

LEGISLATIVE LETTER[®]
LEAGUE OF WOMEN VOTERS OF COLORADO
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February 9, 2015

LL#3:23

LET'S PULL TOGETHER FOR THE KIDS!

We are often told at the end of the legislative session that despite the headlines reporting antagonism, our legislators actually agree most of the time. It is clear from the current crop of education bills that there is much agreement across the aisles regarding the issues of testing, full-day kindergarten and work force development, even if it doesn't look that way because of disagreements within each party.

A prime example of an important piece of cooperation is **HB 1170 Increasing Postsecondary and Workforce Readiness (Reps. Kraft-Tharp & Wilson; Sens. Hill & Heath) (support)**. The bill adds percentages of high school graduates who enroll in postsecondary education immediately upon graduation to the measure of performance for schools, districts, and the state charter school institute. It also clarifies that the community person on the district accountability committee must be involved in business or industry in that community and creates the position of postsecondary and workforce readiness statewide coordinator. Postsecondary education covers vocational programs (plumbing; welding) as well as college/university. A more skilled workforce means better outcomes for families, communities, and the economy.

The issue of excessive, high-stakes testing is everywhere in the national scene. Parents are angry; students are angry; educators are overwhelmed; elected officials are feeling the heat. Two bills propose to reduce state requirements for tests to only meet federal requirements: **HB 1123 Federal Test Requirements Option for Local Ed Providers (Rep. Tate; none) (watch)** and **SB 73 Restrict Statewide Tests to Federal Requirements (Sen. Merrifield; none) (watch)**. A third bill focuses on social studies tests – **SB 56 Frequency of Statewide Social Studies Testing (Sen. Kerr; Rep. Kraft-Tharp) (watch)**. The League supports the idea of scaling back the amount of testing as a means of bringing our schools back to a more balanced curriculum and transferring the financial and personnel resources currently expended on expensive, time-consuming tests back into classroom efforts. We are hoping that Republicans and Democrats can come together and work with educators to create legislation that will satisfy most and make for more effective education policies. There is clearly common ground here to begin a conversation.

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There also appears to be support on both sides of the aisle for funding full-day kindergarten. Rep. Wilson’s HB 1020 passed out of the House Education Committee on a 10 to 1 vote (Everett the sole No vote). **HB 1020 Funding for Full Day Kindergarten (watch)** would fund full-day kindergarten for all eligible students on a voluntary basis for one year. While the price tag is large, Rep. Wilson made the point that many districts currently offer the full-day option by asking parents to pay, taking the funding from other needs, or using mill-levy overrides to pay the costs. Having the state pick up the costs would allow these districts to fund other priorities that have been neglected due to cutbacks in funding over many years. The funding costs for this program will now be considered in House Appropriations. Senator Kerr’s attempt (**SB 33**) to cover the cost of full-day kindergarten by asking the voters to use TABOR surplus funds rather than return them to taxpayers failed this week in the Senate State, Veterans, and Military Affairs Committee. It was an interesting proposal that deserved more exposure and debate than was available in its short life in the Senate.

One issue not yet taken up by Republicans is the issue of early-childhood education. **HB 1024 Increasing Number of CO Preschool Program Students (Rep. Pettersen; Sens. Kefalas & Todd) (Support)** passed out of House Education Committee on a 6 to 5 vote (For: Fields, Garnett, Lee, Moreno, Pettersen, Buckner; Against: Everett, Landgraf, Lundeen, Wilson, Windholz) and moves to Appropriations. We think the savings down the road in special education costs, high school drop outs, etc. are well worth the upfront investment. The public is yearning for elected officials to put down their swords and work together. These are issues that seem made for cooperation and might even make headlines.

Sally Augden 303.455.5800

CORRECTION AND UPDATES

Due to an editorial error, in Legislative Letter #1, the Majority and Minority Caucus Chairs and the Majority and Minority Whips had last year’s officers listed. The correct officers are listed below.

In addition, Polly Lawrence has replaced Libby Szabo as Assistant Minority Leader following Representative Szabo’s resignation. Jon Keyser has replaced Rep. Szabo on the Business Affairs and Labor Committee, and Lang Sias will take Rep. Keyser’s place on the Public Health Care and Human Services Committee.

LEGISLATIVE LEADERSHIP IN 2015

SENATE

President of the Senate	Bill Cadman
President Pro-Tem	Ellen Roberts
Majority Leader	Mark Scheffel
Asst. Majority Leader	Kevin Lundberg
Minority Leader	Morgan Carroll
Asst. Minority Leader	Rollie Heath
Majority Caucus Chair	Vicki Marble
Majority Whip	Randy Baumgardner
Minority Caucus Chair	Jessie Ulibarri
Minority Whip	Matt Jones

HOUSE OF REPRESENTATIVES

Speaker of the House	Dickey Hullinghorst
Speaker Pro-Tem	Dan Pabon
Majority Leader	Crisanta Duran
Asst. Majority Leader	Dominick Moreno
Majority Caucus Chair	Angela Williams
Majority Whip	Su Ryden
Minority Leader	Brian DelGrosso
Asst. Minority Leader	Polly Lawrence
Minority Caucus Chair	Lois Landgraf
Minority Whip	Perry Buck

HISTORIC MOMENT

During the 2014 session, legislation was passed to allow remote testimony during the committee hearings on bills. This would allow citizens far from Denver to be more available to listen and testify on bills being heard during the legislative session. The locations of the remote testimony, at least initially, are to be in colleges that have video conferencing facilities. The first remote testimony was on Monday, February 2 in Senate Agriculture with the remote location at Colorado Mesa University in Grand Junction. The bill that was being heard was **HB 1006, Invasive Phreatophyte Grant Program**. A group of fourth graders were among the witnesses speaking about HB 1006 and were well-informed and articulate.

