

LEGISLATIVE LETTER[®]
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LL#2:11

LOOKING BACK ON THE NOVEMBER ELECTION

As last November's election season approached, there was much concern as to whether Colorado's new, modernized election system would work. Would local administrators be able to adjust to the new laws; would voters be confused as to how and where they could vote; would the State's database upon which so much depended be ready?

The dramatic changes to election procedures were the result of the passage of HB 1303 during the 2013 legislative session. The bill instituted some changes that included reducing the minimum duration required for an elector to qualify as a state resident; allowing electors to register to vote through election day; repealing the "inactive/failed to vote" category, which meant that all registered electors would receive a mail ballot; and replacing polling places with voter service and polling centers and ballot drop-off locations.

Colorado's Secretary of State's office and the election administrators in our 64 counties deserve kudos for successfully implementing such massive changes in the conduct of elections in Colorado.

Admittedly there were a few bumps and glitches along the way. In some cases, the statewide database went down for various lengths of time, lines to vote on election day were longer than hoped, particularly in college settings, privacy issues surrounding the way an individual voted existed, there were problems with vendors who printed ballots ... to mention a few. But on the whole our state conducted this new method of voting remarkably well.

While voter turnout in 2014 nationally has been estimated at 36.6%, Colorado saw an increase in voter turnout to 57%. Statewide a little under 5% of voters voted in person; 73% of those voted on Election Day. The preferred method for returning ballots was the drop-off (60%), with the remaining 40% mailed.

It is interesting to note the impact of eliminating the 30-day deadline of registration prior to the election. During that period and through election day just over 43,000 new people registered to vote, with 23% of the new voters

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registering as Democratic, 22% as Republican, 51% as unaffiliated, and 4% “other.” Approximately 6,500 of those registrations actually occurred on election day.

Perhaps the most astounding figure is that there were only about 980 provisional ballots issued, a 98% reduction statewide when compared to the last midterm election in Colorado, eliminating significant cost and time for the processing of provisional ballots.

There is always room for improvement, and in anticipation of a heavier voter turnout in the 2016 election some steps could be taken. These would include tweaking of the number of days that early voting is available, as there was low turnout during the first week throughout the state. Rural voters used the postal service to return ballots far more than voters in urban areas; perhaps more 24-hour drop-off boxes would be helpful. Essential to the success of future elections are the Secretary of State’s office upgrades to SCORE and to the supporting network in order to accommodate even greater volume.

Carol Tone 303.377.3746

GOVERNMENT

ADMINISTRATION

INDEPENDENT ETHICS COMMISSION

NEW SB 88 **The Independent Ethics Commission (Sen. Steadman; none) (watch)** would allow the Commission to retain independent legal counsel to represent the Commission on legal matters. In 2006, the passage of Amendment 41 created the Independent Ethics Commission with legal representation to be provided by the Attorney General. This bill seeks, in part, to “better fulfill the core Constitutional independence” sought by voter approval.

The bill also contemplates rule-making by the Commission and sets forth the requirements of public notice, public hearings, and review procedures for adopting new rules, including the review or approval of any proposed rule by the General Assembly’s Committee on Legal Services or by the Legislative Staff.

This bill also amends the standard of proof for proceedings before the Commission from proof beyond a reasonable doubt, appropriate for proceedings brought by a district attorney for violations of the code of ethics, to a standard of proof the Commission determines is appropriate under the circumstances. This provision will apply to all individuals subject to claims of violations before the Commission.

Another portion of the bill makes clear that advisory opinions issued by the Board of Ethics for the General Assembly at the request of a member of the General Assembly will not be binding on the Commission nor furnish a defense to a complaint in proceedings before

the Commission. In addition, the bill would repeal the Board of Ethics created in the Executive Branch and repeal statutory provisions allowing members of the legislature to accept reimbursement for expenses for attendance at meetings of joint governmental agencies.

This bill has a lot of parts, the collective impact of which is unclear to us. It is assigned to the Senate State Affairs Committee. No hearing has been scheduled.

Fern Black 303.793.0807

ELECTIONS

CLEAN VOTER LISTS

NEW SB 60 **Preventing Multiple Voter Registrations (Sen. Holbert; Rep. Everett) (watch)** This bill gives authority to the Colorado Secretary of State to forward any information obtained from the Department of Revenue Division of Motor Vehicles to the appropriate county clerk for updating a voter’s voter registration record in SCORE, the statewide voter registration master list. At the present time, the Secretary of State’s Office does not believe that they have this authority to do this.

The League of Women Voters strongly supports an accurate and up to date voter registration database and supports the Secretary of State’s being able to send relevant update information to the county clerks as well as receive it from them. There is concern that the bill **title** may be overly broad, and we will watch this bill.

Assigned to Senate State Affairs Committee and scheduled for hearing on January 26.

