



March 6, 2017

LL#4:43

## UNDERSTANDING THE MARIJUANA TAX CASH FUND

Several bills this session rely on funding from the Marijuana Tax Cash Fund (MTCF) to support the programs they propose. Is it possible for the MTCF to meet all the demands made upon it? What types of programs can the money be used for? Understanding how the MTCF operates can be a little confusing; so we have tried to provide some clarity.

### Statutory Authorization and Operation of the MTCF

In 2013, Colorado voters approved Proposition AA which established a special sales tax and an excise tax on the sale of retail marijuana. Certain sections of the Colorado Revised Statutes were subsequently amended by legislation to govern the amount and manner of tax collected on marijuana sales, to establish the Marijuana Tax Cash Fund, and to specify how revenue in the fund is to be used. Specifically, C.R.S. §39-28.8-501 created the MTCF and details the allowable uses of revenue transferred into it.

The MTCF, which is allocated to the state general fund via the Old Age Pension Fund, is comprised of sales taxes collected on retail and medical marijuana. Each marijuana tax stream is handled differently and transfers of revenue are made as follows:

- Regular sales tax on retail marijuana (2.9%) is transferred to MTCF.
- Regular sales tax on medical marijuana (2.9%) is transferred to MTCF.
- Special sales tax on retail marijuana (10%) is divided into two parts with 15% being transferred to local governments, which are allotted amounts according to the percentage of marijuana retail sales occurring within city and county boundaries, and 85% is transferred to the MTCF. The special sales tax does not apply to medical marijuana sales.
- Excise tax on wholesale retail marijuana (15%) is divided as well, with the first \$40 million being transferred to the Building Excellent Schools Capital Construction Fund (BEST), while revenue exceeding \$40 million is transferred to the Public School Permanent Fund. The excise tax does not apply to medical marijuana sales. The BEST Fund focuses on capital construction projects with the

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purpose of alleviating health and safety concerns connected to our public school facilities. The Public School Permanent Fund is dedicated to the support of K-12 education in Colorado.

### **Allowable Uses of the MTCF**

MTCF may be used to support marijuana education to prevent illegal use and abuse of marijuana, as well as for: services for adolescents and school-age children, substance abuse treatment, behavioral health services for those in the criminal justice system, regulatory enforcement, law enforcement, promotion of public health, and marijuana-related research and study. Due to difficulty in forecasting this source of revenue, funds in the MTCF generally must be spent the year after it is collected.

In light of the statutory limitation on the timing of appropriations made from the MTCF, the General Assembly makes its appropriations based on the most recent available revenue projections from the Legislative Council staff or Department of Revenue staff. For example, appropriations for FY 2016-17 were premised on the March 2016 Legislative Council Revenue Forecast. Appropriations and transfers are made from the MTCF through the Long Bill and can include some Joint Budget Committee (JBC) bills that may be included in the budget package.

### **Funding Requests through MTCF**

The various executive-branch departments and agencies make requests for funding through the MTCF and the Governor's Budget Office assesses whether the proposed use of funds comports with the statute. If the Governor supports the request, it will be included in the Governor's budget request that is submitted to the Legislature in the fall.

There is no formal process for members of the Legislature to make a request for funding through the MTCF. Given the constraints on the general fund, legislators are looking to other sources of revenue to fund programs and services that would be established through their legislation. This is why we see requests for funding through the MTCF appearing in several bills this session. The growth in the marijuana market results in money in the fund that has not already been budgeted for other purposes; so legislators propose using it to support their bills. As such requests are made, the JBC assesses whether the proposed use of the funds has a reasonable connection to the funding priorities of the MTCF.

According to the Joint Budget Committee Appropriations Report for FY 2016-217, revenue in the MTCF available for appropriation in FY 2016-17 totaled \$85,933,933. Projections for FY 2017-18 are currently being prepared and are expected to be released in March. In reality, funding needs throughout the state far exceed the availability of funds available in the MTCF.

Annual appropriations are reported by both the Joint Budget Committee and the Department of Revenue outlining how money in the MTCF is spent.

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## **GOVERNMENT**

### **ADMINISTRATION**

#### **IMPROVED ACCESS ADVANCES**

**SB 40 Public Access to Government Files (Sen. Kefalas with Sen. Gardner as a co-sponsor; Rep. Pabon) (support)** passed in Senate State Affairs after extensive testimony from witnesses, many of

whom had been members of the working group convened by the Secretary of State in the summer of 2016. The bill amends the Colorado Open Records Act statutes to allow records custodians to make public records available in formats permitting electronic analysis of the data. The bill was explained as a modernization of the statute to make public records, with certain exceptions, available to the public in searchable electronic/digital formats without expanding which public records are

required to be produced. Opponents were concerned with custodians inadvertently giving out private, confidential information on individuals; with data mining by out-of-state commercial interests; with the security and protection of the subject of the data produced, such as water structures and systems; with the shift in emphasis of the statutes from “records” to “data;” and with the additional burden on the staff of county clerks, particularly in rural counties.

