

LEGISLATIVE LETTER<sup>®</sup>  
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March 23, 2015

LL#6:57

## BUILDING ON HEALTH CARE ADVANCEMENTS

Colorado is now in the second year of statewide implementation of the Affordable Care Act (ACA) and can take satisfaction that for 2015 over 140,000 of its residents have secured health insurance through the state-based health benefits exchange or marketplace and that expanded Medicaid eligibility has meant health coverage for another 75,000 Coloradans. By choosing to structure its own health care systems rollout under the ACA, the state moved ahead of the curve in providing for its citizens.

What follows here is an overview of some of the trends in this legislative session. For more details, you can see reports on individual bills following the overview or look at previous issues of the Legislative Letter referenced in the overview.

Legislation this session has encompassed several important areas. In an ongoing effort to respond to the access needs of rural Colorado, **HB 1015 Interstate Compact EMS Providers (Rep. Winter; Sen. Cooke) (support)** enables better emergency services options, as EMS providers may cross state lines; **HB 1029 Health Care Delivery Via Telemedicine Statewide (Reps. Buck & Ginal; Sens. Kefalas & Martinez Humenik) (support)** offers telehealth coverage to meet access challenges (awaiting the Governor's signature); **HB 1238 Tax Credit Preceptors/Health Professional Shortage Areas (Rep. Buck; Sen. Cooke) (support)** supports health professional training in rural/medical shortage areas.

Cost and accountability considerations led to **SB 19 Health Exchange Audit (Sens. Sonnenberg & Jahn; Rep. Nordberg) (support)** concerns prudent oversight of resources and processes; **SB 57 Clean Claims Task Force Reporting (Sen. Balmer; Rep. Williams) (support)** showcases a model Colorado program which addresses health care claims and administrative efficiencies; **HB 1039 Prescription Give-back for Institutions (Rep. Tyler; Sen. Neville) (support)** expands access while reducing waste. These three bills have been signed or are on their way to the Governor.

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Reflecting the legislature's awareness of the full spectrum of health care needs, there are significant caregiver bills. **HB 1242 Patient Caregiver Designation Hospital Requirement (Rep. Danielson; Sen. Aguilar) (support)** identifies transition needs between hospital and patient home (LL#5, p. 54). **HB 1233 Respite Care Task Force (Rep. Landgraf; Sen. Aguilar) (support)** invites a look at caregiver relief needs (LL#4, p. 43). **HB 1258 FAMILI Insurance Program Wage Replacement (Rep. Winter and Salazar; Sen. Ulibarri) (support)** addresses the caregiver employment predicament, for those needing to leave employment to be interim caregivers. **HB 1100 Sales Tax Revenue to Older Coloradans Cash Fund (Reps. Lebsack & Roupe; Sens. Crowder & Ulibarri) (support)** emphasizes that the foundation for seniors is home-based care, rather than the budget-breaking Medicaid facility alternatives. It relies on firm ongoing funding for programs like home-based health care services and Meals on Wheels and other home support programs (LL#2, p. 20; LL#4, p. 44).

Whether these legislative efforts are fully successful or not, the state appears headed in the direction to continue to build on health care system advancements in behalf of its residents. It is important to note that most of these bills have bipartisan sponsors. Clearly, both parties recognize there are ways to work together to make improvements to Colorado's health care.

#### **HB 1015 Interstate Compact of EMS Providers (Rep. Winter; Sen. Cooke) (support)**

The bill, which allows emergency services providers licensed in a compact member state to provide EMS in Colorado, is progressing with favorable votes, as it promises to enhance health care access in rural areas and also addresses health care needs across state boundaries. It passed the House February 17 and was introduced February 25 in the Senate and assigned to State, Veterans, & Military Affairs, where it was heard March 11 and referred unanimously, with one member excused, (Sen. Hill) to Appropriations.

Previously reported: LL#3, p. 33.

#### **HB 1151 Floor for Medicaid Provider Rates (Rep. Rankin; Sen. Lambert) (watch)**

This JBC bill, which provides a structure for setting medical services rates under Medicaid, was heard in Health, Insurance, & Environment on March 13. The bill, deemed flawed as it was written, was postponed indefinitely on a unanimous vote of 13-0, although it is anticipated that other bills in this area may be introduced.

Previously reported: LL#5, p. 54.

#### **NEW HB 1238 Tax Credit Preceptors Health Prof Shortage Areas (Rep. Buck; Sen. Cooke) (support)**

This bill creates a state income tax credit for volunteer preceptors that offer health professional education in shortage areas of the state. League supports the bill consistent with League position to enhance access to healthcare in rural shortage areas of Colorado. The bill has a fiscal note which identifies an initial \$26,640 Dept. of Revenue expense to update the General Tax system for the credit, a maximum \$870,000 reduction in General Fund revenues the first year, and \$1,700,000 reduction thereafter through the law's expiration in 2021. The bill was assigned to Health, Insurance & Environment where it was heard on March 12, and was referred with minor amendments to the House Finance committee on a vote of 10-3. Voting No: Humphrey, Landgraf, and Ransom). It is scheduled to be heard on April 8.