On the same day, Senate Judiciary took remote testimony on gun bills. Members of LAC who attended the hearings at the capitol and those who listened into the hearings from home reported excellent outcomes. The audio and video worked well, the transitions from committee chair and members to witnesses were smooth, and witnesses were well prepared for the protocol of a legislative hearing.

What a wonderful way to increase citizen involvement in government! We salute the Legislative Council Staff for excellent work over the summer and fall to make this work.

Jeannette Hillery 303.494.7718

GOVERNMENT

ADMINISTRATION

CHANGES TO ETHICS COMMISSION DIE

SB 88 The Independent Ethics Commission (Sen. Steadman; none) (watch) proposed changes to statutes governing the Commission, including the retention of independent legal counsel to represent the Commission on legal matters, rule-making by the Commission, and decisions by the Commission on standards of proof appropriate to circumstances presented. These and other provisions sought to improve the operation of the Commission by statute without a Constitutional amendment. The Ethics Commission was originally created by the passage of Amendment 41 in 2006.

The bill was heard on January 28 in the Senate State, Veterans, & Military Affairs Committee. The greater part of the testimony was by anecdote and opposed Amendment 41 itself, rather than addressing the proposals of SB 88. Some committee members decided the bill would not cure the problems of the Commission, and a motion to postpone indefinitely passed by a vote of 3 – 2. Voting to PI: Sens. Hill, Scott, Sonnenberg. Voting No: Sen. Jones, Ulibarri.

Previously reported: LL#2, p. 12.

Fern Black 303.793.0807

ELECTIONS

DISCLOSURE VS. FREE SPEECH

NEW **SB 61 Disclosure Requirement Small Issue Committee (Sen. Holbert; none) (watch)** specifies that campaign finance disclosure and reporting requirements do not apply until an issue committee has raised or spent in excess of \$5,000. Currently, the Fair Campaign Practices Act in the Colorado State Constitution imposes a \$200 threshold for issue committees. In two recent cases, the Colorado Federal District Court found that this \$200 limit is too low and violates an issue committee's First Amendment rights of freedom of speech and association. Until some change is made, enforcing the reporting requirements for issue committees when the amounts exceed \$200 is likely to mean additional lawsuits. League favors disclosure in political campaigns, whether for elected office or issues.

However, when the issue committee's funding and spending are small, there is such limited benefit to the filing of information as to make the filing more costly than beneficial. This will need to be resolved, sooner or later. Senate State Affairs Committee approved the bill on a vote of 3-2. Voting Yes: Hill, Sonnenberg, Scott. Voting No: Jones, Ulibarri. Having passed 2nd Reading, SB 61 must gain a House Sponsor before it can receive final Senate approval.

Shirley Jin 303.499.1574

WATCHERS AT ELECTIONS

NEW **HB 1193 Rights of Watchers in Elections (Rep. Windholz; None) (oppose)** expands the role of watchers, set forth in current law as “rights” in C.R.S. 1-7-108 (3), expands the time during which they may be active in elections, increases the number of watchers, and removes the requirement that the watcher’s affiliation match that of the appointing entity. With the stated purpose of increasing “election transparency and citizen oversight” of the conduct of elections, the bill proposes watchers’ elections activities would include witnessing and verifying *all* election activities from the registration of voters, the printing and issuance of ballots, through certification of the results, recounts, and final judgment of any court proceedings arising out of the election.

Under current law, each political party or issue committee and each unaffiliated and write-in candidate with names on the ballot are entitled to no more than one watcher at any time in each voter service and polling center and at each place where votes are counted. HB 1193 does not modify or repeal current law, and thus creates a conflict which we will investigate further. This bill proposes one watcher for each team of election judges and one for each single election official performing an election activity. The bill provides watchers access to *all* election records used by any official “at any time after the record is created,” including all voter registration and signature verification records. Watchers would be able to challenge the decisions of election judges; make audio, photographic, and video recordings of all election activities; and make “reasonable inquiries” of election officials regarding decisions made or election procedures. Election officials would not be able to “obstruct or interfere with” the watchers in their expanded role under this bill.

League has always supported fair and equitable voting procedures, but this bill seems likely to inject an aggressive, adversarial, and unnecessary element into the voting process which, at the very least, would interfere with election officials in the performance of their duties. The bill is assigned to House State, Veterans & Military Affairs; no hearing has been scheduled.

Fern Black 303.793.0807

CLEANING UP VOTER ROLLS

SB 60 Preventing Multiple Voter Registrations (Sen. Holbert; Rep. Everett) (support) This bill gives authority to the 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 currently have this authority.

The League of Women Voters strongly supports an accurate and up-to-date voter registration database. Our concern that the bill might be overly broad was addressed when the bill was amended in the Senate State Affairs Committee to specify that the county clerk would update the voter’s record in SCORE if the information meets the minimum matching criteria. As defined in existing state law (1-2-604 C.R.S.) minimum matching criteria is the voter’s name, birth date and prior address, or the voter’s name, birth date and driver’s license number or social security number.

The amended bill passed on a 5-0 vote in committee and on Feb. 5 was passed by the Senate 35-0 on Third Reading. With the amendment, we have changed our position from “watch” to “support”.

Faith Gross 303.619.0976

VOTING SERVICE CENTERS TO REMAIN

HB 1084 Collection of Mail Ballots (Rep. Tate; none) (support) This bill would have changed the ratio of the number of Voter Service and Polling Centers (VSPCs) that counties would be required to provide by substantially increasing the number of electors per VSPC in both early voting and on Election Day. We were concerned that such a change in formula was premature because the new system had not been used during a presidential election.

