

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



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LL#2:14

THE POPULAR VOTE VS. THE ELECTORAL COLLEGE

The recent Presidential election has renewed interest in the Electoral College and the alternative method of electing a President by popular vote. The League of Women Voters has long held the position that the direct-popular-vote method for electing the President is essential to a representative government. The League reached that conclusion in 1970 and in 2010 revised its position to support the use of a National Popular Vote (Interstate) Compact as one way to achieve the goal until the Electoral College is abolished. The National Popular Vote Compact, or National Popular Vote Agreement, is a method to achieve the direct election of the President of the United States without the passage of a Constitutional amendment.

NEW SB 99 proposes that Colorado join the **National Popular Vote Agreement**.

The current system of electing the President and Vice-President uses the Electoral College, an indirect method of election established in the Constitution and modified by the 12th and 23rd Amendments. Electors are chosen by each state; the methods for choosing the electors vary. Electors, and their respective votes, are apportioned to states according to the total number of senators and representatives from each. The minimum number of electors is three so that even the least populated states have at least three electoral votes.

Under the U.S. Constitution, states have exclusive power to allocate their electoral votes and may change their state laws concerning the awarding of their electoral votes at any time. Today, all states but Maine and Nebraska have a winner-take-all system in which all of a given state's electors vote for the winner of that state's popular vote.

A state enacting the National Popular Vote Agreement would allocate all of that state's electoral votes to the presidential candidate who receives the most popular votes in all fifty states and the District of Columbia. The Agreement would take effect only when enacted, in identical form, by states possessing a majority (270) of the 538 total electoral votes. The number of electoral votes required to win the Presidential election is 270.

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There are several reasons for adopting a popular vote system to elect the president. The Electoral College excludes many voters from a meaningful role in presidential elections while voters in swing states get the most attention. Currently, voters in low-population states are overrepresented by their electoral votes; the proposed Agreement would give equal weight to all voters and ensure the “one person, one vote” principle. Finally, in 1876, 1888, 2000 and 2016, the Electoral College awarded the presidency to the candidate who did not receive the majority of the popular vote.

League of Women Voters supports this legislation proposed by **Sen. Kerr** and **Rep. Rosenthal**. The bill is currently assigned to the State, Veterans, & Military Affairs Committee; a hearing is scheduled for February 15th.

To date the National Popular Vote Agreement has been adopted by 10 states and the District of Columbia. Among them, they have 165 electoral votes or 61.1% of the 270 electoral votes needed to activate the agreement and 30.1% of the Electoral College’s 538 vote total. Colorado has nine electoral votes.

This is not the first time that Colorado legislators have considered the National Popular Vote Agreement. In 2006, Colorado's Senate was the first state legislative house in the nation to pass National Popular Vote's legislation for nationwide election of the President (SB 06-223). In January, 2007, the Colorado State Senate once again approved the National Popular Vote bill (SB 07-046). On March 17, 2009, the Colorado House of Representatives passed the National Popular Vote bill (HB09-1299). The bill has never passed both chambers of the Colorado Assembly in the same legislative session; therefore, Colorado has not joined the compact to date.

Similar legislation is pending in 16 other states.

Julie Ott 719.201.3024 Nancy Crow 703.489.9303

GOVERNMENT

ADMINISTRATION

ACCESS TO GOVERNMENT INFORMATION

NEW **SB 40 Public Access to Government Files (Sen. Kefalas, Gardner; Rep. Pabon) (support)** is a renewed effort to amend the Colorado Open Records Act to allow production of records using more advanced technology. The recommendations of a 16-person working group convened in the summer of 2016 by the Secretary of State’s Office are contained in this bill. The group included records custodians of counties, municipalities, special districts, higher education, school boards, and several state agencies, plus records requestors, legislators, the Attorney General’s office, and the Secretary of State’s office. The issues addressed involved permitting members of the public to access public information under the Colorado Open

Records Act in electronic/digital formats that make analysis easier. The proposal allows, with some exceptions, the public records to be made available in searchable electronic/digital formats, allows the records custodian to select the format, does not require the custodian to produce custom reports or perform additional programming, clarifies when and what fees may be charged to those requesting information, clarifies that removing information from an existing record is not the creation of a new document, and removes the existing criminal penalty (which has never been charged) for violations of CORA. League’s support is based on its belief in protecting the citizen’s right to know which includes making public records accessible.

A hearing has been scheduled for Monday, February 6, at 1:30 p.m. in Senate State, Veterans, and Military Affairs.

Fern Black 303.793.0807

ELECTIONS

OVERLAPPING BILLS ON CANDIDATE PETITIONS

NEW **SB 69 Candidate Petition Information Verify Electronic Process Study (Sen. Holbert; Reps. Coleman and Ransom) (support)** would permit random sampling of signatures on petitions of candidates using the petition method of getting on the ballot. Currently, election officials must check the name and address of each signer in the voter registration records but don't compare the signature against the signature on file.

Addressing the same issue of petition circulators forging voter signatures, a different approach of requiring that all signatures be verified is proposed in **HB 1088 Voter Signature Verification & Electronic Petition Pilot (Rep. P. Neville) (oppose)**. LWVCO is concerned that checking every signature would impose too much of a burden on election officials. SB 69's random sampling of signatures, combined with another provision that requires election officials to check that each petition circulator meets the qualifications set out in statute, should adequately address the problems uncovered recently with candidate petitions and their circulators.