#### **NEW HB 1258 FAMILI Insurance Program Wage Replacement (Rep. Winter and Salazar; Sen. Ulibarri) (support)**

This bill creates the family and medical leave insurance (FAMILI) program in the state Department of Labor and Employment to provide partial wage replacement for individuals taking leave from work to care for a new child, for a family member with a serious health condition, or as a result of one's own serious health condition. Every employee within the state would pay into the family and medical leave insurance fund through a payroll deduction. A fiscal note assumes the program will support 2.9 million employees and that \$8.8 million would be required in the first year from the General Fund, mostly for system hardware and

programming to be followed by additional years of significant setup costs. Three other states offer a similar paid family medical leave program: California, New Jersey and Rhode Island. Worldwide, numerous high-income countries offer such programs.

The bill was assigned to Health, Insurance & Environment where it was heard on March 19, and referred to Finance on a Vote of 7-6 (Voting Yes: Esgar, Lontine, Mitsch Bush, Primavera, Ryden, Ginal, McCann. Voting No: Brown, Humphrey, Joshi, Klingenschmitt, Landgraf, and Ransom).

**SB 19 Health Exchange Audit (Sens. Sonnenberg and Jahn; Rep. Nordberg) (support)** The bill allows the state auditor to conduct a performance audit of the Colorado health benefit exchange, to include operation, contract management, project management and performance of the shared eligibility system. The bill passed the Senate on January 27 and was introduced in the House and assigned to Public Health Care & Human Services. Heard on March 10, the bill was referred to the House Committee of the Whole on a unanimous vote, passed Third Reading on March 16 with only Rep. Rosenthal voting No and is on its way to the governor.

Previously reported: LL#1, p. 9; LL#2, p. 19.

**SB 74 Transparency in Direct Pay Health Care Prices (Rep. Danielson; Sen. Aguilar) (watch)**

The bill requires health care professionals and health care facilities to make available on demand health care direct pay prices for common services. The bill does not provide any agency with the ability to approve, disprove, limit or change the direct pay prices. The bill was heard in the House State, Veterans, & Military Affairs committee on March 16 where it was postponed indefinitely on a Vote of 6-5 (Voting Yes to PI: Foote, Lontine, Primavera, Tyler, Salazar, Ryden. Voting No: Humphrey, Neville, Tate, Thurlow, and Willett).

Previously reported: LL#5, p. 54.

Carol Pace 303.863.0437.

## **GOVERNMENT**

### **ELECTIONS**

#### **WATCHERS AT ELECTIONS**

**HB 1193 Rights of Watchers in Elections (Rep Windholz; None) (oppose)** was heard in House State Veterans and Military Affairs on March 9. The bill was meant to increase election transparency and citizen oversight of elections by expanding the role and number of watchers. Witnesses who opposed the bill spoke of the fiscal impact of so many additional people involved in the election process, the risks regarding voter confidentiality and security of the process, the lack of requirements of training for watchers, the likelihood that watchers would represent special interests, the problems posed by permitting watchers to photograph and videotape all election activities, and the possibilities for interference or obstruction of the work of election officials. Some spoke of the number of watchers provided for in the bill actually impeding

the election process; one witness said the effect would be to “throw a wrench into the process.” Those in favor of the bill told of instances in their own experience where the various steps in the election process were not performed or were bungled, to the point of invalidating the fairness and results of a particular election, such failings to be cured by greater citizen oversight.

Several witnesses pointed to a work/study group being formed by Secretary of State Williams to address issues presented in this bill, with meetings to begin in the near future and to continue into the summer. Rep. Windholz presented three amendments to the bill, the first of which passed while the remaining two failed. Given the promise of the work/study group, passage of the bill as amended failed by a vote of 4 – 7. The bill was then postponed indefinitely by a vote of 7 – 4.

Voting Yes to postpone indefinitely were Reps. Ryden, Salazar, Foote, Lontine, Primavera, Tyler and Thurlow. Voting No were Reps. Humphrey, Neville, Tate and Willett.

Previously reported: LL#3, p. 26.

Fern Black 303.793.0807

## **ELECTION CLEAN-UP**

**HB 1130 Overseas Citizens Municipal Election Voting Access (Rep. Nordberg and Ryden; Sen. Garcia and Hill) (support)** This bill brought the deadlines for sending ballots to overseas voters for municipal elections in line with deadlines for federal, state and county elections. After passing the House State Affairs unanimously, it passed Second Reading and Third Reading in the House with no amendments and no opposition. On March 18<sup>th</sup> it was heard in Senate State Affairs and was referred to the Senate Committee of the Whole unanimously. Second Reading in the Senate is scheduled for Monday, March 23<sup>rd</sup>.