When a sponsor makes proposed amendments to a bill available at the hearing to anyone who is speaking about the bill, efficiency is often the result. That was the case when the bill was heard on January 26th. The amendment did cut back the number of required polling centers during the first seven days of early voting but maintained the original number available on Election Day. The League can understand reducing the centers as they were used quite minimally during the first part of early voting. Indeed, in our Legislative Letter of January 26, we reported that the change represented by the amendment was reasonable and appropriate. Because 73% of the voters who vote in person vote on Election Day itself, we considered it necessary to maintain the original ratio on Election Day. The amendment caused us to change our position from

oppose to support. The amendment passed, but the bill was PI'd 6 to 5 with Foote, Lontine, Primavera, Tyler, Salazar and Ryden voting to PI and Humphrey, Neville, Tate, Thurlow and Willett opposing.

Carol Tone 303.377.3746

GUN SAFETY

MANY PRO-GUN BILLS SHOT DOWN

HB 1086 CBI Produce Certificates For Gun Transferees (Rep. P. Neville; Sen. T. Neville) (oppose)

would remove the Sheriff's ability to decide on applications for certificates which are required for **machine guns** and would transfer the responsibility to the Colorado Bureau of Investigation (CBI). The bill forces issuance in five days, not five business days. Local approval then is sent to the Bureau of Alcohol, Tobacco and Firearms for a Certificate of Legal Ownership. League felt that this was not enough time for background information. Silencers seemed to get special attention. CBI opposed the bill, saying the local sheriff has best knowledge of persons involved in transfer. Heard in State, Veterans and Military Affairs Committee, HB 1086 was PI'd 7 to 4. Voting to PI: Ryden, Salazar, Foote, Lontine, Primavera, Thurlow, Tyler. Voting Not to PI: Humphrey, P. Neville, Tate, Willett.

Previously reported: LL#2, p. 13

HB 1127 No Liability for Permitting Concealed Carry (Rep. Klingenschmitt; Sen. Garcia) (oppose)

protects businesses that allowed persons to carry concealed weapons on the premises, employees and customers. A claim of civil liability brought against such a business owner or operator would be barred in any case where the policy of allowing concealed handguns is the alleged cause of damages. When the House State Affairs committee heard the bill, sponsors and supporters explained that armed persons create the potential for armed response to a random attack. The armed response could be, on balance, beneficial, and the business owner should not be held liable for damages to patrons. Opponents remain concerned that chances for accidents and escalation of disagreements are the much greater threat, especially where alcohol is involved. The potential for civil liability provides an incentive for the business owner to take precautions for a safe environment. HB 1127 was heard in House State, Veterans, and Military Affairs committee and was PI'd 6 to 5. Voting to PI: Ryden, Salazar, Foote, Lontine,

Primavera, Tyler. Voting Not to PI: Humphrey, P. Neville, Tate, Thurlow, Willett.

Previously reported: LL#2, p. 14.

HB 1049 Deadly Force against Intruders in Businesses (Rep. Everett; Sen. Grantham) (oppose)

would allow managers and staff to use deadly force if a perpetrator has made an illegal entry, if they feel threatened (no matter how slightly), and if they believe that a person has or intends to commit a crime. This bill has been presented 8 consecutive years. HB 1049 was PI'd in State, Veterans and Military Affairs 6 to 5. Voting to PI: Ryden, Salazar, Foote, Lontine, Primavera, Tyler. Voting Not to PI: Humphrey, P. Neville, Tate, Thurlow, Willett.

Previously reported: LL#1, p. 7.

HB 1050 Repeal Gun Transfer Background Check Rqmnt & Fee (Rep. Joshi; Sen. Woods) (oppose)

eliminates the 2013 law requiring background checks for private gun and ammunition transfers with exceptions of family members and heritage weapons. The bill would also repeal payment for background checks for gun purchases. HB 1049 was PI'd in State, Veterans and Military Affairs 6 to 5. Voting to PI: Ryden, Salazar, Foote, Lontine, Primavera, Tyler. Voting Not to PI: Humphrey, P. Neville, Tate, Thurlow, Willett.

Previously reported: LL#1, p. 7.

Jean Grattet 303.863.0437

GUN BILLS ADVANCE IN SENATE

SB 32 Lift Restrictions on Carrying of Firearms (Sen. Marble, none) (oppose)

This bill would allow anyone who legally had a gun to conceal carry without a permit. It was heard in the Senate Judiciary Committee on February 2, where it passed to the Appropriations Committee, 3 to 2. Voting Yes were Sens. Roberts, Cooke and Lundberg. Voting No were Sens. Guzman and Merrifield.

Previously reported: LL#2, p. 8.

SB 86 Repeal Gun Transfer Background Check Requirement and Fee (Sen. Lambert; Rep. Joshi) (oppose)

This bill is identical to HB 1050 that was reported in LL#1. 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 was heard in the Senate Judiciary

Committee on February 2, where it passed, 3 to 2. Voting Yes were Senators Roberts, Cooke and Lundberg. Voting No were Senators Guzman and Merrifield. It was sent to the Senate Appropriations Committee.

Previously reported: LL#1, p. 7.

Jean Fredlund 303.863.0437

JUSTICE SYSTEM

CRACKING DOWN ON DRUNKEN DRIVERS

NEW **HB 1043 Felony Offense for Repeat DUI Offenders (Rep. Saine & McCann; Sen. Cooke & Johnston) (support)** Under current law, a DUI, or DWAI (driving while ability impaired) is an unclassified misdemeanor offense. Under this bill, the penalty is increased to a class 4 felony when any of the following circumstances apply:

- after three or more prior convictions of a drunk driving; vehicular homicide; vehicular assault; or any combination thereof (group 1 cases); or
- not more than seven years after the first of two prior convictions of any of the above if the new violation included at least one of the following circumstances (group 2 cases):
 - one or more youth under the age of 18 were present;
 - damage or injury to property or persons;
 - the offender fled the scene after the accident; or
 - at the time of the violation or within two hours after the violation, the offender's blood alcohol content was 0.15 or higher.

The bill also addresses driving with revoked or restricted licenses.

