



**April 6, 2015**

**LL#7:69**

## **COLORADO’S BEHAVIORAL HEALTH SYSTEM**

In 2008, Governor Bill Ritter formed a Behavioral Health Cabinet. Its mission was “To strengthen the health, resiliency and recovery of Coloradans through quality and effective behavioral health prevention, intervention, treatment and recovery.” The economic crisis that began in 2008 caused such stringent spending reductions that many reasonable behavioral health programs were scaled back or were not funded. However, behavioral health issues have continued to affect all Coloradoans, and we are seeing some progress with still limited funds.

In 2012, following the mass murders at a theater in Aurora, Governor Hickenlooper proposed and the legislature authorized the development of a statewide network of 24-hour crisis centers for people with mental health emergencies. Difficulties with the Request for Proposals and lawsuits delayed the implementation of these centers until late 2014.

The issue is important to the League. In 2013, the League of Women Voters of Colorado authorized a Behavioral Health Task Force to provide the League with information to more fully understand the state of behavioral health in Colorado, and the public policy needs. The Task Force decided on its scope of work, heard from 13 highly qualified experts in behavioral health, researched and read publications, and obtained information from other Colorado resources. Seventeen Task Force members – psychotherapists, medical professionals, a former state representative, a former chief/district judge, a county commissioner, director of a substance use prevention agency, parents of adults with mental illness, and volunteers on statewide and county boards and behavioral health organizations – represented 10 Colorado Leagues.

In its study published in May, 2014, the Task Force recommended:

- For The League of Women Voters:
  - League advocacy positions should include Behavioral Health.
- Health care should include parity between behavioral and physical health services

- Everyone in Colorado with a behavioral health challenge should be able to access affordable, quality care and treatment
- For Child/Adolescent Behavioral Health
  - Colorado must emphasize and make available, from many points of entry including physical health care, early and affordable behavioral health intervention and treatment for children and adolescents.
  - Colorado must provide research and consistent reporting about: a) the behavioral health of children and adolescents in our state, and b) the availability of treatment and services needed for Colorado's children and adolescents.
  - All schools should have the equivalent of a Safe Schools, Healthy Students program, with a nurse's office with staff trained to deal with and refer both physical and behavioral health issues.
- Civil Commitment: Colorado needs to increase the number of beds available across the state for civil commitments.
- Behavioral Health Crisis Centers: Development of, and funding for, behavioral health crisis centers across the state must be implemented as soon as possible.
- Education: Expand School curricula to include units on behavioral health. Provide mental health screening in schools
- Re-entry to Community: Colorado needs to provide strengthened, high quality services for people with behavioral health challenges who are re-entering communities after incarceration or civil commitment.

According to a study done in 2011, in 2007 Colorado ranked 32nd in the nation in adult access to mental health care and 31st in the youth population. (The full report is available at: [http://www.coloradotrust.org/attachments/0001/6934/ACMHC\\_2011\\_Full-Report.pdf](http://www.coloradotrust.org/attachments/0001/6934/ACMHC_2011_Full-Report.pdf)) Since 2007, however, there have been significant changes to Colorado's behavioral health services.

Progress came because many people have obtained medical insurance under the Affordable Care Act either through private insurance or expanded Medicaid. (Medicaid enrollment has increased from approximately 450,000 people in 2008-2009 to over 1,000,000 people in 2015.) This makes mental health services much more affordable than when people must pay the entire cost themselves.

The Mental Health Crisis Centers proposed in 2012 have been implemented, and there are now 12 centers open and functioning. Eleven of these are along the Front Range, and one is in Grand Junction. An effort was made in 2014 to modify the civil commitment procedures, but the effort foundered in the face of opposition from gun rights organizations. All inmates released from correctional facilities are enrolled in Medicaid before they are released, making it much easier for them to receive mental health services promptly.

Much work remains to be done to ensure that all Coloradans have access to quality mental health services. There are particular shortages in the area of in-patient care, and there are no guarantees that the most effective services are available to all or most of the people in need of services. There is very limited availability beyond the Front Range. Substance abuse services continue to be dramatically underfunded, and the services available often show limited effectiveness.

Currently, there is little funding to make major improvements in the system, because money would mostly come at the expense of K-12 education and higher education. The bills that have been introduced this year tend to make incremental changes that will benefit those who need behavioral health services in limited ways but will not address the major shortfalls that continue to plague our behavioral health system.

For a more detailed report on the individual laws introduced this year, please see the Behavioral Health Section beginning on page 75.

Linda Rinehart 720.989.8944

## CORRECTIONS

In the last Legislative Letter we incorrectly reported the sponsors of **SB 74 Transparency in Direct Pay Health Care Prices**. The actual sponsors are Senator Tim Neville and Representative Janak Joshi. We apologize for the error.