Previously reported: LL#2, p. 13; LL#5, p. 49

Carol Tone 303.377.3746

## **HIGHER DISCLOSURE LIMITS ADVANCE**

**SB 61 Disclosure Requirement Small Issue Committee (Sen. Holbert; Rep. Everett) (oppose)** raises the reporting threshold for issues committees from the \$200 specified in the Colorado Constitution to \$5000. This comes in response to two Federal District Court decisions stating that the \$200 limit is an unconstitutional infringement on the right of free speech and association. These decisions are being appealed at this time. The Colorado Supreme Court has thrown out an attempt by former Secretary of State Gessler to set the limit at \$5000 as being in violation of the Colorado Constitution, because the federal court decision applied only to the limited circumstances of the cases it heard. It is likely that this bill would face a suit similar to the one that resulted in Secretary Gessler's rule being overturned, possibly with similar results.

While the League encourages participation in elections of all types by informed citizens and shares the court's concern about limiting participation with excessive regulation, we also support the public's right to know, oppose weakening disclosure laws, and believe the transparency provided by disclosure nurtures democracy. Thus, there are conflicts between two important League principles. It seems clear, however, that now is not the time to attempt to put a new law into effect. It is not clear that the District Court's decision will be upheld nor whether the problems can be corrected through legislation or if a constitutional amendment will be required. While we would like to see **some** disclosure requirements for issue committees, this legislation does not seem to be the solution. For these reasons, we have changed our position to Oppose.

At the same time, we would like to see some serious action taken on the vast amounts of money being spent with no disclosure in national and state-wide elections for political offices and issues

The bill was passed by the Senate and will be heard by the House State, Veterans and Military Affairs committee on March 25.

Previously reported: LL#3, p. 25; LL#5, p. 49.

Shirley Jin 303.499.1574

Frank Bennett 303.757.2930

## **FISCAL POLICY**

### **EVALUATE TAX EXPENDITURES**

**HB 1205 Creation of Tax Expenditure Evaluation Committee (Reps. K. Becker & Saine; None) (support)** This bill creates a Tax Expenditure Evaluation Committee consisting of 10 members; 7 legislative members and 3 non voting members from state agencies. The Committee would be responsible for reviewing state tax expenditures (in other words, tax credits that serve to reduce tax revenues) and making recommendations to repeal, continue or modify reviewed expenditures for the following legislative session. The Committee could also make recommendations regarding improvements of tax expenditure administration.

The bill was heard in the House Finance Committee and passed unanimously with amendments to the House Appropriations Committee. The amendments primarily addressed some of the timing stipulated in the bill including the review period for tax expenditures and clarified the roles and responsibilities of the Department of Revenue and Office of State Auditor in compiling the tax "Evaluation Report." The Fiscal Note was also increased to reflect higher costs for new staff. Expenditures are now estimated to be \$586,628 for FY 2015-16 and \$532,098 for FY 2016-17.

Previously reported: LL#5, p. 49.

Jean Aaro 303.956.3774

**GUN SAFETY**

**HIGH CAPACITY MAGAZINES APPROVED**

**NEW** SB 175 Ammunition Magazines (Sens. Holbert & Cooke; Rep. Humphrey) (oppose) would repeal the magazine limit of 15 rounds which was passed in 2013. It was repeatedly stated that the law could not be enforced. Opponents of the bill presented ways the bill could be enforced:

- Informant
- Plain view – in gun shops or on internet
- A sting.

Opponents noted that laws are frequently not obeyed but when an offender is caught, they are prosecuted. The bill sponsor stated that since 2013 only 8 arrests have been made (in Denver) and while the arrests included several felony counts, the charge of possession of more than 15 rounds was not pursued. A bill opponent reminded the sponsor that he had claimed the law was not being enforced and, no doubt, the reason for so few arrests. Disabled people and women need more than 15 rounds argued the sponsor. Opponents listed a number of mass shootings where the shooter was subdued when he had to reload his weapon and that 15 rounds could require reloading preventing more killings. SB 175 was passed 21 to 16 with 1 excused.

SB 175 is identical to HB 1009 which was PI'd in State, Veterans, Military Affairs on Feb 2.

HB 1009 was previously reported: LL#1, p. 7; LL#3, p. 27.

Jean Grattet 303.863.0437

**Senate Vote**

YES	21	NO	13	EXCUSED	1	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	Y	Merrifield	N	Ulibarri	N
Donovan	Y	Johnston	E	Neville T.	Y	Woods	Y
Garcia	Y	Jones	N	Newell	N	President	Y
Grantham	Y	Kefalas	N	Roberts	Y		

**JUSTICE SYSTEM**

**HELP FOR VICTIMS OF HUMAN TRAFFICKING**

**SB 30 Prostitution Defense for Human Trafficking Victims (Sen. Carroll & Cadman; Rep. Foote) (support)** This bill provides an affirmative defense for people charged with prostitution and provides mechanisms for sealing or expunging records of convictions, if they demonstrate they were a victim of human trafficking at the time of the offense

The House Judiciary referred SB 30 to the Committee of the Whole on March 12 on a vote of 13-0. It passed Third Reading unanimously as well and will be sent to the Governor for his signature.

Previously reported: LL#2, p. 14; LL#4, p. 38.