The punishment for the felony will still include alcohol and drug education and treatment program requirements, use of interlocking device on autos, and incarceration times based on circumstances. The League supports sentencing measures that protect the community and rehabilitate offenders.

On February 5, House Judiciary heard lengthy testimony, after which it passed the bill unanimously to the Finance Committee. It also must go through Appropriations before getting to the House floor. A similar effort in 2014 was scuttled because of the estimated cost, which is currently estimated to be \$8 million in FY 2016-17 and \$13.5 million in FY 2017-18.

Cynthia Thorstad 720.480.8345

YOUTHFUL OFFENDER BILL PI'D

SB 37 YOUTHFUL OFFENDER IN CORRECTIONS

(Sen. Garcia; Reps. Navarro, Esgar) (oppose in part) would have allowed the executive director of the Department of Corrections to move youth sentenced to DOC into and out of the Youthful Offender System. It also lengthened the time between evaluations of YOS from 2 years to 5 years. Sen. Garcia requested that the bill be PI'd because of a technical issue that had come to his attention. He did indicate that he was interested in bringing the bill back in the future. The vote to PI was unanimous.

Previously reported: LL#2, p. 15.

Carla Bennett 303.757.2930

JUVENILE JUSTICE

TWO JUVENILE JUSTICE BILLS HEARD IN COMMITTEE

HB 1022 Juvenile Petty Offense Contracts (Rep. McCann; Sens. Steadman and Cooke) (support) and **HB 1025 Competency to Proceed Juvenile Justice (Rep. Rosenthal; Sen. Newell) (support)** were both heard in Senate Judiciary on Jan. 29 with differing outcomes.

HB 1022 allows law enforcement to issue a petty offense ticket to a juvenile who has committed a petty offense. All the testimony on the bill was in support, and it passed by a vote of 11-2 after being amended to require law enforcement to maintain annual data on the number of tickets issued. The data, which must be public, must also include information on the age, ethnicity, gender, and final disposition for each ticket. The data is to be public information and available upon request. Another amendment limits the contracts to 90 days with a 30 day extension allowed for good cause. Voting Yes: Buckner, Carver, Court, Dore, Foote, Lawrence, Pettersen, Salazar, Van Winkle, Lee, and Kagan. Voting N: Lundeen and Willett. On Feb. 4, the bill passed 3rd Reading in the House (49-16) and now heads to the Senate Judiciary Committee.

Previously reported: LL#1, p. 8.

HB 1025 creates a juvenile specific definition of competency to proceed in the juvenile justice section of the Children's Code. There was lengthy testimony both

for and against, and in the end, the bill was laid over for a vote at a future time.

The district attorneys opposed the bill because they object to adding mental capacity to the factors that determine competency. They fear defense attorneys will misuse this factor and try to delay cases. They also believe that the juvenile system is more civil in nature and more treatment oriented so adding this factor is not important.

Those who supported the bill recognize that although the juvenile justice system is more rehabilitative and treatment oriented than the adult system, a juvenile record has significant consequences that can impact a child throughout his/her life. The addition of mental capacity will help identify those children who don't have a developmental disability or a mental illness but who truly cannot understand what they need to understand in order to adequately participate in their defense. Most of these children can achieve competency when time is taken to educate them about the process and the consequences they face.

Previously reported: LL#2, p. 15.

Both reported by Carla Bennett 303.757.2930

House Vote on HB 1022

YES	49	NO	16	EXCUSED	0	ABSENT	0
Arndt	Y	Fields	Y	Lundeen	N	Ryden	Y
Becker J.	N	Foote	Y	McCann	Y	Saine	N
Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
Brown	Y	Ginal	Y	Mitsch Bush	Y	Sias	Y
Buck	N	Hamner	Y	Moreno	Y	Singer	Y
Buckner	Y	Humphrey	N	Navarro	N	Tate	Y
Carver	Y	Joshi	N	Neville P.	N	Thurlow	Y
Conti	Y	Kagan	Y	Nordberg	N	Tyler	Y
Coram	N	Keyser	Y	Pabon	Y	Van Winkle	Y
Court	Y	Klingenschmi	N	Pettersen	Y	Vigil	Y
Danielson	Y	Kraft-Tharp	Y	Primavera	Y	Willett	N
DelGrosso	Y	Landgraf	N	Priola	N	Williams	Y
Dore	Y	Lawrence	Y	Rankin	Y	Wilson	Y
Duran	Y	Lebsock	Y	Ransom	N	Windholz	Y
Esgar	Y	Lee	Y	Rosenthal	Y	Winter	Y
Everett	N	Lontine	Y	Roupe	Y	Young	Y
				Speaker			Y

VOTING RIGHTS

PHOTO-ID BILLS DEVELOPED

NEW **HB 1140 Same Day Voter Registration With Photo (Rep. Coram; Sen. Sonnenberg and Baumgardner) (oppose)** This bill requires that voters who are registering just before or actually on Election Day provide a photo ID. The League, knowing that there are citizens who do not have a government or school issued photo ID, is opposed to this requirement. Research shows that such a law has the potential to deny

the right to vote to eligible voters who may not have, and in many cases cannot obtain, the limited identifications required in this bill. These restrictions unfortunately impact the least powerful and most vulnerable of our electors, as they may have neither the money nor the means to get to a place where they could obtain the source documents required to get an acceptable photo ID.

In addition, should this bill pass, the sponsors seek to have a referred measure on the ballot in the November 2016 election allowing voters to cast a vote for or against requiring photo ID. Their wording does not disclose that the documents accompanied by a photo are all government issued, "official" identifications.

NEW **HB 1169 Photo ID for Same Day Voter Registration (Rep. Ransom; None) (oppose)** This is yet another attempt to require a photo ID. It adds the requirement that a photograph of the elector be included in the forms of identification that have been in statute for years. However some of these previously acceptable documents are not accompanied by a photograph. So we are again faced with the prospect of eligible citizens without a government-issued photo ID who would be unable to register and receive a ballot.

