Defense	S	57	S-3rd Rdg
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	64	Use Of Isolated Confinement Mental Illness	W	62	S-App
Mental Health	SB	88	Suicide Prevention Commission	S	40	S-App
Mental Health	HB	1253	Recommendations Civil Commitment Review Task Force	S	50	H-2nd Rdg
Mental Health	HB	1271	Mental Health Duty To Warn Target Entities	S	50,62	S-2nd Rdg
Reproductive Freedom	HB	1049	Offenses Against Unborn Children	O	15,24	Pl'd
Reproductive Freedom	HB	1133	Protect Human Life At Conception	O	15,58	Pl'd
Transportation	SB	28	Expand Electric Vehicle Charging Station Grants	S	24	H-3rd Rdg
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	S-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-2nd Rdg
Water	HB	1002	Water Infrastructure Natural Disaster Grant Fund	S	8,26	S-App
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