Kimberly Love 303.956.8840

**JUVENILE SENTENCING REFORM BILL**

**NEW** HB 1292 Resentencing Juveniles Life Sentence without Parole (Reps. Kagan and Lee; None) (support) has been introduced in the House and is scheduled to be heard on March 26 in House Judiciary. This bill significantly reforms the sentence structure for offenders who are charged and convicted as an adult for a class 1 felony committed when they were juveniles. It also requires the court to resentence offenders who are serving a life sentence without the possibility of parole after being convicted as an adult between

July 1, 1990 and July 1, 2006 of a class 1 felony that they committed while they were a juvenile. The court must resentence them according to the new guidelines. The impetus for the bill was a 2012 U.S. Supreme Court decision that declared that mandatory life without parole sentences for children violate the Eighth Amendment prohibiting cruel and unusual punishment.

Between July 1, 1990 and July 1, 2006 all juveniles who were charged with and convicted as an adult of a class 1 felony were subject to a mandatory life without the possibility of parole sentence.

Currently in Colorado there are 48 offenders who are serving that sentence. In 2006, progress was made when the law was changed so that the sentence for juveniles convicted as adults would no longer be life without the possibility of parole but life with the possibility of parole after 40 years. However, that change was not retroactive.

The new sentence structure requires that a person convicted of a class 1 felony between July 1, 1990 and July 1, 2006 and after July 1, 2015 for an offense committed while they were a juvenile be sentenced either to:

- 24 to 48 years in prison with the possibility of parole after serving 75% of his/her sentence. There will be a mandatory 10 years of parole after release.
- Life in prison with the possibility of parole after 20 years. If a person who serves this sentence is paroled, they will remain on parole for the rest of their life.

The bill also requires the court, when resentencing or sentencing these offenders, to consider the factors that are outlined in the bill in order to determine the appropriate sentence.

Ever since the laws were changed in the 1990s to be more punitive in how we handle juvenile offenders who commit very serious crimes, the League has worked with other advocates to make our laws less punitive and more rehabilitative while still promoting public safety. While we agree that our youth need to be held accountable for their actions, we also recognize that children and adolescents are particularly amenable to change because their brains are still developing. There may be youth who are serving life without parole sentences who have accepted responsibility for their actions, have turned

their life around and are no longer a danger to society. Going forward, there will be more youth like that. Are justice and good public policy served by locking those youth up for life at a cost of as much as \$2.5 million when they could be released and become contributing members of their community? We would say it isn't.

Carla Bennett 303.757.2930

## **NATURAL RESOURCES**

### **WATER**

#### **WATER CONSERVATION**

**SB 8 Promote Water Conservation in Land Use Planning (Sen. Roberts; Rep. Vigil) (support)** is a bill that would promote water conservation with land use planning. It would be predominantly directed to smaller communities with limited planning staff to help them develop wiser land use and water conservation. It passed out of the Senate on February 24 and was heard in House Agriculture on March 16. There were no amendments, and it passed to House Appropriations 8-5. Voting Yes: KC Becker, Arndt, Danielson, Ginal, Lebsock, Mitsch-Bush, Saine, Vigil. Voting No: J. Becker, Brown, Buck, Coram, and Dore.

Previously reported: LL#2, p. 16; LL#4, p. 40.

#### **LET IT RAIN**

**NEW HB 1259 Residential Precipitation Collection Rain Barrels (Rep. Esgar & Danielson; Sen. Merrifield) (support)** has been introduced to address the issue of residential homeowners collecting rain water from a residential rooftop. This would allow a maximum of 2 rain barrels with combined storage of 100 gallons or less to be used for a single-family residence or multi-family residence with 4 or fewer units. The water collected could only be used on the property from which it is collected and must be applied to outdoor purposes such as lawn or garden irrigation. It would require the state engineer, where possible, to provide information on the permitted use of rain barrels. It would require CDPHE (Health Department), where practicable, to develop best practices for non-potable usage of rainwater and

vector control (mosquito). It would prevent HOAs from prohibiting unit owners from using rain barrels. The bill was heard in House Agriculture on March 16. There was a lively debate, with concerns voiced from the water community that it violated and could possibly cause injury under Colorado Water Law. Supporters stated that this would not impact downstream users and could slightly reduce the usage of potable water sources. The bill passed out of committee to the Committee of the Whole 9-3-1. Voting Yes: KC Becker, Arndt, Brown, Coram, Ginal, Danielson, Lebsock, Mitsch-Bush, Vigil. Voting No: Buck, Dore, and Saine. Excused J. Becker.

Both reported by 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.

Having passed the House on February 6, the bill passed the Senate on March 11 by a vote of 25-10. The bill was signed by the Senate President and House Speaker on March 13. It was sent to the Governor on March 16.

Previously reported: LL#1, p. 8; LL#3, p. 31, LL#5, p. 51.

Linda Rinehart 720.989.8944

### **CHILDREN'S ISSUES**

#### **SHARING INFORMATION TO PROTECT CHILDREN**

**NEW** **HB 1248 Child Welfare Check Potential Foster Parents (Rep. Singer; Sen. Hill) (support)** would allow a child placement agency (CPA) access to information held by another agency or by

the state in order to license potential foster parents for their agency. The information available would include:

- Report of child abuse or neglect
- Nature of the allegation and name of the victim and perpetrator
- Whether the report was screened
- Outcome of the investigation
- Child care and child welfare licensing history

The Department of Human Services will monitor compliance.