Both reported by Carol Tone 303.377.3746

NATURAL RESOURCES

ENERGY

WEAKEN THE COLORADO RENEWABLE PORTFOLIO STANDARD?

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

The current RPS is as follows:

Investor-Owned Utility (IOU)

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

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

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

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

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

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

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

CEA serving 100,000 or more meters

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

Generation & Transmission Cooperative

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

Again bills have been introduced to weaken the RPS. These bills are very similar to bills that were defeated in the 2014 Legislative session.

NEW SB 44 Electric Renewable Energy Standard Reduction (Sen. Scott; Rep. Thurlow) (oppose) would reduce the RPS for IOUs to 15 percent starting in 2015 and reduce the standard for CEAs to 15 percent starting in 2020. The requirements for MOUs and for distributed generation are unchanged. The bill passed Third Reading in the Senate on February 5 on a vote of 18 for and 17 opposed.

NEW SB 46 Renewable Energy STD Adjust REAS Distributed Generation (Sen. Grantham; None) (oppose) will relax the standard for CEAs for retail distributed generation (RDG) which is generally rooftop solar. Currently CEAs serving more than 10,000 meters must supply 1 percent of total retail sales through distributed generation while CEAs serving fewer than 10,000 meters must supply three-fourths of one percent in this manner. This bill allows the CEA to count each kilowatt-hour generated in this way to count as three kilowatt-hours for purposes of meeting the standard as well as count generation purchased from community solar gardens to count as RDG.

The bill has been assigned to the Senate Agriculture, Natural Resources, & Energy Committee but has not yet been scheduled for a hearing.

NEW HB 1118 Hydroelectric Power (Rep. Brown; None) (oppose) will revise the renewable energy standard (RES) definition of hydroelectricity that can be used to meet the RES requirements. Currently allowed is hydroelectricity with a generation capacity of 10 megawatts (MW) or less and generation in existence on January 1, 2005, with a generation capacity of 30 MW or less. Pumped storage is not allowed. This bill will add pumped storage to the definition of eligible resources and remove the size requirement from hydroelectricity generation. The impact of this change will be to reduce the amount of energy required to be generated from other sources, principally wind.

The bill has been assigned to the House State, Veterans, & Military Affairs Committee and is scheduled to be heard February 18.

Sigrid Higdon 303.233.8111

Vote on SB 44

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kerr	N	Scheffel	Y
Balmer	Y	Heath	N	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	N	Hodge	N	Marble	Y	Steadman	N
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	N	Merrifield	N	Ullbarri	N
Donovan	N	Johnston	N	Neville T.	Y	Woods	Y
Garcia	N	Jones	N	Newell	N	President	Y
Grantham	Y	Kefalas	N	Roberts	Y		

WATER

WATER CONSERVATION AND EFFICIENCY

HB 1093 Exceptions Efficient Plumbing Fixture Requirements (Rep. Dore; None) (oppose) In 2014, the General Assembly passed statutes that limited the future sale of water and plumbing fixtures that were not water efficient. In other words, after September 1, 2016, retailers would not be able to stock and sell the water-inefficient fixtures. HB 1193 proposed to repeal the measure. We supported the 2014 bill and opposed this because of the need to conserve water in Colorado. House State Affairs heard the bill on February 4th and PI'd it. Voting to PI: Foote, Lontine, Primavera, Ryden, Tyler, Salazar and Tate. Voting No were Humphrey, Neville, Willett, Thurlow.

HB 1038 Flexible Water Markets (Rep. Arndt; Sen. Hodge) (support) Colorado water law prohibits speculation in water rights. Under the anti-speculation

doctrine, an applicant who wishes to change the beneficial use of an irrigation water right must identify for the water court the specific use for which the water will actually be used. The bill excludes flex use from the anti-speculation doctrine and describes the procedures for approval or reconsideration of a flex use, change-in-use decree, and a flex use substitute water supply plan. It allows a holder of an irrigation water right to change the beneficial use to any beneficial use, including a compact obligation, within the geographic area of historical use. This holder can then implement fallowing, regulated deficit irrigation, reduced consumptive use cropping, or other alternative cessation of agricultural irrigation on the property that is served by the water right. Accordingly, an agricultural user could maintain ownership of water rights, providing that his “flex use” water is only leased to another user within the same water district. Lease would only be for a short period; the lease could only take a max of 50% of the total consumptive use of the right and the water must come back to the original user after the temp lease and be put to use, or the “flex” part of the right is nullified.

This allows agriculture holders to have more flexibility in the use of their water. It is another tool in the toolbox in dealing with water in a semi-arid environment. There was a minor amendment, and it passed to the Committee of the Whole 9-4. Voting Yes: Buck, K. Becker, Danielson, Lebsock, Mitsch-Bush, Saine, Vigil, Ginal, Arndt. Voting No: Dore, J. Becker, Coram, Brown.

Both reported by Jeannette Hillery 303.494.7718

KEEP STATE PRIMACY AND EFFICIENCY

NEW **HB 1210 GA Review Envntl Rules Required in Lieu Federal Law (Rep. Dore; None) (oppose)** This bill addresses the role of the Environmental Protection Agency (EPA) in air and water quality and solid and hazardous waste in Colorado. For Colorado (or any state) to maintain state primacy in enforcing EPA regulations, the EPA requires that the relevant state agencies promulgate rules to enforce any EPA regulations. If this bill were to be enacted, it would require the Air Quality Control Commission, Water Quality Control Commission, and Solid and Hazardous Waste Commission to submit to the General Assembly (GA) all new or amended rules that are required to meet new regulations adopted by the EPA. Then, the rules submitted by the commissions must have the GA approval via the passage of a bill before a particular rule can be submitted to the EPA.