The two bills overlap in another area, requiring the Secretary of State, in consultation with county clerks and other election officials, to study (SB 69) or pilot (HB 1088) electronic methods of handling petitions and signatures, such as using tablet devices and instant verification to allow voters to sign petitions. The fiscal note for SB 69 doesn't anticipate that this will cost any additional money, since election officials are already discussing this with the Dept. of State, and it's already in the department's work plan.

HB 1088 adds a different third item, relating to petitions for ballot issues. Currently, if checking a random sample of signatures shows that there are less than 90% of the required signatures, the petition is insufficient. If the random sample indicates more than 110%, it's sufficient. In between, all signatures must be checked. HB 1088 would require also checking all signatures on the

petitions over 110%, again adding a substantial burden to the Secretary of State's office.

HB 1088 will be heard in the House State, Veterans and Military Affairs committee on Feb. 9. SB 69 has been assigned to the Senate State, Veterans and Military Affairs committee, but no hearing date has been set.

Julie Leonard 720.384.8421

MORE ELECTION WATCHERS?

NEW **SB 138 Election Watchers (Sen. Tate; Rep. Foote) (watch)** changes language in several statutes to replace watchers in "precincts" to watchers in voter service and polling centers (VSPCs). In addition, it changes generally the date for the names of watchers to be submitted from the Friday before an election to the Wednesday before the date when VSPCs are to open. For primary elections, each political party is entitled to one watcher in each VSPC and one at each location where votes are counted. Candidates for nomination in a primary are entitled to "watchers" in every county in which they are candidates. In nonpartisan elections, candidates and ballot issue proponents and opponents are each entitled to "watchers" in every appropriate county. Regarding a ballot issue specifically, the registered agent of the issue committee may appoint "one or more" watchers in every county where the issue is on the ballot.

The election watcher "requirements" section adds additional authority of a watcher to resolve a "potential discrepancy," allows watchers to observe the signature verification process, and sets forth in full the words of an oath each watcher must take before beginning service.

A later section removes an exception and bans the "sale, disclosure, or release of a photocopied or microfilmed image of an elector's signature." A further amendment allows a county clerk to request the criminal history of watchers.

League believes strongly in protections of the right to vote, but has reservations regarding numerous watchers who could impede or disrupt the voting process to the detriment of fair and properly supervised elections.

This bill has been assigned to the Senate State, Veterans, and Military Affairs Committee and is scheduled for a hearing on February 15.

Fern Black 303.793.0807

TWEAKS TO VOTING PROCESSES

NEW **SB 71 Voter Service and Polling Centers Early Voting General Election (Sen. Tate; None) (watch)** For large counties, this bill reduces the required number of VSPCs during the first week of early voting and eliminates the requirement that vote centers be open on the first Saturday of early voting. League supports the concept of cutting back VSPCs when they are underutilized, as they are expensive for the counties both from the standpoint of personnel as well as space rental. Granted many of the sites had very little use during the first week of the 2014 election, but we opposed last year's bill because the current law had not been in effect during a general election when there is always a far greater turnout.

Current law requires counties to provide a certain number of centers according to the number of active voters. It is our belief that other issues should be considered, such as hours and location of sites. Having centers only open from 10 to 6 does not work for everyone. Perhaps the hours could be adjusted to include early evening hours, allowing working people the opportunity to utilize the sites.

The Bipartisan Election Advisory Commission, conducted by the Secretary of State, has been assembling a great deal of data regarding the usage of VSPCs during the November general election. We hope the results of their findings, along with input from the Clerks and Recorders, will be considered for a potential compromise to this bill, which is scheduled to be heard on February 15th by the Senate State Affairs Committee.

Carol Tone 303.884.8429

INITIATIVES

CONFORMING THE STATUTES TO AMENDMENT 71

NEW **SB 152 Implement Changes Made by Amendment 71 (Sen. Court; None) (watch)** Implements voter-approved changes to the Colorado constitution made by Amendment 71 by (1) requiring petitions for an initiated state constitutional amendment be signed by the constitutionally specified number of registered electors who reside in each state senate district and total number of registered electors, and (2) requires at least 55 percent of votes cast to adopt any state constitutional amendment. It requires the title board to determine if the proposed constitutional amendment is limited to a repeal (in whole or part) of a provision of the state constitution, for purposes of determining the required percentage of votes cast (simple majority) to adopt the amendment.

The bill requires the Secretary of State to notify proponents of a petition for an initiated state constitutional amendment of the number and boundaries of the state senate districts and the number of registered electors in each state senate district. The Secretary of State must validate the petition signatures by random sampling, and the bill sets forth criteria for determining if the number of valid signatures qualifies the petition as sufficient. The bill also requires the Secretary of State to issue a statement as to the sufficiency of the petition.

Although League has supported the use of statutory measures rather than constitutional amendments to change Colorado law and has supported greater signature requirements for initiated constitutional amendments than for initiated statutory laws, it took a neutral position regarding Amendment 71 and will follow developments surrounding this proposal.