### **GOVERNMENT**

#### **FISCAL POLICY**

##### **EVALUATION OF TAX EXPENDITURES ADVANCES**

**HB 1205 Creation Of Tax Expenditure Evaluation Committee (Reps. K. Becker & Saine; Sens. Hill & Johnston) (support)** This bill creates a Tax Expenditure Evaluation Committee consisting of 10 members; 7 legislative members and 3 non voting members from state agencies to review state tax expenditures, including tax credits, deductions, and exemptions that result in reduced tax revenue. The committee is to make recommendations to repeal, continue or modify reviewed expenditures for the following legislative session. On April 2, the House Appropriations Committee unanimously referred the bill to the House Committee of the Whole with an appropriation of \$546,114 from the General Fund. It passed 2<sup>nd</sup> Reading on April 6.

Previously reported: LL#5, p. 49; LL#6, p. 60.

Jean Aaro 303.863.0437

#### **GUN SAFETY**

##### **GUN DAY AT THE CAPITOL**

Six gun bills are scheduled for hearing on Monday, April 13, in both House and Senate. If you missed some bills you really wanted to hear, there are repeat performances, under new numbers. All bills were previously reported except for HB 1138 and HB 1152.

**SB 32 Lift Restrictions on Carrying of Firearms (Sen. Marble, Rep. Ransom) (oppose)** If a law abiding citizen buying a handgun passes the background check, SB 32 says there is no need to get a CCW permit to carry the handgun concealed. Training classes would also not be needed. CCW permits expire in 5 years and a new background check is required before renewal. Bill assumes that in five years handgun owners will stay "law abiding." Statistics show this is not always the case.

Previously reported LL#1, p. 8; LL#3, p. 27; LL#4, p. 39.

**NEW** **HB 1152 Concealed Handgun Carry No Permit (Reps. Nordberg & Van Winkle; Sen. Holbert) (oppose)** Identical, word for word, to SB 32.

**SB 175 Ammunition Magazines (Sens. Holbert & Cooke; Rep. Humphrey) (oppose)** The particulars have already been heard as **HB 1009, (Rep Humphrey; Sen. Holbert)** in House State Affairs where it was PI'd. **SB 175** passed the Senate; so it is now being heard in House State, Veterans, and Military Affairs.

SB 175 previously reported: LL #6, p. 61.

**SB 86 Repeal Gun Transfer Background Check Requirement and Fee (Sen. Lambert; Rep. Joshi) (oppose)** will repeal background checks on private transfer of firearms and the fee for background checks. SB 86 is identical to HB 1050 which was PI'd in House State Military Affairs. An in-depth study conducted by Everytown shows overwhelming evidence that law abiding citizens are following the current law passed in 2013. In the first eighteen months under the new law, two-thirds of CBI background checks were conducted at sites other than gun shows. The total of all background checks in this period blocked 298 sales to criminals and other prohibited persons.

SB 86 previously reported: LL#2, p. 13; LL#3, p. 27.  
HB 1050 previously reported: LL#1, p. 7; LL#3, p. 27.

**HB 1168 Concealed Handgun Carry In Public Schools (Rep P. Neville; Sen. T. Neville) (oppose)** allows anyone with a CCW permit to carry hidden weapons on public school grounds or in K-12 school buildings.

Previously reported: LL#4, p. 38.

**NEW** **HB 1138 No Background Check Concealed Handgun Permittees (Rep. Ransom; Sen. Cooke) (oppose)** would exempt anyone who currently holds a Colorado issued CCW permit from having a background check currently required for all gun purchase and transfers. Bill would also apply to federal background checks. Permits are valid for 5 years. Unfortunately,

having a CCW permit does not guarantee a permanent law abiding status.

All reported by Jean Grattet 303.863.0437

## **JUSTICE SYSTEM**

### **BIPARTISAN SUPPORT FOR REPEAT DUI PENALTY CHANGES**

**HB 1043 Felony Offense for Repeat DUI Offenders (Reps. Saine & McCann; Sens. Cooke & Johnston) (support)** After hearing lengthy testimony in both House Finance (March 25) and House Judiciary (February 5), HB 1043 went to House Appropriations on unanimous votes from its committees of reference. It awaits the Long Bill and consideration of other bills to determine if there is enough money to fund the increased legal and incarceration costs that are estimated. Colorado is one of only four states that do not have a felony DUI law. Adjustments made have lowered the estimated fiscal impact. For Fiscal Year 2015-16 the bill requires new appropriation of \$1,083,781 General Fund to the Judicial Department with 11.1 FTE, \$188,352 General Fund to the Office of the State Public Defender with 3.1 FTE, and an estimated five-year cost of \$27,874,479 for the Department of Corrections.

Previously reported: LL#3, p. 28.

Cynthia Thorstad 720.480.8345

### **PROTECTION FROM UNLAWFUL SEIZURE**

**NEW HB 1290 Stop Police Interference Cop Incident Recordings (Reps. Salazar & Esgar; Sen. Guzman) (support)** This is one of the bills that came out of a months-long, bipartisan effort to deal with the infrequent but highly disturbing incidents of police misbehavior. This bill would prohibit police from seizing or destroying an auditory or video recording of an incident without receiving consent or obtaining a warrant and from otherwise interfering or retaliating against the person making the recording. The person who recorded the incident is entitled to actual damages, a civil penalty of \$15,000, and attorney's fees and costs. This bill is supported by the LWVUS position on individual rights and the Fourth Amendment to the US Constitution. It was heard in the House Judiciary Committee on March 31 and the civil penalty was amended to say "up to" \$15,000. It was then not voted on and has yet to be re-calendared.