Amendments were offered at the request of members of the working group to clarify certain matters (e.g. that production in a digital format would apply only to records already subject to disclosure). Five such amendments were adopted. A sixth amendment was proposed which had not been previously seen by the bill sponsor to make the Colorado Open Records Act applicable to all state government agencies, including the judicial department. Given an objection to including the judicial department, Amendment L.010 narrowly passed on a 3 – 2 vote, with Senators Scott, Marble, and Sonnenberg voting Yes and Senators Court and Fenberg voting No. On a motion to move the bill to Appropriations, the vote was 4 – 1 with Senators Scott, Marble, Court, and Fenberg voting Yes and Senator Sonnenberg voting No because of the lack of a definition of “metadata” used in one of the adopted amendments.

Previously reported: LL#2, p. 15.

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## **ELECTIONS**

### **TO SELFIE OR NOT TO SELFIE YOUR BALLOT**

**NEW** **HB 1014 Election Offenses Committed By A Voter (Rep. D. Williams & Rep. P. Rosenthal; Senators Hill & Donovan) (watch)** This bill eliminates the criminal penalty imposed upon an elector for disclosing the contents of the elector's ballot. Currently, a voter who shows his or her completed ballot to another person, including activities such as "ballot selfies," could be found guilty of a misdemeanor and punished by a fine up to \$1,000.

The bill permits voters to show their completed ballots to any other person or share through electronic means (e.g. “ballot selfie”). A county clerk and recorder or a clerk of a municipality may place reasonable restrictions on the use of photography in voter service and polling centers, polling places, and other locations where votes are being tabulated. Language in the original bill that prohibited vote trading was dropped.

League believes in the right to free speech and in the individual liberties guaranteed by the Constitution of the United States. However, a look back in time provides perspective. Ballot photo bans were originally enacted as a way to prevent coercion, intimidation and vote buying. For example, employers threatening to fire workers if they do not vote a particular way and subsequently prove it. Given these concerns about ballot privacy, League has chosen to watch the bill rather than take a position.

The House passed the bill on its Third Reading 62-2-1 on January 31<sup>st</sup> (Catlin and Leonard voting No and Gray Excused). On March 2<sup>nd</sup> it passed with no amendments, on its Third Reading in the Senate 31 voting Yes and 4 (Kagan, Marble, Priola, and Tate) voting No.

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## **FISCAL POLICY**

### **TABOR-RELATED AMENDMENT**

**NEW** **HB 1187 Change Excess State Revenues Cap Growth Factor (Rep. Thurlow; Sen. Crowder) (Support)** makes modifications to Referendum C, which is a voter-approved revenue change to the TABOR fiscal year spending limit. Under the referendum, the state is permitted to retain and spend all state revenues up to the excess state revenues cap. Currently, annual adjustments to the excess state revenues cap are based primarily on inflation and population changes.

This measure would modify the excess state revenue cap, allowing an annual adjustment for an increase based on the average annual change of Colorado personal income over the last 5 years. This modification would potentially increase the

amount of money the state retains and may spend on infrastructure and essential programs. As such, the bill seeks voter approval for the change, as required by TABOR.

League supports this bill based on our support of adequate and flexible funding of state government programs through an equitable tax system that is progressive and that incorporates social, environmental and economic goals. The League opposes constitutional amendments such as TABOR that restrict taxes and spending.

On February 27<sup>th</sup> the House Finance Committee voted 10-3 (voting No: Beckman, Catlin, and Van Winkle) to refer the bill to the House Appropriations Committee where it was then referred, unamended, to the House Committee of the Whole on March 3 on a vote of 8-5 (Voting Yes: Danielson, Garnett, Hansen, Kraft-Tharp, Pabon, Winter, Hamner, Young; Voting No: Beckman, Everett, P. Neville, Rankin, Wilson).

It is scheduled for House floor work on March 7.

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## **IMMIGRATION**

### **OFFICIALS' LIABILITY BILL KILLED**

**HB 1134 Hold Colorado Government Accountable Sanctuary Jurisdictions (Rep. D. Williams; Sen. Marble) (oppose)** This bill deems "sanctuary" policies unlawful and contrary to the state's interests. It creates the ability for the state's jurisdictions and officials to be held civilly and criminally liable for sanctuaries and crimes by undocumented persons.

The bill went through lengthy, at times emotional, testimony. Supporters cited two car collisions and one drug case connected to undocumented persons. Those opposed had a witness whose family member was deported and then killed in their native country. Concerns were raised about the attempt to make it exempt from judicial review in Colorado courts, about possible violations of the 4<sup>th</sup> and 10<sup>th</sup> Amendments to the U.S. Constitution and the separation of powers, about making all politicians in Colorado potentially liable, and about its tendency

to be divisive and obstructive to public safety.

In 2013, the League supported the Community and Law Enforcement Trust Act that successfully repealed statutes that put sheriffs and police in the business of enforcing immigration laws.

On February 22, the House Committee on State, Military & Veterans Affairs voted to postpone the bill indefinitely a 6-3 vote. Voting to PI: Foote, Benavidez, Hooton, Melton, Weissman, and Lontine. Voting Not to PI: Humphrey, Leonard and Williams.

Previously reported: LL#3, p. 31.

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## **JUSTICE SYSTEM**

### **MAKE COMMUNITY CORRECTIONS CONSISTENT WITH CURRENT PRACTICE**

**NEW** **HB 1147 Purpose of Community Corrections (Rep. Sias; Sen. Kagan) (support)** Clarifies that the purpose of community corrections programs is to:

- further the purposes of sentencing and improve public safety by reducing future crime through research-based policies, practices, programs, and standards;
- prepare, select, and assist people transitioning from incarceration to the community through supported partnerships with local community corrections boards;
- set individualized conditions of community supervision and provide services and support to assist people in addressing risks and needs; and
- reduce risks and needs and ensure compliance with conditions of placement to achieve a successful discharge from community corrections supervision.