This bill was assigned to the Senate State, Military, and Veterans Affairs Committee and is scheduled for a hearing on February 13.

Fern Black 303.793.0807

PROTECTION FOR INITIATED LAWS KILLED

SB 79 Limit Amendments to Initiated Statutory Laws (Sen. Court; none) (support) was a bill to prevent amendment, repeal, or other change to an initiated law approved at an election for a period of three years from the law's effective date unless the change could be approved by a two-thirds vote in each house. At a hearing held February 1, the sponsor explained the proposal as a response to Amendment 71 and its limits to initiated measures to change Colorado's Constitution. To respect citizen rights and to give an incentive for initiated statutory laws, this bill would prevent change in the law for the period and under the circumstances indicated. As one committee member stated, the bill if passed would merely make the change of an initiated law a two-step process rather than one, the first to change this law and the second to change the initiated law. Only one witness testified, in favor of the bill, and amendments to the time frame or the override vote requirement were mentioned, but none were proposed. The vote to move the bill forward was 4 – 1 with only the sponsor voting "yes," and Senators Fenberg, Marble, Scott and Sonnenberg voting "no." The vote to PI was without objection, 5 – 0.

Previously reported: LL#1, p. 7.

Fern Black 303.793.0807

GUN SAFETY

REPEAL LARGE CAPACITY BAN

NEW SB 7 Repeal Ammunition Magazine Prohibition (Sen. Marble; Reps. Saine & Humphrey) (oppose) would repeal the 15-round limit for firearm magazines and the requirement that each large-capacity magazine manufactured in Colorado on or after July 1, 2013, include a permanent stamp or marking indicating the magazine was manufactured after July 1, 2013. League supported the law this bill would repeal.

Heard on January 31 in State, Veterans and Military Affairs, the bill passed 3-2. Voting Yes: Scott, Marble, and Sonnenberg. Voting No: Court, Fenberg.

This is the fourth consecutive year this identical bill has been presented. The same legislators are sponsoring the same bill as last year. Senator Marble commented during the hearing that gun owners need to be respected.

NEW TWIST ON GUNS IN SCHOOLS

NEW SB 5 Handgun Safety Training for School Employees (Sen. Holbert; Rep. P. Neville) (oppose) would allow a county sheriff to provide a handgun safety training course to any employee of any public school who possesses a concealed carry permit. Charter schools would also be included. The local board of education of the school district, an institute charter school, or the state charter school institute would approve the curriculum the sheriff develops. The permittee must have permission from the local board or state charter school institute to carry a concealed (loaded) handgun onto school grounds, and the bill sets forth conditions under which permission may be granted. The permittee must notify the administration of the school or charter school that he or she may be carrying a concealed handgun on school grounds. The Sheriff's curriculum must include consideration of the District's school response framework already established.

School boards can establish a maximum number of employees who may carry in each school. The sheriff who provides the training may require each course participant to pay a fee to the sheriff.

Opponents testified that highly trained police officers whose only job is law enforcement too often fail to use firearms successfully. Studies have shown highly trained police officers have only 20 percent accuracy hitting the intended target. How could teachers and staff take a class and safely fire a weapon in a classroom of children?

Despite the bill specifying conditions under which a person holding a concealed carry permit may be authorized to carry a concealed handgun onto public school or charter school property, Senator Holbert repeatedly stated his bill was only about training and not about allowing concealed weapons in the school; that issue will be addressed in another bill. He also stated that the bill would allow open carry

although the bill mentions only concealed handguns.

The bill passed the Senate State Affairs Committee 3-2 on January 24th. Voting Yes: Scott, Marble, and Sonnenberg. Voting No: Court, Fenberg. It passed 2nd Reading on February 3rd and is scheduled for 3rd Reading on February 6th.

Both reported by Jean Grattet 303.573.7942

JUSTICE SYSTEM

TIGHTENING THE LAWS ON HUMAN TRAFFICKING

NEW **HB 1040 Interception Of Human Trafficking Communications (Reps. Lundeen & Foote; Sens. Priola & Jahn) (support)** This bill strengthens current legislation to help convict human traffickers by allowing a judge to authorize the interception of certain communications when probable cause exists to believe that evidence of human trafficking crimes will be obtained. Wiretapping and eavesdropping authority already exists for such crimes as second degree murder, kidnapping, gambling, robbery, bribery, dealing in controlled substances, escape, criminal conspiracy, limited gaming, and crimes dangerous to persons or property. Because the statute will only be expanded to include human trafficking, the fiscal note reflects a minimal potential increase to state revenue and expenditures.

The bill passed the Judiciary Committee 10-0 (Carver excused) on January 24th and awaits Second Reading in the House on February 6.

NEW **HB 1072 Human Trafficking Sexual Servitude (Reps. Lawrence & Landgraf; None) (support)** Currently, Colorado law requires that criminals convicted of trafficking minors be placed on the Colorado sex offender registry. Since human trafficking is considered modern day slavery and victims of any age are manipulated, forced or coerced, this bill extends that requirement to persons convicted of trafficking any person, regardless of age.

The bill is scheduled to be heard in House Judiciary on February 7th.