At this time the GA gets briefings by all these commissions on a yearly basis. If this bill were passed, Colorado could lose its primacy – i.e. the ability to enforce EPA regulations in its own way – if the General Assembly failed to pass a bill approving the rules. This bill is assigned to House State Affairs. No hearing is scheduled yet.

Jeannette Hillery 303.494.7718

SOCIAL POLICY

BEHAVIORAL HEALTH

TREATMENT OF MINORS

HB 1032 Licensed Mental Health Professionals Treat Minors (Rep. Singer; Sen. Aguilar) (support) This bill allows additional mental health professionals to treat minors with only the minor’s consent. Currently, only physicians and psychologists have this permission.

The bill was heard in the House Public Health Care & Human Services on January 27. It was amended to stipulate the Licensed Mental Health Professional providing treatment to minors must be practicing within his/her area of training, experience, competence and scope of practice. It was referred as amended to the Committee of the Whole on a vote of 13-0. It passed Third Reading on February 6 by a vote of 61-3-1 with Humphrey, P. Neville, and Saine voting No, and Court Excused.

Previously reported: LL#1, p. 8

Linda Rinehart 720.989.8944

CHILDREN’S ISSUES

FOSTER CARE/KINSHIP CARE BACKGROUND CHECKS

NEW **SB 87 Foster Care & Kin Placement Background Checks (Sen. Newell; Rep. Singer) (support)** was heard in Senate Health and Human Services on Feb. 4 and was passed unanimously to Senate Judiciary to which it had also been assigned. The bill was brought forward by Sen. Newell in response to a Channel 7 investigative report and a subsequent Department of Human Services internal audit which found gaps in the records of required background checks being done on prospective foster parents both kin and

non-kin. Sadly these gaps resulted in some children being re-abused while in foster care placement. The gaps also resulted in more moves for children because some children were removed from placements after delayed background checks revealed negative information that disqualified the caregivers from providing the care. This bill will help close those gaps.

Sen. Newell had many meetings with the stakeholders regarding the bill, and at the hearing she presented a strike below amendment that dealt with their concerns. As amended, the bill:

- Ensures that all foster care homes including kinship foster homes and non-certified kinship care homes be subject to the same type of background check
- Requires that these checks be documented so that it is known that they have actually been done
- Tightens up the requirement for background checks when making emergency placements
- Gives Guardian Ad Litem access to the background check reports
- Requires the court to confirm, when authorizing placement of a child, that background checks have been done

No one testified against the bill, but Sen. Lundberg, the county departments, and the state department continue to have some concerns; so Sen. Newell is working on more amendments to present at the Senate Judiciary hearing.

The League believes that it is our obligation to protect children to the greatest extent possible when they are being placed out of their home. It is unacceptable to remove children from their home in order to keep them safe only to have them re-abused in the home they are moved to. We are disturbed by the damage that is done to the child but also the damage that is done to the integrity of a system that is supposed to protect children. When the system does not keep children safe, the public, the parents whose children have been harmed, and the parents who have had or are at risk of having their children removed from the home lose confidence in the system that is supposed to help families and their children. This lack of confidence can have a negative impact on the effectiveness of the system.

Carla Bennett 303.757.2930

EDUCATION

TAX CREDITS ADVANCE

SB 45 Tax Credits for Non-Public Education (Sen. Lundberg; none) (oppose) passed out of Senate Education on February 5 on a 5 to 4 vote (For: Hill, Holbert, Marble, Neville, Woods; Against: Johnston, Kerr, Merrifield, Todd). Five amendments were offered by opposing members that would have required testing/accountability or anti-discrimination policies for schools accepting students receiving these credits, sent the issue to the voters as a ballot issue, and delayed the bill taking effect until after the negative factor has been drawn down, until the state is able to fully fund special needs students, or until the state is able to fully fund all eligible students for full-day kindergarten. All of these amendments failed. The bill now moves to Senate Finance.

Previously reported: LL#1, p. 8.

Sally Augden 303.455.5800

EQUAL OPPORTUNITY

PAY EQUITY

NEW HB 1133 Continue Colorado Pay Equity Commission (PEC) (Rep. Danielson; None) (support) HB 1133 re-establishes the PEC as it is set to repeal on July 1, 2015, following a Sunset Review. The Commission was created in 2010. League supported it then because of our dedication to equality of opportunity and because we saw potential for creative solutions to ongoing pay equity issues. The ultimate goal of the commission is to establish Colorado as a model employer with regard to pay equity through education, outreach, and study of other state models, while providing reports and updates. The commission has had several accomplishments and some failures due to a lack of leadership and funding. The bill as drafted reestablished the Commission with no changes except some funding from Gifts, Grants and Donations. An amendment passed by the House Business Committee changed the way the commissioners were appointed and the structure of their terms. As the bill now stands, nine of the commissioners would be appointed by the Governor with staggered two year terms, with two additional commissioners representing the Colorado Department of Labor and Employment (CDLE) and the Civil Rights Division in the Department of Regulatory Agencies (DORA). This may address the leadership concerns. The commission members serve without

compensation or reimbursement, and the CDLE may accept gifts, grants, and donations to fund up to one full time staffer which is an enhancement that will further support better results. The bill removed the Sunset provision from the commission, which we find troubling. Efficiency and effectiveness in government are served when functions are reviewed periodically to see if their initial purpose is still valid and if the structure is appropriate to serve the purpose. The Sunset Review here showed some problems, which we hope are addressed by the bill as amended by the House Business Affairs and Labor Committee.

On January 29, the House Business Committee passed the bill to Appropriations on a vote of 7 to 6. Voting Yes: Arndt, Garnett, Pabon, Rosenthal, Winter, Kraft-Tharp, Williams. Voting No: Navarro, Nordberg, Roupe, Szabo, Tate, Thurlow.