The bill allows for one person in each agency to be assigned to provide the information after receiving the request. The fiscal note allows for funding for .4 FTE and allows for some changes to Trails (the internal computer system) to allow for the release of the information.

This action could allow an agency to provide better services to families and to improve screening of potential foster families. This bill is in accord with the League's positions on the protection of children. In the past, a strict code of confidentiality prevented information collected by one agency from being communicated to another agency.

The bill passed the House Public Health Care and Human Services Committee on March 20 by a vote of 11-2 (Everett and Joshi voting No) and will now move to the House Appropriations Committee.

Roberta Long-Twyman 303.377.9193

#### **OMBUDSMAN BILL PASSES FIRST HURDLE**

**SB 204 Autonomy of Child Protection Ombudsman (Sens. Newell and Lundberg; Rep. Singer) (support)** passed out of Senate Health and Human Services unanimously and unamended on March 19. It was sent to Appropriations because there is a small fiscal impact – \$38,661 in FY15/16 and \$22,626 in FY16/17. These are costs that are associated with the move of the office from the Department of Human Services to the legislative branch. There was testimony in opposition to the bill from the Department of Human Services. DHS's position was that the current structure is

working and there is no need to change it. However, there were many people who spoke in support of the bill, and their testimony, along with comments from some of the committee members, focused on the lack of confidence on the part of the public that the ombudsman's office is independent of DHS. That lack of confidence is a result of the ombudsman's office being located in DHS. League believes that even the appearance that the ombudsman's office is controlled by DHS can limit the willingness of citizens to take their concerns to the ombudsman. There was testimony that that is currently happening, and that it will compromise the effectiveness of the office.

Previously reported: LL#5, p. 52

Carla Bennett 303.757.2930

## **BACKGROUND CHECK BILL MOVING ALONG**

**SB 87 Foster Care & Kin Placement Background Checks ( Sen. Newell; Rep. Singer) (support)** closes the gaps in background checks for foster parents that were revealed by a Channel 7 investigative report and a subsequent Department of Human Services audit. The bill passed out of the House Public Health Care & Human Services Committee on March 20 by a vote of 12 to 1. Rep. Everett voted No but said he believed that background checks are very important and that he was willing to work with Rep. Singer regarding his concerns.

Rep. Singer presented several amendments that passed. They did not affect the intent of the bill. However, if the bill passes the House with amendments, it will have to go back to the Senate for concurrence.

Previously reported: LL#3, p. 31; LL#4, p. 41.

Carla Bennett 303.757.2930

## **EDUCATION**

### **WAIVING LAWSUIT IMMUNITY FOR SCHOOLS**

**NEW** The Colorado Governmental Immunity Act provides immunity for governmental entities from lawsuits except in specific situations (e.g., automobile accidents, dangerous roads or buildings, negligent operation of hospitals or prisons). In 2013, in response to the Lower North Fork Fire, state directed prescribed burns were included in these exceptions.

In response to the shooting of a student at Arapahoe High School and the parents' inability to get information they have requested, **SB 213 Waive Gov Immunity for Acts of School Violence (Sens. Cadman & Scheffel; Reps. Hullinghorst & Duran) (watch)** has been offered as a means for families to "achieve robust and vigorous discovery of events leading to those incidents of school violence." The bill amends the Colorado Governmental Immunity Act: to recognize the duty of districts, charter schools, and employees to protect students and others from harm in cases where "a school district, charter, school, or its employees knew or should have known of the danger that was presented and breached that duty of care." The bill waives immunity, on a limited basis, allowing for recovery of capped damages when that reasonable care for protection of students or staff has been breached.

While the League certainly supports thorough investigations of such incidents, we are concerned that placing already financially strapped school districts under the financial threat of lawsuits holding them responsible for "knowing" that unstable students or employees are likely to snap is a bit over the top. The League supports adequate funding of our public schools. As school funding has been cut, so have counselors, social workers and psychologists. This appears to be another unfunded mandate, requiring insights that may be impossible without appropriate staff (and possibly even with appropriate staff).

We certainly understand the frustration of any family trying to find answers to an unspeakable tragedy. However, there must be another avenue to

achieving “robust and vigorous discovery of events leading to incidents of school violence” other than more fiscal damage to public schools. Changes can be made. We hope we will see that as SB 213 progresses through the general assembly. The bill has been assigned to the Judiciary Committee but not yet placed on the calendar.

## **BI-PARTISAN EFFORT TO REDUCE ASSESSMENTS**

**NEW** The bi-partisan effort to control the amount of required student testing has appeared in **SB 215 Changes to Assessments in Public Schools (Sens. Hill & Kerr; Reps Buckner & Wilson) (watch)**. The bill implements many, but not all, of the recommendations offered by the Standards and Assessments Task Force created in the 2014 session. It prohibits the Colorado Department of Education (CDE) from requiring schools or districts to mandate testing in eleventh or twelfth grade, requires CDE to provide the option of tests in paper form, continues to require all eleventh grade students to take the ACT, provides some flexibility in early reading and school readiness tests, repeals references to postsecondary and workforce planning, and adjusts membership and extends for one year the Standards and Assessments Task Force. The reductions would save nearly \$1 million in reduced costs for tests.