NEW **SB 24 Clarify Intellectual and Developmental Disabilities Hearsay Exception (Sen. Fields; Rep. Young) (support)** Under Colorado rules of evidence, the hearsay rule says that out-of-court statements are not allowed into evidence except when provided by court rules or state law. This rule is in place to ensure that witnesses testify under oath and that the veracity of their statements can be tested by cross-examination. Under current law, there is an exception to the hearsay rule for a person with an intellectual or developmental disability (IDD) if the out-of-court statement relates to certain specified crimes. This bill strengthens legislation in protecting victims by clarifying that the hearsay exception applies to statements made by a person with an IDD when a defendant is charged with a crime against an at risk person. An at risk person is someone who is over the age of 70, disabled regardless of age, or over 18 with an IDD. Currently, Colorado law defines a person with a disability as any person who is impaired because of the loss of (or the loss of the use of) a hand or foot or because of blindness; is unable to walk, see, hear or speak; is unable to breathe without mechanical assistance; has an IDD, a mental illness or is mentally impaired; or is receiving care and treatment for a developmental disability.

The bill is moving rapidly through the Legislature. It passed the Senate Judiciary Committee unanimously on January 25th and the full Senate unanimously (Martinez Humenik and Sonnenberg excused) on January 31st. It has been assigned to the House Judiciary Committee but not yet scheduled for a hearing there.

Kimberly Love 303.956.8840

NATURAL RESOURCES

ENERGY

LOCAL GOVERNMENTS PAY FOR BANS?

NEW **HB 1124 Local Government Liable Fracking Ban Oil And Gas Moratorium (Rep. Buck; Sen. Neville) (oppose)** This bill, a repeat of one introduced last year, would require a local

government that bans hydraulic fracturing of an oil and gas well to be liable to the mineral interest owner for the value of all cost, damages and losses of fair market value associated with a moratorium. This would be fiscally onerous on municipalities that are trying to protect the health and safety of their citizens. The municipalities and counties have a right in comprehensive land use planning to assess the most appropriate use of the property. Also, it would be difficult to assess damages and any fair market value associated with this bill.

It is scheduled to be heard in House State Affairs on February 22nd.

Amy Sherwood 847.239.0236
Jeannette Hillery 303.494.7718

ENVIRONMENTAL QUALITY

LEGISLATURE SUPPORTS BIOCHAR

SJR 002 Support for Use of Biochar (Sens. Baumgardner & Merrifield; Reps. Singer & Thurlow) (watch) The Resolution lists numerous intended uses for biochar derived from downed timber in our forests and encourages further research, development, and use of biochar. League believes that long-range ecological effects may have greater importance than short range problems; therefore, we hope the use of this product will be guided by the research.

The resolution passed the Senate unanimously (Hill and Scott excused) on January 24th with no amendments. It passed the House on a voice vote with no amendments and was signed by the President of the Senate and the Speaker of the House on Jan. 27.

Previously reported: LL#1, p. 7.

Amy Sherwood 847.239.0236

WATER

GRAYWATER USE

NEW HB 1008 Graywater Regulation Exemption for Scientific Research (Rep. Arndt; Sen. Sonnenberg) (support) This bill that came

out of the Water Resources Review Committee is asking to facilitate scientific research related to graywater uses and systems. The bill creates an exemption from the Water Quality Control Commission regulations so that scientific research can be performed on the use of graywater treatment systems as possible alternative sources of water.

Presently the regulations define what graywater is and how it is to be used, but this expands it for scientific purposes. This would allow more research into potentially expanding water sources and availability. This has been assigned to House Agriculture, Livestock, and Natural Resources Committee. No hearing date has been set.

ASKING FOR FEDERAL HELP

NEW HJR 1004 Funding Prevent Aquatic Nuisance Species (Rep. Mitsch Busch; Sen. Baumgardner) (support) is requesting that the US Bureau of Reclamation, the US Army Corps of Engineers, the US Coast Guard, and the United States Forest Service provide funding to Colorado Parks and Wildlife for implementation of the state Zebra and Quagga Mussel Management Plan. These invasive species are detrimental to all water bodies and can clog water and wastewater treatment plants causing damage to treatment plants and can negatively affect plankton communities, fisheries, and water based recreation. A program has been established in the state and has been aggressive in deterring the species, but more support is needed.

The resolution was approved by the House on a voice vote on January 25th and by a unanimous vote in the Senate on February 1.

Jeannette Hillery 303.494.7718

SOCIAL POLICY

BEHAVIORAL HEALTH

MEDICAL POT FOR PTSD

NEW SB 17 Allow Medical Marijuana Use for Stress Disorders (Sen. Aguilar; Rep. Singer) (support) was advanced by a unanimous 5-0 vote by the Senate State, Veterans and Military Affairs

Committee on January 31 and easily cleared the Senate on February 3 on a 34-1 vote, with Sen. Kent Lambert, R-Colorado Springs casting the lone dissenting vote. Most of the public testimony, in a standing-room-only crowd, came from supporters who included veterans as well as survivors of abuse and trauma.