Cynthia Thorstad 720.480.8345

HEALTH CARE

PHARMACY FREEDOM

NEW **SB 123 Patient Choose Pharmacy To Fill Prescriptions (Rep. Crowder; Sen. Primavera) (watch)** Under current law, people whose prescription drug benefits are covered by insurance and/or whose drug benefits are administered by a Pharmacy Benefit Management firm (PBM) may be required to obtain prescriptions by mail only, or at a pharmacy designed by the PBM or carrier. This bill would allow a covered person who receives a prescription to fill the prescription order at a network pharmacy of his choosing. The chosen pharmacy must be able to comply with applicable state and federal laws and the requirements of the manufacturer and the U.S. Pharmacopeial Convention for the particular medication. Moreover, the chosen pharmacy must accept the payment terms for specialty drugs provided under the applicable health benefit plan to existing network pharmacies.

The PBM or carrier must pay claims for these drugs in the same manner as it pays claims for other prescriptions. A PBM is prohibited from imposing payment terms different from those imposed when a covered person fills a prescription for a specialty drug or biological product at a mail order or other designated pharmacy. The PBM cannot provide an incentive for a covered person to fill such prescriptions at a mail order or other designated pharmacy.

Although this drug plan may make it easier or less expensive for a participant to obtain special prescription, the overall plan could raise costs for the health benefit plan overall. This then could be passed on to the members.

Marion Colliander 303.322.3926

HEALTHCARE TUNE-UPS ADVANCE, EXCHANGE REPEAL DEFEATED

NEW **HB 1015 Interstate Compact of EMS Providers (Rep. Winter; Sen. Cooke) (support)** This bill authorizes the governor to enter into an interstate compact to allow emergency medical services (EMS) providers licensed in other states to provide services in Colorado. League supports this bill, consistent with League position on maximizing health care access. It makes sense that Colorado residents who live closer to medical facilities in other states than to ones in Colorado should have the most efficient EMS service and the same for residents of other states living closer to facilities in Colorado. The bill was assigned to Public Health Care & Human Services. A fiscal note shows that the CDPHE Emergency Medical Services Cash Fund would be increased by \$131,000 including 1.0 FTE, for administering, and the bill would also be contingent upon nine other states joining the compact. The bill passed unanimously with minor definition amendments and was referred to Appropriations on January 27. Appropriations passed the bill unanimously, unamended, and it was referred to House Committee of the Whole on February 6.

NEW **HB 1039 Prescription Give Back for Institutions (Rep. Tyler; Sen. Neville) (support)** The bill changes current law regarding donation to non-profit entities that have legal authority to possess such materials of unused medications, medical supplies and devices from CDPHE licensed facilities. The bill removes the restriction that these items be donated only upon natural or other disasters and removes the requirement that medications have an expiration date in excess of six months in the future, requiring only that they not be expired. The bill prohibits the sale of donated medications or materials, although the recipients of the donated medications may charge a handling fee as specified in rule by the State Board of Pharmacy. League supports this bill which may reduce waste, provide health care cost savings, and increase access. With minor amendments, the bill passed the Public Health Care & Human Services and Third Reading unanimously. Senate Health & Human Services is scheduled to hear HB 1039 on Thursday, February 12.

NEW **HB 1066 Exchange Repeal (Rep. Joshi; Sen. Lundberg) (oppose)** This bill proposed to repeal the Colorado Health Benefit Exchange Act. League opposes the bill because the Exchange, even with programming problems, has resulted in the successful enrollment into health insurance coverage for 150,000 Coloradans through the exchange alone, and another 180,000 into public programs. Since the bill would have required Connect for Health Colorado to cease operations, Colorado would have been subject to Affordable Care Act rules to participate in the federally run exchange. That would have required the state to incur the IT costs of integrating with the federal exchange and disengaging from the state-run exchange. These costs to get out of our Exchange and into the Federal Exchange were estimated to be in excess of \$3 million, which did not include unknown repayments of establishment and planning grants that the state and Connect for Colorado had received. The bill was heard in the House Committee on Health, Insurance & Environment on January 29 and postponed indefinitely on a Vote of 7 to 6. (Voting to PI: Esgar, Lontine, Mitsch Bush, Primavera, Ryden, Ginal, McCann. Voting No: Brown, Humphrey, Joshi, Klingenschmitt, Landgraf, Ransom).

NEW **SB 57 Clean Claims Task Force Reporting Requirements (Sen. Balmer; Rep. Williams) (support)** Considered a model and potential pilot program for other states, the Clean Claims Task Force created in 2010 by HB10-1332 is developing a standardized set of payment rules and claim edits to be used by payers and health care providers in Colorado when claims are undisputed (clean claims). Creating uniform medical claims edits and payment rules to be shared among all payers in Colorado will result in administrative simplification, consistency, standardization, transparency and improved system efficiency, and is projected to save millions of dollars in redundancy and waste, which can be directed toward the actual cost of care. League supports the work of the Colorado Medical Clean Claims Task Force (and thus this small bill, which has no fiscal impact). The bill heralds the 2016 completion of work which represents a significant milestone in unilateral efforts to reduce costs and streamline processes in health care in Colorado and simply notes that the Commissioner of Insurance and the business committees of the General Assembly will be the recipients of the final report, with a new due date of January 31, 2016. The Senate Committee on Business,

Labor & Technology referred SB 57 unanimously to the floor, putting it on the consent calendar. As such, it also passed Third Reading unanimously on February 2. It has been assigned to House Business Affairs and Labor.

All reported by Carol Pace 303.863.0437.

HIGHER EDUCATION

IN-STATE TUITION PROPOSAL MOVES FORWARD

HB 1027 In-state Tuition American Indian Tribes Ties to CO (Rep. Salazar; Sen. Guzman) (support) Rep. Salazar sponsored a similar bill in 2014 that was successful in the House but not the Senate. If passed, this bill would benefit Native American high school students who belong to one of Colorado's 48 federally recognized tribes. Salazar feels this is an important bill that would help rectify the issue that many of these tribes called Colorado home before being relocated and placed on reservations outside the state.