The bill passed in the House Judiciary Committee and was referred to the Committee of the Whole with a vote of 10-0 (Lee Excused) on Feb. 28. Third Reading of the bill is scheduled for March 6<sup>th</sup>.

**REDUCE INMATES' SENTENCES IN COUNTY JAILS**

**HB 1015 Clarify Good Time Sentence Reductions in Jails (Rep. Hooton; Sen. Cooke) (support)** consolidates and clarifies the various statutes governing deductions of time for county jail inmates.

The bill passed the House Judiciary Committee unanimously on Feb. 9. It was referred to the Committee of the Whole and passed Third Reading on Feb. 21 with minor amendments. The vote was 53-10-2. The bill will be heard in the Senate Judiciary Committee on March 6.

Previously reported: LL#3, p. 32.

**House Vote**

	YES	53	NO	10	EXCUSED	2	ABSENT	0
Amdt	Y		Footo	Y	Leonard	Y	Ransom	Y
Becker J.	N		Garnett	Y	Lewis	N	Rosenthal	Y
Becker K.	Y		Ginal	Y	Liston	Y	Saine	Y
Beckman	Y		Gray	Y	Lontine	Y	Salazar	Y
Benavidez	Y		Hammer	Y	Lundeen	N	Sias	Y
Bridges	Y		Hansen	Y	McKean	Y	Singer	Y
Buck	Y		Herod	Y	McLachlan	Y	Thurlow	Y
Buckner	E		Hooton	Y	Melton	Y	Valdez	Y
Carver	Y		Humphrey	N	Michaelson	Y	Van Winkle	N
Catlin	N		Jackson	E	Mitsch Bush	Y	Weissman	Y
Coleman	Y		Kennedy	Y	Navarro	Y	Willett	N
Covarrubias	Y		Kraft-Tharp	Y	Neville P.	Y	Williams D.	N
Danielson	Y		Landgraf	N	Nordberg	Y	Wilson	Y
Esgar	Y		Lawrence	Y	Pabon	Y	Winter	Y
Everett	Y		Lebsock	Y	Pettersen	Y	Wist	N
Exum	Y		Lee	Y	Rankin	Y	Young	Y
							Speaker	Y

**ALLOW LOW-RISK SEX OFFENDERS TO RECEIVE TREATMENT IN A COMMUNITY-BASED PROGRAM**

**SB 141 Low-Risk Sex Offender Community-Based Treatment (Rep. Herod; Sen. Aguilar) (support)** The bill would have required the department of corrections to allow a low-risk sex offender to complete his or her required treatment in a community-based program if the department does not have sufficient prison-based treatment for the offender.

The bill was heard on Feb. 22 in the Senate Judiciary Committee and PI'd on a vote of 3-2. Voting Yes to PI: Coram, Cooke, and Gardner. No: Fields, Kagan.

Previously reported: LL#3, p. 33.

All reported by Lucinda Schneller 720.254.5741

**JUVENILE JUSTICE**

**JUVENILE RECORD EXPUNGEMENT BILL INTRODUCED**

**NEW** In 2013 LWVCO supported and the legislature passed HB13-1082 in order to improve the process for expungement of juvenile court records. This bill was necessary because, contrary to public perception, juvenile court records are not sealed and are accessible to the public under certain circumstances. This can present a problem for a youth in the future when he/she does something like apply for a job, a college scholarship or housing. HB13-1082 improved upon the process, but more work needed to be done.

This year **HB 1204 Delinquency Record Expungement (Rep. Lee; None) (support)** has been introduced to further simplify and improve the expungement process as well as further restrict public access to juvenile records. It has been assigned to House Judiciary and has not been scheduled for a hearing.

The bill requires the court to give written notice to the youth of the right to expungement and of the process of expungement.

Currently, the law requires a youth or someone on his/her behalf to petition for expungement after a waiting period of 1 to 5 years. HB 1204 reduces the waiting period to 1 year. It also requires the court to **automatically** expunge the records in cases of specified lower level offenses. Records will be immediately expunged upon a finding of not guilty, dismissal of the petition, completion of a sentence for a municipal offense, or completion of a sentence for a petty or low level misdemeanor offense that is not a sex or domestic violence offense.

In cases of specified higher level crimes, the youth must still petition the court for expungement. A hearing will be held if the DA or the victim objects to the expungement. If there is no objection, the court will order expungement. In addition, the bill specifies certain very serious offenses for which the court records are not eligible for expungement.

Once a record is expunged, a youth can state that no such record exists, and employers, educational

institutions, landlords, and state and local government agencies, officials and employees may not require an applicant to disclose any information in the expunged record. However, expunged records will still be available for use by the youth, his/her attorney, a DA, a law enforcement agency or the state judicial department in any subsequent criminal investigation or prosecution.

Carla Bennett 303.757.2930

## USE OF DETENTION RESTRICTED FOR YOUTH AGES 10-12

**NEW** **HB 1207 No Detention Facility Requirement Youth Ages 10-12 (Rep. Singer; Sen. Priola) (support)** was heard in House Judiciary. After testimony was heard, the bill was laid over. It will be heard on March 7 for action only.