The bill was pulled from the calendar for additional refinement. Numerous groups are dissatisfied that more of the task force’s recommendations were not included. More work appears to be taking place. The bill has been assigned to Senate Education.

Both reported by Sally Augden 303.455.5800

## **EQUAL OPPORTUNITY**

### **CIVIL RIGHTS UPHELD**

On March 9, the House State Affairs Committee upheld decades of civil rights advancement by defeating two bills.

**HB 1161 Public Accommodation First Amendment Rights (Rep. Klingenschmitt; None) (oppose)** The bill specified that if the owner of such public accommodation chooses to refuse service to someone in some way because the individual does not agree with the “ideology, ceremony, creed, behavior or practice” of the prospective customer or client, such refusal would be considered an exercise of First Amendment rights. By specifying “ideology, ceremony, creed, behavior or practice” it allows refusal of service on First Amendment grounds to absolutely everything. It is clear that the bill was inconsistent with League’s principles of equal rights and equal opportunity, social and economic justice. The vote to defeat the bill was 9-2. Voting against the bill: Foote, Lontine, Primavera, Tate, Thurlow, Tyler, Willett, Salazar, and Ryden. Voting for the bill: Humphrey, Neville.

Previously reported: LL#4, p. 42.

**HB 1171 State Freedom of Conscience Protection Act (Reps. Neville and Humphrey; Sen. Neville) (oppose)**. This bill makes an interesting claim that “laws neutral toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise.” On that ground, the bill proposes that no state or local government may cause a person to take an action that “burden’s” a person’s exercise of religion, except in cases of “compelling government interest.” The ways in which government might burden religion would be to enforce laws, rules or regulations that the individual deems contrary to his religious beliefs and then to penalize him in accordance with the law for lack of compliance. A person’s religion could be burdened if the legal requirement violates his “sincerely held religious beliefs,” whether or not those conform to the tenants of any larger religious system or set of belief. The bill’s language does allow broad application. It is clear that the bill is inconsistent with League’s principles of equal rights and equal opportunity, social and economic justice. The vote to defeat the bill was 7-4. Voting against the bill: Foote, Lontine, Primavera, Thurlow, Tyler, Salazar, and Ryden. Voting for the bill: Humphrey, Neville, Tate, and Willet.

Previously reported: LL#4, p. 42

Both reported by Christine Watson 303.250.1796

## PAY EQUITY ADVANCES

**HB 1133 Continue Colorado Pay Equity Commission (PEC) (Rep. Danielson; Sen. Ulibarri) (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 bill has passed the House and has been assigned to the Senate State Affairs Committee.

House Appropriations approved it on March 6 by a vote of 7-6. Voting Yes: McCann, Pabon, Pettersen, Singer, Winter, Hamner, and Young. Voting No: J. Becker, Dore, Everett, Joshi, Rankin, Wilson. The Third Reading vote of the full House on March 10 was 36 Yes, 28 No, and 1 Excused.

Previously reported: LL#3, p. 32.

Cynthia Thorstad 720.480.8345

### House Vote

	YES	36	NO	28	EXCUSED	1	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	N		Ginal	Y	Mitsch Bush	Y	Sias	N
Buck	N		Hammer	Y	Moreno	Y	Singer	Y
Buckner	Y		Humphrey	N	Navarro	N	Tate	N
Carver	N		Joshi	N	Neville P.	N	Thurlow	N
Conti	N		Kagan	Y	Nordberg	N	Tyler	Y
Coram	N		Keyser	Y	Pabon	Y	Van Winkle	N
Court	Y		Klingenschmi	N	Pettersen	Y	Vigil	Y
Danielson	Y		Kraft-Tharp	Y	Primavera	Y	Willett	N
DelGrosso	N		Landgraf	N	Priola	N	Williams	Y
Dore	E		Lawrence	N	Rankin	N	Wilson	N
Duran	Y		Lebsock	Y	Ransom	N	Windholz	N
Esgar	Y		Lee	Y	Rosenthal	Y	Winter	Y
Everett	N		Lontine	Y	Roupe	Y	Young	Y
							Speaker	Y

## **REPRODUCTIVE FREEDOM**

### PRENATAL SEX-SELECTION BILL FAILS

After two hours of impassioned testimony and vigorous questioning from House State, Military & Veterans Affairs committee members, **HB 1162 Prenatal Sex Nondiscrimination Act (Rep. Nordberg; None) (oppose)** was PI'd on a 6-5 vote. The bill sought to prohibit sex-selection abortions and focused on the practice of "son preference,"

which has existed in some countries and which the bill cited as a form of gender discrimination. Included would have been coercion and transporting of women for the purpose of sex-selection abortions, with a Class 2 felony penalty.