Testimony in support of the bill suggests that making residential tuition available to Native American high school students may increase the percentage of students that go on to higher education. Statistics (2011) show only 42% of Native American high school students go on to higher education as compared to 52% of other students. Also, it has the potential of not only recruiting, but also retaining them and increasing their graduation rate at state higher education institutions. Some committee members questioned whether or not the bill was inclusive enough in naming who should be eligible for in-state tuition.

The bill was heard in the House Education Committee on January 26 and passed by a vote of 6 to 5. Voting in favor: Fields, Garnett, Lee, Moreno, Peterson and Buckner. Voting against: Everett, Landgraf, Lundeen, Wilson, and Windholz. The bill was passed on to the House Appropriations Committee.

Previously reported: LL#2, p. 19.

Barbara Whinery 970.353.6731

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	12,25	Pl'd
Behavioral Health	HB	1032	Licensed Mental Health Professionals Treat Minors	S	8,31	To Senate
Children's Issues	SB	87	Foster Care & Kin Care Placement Background Checks	S	31	S-Jud
Education	SB	3	Ed Evaluations Fifty Percent Academic Growth	S	18	S-Ed
Education	SB	33	Increasing Funding For Public Pre-K-12 Education	W	24	Pl'd
Education	SB	45	Tax Credits For Nonpublic Education	O	8,32	S-Fin
Education	SB	56	Frequency Of Statewide Social Studies Testing	W	23	S-Ed
Education	SB	73	Restrict Statewide Tests To Federal Requirements	W	23	S-Ed
Education	HB	1020	Funding For Full-day Kindergarten	W	17,24	H-App
Education	HB	1024	Increasing Number Of CO Preschool Program Students	S	17,24	H-App
Education	HB	1123	Fed Test Reqmnts Option For Local Ed Providers	W	23	H-Ed
Education	HB	1170	Increasing Postsecondary And Workforce Readiness	S	23	H-Ed
Elections	SB	60	Preventing Multiple Voter Registrations	W	12,26	To House
Elections	SB	61	Disclosure Requirement Small Issue Committees	W	25	S-3rd Rdg
Elections	HB	1084	Collection Of Mail Ballots	O	13,26	Pl'd
Elections	HB	1130	Overseas Citizens Municipal Election Voting Access	S	13	H-SA
Elections	HB	1193	Rights Of Watchers In Elections	O	26	H-SA
Energy	SB	44	Electric Renewable Energy Standard Reduction	O	30	To House
Energy	SB	46	Renewable Energy Std Adjust REAs Distributed Gen	O	30	S-Ag
Energy	HB	1118	Hydroelectric Power	O	30	H-SA
Equal Opportunity	SB	69	Repeal Job Protection Civil Rights Enforcement Act	O	18	S-BLT
Equal Opportunity	HB	1133	Continue Colorado Pay Equity Commission	S	32	H-App
Fiscal Policy	SB	1	Excess Revenues Refund Mechanism	S	13	S-Fin
Gun Safety	SB	32	Lift Restrictions On Carrying Of Firearms	O	8,27	S-App
Gun Safety	SB	86	Repeal Gun Transfer Background Check Rqmnt & Fee	O	13,27	S-App
Gun Safety	HB	1009	Repeal Large Ammo Magazine Ban	O	7	Pl'd
Gun Safety	HB	1049	Deadly Force Against Intruders In Businesses	O	7,27	Pl'd
Gun Safety	HB	1050	Repeal Gun Transfer Background Check Rqmnt & Fee	O	7,27	Pl'd
Gun Safety	HB	1086	CBI Produce Certificates For Gun Transferees	O	13,27	Pl'd
Gun Safety	HB	1127	No Liability For Permitting Concealed Carry	O	14,27	Pl'd
Health Care	SB	19	Health Exchange Audit	S	9,19	H-PHCHS
Health Care	SB	57	Clean Claims Task Force Reporting Requirements	S	34	H-BAL
Health Care	SB	123	Patient Choose Pharmacy To Fill Prescriptions	W	33	S-HHS
Health Care	HB	1015	Interstate Compact EMS Providers	S	33	H-2nd Rdg
Health Care	HB	1029	Health Care Delivery Via Telemedicine Statewide	S	9,19	H-2nd Rdg
Health Care	HB	1039	Prescription Give-back For Institutions	S	33	S-HHS
Health Care	HB	1066	Repeal Health Benefit Exchange	O	34	Pl'd
Higher Education	HB	1027	In-state Tuition American Indian Tribes Ties to CO	S	19,34	H-App
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-PHCHS
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	H-Jud
Justice System	SB	37	Youthful Offenders in Corrections	OIP	15,28	Pl'd
Justice System	HB	1019	Victims Of Human Trafficking And Prostitution	S	14	H-Jud

Justice System	HB	1043	Felony Offense For Repeat DUI Offenders	S	28	H-Fin
Juvenile Justice	HB	1022	Juvenile Petty Offense Contracts	S	8,28	S-Jud
Juvenile Justice	HB	1025	Competency to Proceed for Juveniles	S	15,28	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	PI'd
Voting Rights	HB	1140	Same Day Voter Registration With Photo ID	O	29	H-SA
Voting Rights	HB	1169	Photo ID For Same Day Voter Registration	O	29	H-SA
Water	SB	8	Promote Water Conservation In Land Use Planning	S	16	S-App
Water	HB	1006	Invasive Phreatophyte Grant Program	W	25	H-App
Water	HB	1038	Flexible Water Markets	S	17,30	H-2nd Rdg
Water	HB	1093	Exceptions Efficient Plumbing Fixture Requirements	O	17,30	PI'd
Water	HB	1210	GA Review Envntl Rules Required In Lieu Fed Law	O	31	H-SA

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