Faith Gross 303.619.0976

MUNICIPAL ELECTIONS FOR OVERSEAS VOTERS

NEW HB 1130 Overseas Citizens Municipal Election Voting Access (Rep. Nordberg and Ryden; Sen. Garcia and Hill) (support) The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is a federal law ensuring that military and American civilians living abroad can vote in federal elections. In 2011 Colorado adopted the Uniform Military and Overseas Voters Act (UMOVA) which enacted the minimum federal requirements and extended them to include all federal, state and local elections. This bipartisan bill extends some of the deadlines with regard to municipal elections to ensure that overseas electors have a similar ability to vote in municipal elections as they can in federal, state and county elections.

Considering that the law states that ballots must be sent to the overseas electors no later than 45 days before the election, it necessitates that dates for such things as circulating and signing petitions be moved up substantially in order to make the deadline. This bill addresses these logistics. It has been assigned to House State Affairs.

Carol Tone 303.377.3746

ACCESS TO VOTING PLACES

NEW HB 1084 Collection of Mail Ballots (Rep. Tate; none) (oppose) This bill would reduce the number of voter service and polling centers (VSPCs) counties are required to provide for each election. The formula for requiring counties to provide a designated number of these centers was already a compromise when HB 1303 was drafted. Admittedly, the use of VSPCs during the first part of early voting was low in last November's election. However, to change the number of sites for either early voting or Election Day voting is premature before testing the formula during a presidential election. We suggest that this issue be addressed after the 2016 election. The bill is scheduled to be heard in House State Affairs on January 26th.

Carol Tone 303.377.3746

FISCAL POLICY

IF THE STATE MUST REFUND TAXES UNDER TABOR...

NEW SB 001 Excess Revenues Refund Mechanism (Sen. Cadman; Sen. Scheffel) (Support) With the high likelihood that the 2015-16 fiscal year (or maybe earlier) will require TABOR refunds, this bill changes the mechanism for distributing the refunds. Currently, there are three mechanisms for refunding state revenues in excess of the state fiscal year revenue limits imposed by TABOR: 1) an earned income tax credit, 2) a temporary income tax reduction, and 3) a state sales tax refund based on 6 income tiers. This bill keeps the earned income tax credit, repeals the temporary income tax reduction, and replaces the 6-tier sales tax refund with 3- tiers. While it is the preference of the League that TABOR-imposed refunds be retained by the State for needed programs including education and transportation, we pragmatically support this modification as it results in a progressive tax refund, returning more money to those who need it and who will spend it locally in their communities.

The bill has been assigned to the Senate Finance committee but has not been scheduled for hearing.

Jean Aaro 303.863.0437

GUN SAFETY

MORE FIREARMS BILLS

NEW SB 86 Repeal Gun Transfer Background Checks Requirement and Fees (Rep. Joshi; Sen. Lambert) (oppose) This bill is identical to HB 1050 that was reported last time. It would repeal the background check for private individuals (passed in 2013) and put the cost of all background checks for gun sales back on all taxpayers. It is to be noted that the suggested negative effects of the expanded background checks have not materialized. The positive effects are uncertain at this time. Assigned to the Senate Judiciary Committee, to be heard on February 2.

NEW HB 1086 CBI Produce Certificates for Gun Transferees (Rep. Neville, Sen. Neville) (oppose) This bill would limit the time for CBI to produce the Federally required permit for transferring machine guns, destructive devices, and certain other firearms to only five days after receiving a request. We believe that this is too short a time to appropriately investigate the

“fingerprints, photograph and information about the applicants' possible violation of state or local law” or “indicate that the transferee will not use the firearm for an unlawful purpose.” The types of weapons involved go beyond those reasonable for personal protection. Assigned to the House State Affairs Committee, to be heard on February 2.

NEW **HB 1127 No Liability for Permitting Concealed Carry (Rep. Klingenschmitt; Sen. Garcia) (oppose)** This bill would exempt from liability any business that adopted a policy of allowing concealed carry on its premises. The Legislative declaration in this bill states that “the General Assembly wishes to create an incentive for businesses to allow responsible concealed carry permittees to carry concealed handguns on their premises, so as to create the potential for an armed response to a random assault.” The League believes this would further expand the presence of deadly weapons in the hands of untrained, frightened, and excited individuals, thus endangering the public. Assigned to the House State Affairs Committee, to be heard on February 2.

Jean Fredlund 303.863.0437

JUSTICE SYSTEM

HUMAN TRAFFICKING

NEW **HB 1019 Victims of Human Trafficking and Prostitution (Rep. Lundeen; None) (support)** This bill:

- Establishes immunity for a minor charged with prostitution;
- Requires law enforcement to take a minor suspected of prostitution into temporary protective custody as an abused child, transport the minor to the appropriate county department of human or social services to get services and proper placement, and report the minor as abused;
- Creates an affirmative defense to prostitution of a minor if the minor is a victim of human trafficking; and
- Clarifies that a claimant whose claim is based on the fact that he or she was a victim of human trafficking may be awarded compensation under the “Colorado Crime Victim Compensation Act.”