The bill forbids the court from ordering a child who is older than 10 years of age and less than 13 years to detention unless the child has been arrested or adjudicated for specified serious crimes. It also removes the requirement that the Colorado Dept. of Human Services (CDHS) provide detention services for this age group unless the child has been arrested or adjudicated for specified serious crimes.

In most circumstances a jail-like approach is not the best way to deal with young children who have broken the law and in fact may place their safety at risk when they are placed in a facility with older youth. It is for this reason that we support the bill.

Carla Bennett 303.757.2930

## WHERE IS THE TEEN SEXTING BILL?

**HB 1064 Misuse of Electronic Images by a Juvenile (Rep. Willett; Sen. Fields) (support in part)** was supposed to have been heard in House Judiciary on February 14 but was taken off the calendar and has not reappeared. In anticipation of the hearing we changed our position from a “watch” to a “support in part.” We continue to oppose criminalizing consensual sexting when the parties involved are not victimized by it. We also oppose the provisions in the bill that would criminalize a person who sent a consensual sext and was

subsequently victimized by having the sext shared without their consent or used to harm them. That criminalizes the victim. Our concerns are shared by other groups, and we are waiting to see if the current bill will be changed or a new one will be introduced.

Previously reported: LL#1, p. 7.

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## NATURAL RESOURCES

### ENERGY

## GOVERNMENT LIABILITY BILL IS PI'D

**HB 1124 Local Government Liable Fracking Ban Oil and Gas Moratorium (Rep. Buck; Sen. T. Neville) (oppose).** For the third year in a row, a bill to require local governments that interfere with oil and gas operations pay compensation for damages has been PI'd. The premise is that owners of mineral rights, which are property rights, would suffer from moratoriums enacted by local governments. Any length of moratorium was included, but there was no process in place to assess costs, damages, and losses of fair market value caused by a moratorium.

The hearing in House State Affairs was held February 22<sup>nd</sup> and lasted 2 hours. Voting to PI: Benavidez, Hooton, Melton, Weisman, Lontine, and Foote. Voting No: Humphrey, Leonard, and Williams.

Previously reported: LL#2, p. 19.

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# SOCIAL POLICY

## BEHAVIORAL HEALTH

### HOUSING AND REENTRY SUPPORT FOR RELEASED MENTALLY ILL OFFENDERS

**NEW** SB 21 Assistance to Released Mentally Ill Offenders (Sen. Martinez Humenik; Rep. Singer) (Support) The bill, recommended by the Legislative Oversight Committee concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems, establishes two programs for persons with mental illness transitioning from incarceration and creates a new Housing Assistance for Persons Transitioning from Incarceration Cash Fund.

First, it creates a housing assistance program in the Department of Local Affairs (DOLA) to provide vouchers to persons newly released from the Department of Corrections (DOC) or a county jail.

The bill also requires that any unspent General Fund appropriations for community correction contracts in the Department of Public Safety (DPS) be transferred to the new Housing Assistance Fund. The bill includes a \$2.7 million General fund appropriation to DOLA for the housing assistance program.

Second, it creates a reentry program for incarcerated persons with mental illness in the Division of Behavioral Health in the Department of Human Services (DHS). Subject to available appropriations, the DHS must implement initiatives to assist each offender's transition from a correctional facility or jail into the community.

While the DHS does not currently operate a reentry program, the DOC currently offers such services under a 2014 House bill, using \$1 million per year for a grant program to fund community- and faith-based organizations that assist parolees with housing and job placement services. Offenders participating in pre-release programs while in prison receive education concerning employment readiness, housing, money management, education options, and family, relationship, and support systems. While the existing DOC reentry programs are not targeted specifically toward persons with

mental illness, a large majority of offenders are documented as having a mental illness. In 2015, 4,411 offenders participated in pre-release programs, an increase of 45 percent over the previous year, receiving assistance with reentry issues they encounter. Concerning existing appropriations for community corrections, the DPS was appropriated \$67.4 million in FY 2016-17 for this purpose. Over the last several years, between \$700,000 and \$2.2 million dollars in community corrections appropriations have been unspent and reverted to the General Fund per year.

Of all the Behavioral Health-related bills in this session, SB17-021 has the biggest price tag, increasing General Fund expenditures by at least \$5.1 million beginning in FY 2017-18, assuming all the programs created by the bill are fully funded. However, this bill seriously attempts to address and remove several barriers to recovery for persons with chronic mental illness coming out of incarceration: assistance with housing vouchers, supportive employment services, Medicaid enrollment and mental health treatment, case management services, medication monitoring, peer specialist support, and positive recreational activities. The *integrated health care* aspect is significant because it aims to narrow the gap between DOC health care and Medicaid, when people inadvertently fall out of coverage and end up with a health episode in the emergency room.

The League, under our Behavioral Health position, supports this bill while keeping a watchful eye on the significant fiscal impact. The bill has its first hearing on March 15 in Senate Judiciary. It has broad support from the Colorado professional and consumer mental health, legal and policy, and civil liberties organizations.