Jean Fredlund 303.428.5420

### **PEDESTRIAN PROFILING ALSO BANNED**

**NEW HB 1288 Update to Profiling Prohibition (Rep. Williams; Sen. Carroll) (support)** would strengthen laws regarding profiling by peace officers, would add to the list of characteristics that peace officers may not use to decide who to investigate, and would apply the prohibition on profiling to pedestrian stops in addition to traffic stops.

Current statute defines profiling as the practice of detaining a suspect based on race, ethnicity, age, or gender without the existence of any individualized suspicion of the particular person being stopped. HB 1288 adds color, national origin, nationality, language, sex, gender identity, sexual orientation, socioeconomic status, or disability.

The bill also adds more specific language about what is and is not allowed. Profiling must not be used to select a person to be subject to routine or spontaneous investigation or to determine the scope or duration of an investigation. An officer may still rely on physical descriptions when seeking to apprehend a specific suspect. If evidence is obtained in violation of the statute, a court shall not admit it in a judicial proceeding. It's unlikely that profiling will ever be completely eliminated, but we should work toward the ideal of treating everyone the same in the eyes of the law.

The House Judiciary Committee amended the bill to remove a provision that was already covered in statute, and to add a requirement for training about profiling in an agency where profiling was found to have been used as prohibited by this law. The bill was sent to the House floor by a vote of 10-1-2. Voting Yes: Buckner, Court, Dore, Foote, Lawrence, Lundeen, Pettersen, Salazar, Lee, and Kagan. Van Winkle voted No. Carver and Willett were excused.

**NEW** A related bill, **HB 1287 Police Officer Training Improvements (Rep. Williams; Sen. Cooke) (FYI)** would add four new, non-police members to the Peace Officer Standards and Training (P.O.S.T.) Board, in the interest of community diversity. The board would be directed to improve training standards (including anti-bias and de-escalation courses) and community outreach. The bill passed House Judiciary unanimously on Mar. 31 and now heads to House Appropriations. The fiscal note to start is \$350,000, which would come from grants for training police officers in local departments.

Julie Leonard 720.384.8421

Leslie Chomic 303.246.3644

## UNLAWFUL ORDERS NOT PUNISHED

**NEW** **HB 1289 Criminal Charges Based On Unlawful Order (Rep. Salazar & Everett; None) (support)** This bill was designed to require dismissal of charges and to create a disincentive of civil liability to the practice of police arresting someone for “disturbing the peace” or “obstructing justice” because they refused to follow an order that was unlawful, i.e. an order that violated the person's constitutional or statutory rights. It was heard in the House Judiciary Committee where a motion was made to send the bill, as slightly amended, to the Committee of the Whole. The motion passed on a vote of 7 to 6. Voting Yes were: Buckner, Court, Dore, Lundeen, Pettersen, Salazar, and Van Winkle. Voting No were: Carver, Foote, Lawrence, Willet, Lee, and Kagan.

Two days later, the bill was brought up again in the same committee for reconsideration. Rep. Salazar tried valiantly to defend his bill; but after discussion about the method of enforcement, the bill was postponed indefinitely by a vote of 10 to 3. Voting Yes to PI were: Carver, Court, Dore, Foote, Lawrence, Lundeen, Van Winkle, Willett, Lee, and Kagan. Voting No were: Salazar, Pettersen, and Buckner

Jean Fredlund 303.428.5420

## STUDY TRAFFICKING OF MINORS

**HB 1019, Victims of Human Trafficking and Prostitution (Rep. Lundeen; Sen. Woods) (support)** Prior to the amendments, this bill would have eliminated the prosecution of minors who have been trafficked into prostitution and treated them like the victims they are, providing support, treatment, and victims' compensation.

As previously reported the bill was amended to require the Human Trafficking Council to meet on or before January 1, 2016 and make recommendations as to whether the General Assembly should enact the above mentioned legislation. In addition, it has been further amended to direct the Human Trafficking council to make recommendations as to whether the General Assembly should establish standards and a process for the certification of organizations that provide services to victims of human trafficking and a grant program for organizations that provide services to human trafficking including consideration of how such a program may be funded.

Additionally, the bill has now been amended to reflect a direction to the Human Trafficking Council to make recommendations to the House and Senate Judiciary

committees as to whether the General Assembly should enact legislation concerning:

- the prosecution or granting of immunity to a child victim of commercial sexual exploitation for offenses related to that exploitation
- the creation of any necessary changes to Title 19, C.R.S. to implement those legal protections or defenses or standards, guidelines or mandates regarding the appropriate assessment, placement and treatment of child victims of commercial sexual exploitation through Title 19, C.R.S. including but not limited to the use of locked placement.