NEW **SB 30 Prostitution Defense for Human Trafficking Victim sponsored (Senator Carroll; None) (support)** This bill:

- Creates an affirmative defense to the crime of prostitution on or after July 1, 2015 if the person committed the act as a direct result of being a victim of human trafficking; and
- Allows a person charged or convicted with prostitution before July 1, 2015 the option to petition to have the court vacate his or her record of any conviction for that offense and the court may grant the motion finding the defendants participation was a direct result of being a victim of human trafficking.

Last year, Colorado substantially strengthened criminal penalties for human trafficking and now victims need critical protections that prevent re-traumatization and support restoration.

In Colorado, victims of sex trafficking can still face the stigma and trauma of being charged with a prostitution offense as a result of their victimization. Both bills eliminate the charges and conviction for the crime of prostitution for victims of human trafficking; and so the league supports both. However, HB 1019 is more robust and addresses the critical protections for child sex trafficking victims, ensuring that they are treated as victims, not criminals. This legislation protects victims in that it makes minors immune from prostitution charges. Labeling exploited minors as criminals creates a cascade of negative outcomes for child victims – the most significant being the failure to deliver needed services that interrupt and treat the trauma these children have endured.

Juvenile victims of sex trafficking need prompt assessment of their health, safety and risk of re-exploitation and HB 1019 requires prompt assessment of juvenile sex trafficking victims in these areas with specialized services through child welfare. By quickly providing these critical assessments and services, in lieu of criminal penalties, these vulnerable victims are more likely to cooperate with the service plans and be able to work with prosecutors to bring their exploiters – the true criminals – to justice.

Finally, current ineligibility criteria may cause juvenile sex trafficking victims to be denied crime victims’ compensation due to the nature of their exploitation. HB 1019 assists with funding juvenile victims’ restoration by providing a specific exception for juvenile sex trafficking victims and ensuring access to this important

financial support that could help prevent a traumatized youth from returning to their exploiter.

An important feature of SB 30 is the recognition that many adults involved in prostitution may have gotten there because of human trafficking while they were minors. Having the chance to clear criminal records of prostitution charges would help these people restart their lives.

HB 1019 will be heard in the House Judiciary Committee on January 29. SB 30 will be heard in the Senate Judiciary Committee on January 28.

Kimberly Love 303.956.8840

YOUTHFUL OFFENDER SYSTEM BILL INTRODUCED

NEW **SB 37 Youthful Offender in Corrections (Sen. Garcia; Reps. Navarro, Esgar) (oppose in part)** will allow the executive director of the Colorado Department of Corrections (DOC) or his/her designee to transfer any youthful offender sentenced to DOC into and out of the Youthful Offender System (YOS) at his or her discretion for the purposes of public safety, academic achievement, rehabilitation, development of pro-social behavior, or reentry planning for youthful offenders. Under current law a youthful offender is sentenced to the Youthful Offender System by the court and is removed from YOS by the court. The bill also changes the requirement for an evaluation of YOS from the current every two years to every five years.

Our concern with this bill is the change of the timing for the evaluation of the YOS program from every two years to every five years. We oppose that change at this point in the history of the program given that, since the program began, the evaluations have not been done when they were supposed to have been done. They were supposed to have occurred every two years and in fact they were only done in 2002, 2004, 2012, and 2014. This is an expensive program. It is supposed to be more rehabilitative in nature than the regular programs in the adult correctional facilities. However, without proper and timely evaluations, it is difficult to know for sure if the program is living up to its promise.

The bill has been assigned to Senate Judiciary Committee.

Carla Bennett 303.757.2930

JUVENILE JUSTICE

RESTRAINTS IN JUVENILE COURT

NEW In almost all juvenile courts in Colorado (the exceptions are Boulder, Jefferson, and La Plata counties), juveniles who are being held in custody are shackled when they appear in court regardless of their risk to the court, their risk of running and/or the seriousness the of the crime they are charged with. This results in children as young as 10 years of age being shackled. The shackles can include wrist and ankle cuffs as well as a waist chain and can weigh as much as 25 lbs. according to an article in the Denver Post dated Sept. 1, 2014. Being shackled can be traumatic and psychologically harmful to a youth, and it certainly does not give the impression that the juvenile court is a more rehabilitative system.