Reported by Linda Rinehart 720.989.8944  
(With contributions from Carol Pace, Andrea Kuwik, and Lucinda Schneller)

### COMPETENCY RESTORATION

**NEW** SB 12 Competency Restoration Services and Education (Sen. Martinez Humenik; Rep. Lee) (watch) is another vital bill this session among several others concerning Mental Illness in Colorado's Criminal Justice System. This bill, recommended by the Legislative Oversight

Committee Concerning Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems, has four goals:

- designating the Office of Behavioral Health (OBH) in the Department of Human Services (DHS) as the agency responsible for restoration, education and the coordination of competency restoration services, while setting forth the duties, responsibilities, and reporting requirements of OBH;
- ensuring that juvenile restoration services occur in a timely manner. For juveniles in custody, the bill expedites court review of each case every 30 days as opposed to at least every 90 days under current law;
- directing the courts to determine whether restoration of competency should occur on an outpatient basis if the defendant is on bond or summons; and
- maintaining current law that restoration services be provided in the least restrictive environment while taking public safety and the best interest of the youth into consideration.

There have been reports that some youth have been held at the Colorado Mental Health Institute at Pueblo for competency services because the services are not available in their community. Even youth who would not otherwise be detained have been held there, which is not considered a least restrictive setting. This bill authorizes DHS to designate the state facility at which the defendant will be held for care. Currently, in addition to the State Mental Hospital, restoration services may be provided through a contract with services provided at Arapahoe County jail.

The League supports the goals of this bill under our Behavioral Health and Justice System positions and has adopted a “Watch” position in light of its fiscal impact: roughly \$1.2 million for both FY 2017-18 and 2018-19. Most monies go toward Competency Education/Case Manager Contract Staff to more fully fund and establish responsibility for the educational component of competency restoration services and case management. Many services essential to competency restoration use existing funding, but this bill will help ensure an integrated

approach to competency restoration for both juveniles and adults.

The bill passed the Senate Judiciary Committee unanimously on February 6 and has been referred to Senate Appropriations.

Reported by Linda Rinehart 720.989.8944  
(In collaboration with Carla Bennett)

## **MEDICAL POT FOR PTSD**

**SB 17 Allow Medical Marijuana Use for Stress Disorders (Sen. Aguilar; Rep. Singer) (support)** passed the Senate on February 3 and has been assigned to the House State, Veterans, and Military Affairs Committee with its hearing set for March 8.

Fiscally, the bill may increase state cash fund revenue if more persons choose to enroll on the medical marijuana registry. Sales tax revenue may increase, albeit minimally, if persons who choose to enroll on the registry with stress disorder diagnoses are not currently using retail marijuana. If persons who choose to enroll on the registry with stress disorder diagnoses are currently using retail marijuana and begin to purchase medical marijuana, sales tax revenue collected on retail marijuana will decrease. TABOR impact is expected to be minimal.

The League supports this bill under our Behavioral Health position endorsing “access to needed medications.”

Previously reported: LL#2, p. 20; LL#3, p. 34.

## **NON-STIGMATIZING TERMINOLOGY IN STATE STATUTES**

**HB 1046 Update Outdated Statutes Persons with Disabilities (Rep. Lebsack; Sen. Donovan) (support)** passed its Third Reading unanimously in the Senate on February 23 and is awaiting signature by the House Speaker and Senate President.

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.

Previously reported: LL#1, p. 8; LL#2, p. 21; LL#3, p. 34.

**MORE SCHOOL COUNSELORS FOR ALL GRADES K-6**

**SB 68 School Counselors Early support for Students (Sen. N. Todd & Rep. Singer) (support)**

Under current law, a public school that includes any of grades 7 through 12 is eligible to receive a grant through the behavioral health care professional matching grant program. This bill, adding elementary schools to the list of public schools eligible to receive grants through the behavioral health care professional matching and the school counselor corps grant programs, passed the Senate February 27<sup>th</sup> on a vote of 23-9-3. The bill is now assigned to House Education Committee with its first hearing on March 22.

The League supports this bill with our position that we believe in early and affordable behavioral health diagnosis and treatment for children and youth from early childhood through adolescence.

Previously reported: LL#3, p. 35.

**Senate Vote**

YES	23	NO	9	EXCUSED	3	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	Y	Scott	E
Baumgardner	N	Gardner	Y	Lambert	N	Smallwood	N
Cooke	E	Guzman	Y	Lundberg	N	Sonnenberg	N
Coram	Y	Hill	N	Marble	N	Tate	Y
Court	Y	Holbert	N	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Williams A.	Y
Donovan	Y	Jones	Y	Moreno	Y	Zenzinger	Y
Fenberg	Y	Kagan	Y	Neville T.	N	President	E
Fields	Y	Kefalas	Y	Priola	Y		

**MENTAL ILLNESS IN CRIMINAL JUSTICE SYSTEM TASK FORCE STAFFING ASSISTANCE**

**HB 1020 Staffing Task Force Mental Illness Justice System (Rep. Singer; Sen. Humenik) (support)** 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. After a minor

amendment in the Senate, it passed the Senate on February 21, 34-0-1, with Sen. Scott excused and repassed in the House on February 23, 61-4, with Reps. Garnett, Humphrey, Lewis and Liston voting No. The bill now awaits the Governor’s signature.

Previously reported: LL#1, p. 9; LL#2, p. 21; LL#3, p. 34.