The bill further directs that recommendations must include a full explanation of each recommendation with a discussion of the benefits of each, if any problems might be encountered, and how, if problems exist, they might be mitigated.

The House approved the bill unanimously (Priola excused) on March 31, and it is on its way to the Senate.

Kimberly Love 303.956.8840

## YOUTHFUL OFFENDER BILL WILL GO TO GOVERNOR

**SB 182 DOC Transfer Offender to Youthful Offender System (Sens. Garcia and Crowder; Reps. Navarro and Esgar) (watch)** passed House Judiciary on March 24 unanimously. It was amended to require the Department of Corrections (DOC) to develop policies and procedures for making decisions about transferring an offender not sentenced to the Youthful Offender System (YOS) into that program. This is to ensure that the program is not negatively impacted by the addition of this different offender population. The DOC is also required to include information about these policies and procedures in their annual report to the House and Senate Judiciary committees. The report also must include information on the characteristics of the youthful offenders who are transferred to YOS and the impact, if any, that those inmates have had on the YOS program. The DOC cannot make any transfers until it has developed the required policies and procedures. On March 30, the bill passed 3<sup>rd</sup> Reading in the House by a unanimous vote. On March 31, the Senate concurred with the House amendments and repassed the bill. It now goes to the Governor to be signed.

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

Carla Bennett 303.757.2930

## SENTENCING REFORM PI'D

On March 25, **HB 1292 Resentence Juvenile Life Sentence No Parole (Reps. Kagan and Lee; none) (support)** was PI'd unanimously at the request of Rep. Kagan. The bill would have significantly reformed the sentence structure for offenders who are convicted as an adult for a class 1 felony committed when they were juveniles. It also would have required the court to resentence offenders who are currently serving a mandatory life sentence without the possibility of parole after being convicted as an adult of a class 1 felony for a crime committed when they were juveniles. This sentence has now been determined to be unconstitutional by the U.S. Supreme Court.

Rep. Kagan had worked hard with all the stakeholders, and he believed an agreement had been reached. Unfortunately, the agreement fell apart at the very last minute. We will continue to watch how this all plays out. We now have 48 offenders convicted as adults while they were juveniles who are serving a sentence that the U. S. Supreme Court has ruled is unconstitutional. Still to be determined either by statute or by the courts is whether the Supreme Court decision is retroactive or if it only applies to offenders going forward.

The new sentencing structure would also have eliminated the mandatory life sentence with the possibility of parole sentence that now applies to juveniles who are convicted as an adult of a class 1 felony. It would have replaced that sentence going forward with a flexible sentence structure allowing the judge more discretion. That is also an issue that will probably play out in the courts if not in statute because of the mandatory nature of the current sentence structure. Stay tuned.

Previously reported: LL#6, p. 61.

Carla Bennett 303.757.2930

## JUVENILE JUSTICE

### JUVENILE JUSTICE BILL PI'D

**HB 1091 Policies on Juvenile Shackling in Court (Rep. Lontine; Sen. Merrifield) (support)** was PI'd in Senate State, Veteran's & Military Affairs on March 25. The vote was 3 to 2 with Sens. Marble, Sonnenberg, and Scott voting Yes to PI and Sens. Jones and Ulibarri voting No. There was compelling testimony in support of the bill from juvenile justice advocates and from youth who had experienced shackling. The Colorado

Bar Association and the county sheriffs spoke in opposition to the bill.

The death of the bill was a disappointment to its supporters including League, but there is some progress being made on this issue outside of the legislature. After the bill was heard in House Judiciary, the Chief Justice of the Colorado Supreme Court called a meeting of the chief justices of every judicial district and instructed them to come up with a shackling policy for their district. She also requested that they do so following the guidelines in the bill.

On March 28, the Denver Post reported that a district court judge in the Cortez area issued an order ending the indiscriminate shackling of youth in the Cortez area courtrooms. The new policy was supported by the district attorney who said he believes that shackling teens should be avoided because it is counter-productive. It is our hope that we will see more these orders.

Previously reported: LL#2, p. 15; LL#4, p. 39; LL#5, p. 50

Carla Bennett 303.757.2930

## NATURAL RESOURCES

### ENERGY

#### RENEWABLE STANDARDS ADJUSTED

**SB 46 Renewable Energy Std Adjust REAs Distributed Gen (Sen. Grantham; Rep Moreno) (support)** modifies current law by allowing electricity generation from solar gardens to be counted toward meeting the distributed generation requirement for the cooperative electric associations. The bill passed the House on March 30 unanimously. It will now go to the Governor.

Previously reported: LL#3, p. 30; LL# 4, p 51.

Sigrid Higdon 303.233.8111

### WATER

#### CONSERVATION GOES TO GOV

**SB 8 Promote Water Conservation in Land Use Planning (Sen. Roberts; Rep. Vigil) (support)** has met with favorable review and will be promoting water conservation through land use planning. It is directed

# SOCIAL POLICY

## BEHAVIORAL HEALTH

### A MULTITUDE OF BILLS, NO MASSIVE IMPACTS

**HB 1032 Treatment of Minors by Licensed Mental Health Professionals (Rep. Singer; Sen. Aguilar) (support)** This bill expands the definition of mental health professionals to allow more professionals to treat minors with only the minor's consent. Formerly, only physicians and psychologists had this permission. This bill was signed into law by the Governor on March 20.