In 2013, a bill that would have removed the use of shackles in court did not pass. This year **HB 1091 Policies on Juvenile Shackling in Court (Rep. Lontine; Sen. Merrifield) (support)** requires each judicial district by Dec. 31, 2015 to develop and implement an appropriate and evidence-based policy regarding shackling of juveniles that addresses the needs of the juvenile and protects public safety. The bill requires that, when developing the policy, each judicial district consider research regarding the use of shackling, relevant statutory and case law, a presumption against the shackling of juveniles, and the best practices that have already been developed in Colorado and other states.

The bill has been assigned to House Judiciary.

Carla Bennett 303.757.2930

JUVENILE COMPETENCY BILL INTRODUCED

NEW **HB 1025 Competency to Proceed Juvenile Justice System (Rep. Rosenthal; Sen. Newell) (support)** creates a juvenile-specific definition of competency to proceed in the juvenile justice section of the Colorado Children's Code. It came out of the Task Force Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Systems.

Under current law in Colorado, a youth cannot use the "not guilty by reason of insanity" defense. Instead the youth can be found incompetent to proceed. If, after a competency hearing, the youth is found to be incompetent to proceed, the youth can receive services to restore him/her to competency, and once the youth is

restored to competency, the trial may proceed. Unfortunately, the current definition of competency to proceed in the Children’s Code simply refers to the definition in the adult criminal code and does not take into account evolving understanding of the difference in brain development between adults and youth.

Under the adult statute, competency to proceed can be determined by two defined factors, developmental disability and mental disability. Under this bill, those two factors plus a third one – mental capacity – are put into the new Children’s Code definition of incompetent to proceed.

Given the new understanding that we have about the differences between youth and adults, justice is not served by treating youth as if they are miniature adults, and a juvenile-specific definition of competency to proceed is an important step toward making the juvenile justice system more just and rehabilitative while holding the youth accountable for his/her actions. The bill may need more work regarding the definitions of the three factors to tighten them up, but ultimately it is important that we have a juvenile-specific definition of competency to proceed in our juvenile justice statutes.

The bill is scheduled to be heard in House Judiciary on Jan. 29.

Carla Bennett 303.757.2930

VOTING RIGHTS

VOTER PRIVACY AND FREEDOM

NEW HB 1011 RESTRICT REVEALING HOW PERSON VOTES; (Rep. Rosenthal; None) (watch)

Under current Colorado law, it is a misdemeanor for any person to disclose how a voter has voted. A voter is prohibited from showing her or his marked ballot to anyone. In today’s world of social media, mail ballot elections and ease in taking photos, some voters are unknowingly breaking the law by posting photos of their marked ballots on Facebook or other social media. The goal in bringing this bill is to ensure voters’ first amendment right of free speech if they **choose** to disclose their marked ballot, while clarifying that election officials, watchers, and others who are conducting duties or functions under Colorado election code are prohibited from doing so.

The bill maintains the prohibition on soliciting or inducing a voter to show the marked ballot. It also

maintains the prohibition on voters and others placing identifying marks on a voted ballot.

No charges have been brought against voters who have shown their ballots or made identifying marks. Perhaps it would be better to address the problem by changing state law, rather than send the message that it is OK to commit misdemeanors.

The bill has been assigned to House State Affairs and will be heard on Jan. 28.

Faith Gross 303,619.0976

NATURAL RESOURCES

WATER

WATER CONSERVATION AND LAND USE PLANNING

NEW SB 8, Promote Water Conservation in Land Use Planning, has been introduced by **Sen. Roberts and Rep. Vigil (support)**. This bill is one recommended by the Water Resources Review Committee to direct the Colorado Water Conservation Board (CWCB) in consultation with Department of Local Affairs (DOLA) to develop and provide free training programs for local governments water use, water demand and land use planners. It also recommends how to better integrate water-demand management and conservation planning into land use planning. With the development of a statewide water plan and the continual issue of living in a semi-arid state, it is beneficial to address these issues. It is necessary for smaller communities with limited resources to be able to participate in these programs. The bill was heard on January 14 in Senate Agriculture committee and amended by tightening up language to include time periods not to exceed 7 years, require estimates of water that has been saved, and require integration of water demand management and water conservation planning into the covered entity’s land use planning.

Because there is a small fiscal note, \$50,000 for the first year’s implementation, the bill was sent to Appropriations. Voting for the bill: Donovan, Hodge, Garcia, Jones, Roberts. Voting No: Baumgartner, Cooke, Scott, and Sonnenberg.

FLEXIBLE WATER MARKETS

NEW Rep. Arndt has introduced **HB 1038, Flexible Water Markets, (support)**. This bill was run last year by Rep. Randy Fischer, who was term limited. The bill defines “flex use” to mean an application of the fully consumptive portion of water that has been subject to a water right change-in-use proceeding to any beneficial use. The other sections describe the procedures for obtaining a flex use change-in-use decree and the procedures for obtaining a flex use substitute water supply plan. Again, Colorado has to continue to address the semi-arid conditions of the state as well as address keeping water on agricultural lands, by making it feasible for large water holders to look at alternatives that help them. The bill is calendared for February 2 in House Agriculture.