The question of whether medical marijuana could be used to treat the symptoms of Post-Traumatic Stress Disorder (PTSD) has been a highly contested debate in Colorado in recent years. The Colorado Board of Health, which has not added any new qualifying conditions to the state's medical marijuana law since it was implemented in 2001, has denied requests to put PTSD on that list. There is presently a legal challenge to The Board of Health's 2015 ruling denying PTSD as a qualifying condition, currently before the Colorado Court of Appeals.

The bill's fiscal impact is expected to be minimal. It has not yet been assigned in the House. The League supports this bill under our Behavioral Health position endorsing "access to needed medications."

OUT WITH THE OLD; IN WITH THE NEW: NON-STIGMATIZING TERMINOLOGY

HB 1046 Update Outdated Statutes Persons with Disabilities (Rep. Lebsock; Sen. Donovan) (support) passed the House on its Third Reading on January 31 unanimously with Rep. Gray excused.

Colorado statutes contain outdated and insensitive terms related to persons with an intellectual or physical disability. This bill replaces them. The bill does not make any changes to the substance of existing law or policy.

The League supports the use of terminology that aims to reduce societal stigmas associated with insensitive or outdated terms.

This bill is now assigned to Senate Health & Human Services with its first hearing there on February 16.

Previously reported: LL#1, p. 8.

TASK FORCE STAFFING ASSISTANCE

HB 1020 Staffing Task Force Mental Illness Justice System (Rep. Singer; Sen. Humenik) (support) passed the House on its Third Reading on January 31 unanimously with Rep. Gray excused. The bill amends provisions in current statute to provide for ongoing staff support by the Office of Behavioral Health within existing appropriations for the task force concerned with the treatment of persons with mental illness in the criminal and juvenile justice systems. Under current law, the Division of Criminal Justice in the Department of Public Safety is the only agency authorized to receive and expend gifts, grants and donations for the task force. This bill expands that authority to the Office of Behavioral Health and clarifies that gifts, grants and donations of in-kind services for staff support from any public or private sources may be received or expended for direct or indirect costs associated with the duties of the task force.

The bill is now assigned to Senate Health & Human Services with its first hearing there on February 15.

Previously reported: LL#1, p. 9.

MORE SCHOOL COUNSELORS FOR ALL GRADES K-12

SB 68 School Counselors Early support for Students (Sen. N. Todd; Rep. Singer) (support) concerns early support for student success through access to school counselors via the behavioral health care professional matching grant program and the school counselor corps grant program.

The bill is assigned to Senate Education Committee with first hearing rescheduled for February 16th. The fiscal note is not yet available. The League supports this legislation for its focus on early and affordable behavioral health diagnosis and treatment for children and youth from early childhood through adolescence.

Previously reported: LL#1, p. 8.

FIGHTING THE EPIDEMIC OF OPIOID ADDICTION

SB 74 Create Medication Assisted Treatment Pilot (Sen. Garcia; Rep. Esgar) (watch) would create a two-year pilot program in certain areas of the state experiencing high levels of opioid addiction to award grants to increase access to addiction treatment. The program would receive \$1 million in initial funding from the marijuana tax cash fund, while also seeking additional federal grants.

The bill, still awaiting its completed fiscal note, is scheduled to debut in the Senate Health & Human Services Committee on February 8. The League maintains a “watch” position, pending the completed fiscal note. A jail-based treatment program was introduced in the City and County of Denver in September 2016 with a limited number of participants, and it was recently reported that out of seven original participants, four remain enrolled.

Previously reported: LL#1, p. 8.

MEDICATION IN JAILS AND PRISONS FOR PERSONS WITH A MENTAL ILLNESS

SB 19 Medication Mental Illness In Justice Systems (Sen. Martinez Humenik; Rep. Singer) (support) This bill, implementing recommendations from the Legislative Oversight Committee on the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems, aims to increase medication consistency for persons with mental illness in the criminal and juvenile justice system.

The bill increases General Fund costs in The Department of Human Services and The Office of Information Technology by \$540,575 in 2017-18; of that amount are one-time costs of \$418,200 for contract staff to design, implement, and support the use of encrypted mail services among state agency staff and mental health care providers. 2017-18 costs include 0.9 full-time employee and 1.0 FTE in 2018-19.

The bill is scheduled for its first hearing in Senate Judiciary on February 13. The League supports this

bill on the basis of providing needed medications to persons with a mental illness.

All reported by Linda Rinehart 720.989.8944

CHILDREN'S ISSUES

CHILD PROTECTION TEAM BILL PASSES SENATE

SB 16 County Choice Child Protection Teams (Sens. T. Neville & Jahn; Rep. Nordberg) (oppose) makes it optional for counties or groups of counties to establish a child protection team (CPT). The bill passed out of Senate Health and Human Services unanimously on Jan. 25 where it was amended to give the counties more flexibility in how they implement their CPT if they decide to have one and to require the state department to report annually to the legislative committees on the work of the implemented child protection teams. It then passed 3rd Reading by a unanimous vote on Feb. 1.

Testimony in the hearing highlighted the problems with the CPTs and brought out the fact that there is now more quality assurance and other oversight of child welfare programs than existed when the CPTs were first created. We agree that this is a positive change over what was in place in the past. However, after looking into the child welfare reforms that involve increased oversight and review of the child welfare system listed in the auditor's report, we still remain concerned about the opportunity for community input and oversight. If counties or groups of counties decide not to continue with their CPT or do not implement them effectively, those communities will lose what appears to be the only mechanism by which community members can have effective input and oversight into the actual child protection **process**. We believe that well implemented input and oversight is important to maintaining public confidence in the child protection system.