Previously reported: LL#1, p. 8; LL#3, p. 31; LL#5, p. 51; LL#6, p. 63.

**NEW HB 1087 Pilot Program for Alcohol and Substance Abuse Detox Centers (Rep. Vigil; Sens. Steadman & Jahn) (support)** The bill creates the Alcohol and Substance Abuse Medical Detox Centers Pilot Program in the Department of Human Services (DHS). The purpose of the pilot program is to provide limited medical services currently unavailable through standard social detox programs to individuals addicted to alcohol or substances. There will be one urban and one rural program selected to take part in this program which will run for two years. The programs and DHS will make reports to the General Assembly by January 30, 2019. The pilot runs through July 1, 2019. The estimate of the cost to the General Fund is up to \$941,226 for 2015-16; up to \$5,570,790 for 2016-17; and up to \$4,645,516 for 2017-18.

The bill was approved 8-5 by the House Public Health Care & Human Services Committee on March 10 and was referred amended to Appropriations (Voting Yes: Conti, Danielson, Ginal, Melton, Moreno, Tyler, Singer, and Primavera; Voting No: Everett, Joshi, Langraf, Sias, and Windholz).

**NEW HB 1269 Transfer of Persons Between Dept. of Corrections and Dept. of Human Services (Rep. McCann & Ginal; Sen. Grantham) (watch)** This bill clarifies procedures concerning the transfer of inmates between the Department of Corrections (DOC) and the Department of Human Services (DHS). Specifically it clarifies that inmates may only be transferred from the DOC to DHS when such a transfer is done in accordance with a policy that provides for due process and in situations where the inmate cannot be safely confined in a DOC facility. This policy is required to be in place by August 1, 2015. The bill repeals the authority of the

toward the smaller communities that might not have the resources to integrate conservation and land use planning. The bill passed Third Reading in the House on March 31, 39-25-1. It now goes to the Governor for his signature.

Previously reported: LL #2, p. 16; LL #4, p. 40; LL # 6, p. 62.

#### House Vote

	YES	39	NO	25	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	Y		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	Y
Conti	N		Kagan	Y	Nordberg	N	Tyler	Y
Coram	Y		Keyser	N	Pabon	Y	Van Winkle	N
Court	Y		Klingenschmitt	N	Pettersen	Y	Vigil	Y
Danielson	Y		Kraft-Tharp	Y	Primavera	Y	Willett	Y
DelGrosso	N		Landgraf	N	Priola	E	Williams	Y
Dore	N		Lawrence	N	Rankin	Y	Wilson	N
Duran	Y		Lebsock	Y	Ransom	N	Windholz	N
Esgar	Y		Lee	Y	Rosenthal	Y	Winter	Y
Everett	N		Lontine	Y	Roupe	N	Young	Y
							Speaker	Y

### IT KEEPS ON RAINING

**HB 1259 Residential Precipitation Collection Rain Barrels (Rep. Esgar & Danielson; Sen. Merrifield) (support)** would allow homeowners to collect rain water from a residential rooftop. It would allow a maximum of 2 rain barrels with a maximum storage of 110 gallons (most barrels are 55 gallons). The use of the water could only be used on the property from which it is collected and for outdoor purposes. It passed Third Reading on in the House on March 23, 45-20.

Previously reported: LL#6, p. 62.

#### House Vote

	YES	45	NO	20	EXCUSED	0	ABSENT	0
Arndt	Y		Fields	Y	Lundeen	N	Ryden	Y
Becker J.	N		Foote	Y	McCann	Y	Saine	Y
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	Y	Navarro	N	Tate	N
Carver	N		Joshi	N	Neville P.	Y	Thurlow	Y
Conti	N		Kagan	Y	Nordberg	Y	Tyler	Y
Coram	N		Keyser	Y	Pabon	Y	Van Winkle	Y
Court	Y		Klingenschmitt	N	Pettersen	Y	Vigil	Y
Danielson	Y		Kraft-Tharp	Y	Primavera	Y	Willett	Y
DelGrosso	N		Landgraf	N	Priola	N	Williams	Y
Dore	N		Lawrence	N	Rankin	Y	Wilson	N
Duran	Y		Lebsock	Y	Ransom	Y	Windholz	Y
Esgar	Y		Lee	Y	Rosenthal	Y	Winter	Y
Everett	N		Lontine	Y	Roupe	N	Young	Y
							Speaker	Y

Both reported by Jeannette Hillery 303.494.7718

DHS to transfer non-offenders to the DOC. The DHS may only transfer a person receiving care at the Colorado Mental Health Institute at Pueblo or Fort Logan to a DOC facility when that person is serving a sentence to the DOC concurrently with a commitment to the DHS. The DHS is also authorized to return a person to the DOC if the inmate cannot be safely confined in the DHS facility. The bill passed the House Health, Insurance, and Environment Committee unanimously and the full House on March 31 unanimously with Rep. Priola excused.