REPEAL WATER SENSE FIXTURES

NEW **HB 1093, Exceptions Efficient Plumbing Fixture Requirements, Rep. Dore; None (oppose)** proposes to repeal a bill passed last year that disallows (after September 1, 2016) the sale of certain plumbing fixtures that are not water-efficient. This applies to lavatory faucets, shower heads, flushing urinals, tank-type toilets and tank-type water closets. It will retain several other portions including requiring builders of single family homes to offer fixtures that meet current standards of the federal EPA WaterSense program; new construction or renovations of state building must include water-efficient plumbing, but exempts plumbing devices in new state buildings where a public entity is responsible and determines that the devices would be detrimental to public health or safety; and new construction or renovations must meet water-efficiency standards, unless a local authority feels it would be detrimental to public health or safety or if the fixtures and fittings would cause a sewer hydraulic gradient insufficient to handle reduced water flows. The latter section was addressed last year in the presentations to the committee and on the floor. This is not the time to be repealing needed water conservation measures through water efficient fixtures. The bill is not yet calendared for hearing in the House State Affairs Committee.

All reported by Jeannette Hillery 303.494.7718

SOCIAL POLICY

EDUCATION

ADDING COLORADO PRESCHOOL PROGRAM SLOTS

NEW **HB 1024 Increasing the Number of CO Preschool Program Students (Rep. Pettersen; Sen. Kefalas) (support)** would increase the number of slots funded for the Colorado Preschool Program (CPP) by 3,000 half-time or 1500 full time positions. Currently, the state funds 20,160 children as full or part time students and 8,200 as full-time preschool or full-time kindergarten students. Increased funding would amount to \$11,311,683 for 2015-16. This amount may change for 2016-17 depending on how the negative factor is specified. Some additional funds are allowed for CDE to oversee and to offer support to school districts.

Abundant research identifies early childhood education as one of the two most effective uses of taxpayer dollars for improving education outcomes. (The other is ongoing teacher training). The League has long supported early childhood education as a means of providing quality public education and bringing more equitable opportunities for achievement. If we are serious about closing the achievement gap, this is the most effective means of accomplishing that goal.

NEW We are intrigued, as well, by **HB 1020 Funding for Full-Day Kindergarten (Rep. Wilson; None) (watch)**. With a \$236 million price tag and the ongoing, though gradually easing \$1 billion/year shortfall in education funding, this idea seems doomed from the get-go. Kindergarten is not required schooling in Colorado, and each enrolled student has been funded at 0.58. This bill would not require kindergarten at all, but would fund students for a full day who do enroll.

If the funding were there, it would be easy to support both efforts, but reality reigns. And, Bell Policy cites research that finds that combination of part-time preschool and half-day kindergarten is more effective than full-day kindergarten alone. The discussion regarding building a really quality public school system with tools that are proven effective is a positive step for Colorado.

Both bills will be heard in House Education committee this Monday, January 26.

Sally Augden 303.455.5800

RETHINK TEACHER EVALUATION PROCESS

There is growing concern locally and nationally about what many consider the negative impact of high stakes standardized testing. One of those concerns relates to states that have tied student test scores to teachers' evaluations. **SB 3 Educators Evaluations Fifty Percent Academic Growth (Sen. Merrifield; none) (support)** would eliminate the requirement from SB10-191 that requires that 50% of a teacher or principal's evaluation be based on student growth. LWVCO opposed SB 191 in 2010 because of the top-down nature of the requirement, the potential complications that would ensue in making a major change to evaluations, the fact that it was an unfunded mandate, and the lack of sufficient time to implement such a fundamental change in teacher evaluation. All of those issues have proven to be accurate. Even large districts like Denver have encountered problems with the process. Last year, the legislature did give districts the choice to delay implementing the program for one year. SB 191 was passed with no evidence that the "value added" concept was really workable and plenty of evidence that it was not. The League warned in its opposition to 191 that it is chancy to enact complicated top-down legislation that when found unworkable requires new law to fix the problem. And, here we are.

SB 3 will be heard in Senate Education on February 5.

Sally Augden 303.455.5800

EQUAL OPPORTUNITY

GO BACKWARD ON CIVIL RIGHTS?