**PREVENTING SUBSTANCE ABUSE & DRUG OVERDOSES**

**NEW SB 193 Research Center Prevention Center Substance Abuse Addiction (Sens. Jahn and Lundberg; Reps. Rankin and Pettersen) (support)** This bill takes direct aim at the opioid and substance abuse epidemic that has emerged in Colorado. It would establish a state center dedicated to developing and implementing prevention and treatment strategies for the of abuse of and addiction to opioids, other controlled substances, and alcohol,

Opioid overdose deaths in Colorado in 2015 were 15.7 deaths per 100,000 people, significantly higher than the national average of 9 deaths per 100,000. Colorado and other states in the mountain region have the highest death rates attributable to alcohol in the U.S. Research has shown that people who begin drinking at an early age are more likely to experience alcohol dependence in their lifetime, to develop that dependence within ten years of beginning drinking, and to become dependent before age 25.

The League supports SB 193 because we believe that 1) prevention has been proven to be a valuable, effective, lower-cost tool in combating risky or harmful substance abuse and 2) that all people should have access to affordable, quality behavioral health care, including treatment for abuse of and addiction to opioids, other controlled substances, and alcohol.

This bill seeks a \$1 million appropriation from the Marijuana Tax Cash Fund (MTCF) for FY 2017-18 to the Department of Higher Education for use by the regents at the University of Colorado. The League would prefer to see an appropriation from the General Fund, but we recognize the pressure placed on state revenues by TABOR.

This bill unanimously passed the Senate Health and Human Service Committee on February 23 and has been referred to Senate Appropriations.

**NEW** **HB 1215 Mental Health Support for Peace Officers (Rep. Coleman; Sens. Kagan & Gardner) (support)** This bill has its first hearing on March 14<sup>th</sup> in the House Judiciary Committee.

The bill encourages each sheriff's office and each municipal police department to adopt a policy whereby mental health professionals provide: on-scene response services to support officers' handling of persons with mental health disorders and counseling services to officers. It creates the peace officers mental support grant program and support fund in the Department of Local Affairs to provide grants of money to sheriffs' offices and municipal police departments, helping them engage mental health professionals. Grants are applied for annually. The fund will consist of grants, gifts and donations and any other money the General Assembly may appropriate or transfer to the fund. The bill sunsets in September 2027.

The League supports HB 1215 under our Behavioral Health position of "providing supportive services" as we have long advocated for Crisis Intervention Training (CIT) for police departments. CIT training equips officers in de-escalation techniques, teaching them what a person with a mental illness might be experiencing during their crisis.

All reported by Linda Rinehart 720.989.8944

## **CHILDREN'S ISSUES**

### **BILL ADDS TO LIST OF MANDATORY REPORTERS OF CHILD ABUSE/NEGLECT**

**NEW** **HB 1185 Reports of Suspected Child Abuse or Neglect (Rep. Singer; Sen. Smallwood) (support)** adds officials and employees of county departments of health, human services, or social services to the list of mandatory reporters of child abuse or neglect. It also allows them access to the records and reports of the abuse or neglect of the child who was the subject of their report as long as they continue to be officially and professionally involved in the ongoing care of the child.

It was a surprise to learn that these officials and employees were not already on the list of mandatory reporters. In the hearing, Rep. Singer said that this expansion of mandatory reporters for child abuse conforms to what is already in place for elder abuse. He also gave an example of why this expansion is needed. There was a situation in which a county director of human services became aware of abuse of a child but chose not to report it. Eventually, the situation came to the attention of law enforcement. Since the county director was not a mandatory reporter there were no consequences for the county director regarding the failure to report.

The bill was heard in House Public Health Care and Human Services on Feb. 28<sup>th</sup>. Testimony was heard and the bill was laid over. It is scheduled to be heard for action only on March 7. There was testimony from Jefferson county human services and Colorado Counties Inc. that though they supported the concept of the bill, they would like to see clarification as to which job positions in the county departments of health and human/social services should be included as mandatory reporters. The delay in the vote allows for time to work on amendments.

Carla Bennett 303.757.2930

### **SPECIAL RESPONDENT IN D&N CASES**

**NEW** **SB 177 Children's Code Definition of a Special Respondent (Sen. Cooke; Rep. Rosenthal) (support)** changes the definition of a "special respondent" in a dependency and neglect proceeding to allow a person to be voluntarily joined in the proceeding. Under the current definition, a person is only allowed to be **involuntarily** joined in a dependency or neglect proceeding. Sen. Cooke sponsored this bill because he became aware that, based on this definition, some judges were not allowing a person to be joined in a case voluntarily.

Special respondent status is usually reserved for significant others who live in the child's home such as a boyfriend or a stepparent. The court can **order** them to cooperate with social services. However, there are situations in dependency and neglect cases where there are significant others who do not reside in the home but who have an interest in the welfare

of the child and would like to be involved. One example would be an aunt or uncle of the child. To not allow them to voluntarily participate via special respondent status deprives the child of a source of support.

The bill was heard in Senate Judiciary on Feb. 27<sup>th</sup> and passed unanimously with no opposition and no amendments. It then passed 3rd Reading unanimously and unamended on March 3<sup>rd</sup>.