**NEW SB 15 Mental Health Parity for Autism Spectrum Disorder (Sen. Kefalas; Rep. Primavera) (support)** As amended by the Senate Health and Human Services Committee, the bill includes autism spectrum disorders in the state's mental health parity law and repeals a provision that specifies that autism is not treated as a mental illness for the purposes of health care coverage. The bill also removes statutory references to caps on the number of visits or services concerning the assessment, diagnosis, and treatment of autism spectrum disorders under a health insurance plan. The bill specifies that a nationally registered behavior technician may provide direct services to a person with autism spectrum disorder under the supervision of another autism services provider. It passed the Senate unanimously on February 18 and the House 64-1 (Rep. Everett voting No) on March 24. It now goes to the Governor.

**NEW SB 214 Interim Committee Safe Schools Youth Mental Health (watch)** The bill creates the school safety and youth mental health committee (committee) to:

- study issues relating to school safety and the prevention of threats to the safety of students, teachers, administrators, employees, and volunteers;
- study and evaluate programs and methods for identifying and monitoring students in crisis;
- develop standardized criteria for school personnel to use in assessing the potential threat posed by one or more students; and
- make recommendations to the education committees of the General Assembly.

The committee shall meet at least 4 times each legislative interim and may meet as necessary throughout the year.

While we understand the concern about school safety, suicide is a much more frequent cause of death among adolescents than homicide; and much of the work assigned to this committee has already been completed

by the Colorado School Safety Resource Center in the Department of Public Safety.

The following bill is being reported because it may be of interest to readers following this area of legislation. The League took no position on this bill and will not continue to follow it in subsequent issues.

**NEW HB 1067 Continuing Professional Development Program for Licensed Psychologists (No position)** This bill requires continuing professional development and education for licensed psychologists. Having passed the House on February 4 by a vote of 43-22 and passed the Senate on March 19 by a vote of 21-14, the bill will now go to the Governor. We chose not to follow it because it seemed unlikely to have much impact on the effectiveness of the services provided by psychologists.

**House Vote**

YES	43	NO	22	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	N	Ginal	Y	Mitsch Bush	Y	Sias	N
Buck	N	Hamner	Y	Moreno	Y	Singer	Y
Buckner	Y	Humphrey	N	Navarro	Y	Tate	N
Carver	N	Joshi	N	Neville P.	N	Thurlow	N
Conti	Y	Kagan	Y	Nordberg	N	Tyler	Y
Coram	Y	Keyser	N	Pabon	Y	Van Winkle	N
Court	Y	Klingenschmi	N	Pettersen	Y	Vigil	Y
Danielson	Y	Kraft-Tharp	Y	Primavera	Y	Willett	Y
DelGrosso	N	Landgraf	Y	Priola	N	Williams	Y
Dore	Y	Lawrence	N	Rankin	Y	Wilson	Y
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

**Senate Vote**

YES	21	NO	14	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	N
Balmer	N	Heath	Y	Lambert	N	Scott	N
Baumgardner	N	Hill	N	Lundberg	N	Sonnenberg	N
Carroll	Y	Hodge	Y	Marble	N	Steadman	Y
Cooke	N	Holbert	N	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	N	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	N
Grantham	N	Kefalas	Y	Roberts	Y		

All reported by Linda Rinehart 720.989.8944

**CHILDREN'S ISSUES**

**NEW CHILD WELFARE WORKERS**

**NEW Senate Bill 242 Child Welfare Staff Funding Allocation (Sen. Grantham; Rep. Young) (support)** concerns the child welfare system. It is a response to the realization that the system is not funded at a level that is reasonable in terms of hiring adequate staff to handle the demands of protecting children in Colorado. The first part of the bill allows an additional allocation to the Child Welfare Block Grant. The funds are to be used to hire new child welfare staff. In addition to the extra



funds there is to be a study of the caseloads in each county. The numbers of cases are to be reported to the State Department. The bill says that the committee shall modify the formula after receiving the results of the caseload study. One would hope that the study would look at the complexity of the workload reflected by the count as well as the numbers of cases.

This bill is part of the Long Bill (budget) package, and has passed the Senate 28-7. It will be heard at the first of the week in the House Appropriations Committee.

Roberta Long-Twyman 303.377.9193

Senate Vote

YES	28	NO	7	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	Y	Lambert	Y	Scott	N
Baumgardner	N	Hill	Y	Lundberg	N	Sonnenberg	N
Carroll	Y	Hodge	Y	Marble	N	Steadman	Y
Cooke	Y	Holbert	N	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	N	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		Y

**EDUCATION**

**CUTTING BACK ON TESTING**

**NEW** On first blush, **SB 257 Ed Stds & Assessments & Flexibility Pilot Program (Sens. Hill and Merrifield; Reps. Becker J. and Singer) (watch)** may finally be the “let’s do something about excessive testing” bill that does the trick. There are things we like, and we also have concerns. The bill working through the process will tell the tale. It will be heard in Senate Education this Thursday afternoon, April 9.