Previously reported: LL#1, p. 10.

Carla Bennett 303.757.2930

EDUCATION

RENEWED EMPHASIS ON THE ARTS?

NEW SB 107 Reward Access to Arts Education in Public Schools (Sen. Merrifield; Rep. McLachlan) (support in part)

Under current law, evaluation, and accreditation of schools is based on the attainment of specified performance measures. This bill creates an additional performance indicator that measures the degree to which the school, district, or charter school provides access to educational programs in dance, drama and theatre, music, and visual arts.

The League of Women Voters supports a public education system in which a balanced curriculum of humanities, arts, and sciences leads to life-long learning. This curriculum should include, but not be limited to, language arts, social sciences, math, science, foreign language, music, art, physical education and health. The arts are not an “extra-curricular” or “discretionary” subject. They are intrinsic to our definition of a well-rounded education.

In addition, the League advocates for quality education. Although definitions of “quality education” differ, the latest research indicates a correlative relationship between arts education and:

1. A decrease in school disciplinary issues;
2. Increased functioning in critical thinking, creative thinking, problem solving, and reasoning;
3. An increase in foreign language and mathematics proficiency (with music training);
4. An increase in overall academic achievement as measured by high school standardized tests;
5. An ability to engage students with various learning styles.

Finally, there is evidence that the arts contribute to academic success for high school students from low socio-economic backgrounds, English-language learners, and students with special needs. These populations demonstrate the greatest relative improvement in academic achievement when participating in the arts. This is a tool that “levels

the playing field” and directly supports the League’s goal of equitable, quality education for all.

We support this bill “in part,” because it does not yet address how schools will fund arts education programs, nor does the bill address funding that may be needed to support administrative requirements surrounding creation of additional performance indicators and adoption of additional rules regarding accreditation/performance ratings based on the arts performance indicator. This bill is assigned to the Senate State, Veterans & Military Affairs Committee. It has not yet been scheduled for a hearing.

(Summaries of studies taken from The Perpich Center for Arts Education Website. Full studies can be found on Artsedsearch.org)

Gail Nuth 719.393.5604

IMPROVE EARLY CHILDHOOD EDUCATION

NEW SB 103 Early Learning Strategies in Education Accountability (Sen. Merrifield; None) (support in part) This bill applies to public schools, school districts, and the state charter schools that are operating under an improvement plan, priority improvement plan, or turnaround plan. The state department of education is required to provide technical assistance and support to these schools, and this bill expands the definition of support to include consultation on the quality and availability of early childhood education opportunities. Under this bill, impacted schools that serve children in kindergarten through third grade must include an early childhood learning needs assessment in their performance plans. If poor school performance is due to early childhood deficiencies, remedial action may include research-based strategies to address the issue.

The League of Women Voters supports educational improvements and standards for early childhood education. The education of a young child is a shared responsibility. We support measures that promote, help and encourage communities to prepare students for academic success.

We support this bill “in part” because it does not address how the mandate will be funded. This bill is assigned to the Senate Education Committee and scheduled for a hearing on February 15th.

Gail Nuth 719.393.5604

EQUALITY OR EQUITY? THAT IS THE QUESTION

NEW **SB 61 Additional Funding Charter School Operating Costs (Sens. Hill and Williams A.; Rep. Sias)(oppose)** would require school districts to share their mill levy override revenue with charter schools, distributing funds divided equally on a per-pupil basis. Revenues specifically targeted to programs not offered by the charter schools would not need to be shared. The department of education would calculate the share due Charter School Institute charter schools on a per-pupil basis from their district overrides and then distribute those amounts through CSI from a \$13.7 million fund established in this bill. The charter school distribution would then come from the state general fund, rather than from their districts.

The League opposes this bill on several grounds. We support local school district control of funds raised locally over the state determined level, rather than state mandates. We are particularly concerned with efficient, effective, and equitable use of taxpayer funds. Districts have to prioritize their use of resources raised by mill levy overrides. That is the job of each school district’s elected school board. Doling out funds on a per pupil basis is not an effective or efficient means of creating equitable access for all students to a quality education. Many school districts have a collaborative relationship with their charter schools and already share mill levy funds. Districts where there is not a good relationship are typically small ones where there is little latitude for sharing. In addition, having the state pull more funds from already strapped school districts across the state is unreasonable.

SB 61 will be heard in Senate Education Committee on February 9.

Sally Augden 303.455.5800

DÉJÀ VU: SCHOOL FUNDING TANKING AGAIN

NEW The League will be keeping an eye on yet another suggestion this session for helping our schools with funding. **SB 119 Restoration of School District Mill Levies (Sen. Court; None) (watch)** would require all districts in the state that have obtained voter approval to retain and spend revenues in excess of the property tax revenue limitation imposed on school districts by Section 20 of Article X of the state constitution (TABOR) to restore their mill levies over the next five years to the level their voters have already allowed. 174 of 178 districts voted to raise their levels, but not all have collected to the level allowed. This bill requires all districts to pay their “fair share” in order to take the pressure off the general fund.