NEW **SB 69 Repeal Job Protection Civil Rights Enforcement Act (Sen. Woods; Rep. Szabo) (oppose)**
In 2013, the general assembly enacted HB13-1136, the "Job Protection and Civil Rights Enforcement Act of 2013," which established compensatory and punitive damage remedies, as well as front pay (pay when a person cannot be rehired for a while), for a person who proves that an employer engaged in a discriminatory or unfair employment practice under state law. These remedies were created in addition to equitable relief, such as back pay, reinstatement, or hiring, that was already available to employment discrimination victims. Compensatory damages for emotional distress and pain and suffering, as well as attorneys' fees were not available to individuals working for smaller companies or businesses in state court prior to this time. Individuals employed by larger employers (those with 15 or more

employees) filed discrimination actions in United States **Federal** District Court. Most provisions of the act took effect January 15, 2014. As of January 1, 2015, employees of companies large and small will be able to pursue compensatory damages and attorneys' fees in **state** court.

Two particular provisions of the 2013 Act were to expand the age discrimination protections to people 70 and older and to require that the Civil Rights Commission engage in outreach and education for employers (a function already being performed). SB 69 proposes to repeal all provisions of the 2013 Act EXCEPT the expansion of age discrimination protection for people over 70. We appreciate that the sponsors of SB 69 recognize that people 70 and older may be victims of age discrimination.

The Civil Rights Commission investigates to determine if there is probable cause that discrimination has occurred. Where probable cause is found, mediation is required first to try to resolve the issues. Alternative Dispute Resolution (conciliation) is also made available. Over the past 3 years, about half of the cases have been resolved through mediation/conciliation. The Civil Rights Division expects its case load to grow in 2015 because more cases will be filed at the state level, rather than federal level (which is more cumbersome and expensive). The Division expects that it will be able to resolve many of those through mediation and conciliation, which will be a savings in time, money, bad feelings and bad publicity for those filing and responding to charges (as compared to proceeding in court). The division expects to increase outreach in 2015 in response to the directives of HB13-1136.

In repealing the provisions for compensatory and punitive damages completely, the bill removes an important incentive for an employer, owner of public accommodation, or landlord to engage seriously in mediation. It also removes the financial disincentive to discriminate.

League has long worked for equality of opportunity for all. The perverse incentives in this bill work against equality of opportunity.

Christine Watson 303.250.1796

HEALTH CARE

TELEHEALTH ADVANCES

HB 1029 Health Care Delivery via Telemedicine Statewide (Reps. Buck and Ginal; Sens. Kefalas and Martinez Humenik) (support) This bill allows health care providers to provide consultation and direction via telecommunication in all areas of Colorado, and allows/requires that insurers compensate the provider for the services. Under current law, compensation is available only for “telemedicine” provided in counties smaller than 150,000 residents. The bill specifically prohibits any “incentives” from insurance carriers to patients to have consultations by telecommunications and makes clear that patient and/or provider can decline a telecommunication consultation and request in-person meeting with no financial penalty from an insurance carrier. To participate, a patient needs a computer with integrated camera, or needs to be in the office of a medical facility that has one. The provider giving the consultation works through a private broadband network that is secure and HIPAA (Health Insurance Portability and Accountability Act) compliant. In other words, Skype and Go To Meeting are not permitted. The broadband network companies expect that patients will soon be able to use tablets and smart phones for consultation, not just computers. It is important to note that this does not refer to the kinds of services that patients have long become accustomed to, such as telephone conversations, fax, or email.

The House Health, Insurance and Environment Committee heard the bill on January 22. It was amended to refer to “Telehealth” to designate that not only medical, but also dental, optometric and behavioral health care services were included. The requirements for quality of care are applicable to Telehealth care, which will be an incentive for health care providers to err on the side of caution in requesting to see a patient in person. The amendments were adopted unanimously, as was the bill, and it now goes before the full House.

Previously reported: LL#1, p. 9.

Christine Watson 303.320.7645
Marion Colliander 303.322.3926

AUDIT ADVANCES

SB 19 Health Exchange Audit (Sens. Sonnenberg and Jahn; Rep. Nordberg) (support) This bill was put forth by the Legislative Audit Committee unanimously, and sponsors are members of the audit committee. It follows

a limited audit which found significant holes in financial controls. Supporters of the bill testifying at the initial hearing in Senate Health and Human Services Committee on January 21, include the Exchange itself (represented by interim director Gary Drews), the Colorado Consumer Health Initiative, and the Colorado Center on Law and Policy. An amendment specified that the audit could include “operation, contract management, project management, and performance of the shared eligibility system and other related or corresponding state systems in order to ensure a complete and thorough audit of the operation of the Exchange.” So amended, the bill passed unanimously to the floor.

Previously reported: LL#1, p. 9.