The bill does several things:

- Restricts testing at the high school level
- Keeps the requirement that 11<sup>th</sup> graders take the ACT
- Streamlines the readiness and early literacy programs
- Requires that there be a paper and pencil option of each test
- Creates some testing flexibility for districts
- Extends the current 2014-15 school year waiver option for school districts of the requirement that 50% of a teacher’s evaluation be based on student academic growth. Districts would be allowed another three years to determine the percentage for their teachers.

Finding the proper balance of providing information on students that helps the state, districts, schools and teachers determine strengths and weaknesses of instruction without losing sight of time and effort spent

on actual learning is not easy. The parent/student outcry over excessive testing and the consequential loss of instructional time is a sign that data seems to have become more important than education. It’s time to pull back on the “bean counting.” This year’s bi-partisan effort to find a reasonable balance seems to be on its way to succeeding.

The League will continue to follow this effort with our goals of equity, adequate funding (no unfunded mandates), and a quality and balanced curriculum of humanities, arts, and sciences for all children.

Sally Augden 303.455.5800

**JUST NOT ENOUGH MONEY FOR THE YOUNG ONES**

With some heavy bi-partisan regret, **HB 1020 Funding for Full Day Kindergarten (Rep. Wilson; none) (watch)** and **HB 1024 Increasing Number of CO Preschool Program Students (Rep. Pettersen; Sens. Kefalas & Todd) (support)** were both PI’d in House Appropriations on April 2. The votes to PI were 13-0 on both bills. The tab for full day kindergarten was \$236 million, and increasing preschool slots by 3,000 would have cost \$11.3 million. It seems that more legislators are getting the message that early childhood education is one of the best investments that can be made in education. The savings down the road are actually measurable: less spent on remedial education and special education, higher graduation rates, etc. The limits on education spending this year, while tax coffers are growing, are directly attributable to the TABOR caps that force returning funds to taxpayers.

Both previously reported: LL#2, p. 17; LL#3, p. 24.

Sally Augden 303.455.5800

**TAX CREDITS MOVE FORWARD**

The House Education Committee will soon be taking up **SB 45 Tax Credits for Nonpublic Education (Sen. Lundberg; Rep. Ransom) (oppose)**. The bill passed unamended out of Senate Appropriations on a 4-3 vote. Voting For: Sonnenberg, Woods, Lambert, and Grantham. Voting Against: Heath, Hodge, and Steadman.

On the Senate floor, the bill was laid over daily until a sponsor in the House (Rep. Kim Ransom) signed on, so that the bill could move to 3<sup>rd</sup> Reading. Proponents of the bill promote the savings to the state (because the tax credit is maxed at one-half of the previous year’s per

pupil expenditure and fewer students will be attending public schools). Opponents counter that a larger proportion of special needs students will be among those remaining and are much more costly to educate, creating a serious inequity. Additionally, given that the cost of private schools, in particular, are usually substantially higher than the capped amount, there is additional inequity in the income level of families able to take advantage of the program. The League is particularly sensitive to the equity issue. After much discussion and

many failed amendments – attempting to delay enactment until mandates are fully funded, private schools accepting public school requirements, etc. – **SB 45** passed the Senate 18-17 on March 25.

Previously reported: LL#1, p. 8; LL#3, p. 32; LL#4, p. 41.