Because of the recent escalation of residential property values in Colorado, the projected statewide assessment rate for residential properties is projected to decrease for the 2018 property tax year to maintain the ratio between the property tax revenue derived from residential property and from business property as set forth by the Gallagher Amendment. This will result in a \$170 million reduction in district revenues for public schools, putting increased pressure on the state for funding. SB 119 is one possible source of additional funding being offered. In addition, the governor has proposed cutting in half the senior homestead property tax exemption and also raising the taxes on recreational marijuana. These last two proposals have their own issues: placing the financial burden on our elderly in one case and potentially driving marijuana buyers to the black market to avoid increased taxes in the other. Neither is a pretty picture. The other option attempted last year is the removal of the Hospital Provider Fee from TABOR revenue (for a complete explanation refer to LL#6, p. 66 of the 2016 Legislative Letter), but this is considered a non-starter this year due to heavy resistance from TABOR supporters.

Senator Court’s bill is complicated as is the Gordian knot of Colorado’s school finance (TABOR, the Gallagher amendment, and Amendment 23). More on this as the bill moves forward (or not). It is scheduled for hearing in State, Veterans, and Military Affairs on February 13.

SB 67 HEARING CORRECTION

SB 67 Educator Effectiveness 50% Student Growth (Sen. Merrifield: none) will be heard in Senate Education on February 16, not February 9 as reported in LL#1.

Sally Augden 303.455.5800

EQUAL OPPORTUNITY

EQUALITY IN BIRTH CERTIFICATES

NEW The 2017 Birth Certificate Modernization Act – HB 1122 Gender Identification on Birth Certificates (Rep. Esgar; Sen. Moreno) (support) would streamline the process of officially changing gender designation on birth certificates. This bill (like its two previous attempts) would repeal the provision requiring a transgendered person to obtain a court order for such a change, a process that can be challenging for many people. Instead, the state registrar would require a written request by the transgendered person and a statement from a medical or mental health provider. The new (not “amended”) birth certificate can also include a name change as part of the process.

The League supports equal rights for all people and nondiscriminatory practices in governmental agencies. This bill promotes equal access for all Colorado citizens. It will be heard in House Judiciary Committee, as yet unscheduled.

Leslie Chomic 303.863.0437

INCOME ASSISTANCE

CONTINUE ENERGY ASSISTANCE

NEW HB 1116 Continue Low-Income Household Energy Assistance (Rep. Hamner & Rep. Exum; Sen. Martinez-Humenik) (support) This bill would continue energy-related assistance to low-income households. Current law provides that conditional funding of \$13 million from the severance tax operational fund be divided as follows: 25% each to the Department of Human Services and Energy Outreach Colorado and 50% to the Colorado Energy Office. The law provides that funding would be available through the fiscal year

starting on July 1, 2018. This bill removes the automatic repeal which means that these funds can be continued indefinitely.

The bill has been referred to the House Transportation and Energy Committee and scheduled for a hearing on February 16.

Carol Andersen 720.692.0407

REPRODUCTIVE FREEDOM

TWO REPEAT OFFENDERS

NEW HB 1085 Women's Health Protection Act (Rep. P. Neville) (oppose) would create onerous (and unnecessary) inspection requirements for reproductive health care clinics that perform abortions. The clinics would be required to register annually (for an unspecified fee) with the state Attorney General's office and to provide information such as types and numbers of procedures and names of physicians. The AG also would be charged with inspecting the clinics – a task that seems to be far removed from the area of criminal justice – and levying fines, suspending operations, or requiring clinic closures for infractions. (Currently all clinics in Colorado are licensed by the Dept. of Public Health and Environment.) The fiscal impact alone should kill this annual attempt to burden women's health clinics to the point of closure. Adding medical experts to the AG's staff would cost the state more than \$300,000 annually in just the first few years, an unacceptable expense when experts already exist in the DPHE.

NEW Another perennial bill is HB 1108 Protect Human Life at Conception (Reps. Humphrey & Ransom; Sen. T. Neville) (oppose). This measure, almost identical to last year's, would simply prohibit abortion, with a class 1 felony charge as penalty. The charge would go to the provider, not the pregnant woman. We continue to oppose any prohibition of abortion or any other state interference in reproductive health care decisions.

Both bills will be heard in House Health, Insurance & Environment Committee Feb. 9th.

ABORTION REVERSAL?

NEW **HB 1086 Abortion Pill Reversal Act (Reps. Everett & Nordberg; Sen. Marble) (oppose)** proposes to "rescue" women who might change their minds about completing medical terminations in early-stage pregnancy. This scientifically unproven (and non-FDA approved) method involves interfering in the two-step process (mifepristone, then misoprostol) with a chemotherapy drug, methotrexate, which floods the body with progesterone. The College of Obstetrics and Gynecology does not recommend the procedure and even considers it dangerous. This bill would require providers to give every patient seeking an abortion information about the reversal process. It would also require the state Dept. of Public Health and Environment to publish a specified statement of "abortion reversal information."