Carla Bennett 303.757.2930

## **EDUCATION**

### **CSI MILL SHARING NOW DEPENDS ON GENERAL ASSEMBLY**

**SB 61 Additional Funding Charter School Operating Costs (Sens. Hill and Williams A.; Rep. Sias) (oppose)** was amended in Second Reading in the Senate on Feb. 22 and routed to Senate Appropriations for a new fiscal note. The change continues the requirement that school districts share their mill levy override revenue with charter schools on a per-pupil basis, but makes the allocation of funds for the 35 CSI (Charter School Institute) schools dependent on appropriations from the General Assembly rather than the \$13.7 million yearly allocation in the original bill. The bill was laid over on March 2 until Monday, March 6.

Previously reported: LL#2, p. 24; LL#3, p. 36.

Sally Augden 303.455.5800

## **EQUAL OPPORTUNITY**

### **CONVERSION THERAPY BAN MOVES ON**

**NEW** **HB 1156 Prohibits Conversion Therapy Mental Health Provider (Rep. Rosenthal; Sen. Fenberg) (support)** would ban therapies that aim to change a minor person's sexual or gender identity. The ban applies only to licensed therapists and would not affect church-based counseling – a point that came up during testimony in House Public Health Care & Human Services Committee Feb. 28. One committee member asked if the statute is necessary, considering that every reputable mental health organization, representing therapists,

physicians, school counselors and others, disavows conversion therapy, and presumably has procedures for disciplining violators. (No penalty in law would be applied – only a charge of “unprofessional conduct.”) Supporters said yes, because the practice does exist, even in “legitimate” settings. Unfortunately, there were few witnesses who had actually experienced conversion therapy (and even fewer at the hands of licensed providers) to make the case for the ban.

The League supports the ban because it puts licensed therapists on notice that they are required to provide humane, ethical and nondiscriminatory treatment to their young LGBTQ clients. We hope the sponsors will supply stronger personal-experience testimony in future hearings.

HB 1156 passed the committee on a 7-6 vote and went to the full House, where it was laid over until March 6<sup>th</sup>. Voting Yes to pass: Ginal, Hooton, Michaelson Jenet, Pabon, Pettersen, Danielson, and Singer. Voting No: Caitlin, Everett, Landgraf, Lewis, Liston, and Ransom.

Previously reported: LL#3, p. 40.

Leslie Chomic 303.863.0437

## **HEALTH CARE**

### **TELEHEALTH ADVANCES**

**HB 1094 Telehealth Coverage under Health Benefit Plans (Rep. Buck, Valdez; Sen. Crowder, Donovan) (support)** The bill clarifies telehealth services under health benefit plans. The bill was heard on February 23<sup>rd</sup> in Senate Health & Human Services and passed on a unanimous vote and referred unamended to the Committee of the Whole. It passed the Senate Third Reading unanimously on March 2<sup>nd</sup>.

Previously reported: LL#3, p. 39.

### **CONFUSION FOR MEDICAID RECIPIENTS**

**SB 4 Access to Providers for Medicaid Recipients (Sen. Tate; Rep. Wist) (oppose)** Under this bill a Medicaid client is liable for the cost of medical services of a non-enrolled health

care provider even in cases where the service is reimbursable under Medicaid. The bill passed Second Reading in the Senate on February 28<sup>th</sup> and Third Reading on March 2<sup>nd</sup> on a 19-16 vote.

Previously reported: LL#1, p. 13.

Both reported by Carol Pace 303.863.0437

Senate Vote on SB 4

YES	19	NO	16	EXCUSED	0	ABSENT	0
Aguilar	N	Garcia	N	Kerr	N	Scott	Y
Baumgardner	Y	Gardner	Y	Lambert	Y	Smallwood	Y
Cooke	Y	Guzman	N	Lundberg	Y	Sonnenberg	Y
Coram	Y	Hill	Y	Marble	Y	Tate	Y
Court	N	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	Y	Merrifield	N	Williams A.	N
Donovan	N	Jones	N	Moreno	N	Zenzinger	N
Fenberg	N	Kagan	N	Neville T.	Y	President	Y
Fields	N	Kefalas	N	Priola	Y		

**INCOME ASSISTANCE**

**SUPPORT FOR LOW-INCOME FAMILIES**

**NEW** **HB 1002 Child Care Expenses Income Tax Credit Extension (Rep. Pettersen & Exum; Sen. Kefalas) (support)** This bill extends an existing refundable child care tax credit for another three years, until tax year 2020. Initially passed in 2014, the credit is available to low-income families making less than \$25,000 a year and is equal to 25 percent of the family’s child care expenses. The credit is capped at \$500 a year for one child and \$1,000 a year for two or more children. Yearly, over 36,000 families are expected to benefit from this credit. As we did in 2014, the League supports this measure and its efforts to make child care more affordable.

This bill was heard in the House Finance Committee on February 27<sup>th</sup>. It passed with a vote of 12-1 (Van Winkle voting No) and will next be heard in House Appropriations.

**PROTECTING INJURED WORKERS**

**NEW** **HB 1119 Payment of Workers’ Compensation Benefits (Reps. Kraft-Tharp & Sias; Sens. Tate & Jahn) (watch)** Also known as the “Colorado Uninsured Employer Act,” this bill creates both the “Uninsured Employer Board” and the “Colorado Uninsured Employer Fund.” It

creates a new mechanism for the payment of covered workers compensation claims for employees injured while working for an employer that does not carry workers compensation.