Sally Augden 303.455.5800

## STATUS SHEET

The Status Sheet is a regularly 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
<b>Behavioral Health</b>	<b>SB</b>	<b>15</b>	<b>Mental Health Parity For Autism Spectrum Disorders</b>	<b>S</b>	<b>76</b>	<b>To Gov</b>
<b>Behavioral Health</b>	<b>SB</b>	<b>214</b>	<b>Interim Committee Safe Schools Youth Mental Health</b>	<b>W</b>	<b>76</b>	<b>S-Jud</b>
Behavioral Health	HB	1032	Licensed Mental Health Professionals Treat Minors	S	8,31,51,63,75	Signed
<b>Behavioral Health</b>	<b>HB</b>	<b>1067</b>	<b>Continuing Professional Development Psychologists</b>	<b>FYI</b>	<b>76</b>	<b>To Gov</b>
<b>Behavioral Health</b>	<b>HB</b>	<b>1087</b>	<b>Alcohol And Substance Abuse Medical Detox Centers</b>	<b>S</b>	<b>75</b>	<b>H-App</b>
<b>Behavioral Health</b>	<b>HB</b>	<b>1269</b>	<b>Transfer Persons To And From Correctional Facility</b>	<b>W</b>	<b>75</b>	<b>S-HHS</b>
Children's Issues	SB	87	Foster Care & Kin Care Placement Background Checks	S	31,41,52,64	H-2nd Rdg
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-2nd Rdg
<b>Children's Issues</b>	<b>SB</b>	<b>242</b>	<b>Child Welfare Staff Funding Allocation</b>	<b>S</b>	<b>76</b>	<b>H-App</b>
Children's Issues	HB	1248	Child Welfare Check Potential Foster Parents	S	63	H-App
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	8,32,77	H-Ed
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	SB	213	Waive Gov Immunity For Acts Of School Violence	W	64	S-Jud
Education	SB	215	Changes To Assessments In Public Schools	W	65	S-Ed
<b>Education</b>	<b>HB</b>	<b>257</b>	<b>Ed Stds &amp; Assessments &amp; Flexibility Pilot Program</b>	<b>S</b>	<b>77</b>	<b>S-Ed</b>
Education	HB	1020	Funding For Full-day Kindergarten	W	17,24,77	PI'd
Education	HB	1024	Increasing Number Of CO Preschool Program Students	S	17,24,77	PI'd
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	To Gov
Elections	SB	61	Disclosure Requirement Small Issue Committees	W	25,49,60	PI'd
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-SA
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	30,50,74	To Gov
Energy	HB	1118	Hydroelectric Power	O	30,51	PI'd
Equal Opportunity	SB	69	Repeal Job Protection Civil Rights Enforcement Act	O	18,42	PI'd
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	49,60,71	H-3rd Rdg
Gun Safety	SB	32	Lift Restrictions On Carrying Of Firearms	O	8,27,39,71	H-SA
Gun Safety	SB	86	Repeal Gun Transfer Background Check Rqmnt & Fee	O	13,27,71	H-SA
Gun Safety	SB	175	Ammunition Magazines	O	61,71	H-SA
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
<b>Gun Safety</b>	<b>HB</b>	<b>1138</b>	<b>No Background Check Concealed Handgun Permittees</b>	<b>O</b>	<b>71</b>	<b>H-SA</b>
<b>Gun Safety</b>	<b>HB</b>	<b>1152</b>	<b>Concealed Handgun Carry No Permit</b>	<b>O</b>	<b>71</b>	<b>H-SA</b>
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	Signed
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-2nd Rdg
Health Care	HB	1233	Respite Care Study Task Force	S	43,58	H-App
Health Care	HB	1238	Tax Credit Preceptors Health Profl Shortage Areas	S	58	H-Fin
Health Care	HB	1242	Patient Caregiver Designation Hospital Requirement	S	54,58	S-HHS
Health Care	HB	1258	FAMLI Insurance Program Wage Replacement	S	58	H-Fin
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	39,50,73	To Gov
Justice System	HB	1019	Victims Of Human Trafficking And Prostitution	S	14,37,73	To Senate
Justice System	HB	1043	Felony Offense For Repeat DUI Offenders	S	28,72	H-App
Justice System	HB	1174	Information Protections Domestic Violence Victims	S	39	Signed
<b>Justice System</b>	<b>HB</b>	<b>1287</b>	<b>Police Officer Training Improvements</b>	<b>FYI</b>	<b>72</b>	<b>H- App</b>
<b>Justice System</b>	<b>HB</b>	<b>1288</b>	<b>Updates To Profiling Prohibition</b>	<b>S</b>	<b>72</b>	<b>H-2nd Rdg</b>
<b>Justice System</b>	<b>HB</b>	<b>1289</b>	<b>Criminal Charges Based On Unlawful Order</b>	<b>S</b>	<b>73</b>	<b>PI'd</b>
<b>Justice System</b>	<b>HB</b>	<b>1290</b>	<b>Stop Police Interference Cop Incident Recordings</b>	<b>S</b>	<b>72</b>	<b>H-Jud</b>
Justice System	HB	1292	Resentence Juveniles Life Sentence No Parole	S	61,74	PI'd
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	15,39,50,74	PI'd
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	Pl'd
Reproductive Freedom	HB	1162	Prenatal Sex Nondiscrimination Act	O	47,66	Pl'd
Voting Rights	HB	1011	Restrict Revealing How Person Votes	W	16	Pl'd
Voting Rights	HB	1140	Same Day Voter Registration With Photo ID	O	29,40	Pl'd
Voting Rights	HB	1169	Photo ID For Same Day Voter Registration	O	29,40	Pl'd
Water	SB	8	Promote Water Conservation In Land Use Planning	S	16,40,62,74	To Gov
Water	HB	1006	Invasive Phreatophyte Grant Program	W	25	H-App
Water	HB	1038	Flexible Water Markets	S	17,30,41,51	Pl'd
Water	HB	1093	Exceptions Efficient Plumbing Fixture Requirements	O	17,30	Pl'd
Water	HB	1210	GA Review Evtl Rules Required In Lieu Fed Law	O	31	Pl'd
Water	HB	1259	Residential Precipitation Collection Rain Barrels	S	62,75	S-Ag

**The Legislative Letter is written by the members of the Legislative Action Committee, edited by Frank Bennett and Chris Watson, and published by the Colorado League of Women Voters every two weeks during the Legislative Session. Each issue of the Legislative Letter is distributed to every member of the Legislature. To subscribe, please contact the League Office at [info@lwvcolorado.org](mailto:info@lwvcolorado.org) or 303-863-0437 for information about rates and delivery.**