Carol Pace 303.863.0437
Chris Watson 303.320.7645

HIGHER EDUCATION

NEW IN-STATE TUITION PROPOSAL

NEW HB 1027 In-state Tuition American Indian Tribes Ties to CO (Rep. Salazar; Sen. Guzman) (support) This bill would require that state supported institutions of higher education classify for in-state purposes any student who is a member of a federally recognized American Indian Tribe with historical ties to Colorado, as designated by the Colorado Commission of Indian Affairs in consultation with History Colorado. The student would be counted as a resident and therefore be eligible for state financial aid and the college opportunity fund. This would apply to all state institutions with the exception of Ft. Lewis, which already provides free tuition to any Native American.

Higher education institutions may benefit from additional tuition if they attract students who would not have otherwise attended because of the high cost of non-resident tuition; however this bill could decrease tuition revenues, if students who are already attending are reclassified from non-resident to in-state tuition. The Fiscal Note indicates that it could reduce annual tuition revenue by approximately \$2,685,000 from graduate, four-year research and four-year institutions and community colleges combined. The specific number of Native American students who may take advantage of this classification is unknown at this time.

The League has supported this type legislation in the past with undocumented students who meet specific criteria (ASSET) and students whose family are in

military and stationed in Colorado to be eligible for in-state tuition. Based on our position of giving all qualified students the opportunity to better access and participate in post-secondary education, we support this bill.

The bill was introduced in the House on January 7 and assigned to the House Education and Appropriations Committees.

Barbara Whinery 970.353.6731

INCOME ASSISTANCE

HELP SENIORS STAY IN HOMES

NEW **HB 1100 Sales Tax Revenue to Older Coloradans Cash Fund (Reps. Lebsack and Roupe; Sens. Crowder and Ulibarri) (support)** In 2013 the amount of state sales tax revenue going to the Older Coloradans Cash Fund each year was raised from \$8 million to \$10 million. Local nonprofits apply through the Area Agencies on Aging (AAA) for grants to provide support services to seniors that enable them to stay in their own homes rather than go into nursing homes. As the number of Coloradans over 65 doubles between 2010 and 2030, this bill would try to keep up with their needs by increasing that amount to \$14 million.

Home-and-community-based services provided through the AAAs, such as Meals on Wheels, can be much more cost-effective than in-home services provided through Medicaid, partly because of their strong volunteer base. Home-based services provide even greater savings over caring for people in Medicaid nursing facilities. They also provide jobs in local communities, maintain neighborhood diversity, and reduce stress on seniors and their families.

The bill has been assigned to the Finance and Appropriations committees.

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CHILD SUPPORT AND TANF

NEW **SB 12 Colorado Works Pass-through Child Support Payment (Sens. Kefalas, Marble; Rep. Pettersen) (support)** Current system requires a TANF (Temporary Aid to Needy Families) recipient family to assign its entire right to receive child support to the county to repay the TANF debt. This bill seeks to allow a pass through on Child Support collected from non-custodial parents to parents who are receiving TANF. Once the bill is effective, the amount of child support that is collected will not count as income in determining eligibility for further assistance. The bill was recommended by the Early Childhood and School Readiness Legislative Commission. Full information about the Commission can be found at <http://www.colorado.gov/cs/Satellite/CGA-LegislativeCouncil/CLC/1251653443502>

The costs of the bill turn out to be complex. There will be a substantial cost (in excess of \$2 million over two years for information-technology enhancements, contract staff to oversee the project, and educational assistance to aid counties in implementing changes under the bill. The information-technology changes are complex because they affect not only the state, but also the counties. Child support pass-through payments after information technology changes are estimated to be over \$3 million per year beginning in 2017-18. Also beginning in that year, State Expenditures are estimated to fall by \$4 million per year. Beginning in FY 2017-18, the bill decreases state revenue from TANF recipients which will decrease the amount required to be refunded under TABOR. The cost and revenue reduction figures are estimates, and may well be revised as the bill proceeds.

Senate Health and Human Services heard the bill on January 22, and made several changes. One significant change is the provision that in any year in which the General Assembly does not appropriate enough money to reimburse counties for the pass through of the child-support funds, the counties are not required to pass on funds to TANF recipients. The amendment passed without objection, and the bill was forwarded to the Senate Finance Committee on a vote of 3-2. Voting Yes: Aguilar, Martinez-Humenik, and Newell. Voting No: Crowder, Lundberg.

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REPRODUCTIVE FREEDOM

HOUSE BILLS WOULD RESTRICT REPRODUCTIVE CHOICE

Three bills introduced in the House seek to outlaw or limit the availability of abortions in Colorado.

NEW **HB 1041 Protect Human Life at Conception (Reps. Humphrey & Ransom; Sen. Lundberg) (oppose)** would make abortion a Class 3 felony, with penalties falling on providers, *not* pregnant mothers.