Most of the discussion during testimony focused on two aspects: the cultural and racial stereotypes presented in the bill's lengthy legislative declaration and the unenforceability of such a law. (In the latter context, the word "absurd" was heard often, from both sides of the issue.)

The League also was concerned about the enforceability, with its obvious (and absurd) problems: how can you know the reasons for an abortion? Would law-enforcement officers be posted in every exam room? And, as one person asked, will every Asian woman be suspect? (Two speakers, one from an Asian-American and Pacific Islander group and the other from a Latina organization, testified on this point.)

The main sticking point for the League was the final section of the bill, which provided a definition of abortion that would have become part of the Colorado Revised Statutes—handy for a future time when a simple shift of wording could make abortion illegal in the state. Oddly, this definition enumerated exceptions (e.g., "to save the life or preserve the health of the mother"), suggesting that sometimes an abortion is not an abortion.

To the League, any attempts to place abortion language in our statutes violate the individual's constitutional right to privacy in matters of reproductive health care. These attempts are occurring at an alarming rate in other states and in Congress. This bill, for example, is a nearly word-for-word replica of one introduced in Congress in 2013 (except the federal measure added race discrimination to its alleged outrages). We believe the people of Colorado deserve well-reasoned legislation to benefit the state, not photocopied bills to promote an agenda.

Voting to PI HB 1162: Foote, Lontine, Primavera, Tyler, Salazar, and Ryden. Voting No to PI: Humphrey, Neville P., Tate, Thurlow, Willett.

Previously reported: LL #5, p. 47.

Leslie Chomic 303.863.0437

## 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 PI'd=Postponed Indefinitely

POLICY AREA	S/H	BILL #	BILL TITLE	S/O	PAGE	STATUS
Administration	SB	88	Independent Ethics Commission	W	12,25	PI'd
Behavioral Health	HB	1032	Licensed Mental Health Professionals Treat Minors	S	8,31,51,63	To Gov
Children's Issues	SB	87	Foster Care & Kin Care Placement Background Checks	S	31,41,52,64	H-PHCHS
Children's Issues	SB	131	Fostering Success Collaborative for Foster Youth	S	41	PI'd
Children's Issues	SB	204	Autonomy Of Child Protection Ombudsman	S	52,63	S-App
<b>Children's Issues</b>	<b>HB</b>	<b>1248</b>	<b>Child Welfare Check Potential Foster Parents</b>	<b>S</b>	<b>63</b>	<b>H-App</b>
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	PI'd
Education	SB	45	Tax Credits For Nonpublic Education	O	8,32	S-2nd Rdg
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
<b>Education</b>	<b>SB</b>	<b>213</b>	<b>Waive Gov Immunity For Acts Of School Violence</b>	<b>W</b>	<b>64</b>	<b>S-Jud</b>
<b>Education</b>	<b>SB</b>	<b>215</b>	<b>Changes To Assessments In Public Schools</b>	<b>W</b>	<b>65</b>	<b>S-Ed</b>
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	23,52	H-App
Elections	SB	60	Preventing Multiple Voter Registrations	W	12,26	H-SA
Elections	SB	61	Disclosure Requirement Small Issue Committees	W	25,49,60	H-SA
Elections	HB	1057	The Statewide Initiative Process	S	7	H-SA
Elections	HB	1084	Collection Of Mail Ballots	O	13,26	PI'd
Elections	HB	1130	Overseas Citizens Municipal Election Voting Access	S	13,49,60	S-2nd Rdg
Elections	HB	1193	Rights Of Watchers In Elections	O	26,59	PI'd
Energy	SB	44	Electric Renewable Energy Standard Reduction	O	30,50	PI'd
Energy	SB	46	Renewable Energy Std Adjust REAs Distributed Gen	S	30,50	H-T&E
Energy	HB	1118	Hydroelectric Power	O	30,51	PI'd
Equal Opportunity	SB	69	Repeal Job Protection Civil Rights Enforcement Act	O	18,42	S-3rd Rdg
Equal Opportunity	HB	1133	Continue Colorado Pay Equity Commission	S	32,66	S-SA
Equal Opportunity	HB	1161	Public Accommodation First Amendment Rights	O	42,65	PI'd
Equal Opportunity	HB	1171	State Freedom of Conscience Protection Act	O	42,65	PI'd
Equal Opportunity	HB	1172	Repeal Punitive Damages Employment Discrimination	O	42	PI'd
Equal Opportunity	HB	1264	Homeless Persons' Bill Of Rights	S	53	H-SA
Fiscal Policy	SB	1	Excess Revenues Refund Mechanism	S	13	S-Fin
Fiscal Policy	HB	1205	Creation Of Tax Expenditure Evaluation Committee	S	49,60	H-App
Gun Safety	SB	32	Lift Restrictions On Carrying Of Firearms	O	8,27,39	H-SA
Gun Safety	SB	86	Repeal Gun Transfer Background Check Rqmnt & Fee	O	13,27	S-2nd Rdg
<b>Gun Safety</b>	<b>SB</b>	<b>175</b>	<b>Ammunition Magazines</b>	<b>O</b>	<b>61</b>	<b>H-SA</b>
Gun Safety	HB	1009	Repeal Large Ammo Magazine Ban	O	7,38	PI'd
Gun Safety	HB	1049	Deadly Force Against Intruders In Businesses	O	7,27	PI'd
Gun Safety	HB	1050	Repeal Gun Transfer Background Check Rqmnt & Fee	O	7,27	PI'd
Gun Safety	HB	1086	CBI Produce Certificates For Gun Transferees	O	13,27	PI'd
Gun Safety	HB	1127	No Liability For Permitting Concealed Carry	O	14,27	PI'd
Gun Safety	HB	1168	Concealed Handgun Carry In Public Schools	O	38	H-SA
Health Care	SB	19	Health Exchange Audit	S	9,19,59	To Gov
Health Care	SB	57	Clean Claims Task Force Reporting Requirements	S	34,57	Signed
Health Care	SB	74	Transparency in Direct Pay Health Care Prices	W	54,59	PI'd