We object to this bill on several points. First is the unproven science behind the process being promoted. The bill falsely implies that reversal is a "well-established medical regimen" based on a "peer-reviewed study." Second is the interference in the doctor-patient relationship. Who will monitor the discussion of abortion reversal? Third, and perhaps most egregious, is the attempt to direct a state agency to publish a statement that promotes a specific religiously-influenced antiabortion organization. This statement would appear on the DPHE website and in our state statutes.

Hearing is scheduled in House Health, Insurance & Environment Committee Feb. 9th.

All reported by 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 or Monitor

POLICY AREA	S/H	BILL #	BILL TITLE	S/O	PAGE	STATUS
Administration	SB	40	Public Access To Gov Files	S	15	S-SA
Behavioral Health	SB	17	Allow Medical Marijuana Use For Stress Disorders	S	20	To House
Behavioral Health	SB	19	Medication Mental Illness In Justice Systems	S	9,22	S-Jud
Behavioral Health	SB	68	School Counselors Early Support For Students	S	8,21	S-Ed
Behavioral Health	SB	74	Create Medication-assisted Treatment Pilot Program	W	8,22	S-HHS
Behavioral Health	HB	1020	Staffing Task Force Mental Illness Justice Systems	S	9,21	S-HHS
Behavioral Health	HB	1046	Update Outdated Statutes Persons With Disabilities	S	8,21	S-HHS
Children's Issues	SB	16	County Choice Child Protection Teams	O	10,22	To House
Education	SB	39	Education Income Tax Credits For Nonpublic School	O	10	S-Fin
Education	SB	61	Additional Funding Charter School Operating Costs	O	24	S-Ed
Education	SB	67	Educator Effectiveness 50% Student Academic Growth	S	11	S-Ed
Education	SB	103	Early Learning Strategies In Ed Accountability	SIP	23	S-Ed
Education	SB	107	Reward Access To Arts Education In Public Schools	SIP	23	S-SA
Education	SB	119	Restoration Of School District Mill Levies	W	24	S-SA
Education	HB	1001	Employee Leave Attend Child's Academic Activities	S	11	H-Ed
Elections	SB	69	Candidate Petition Info Verify Elec Process Study	S	16	S-SA
Elections	SB	99	National Popular Vote Agreement	S	14	S-SA
Elections	SB	71	Voter Serv & Polling Ctr Early Voting Gen Election	W	17	S-SA
Elections	SB	138	Election Watchers	W	16	S-SA
Elections	HB	1088	Voter Signature Verification & Elec Petition Pilot	O	16	H-SA
Energy	HB	1124	Local Gov Liable Fracking Ban Oil & Gas Moratorium	O	19	H-SA
Environmental Quality	SJR	2	Support For Use Of Biochar	W	7,20	Adopted
Environmental Quality	SB	14	Limits On Underground Storage Tank Regulation	O	8	S-Tra

Equal Opportunity	HB	1122	Gender Identification On Birth Certificates	S	25	H-Jud
Gun Safety	SB	5	Handgun Safety Training For School Employees	O	18	S-3rd Rdg
Gun Safety	SB	7	Repeal Ammo Magazine Prohibition	O	18	S-2nd Rdg
Health Care	SB	3	Repeal Colorado Health Benefit Exchange	O	12	S-Fin
Health Care	SB	4	Access To Providers For Medicaid Recipients	O	12	S-HHS
Health Care	SB	57	CO Healthcare Affordability & Sustainability Enter	S	11	S-Fin
Health Care	SB	64	License Freestanding Emergency Departments	S	12	S-SVM
Health Care	SB	84	Coverage For Drugs In A Health Coverage Plan	S	12	S-HHS
Health Care	SB	91	Allow Medicaid Home Health Services In Community	S	12	S-HHS
Health Care	HB	1057	Interstate Physical Therapy Licensure Compact	S	11	H-HIE
Income Assistance	HB	1116	Continue Low-income Household Energy Assistance	S	25	H-Tra
Initiatives	SB	79	Limit Amendments To Initiated Statutory Laws	S	7,18	PI'd
Initiatives	SB	152	Implement Changes Made By Amendment 71	W	17	S-SA
Justice System	SB	24	Clarify Intellectual & Dev Disab Hearsay Exception	S	19	H-Jud
Justice System	HB	1072	Human Trafficking Sexual Servitude	S	19	H-Jud
Justice System	HB	1040	Interception Of Human Trafficking Communications	S	19	H-2nd Rdg
Juvenile Justice	HB	1064	Misuse Of Electronic Images By A Juvenile	W	7	H-Jud
Reproductive Freedom	HB	1085	Women's Health Protection Act	O	25	H-HIE
Reproductive Freedom	HB	1086	Abortion Pill Reversal Information Act	O	26	H-HIE
Reproductive Freedom	HB	1108	Protect Human Life At Conception	O	25	H-HIE
Water	HJR	1004	Funding Prevent Aquatic Nuisance Species	S	20	Adopted
Water	HB	1008	Graywater Regul Exemption For Scientific Research	S	20	H-Ag

The Legislative Letter is written by the members of the Legislative Action Committee, edited by Frank Bennett and Andrea Wilkins, and published by the Colorado League of Women Voters every two weeks during the Legislative Session. To subscribe, please contact the League Office at info@lwvcolorado.org or 303-863-0437 for information about rates and delivery.