NEW **HB 1112 Born-alive Infant Protection Act (Rep. Landgraf; None) (oppose)** would require abortion providers to "take all medically appropriate and reasonable steps to preserve the life" of an infant born alive as a result of a termination procedure. The bill also prohibits infanticide and experimentation on such infants. No evidence exists that the "born alive" abortion scenario, ripped from lurid headlines, is a common occurrence, or even a rare occurrence. In addition, the

federal born alive infant protection act covers the same ground.

NEW **HB 1128 Women's Health Protection Act (Rep. Neville; Sen. Neville) (oppose)** would require abortion clinics to be licensed and inspected annually by the State Department of Public Health and Environment. Many rules are spelled out; others can be determined by the department. These requirements would not apply to other clinics that provide services that can be risky, such as colonoscopies, but do not provide abortions. Currently, clinics providing abortions must meet federal standards plus guidelines of the National Abortion Federation. In addition, medical personnel are individually licensed with the state. This bill would place onerous burdens on the department as well as the clinics, many of which provide other reproductive health services. One consequence would be a significant reduction in availability of health care for women. Thus, the bill would restrict not just access to abortion, which is legal, but health care in general.

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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	88	Independent Ethics Commission	W	12	S-SA
Behavioral Health	HB	1032	Licensed Mental Health Professionals Treat Minors	S	8	H-PHC
Education	SB	3	Ed Evaluations Fifty Percent Academic Growth	S	18	S-Ed
Education	SB	45	Tax Credits For Nonpublic Education	O	8	S-Ed
Education	HB	1020	Funding For Full-day Kindergarten	W	17	H-Ed
Education	HB	1024	Increasing Number Of CO Preschool Program Students	S	17	H-Ed
Elections	SB	60	Preventing Multiple Voter Registrations	W	12	H-SA
Elections	HB	1084	Collection Of Mail Ballots	O	13	H-SA
Elections	HB	1130	Overseas Citizens Municipal Election Voting Access	S	13	H-SA
Equal Opportunity	SB	69	Repeal Job Protection Civil Rights Enforcement Act	O	18	S-BLT
Fiscal Policy	SB	1	Excess Revenues Refund Mechanism	S	13	S-Fin
Gun Safety	SB	32	Lift Restrictions On Carrying Of Firearms	O	8	S-Jud
Gun Safety	SB	86	Repeal Gun Transfer Background Check Rqmnt & Fee	O	13	S-Jud
Gun Safety	HB	1009	Repeal Large Ammo Magazine Ban	O	7	H-SA
Gun Safety	HB	1049	Deadly Force Against Intruders In Businesses	O	7	H-SA
Gun Safety	HB	1050	Repeal Gun Transfer Background Check Rqmnt & Fee	O	7	H-SA
Gun Safety	HB	1086	CBI Produce Certificates For Gun Transferees	O	13	H-SA
Gun Safety	HB	1127	No Liability For Permitting Concealed Carry	O	14	H-SA
Health Care	SB	19	Health Exchange Audit	S	9,19	S-3rd Rdg
Health Care	HB	1029	Health Care Delivery Via Telemedicine Statewide	S	9,19	H-2nd Rdg
Higher Education	HB	1027	In-state Tuition American Indian Tribes Ties to CO	S	19	H-Ed

Income Assistance	SB	12	Colorado Works Pass-through Child Support Payment	S	20	S-Fin
Income Assistance	HB	1033	Strategic Planning Group On Aging	S	9	H-PHC
Income Assistance	HB	1100	Sales Tax Revenue To Older Coloradans Cash Fund	S	20	H-Fin
Initiatives	HB	1057	The Statewide Initiative Process	S	7	H-SA
Justice System	SB	30	Prostitution Defense For Human Trafficking Victim	S	14	S-Jud
Justice System	HB	1019	Victims Of Human Trafficking And Prostitution	S	14	H-Jud
Justice System	SB	37	Youthful Offenders in Corrections	OIP	15	S-Jud
Juvenile Justice	HB	1022	Juvenile Petty Offense Contracts	S	8	H-Jud
Juvenile Justice	HB	1025	Competency to Proceed for Juveniles	S	15	H-Jud
Juvenile Justice	HB	1091	Policies On Juvenile Shackling In Court	S	15	H-Jud
Reproductive Freedom	HB	1041	Protect Human Life At Conception	O	21	H-Jud
Reproductive Freedom	HB	1112	Born-alive Infant Protection Act	O	21	H-PHCHS
Reproductive Freedom	HB	1128	Women's Health Protection Act	O	21	H-HIE
Voting Rights	HB	1011	Restrict Revealing How Person Votes	W	16	H-SA
Water	SB	8	Promote Water Conservation In Land Use Planning	S	16	S-App
Water	HB	1038	Flexible Water Markets	S	17	H-Ag
Water	HB	1093	Exceptions Efficient Plumbing Fixture Requirements	O	17	H-SA

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 info@lwvcolorado.org or 303-863-0437 for information about rates and delivery.