Health Care	SB	123	Patient Choose Pharmacy To Fill Prescriptions	W	33,43	Lost
Health Care	HB	1015	Interstate Compact EMS Providers	S	33,58	S-App
Health Care	HB	1029	Health Care Delivery Via Telemedicine Statewide	S	9,19,43,53,57	To Gov
Health Care	HB	1039	Prescription Give-back For Institutions	S	33,57	Signed
Health Care	HB	1066	Repeal Health Benefit Exchange	O	34	PI'd
Health Care	HB	1151	Floor for Medicaid Provider Rates	S	54,58	PI'd
Health Care	HB	1163	Contingent Repeal Hlth Ins Laws Aligning with ACA	O	43	PI'd
Health Care	HB	1194	Authorize General Fund Dollars For LARC Services	S	43	H-App
Health Care	HB	1233	Respite Care Study Task Force	S	43,58	H-PHCHS
<b>Health Care</b>	<b>HB</b>	<b>1238</b>	<b>Tax Credit Preceptors Health Prof Shortage Areas</b>	<b>S</b>	<b>58</b>	<b>H-Fin</b>
Health Care	HB	1242	Patient Caregiver Designation Hospital Requirement	S	54,58	H-PHCHS
<b>Health Care</b>	<b>HB</b>	<b>1258</b>	<b>FAMLI Insurance Program Wage Replacement</b>	<b>S</b>	<b>58</b>	<b>H-Fin</b>
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	20,44	S-App
Income Assistance	HB	1033	Strategic Planning Group On Aging	S	9,44	H-App
Income Assistance	HB	1100	Sales Tax Revenue To Older Coloradans Cash Fund	S	20,44,58	H-App
Justice System	SB	30	Prostitution Defense For Human Trafficking Victim	S	14,38,61	To Gov
Justice System	SB	37	Youthful Offenders in Corrections	OIP	15,28	PI'd
Justice System	SB	182	DOC Transfer Offenders To Youthful Offender System	W	39,50	H-Jud
Justice System	HB	1019	Victims Of Human Trafficking And Prostitution	S	14,37	H-App
Justice System	HB	1043	Felony Offense For Repeat DUI Offenders	S	28	H-Fin
Justice System	HB	1174	Information Protections Domestic Violence Victims	S	39	To Gov
<b>Justice System</b>	<b>HB</b>	<b>1292</b>	<b>Resentence Juveniles Life Sentence No Parole</b>	<b>S</b>	<b>61</b>	<b>H-Jud</b>
Juvenile Justice	SB	184	No Detention For Failure To Attend School	S	40	S-App
Juvenile Justice	HB	1022	Juvenile Petty Offense Contracts	S	8,28,50	Signed
Juvenile Justice	HB	1025	Competency to Proceed for Juveniles	S	15,28	PI'd
Juvenile Justice	HB	1091	Policies On Juvenile Shackling In Court	S	15,39,50	S-SA
Reproductive Freedom	HB	1041	Protect Human Life At Conception	O	21,47,54	PI'd
Reproductive Freedom	HB	1112	Born-alive Infant Protection Act	O	21,48,54	PI'd
Reproductive Freedom	HB	1128	Women's Health Protection Act	O	21,44,48	PI'd
Reproductive Freedom	HB	1162	Prenatal Sex Nondiscrimination Act	O	47,66	PI'd
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	29,40	PI'd
Voting Rights	HB	1169	Photo ID For Same Day Voter Registration	O	29,40	PI'd
Water	SB	8	Promote Water Conservation In Land Use Planning	S	16,40,62	H-App
Water	HB	1006	Invasive Phreatophyte Grant Program	W	25	H-App
Water	HB	1038	Flexible Water Markets	S	17,30,41,51	PI'd
Water	HB	1093	Exceptions Efficient Plumbing Fixture Requirements	O	17,30	PI'd
Water	HB	1210	GA Review Env'tl Rules Required In Lieu Fed Law	O	31	PI'd
<b>Water</b>	<b>HB</b>	<b>1259</b>	<b>Residential Precipitation Collection Rain Barrels</b>	<b>S</b>	<b>62</b>	<b>H-2nd Rdg</b>

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