Injured workers can apply to the Fund to receive compensation if their employer does not carry workers’ compensation benefits. The Fund will be financed by fines collected from violating businesses that do not follow workers’ compensation rules. The Board will oversee this fund, creating rules and regulations for paying benefits, setting payment rates and enforcing penalties.

The bill has been assigned to the House Business Affairs and Labor Committee, but no hearing has been scheduled.

Both reported by Andrea Kuwik 412.580.9921

**CONTINUE ENERGY ASSISTANCE**

**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.

The bill was modified in the Transportation Committee to add a sunset date of July 1, 2025. With that modification, the bill passed the Transportation and Energy Committee unanimously and was sent to the Appropriations Committee, which passed it to the full House by a vote of 8-5. Voting Yes: Danielson, Garnett, Hansen, Kraft-Tharp, Pabon, Winter, Hamner, and Young. Voting No: Beckman, Everett, P. Neville, Rankin, and Wilson.

The bill is scheduled for Second Reading on March 7<sup>th</sup>.

Previously reported: LL#2, p. 25.

Carol Andersen 720.692.0407

## 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	15,44	S-App
<b>Behavioral Health</b>	<b>SB</b>	<b>12</b>	<b>Competency Restoration Services &amp; Education</b>	<b>W</b>	<b>49</b>	<b>S-App</b>
Behavioral Health	SB	17	Allow Medical Marijuana Use For Stress Disorders	S	20,34,50	H-SVM
Behavioral Health	SB	19	Medication Mental Illness In Justice Systems	S	9,22	S-App
<b>Behavioral Health</b>	<b>SB</b>	<b>21</b>	<b>Assistance To Released Mentally Ill Offenders</b>	<b>S</b>	<b>49</b>	<b>S-Jud</b>
Behavioral Health	SB	68	School Counselors Early Support For Students	S	8,21,35,51	H-Ed
Behavioral Health	SB	74	Create Medication-assisted Treatment Pilot Program	W	8,22	S-App
<b>Behavioral Health</b>	<b>SB</b>	<b>193</b>	<b>Research Ctr Prevention Substance Abuse Addiction</b>	<b>S</b>	<b>51</b>	<b>S-App</b>
Behavioral Health	HB	1020	Staffing Task Force Mental Illness Justice Systems	S	9,21,34,51	To Gov
Behavioral Health	HB	1046	Update Outdated Statutes Persons With Disabilities	S	8,21,34,50	To Gov
<b>Behavioral Health</b>	<b>HB</b>	<b>1215</b>	<b>Mental Health Support For Peace Officers</b>	<b>S</b>	<b>52</b>	<b>H-Jud</b>
Children's Issues	SB	16	County Choice Child Protection Teams	O	10,22	H-PHCHS
<b>Children's Issues</b>	<b>SB</b>	<b>177</b>	<b>Children's Code Definition Of Special Respondent</b>	<b>S</b>	<b>52</b>	<b>To House</b>
<b>Children's Issues</b>	<b>HB</b>	<b>1185</b>	<b>Reports Of Suspected Child Abuse Or Neglect</b>	<b>S</b>	<b>52</b>	<b>H-PHCHS</b>
Education	SB	39	Education Income Tax Credits For Nonpublic School	O	10,38	S-Fin
Education	SB	61	Additional Funding Charter School Operating Costs	O	24,36,53	S-2nd Rdg
Education	SB	67	Educator Effectiveness 50% Student Academic Growth	S	11,37	Pl'd
Education	SB	103	Early Learning Strategies In Ed Accountability	SIP	23,38	S-App
Education	SB	107	Reward Access To Arts Education In Public Schools	SIP	23,39	S-App
Education	SB	119	Restoration Of School District Mill Levies	W	24,37	Pl'd
Education	HB	1001	Employee Leave Attend Child's Academic Activities	S	11,36	S-SA
Elections	SB	69	Candidate Petition Info Verify Elec Process Study	S	16	S-SA
Elections	SB	71	Voter Serv & Polling Ctr Early Voting Gen Election	W	17	S-SA
Elections	SB	99	National Popular Vote Agreement	S	14,31	Pl'd
Elections	SB	138	Election Watchers	W	16	S-SA
<b>Elections</b>	<b>HB</b>	<b>1014</b>	<b>Election Offenses Committed By A Voter</b>	<b>W</b>	<b>45</b>	<b>To Gov</b>
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	19,48	Pl'd
Environmental Quality	SJR	2	Support For Use Of Biochar	W	7,20	Adopted
Environmental Quality	SB	14	Limits On Underground Storage Tank Regulation	O	8,33	H-Tra
Equal Opportunity	HB	1122	Gender Identification On Birth Certificates	S	25	H-Jud
Equal Opportunity	HB	1156	Prohibits Conversion Therapy Mental Hlth Provider	S	40,53	H-2nd Rdg
<b>Fiscal Policy</b>	<b>HB</b>	<b>1187</b>	<b>Change Excess State Revenues Cap Growth Factor</b>	<b>S</b>	<b>45</b>	<b>H-2nd Rdg</b>
Gun Safety	SB	5	Handgun Safety Training For School Employees	O	18,29	H-SVM
Gun Safety	SB	6	Concealed Carry for Military Under 21	O	29	H-SVM
Gun Safety	SB	7	Repeal Ammo Magazine Prohibition	O	18,28	H-SVM
Gun Safety	SB	116	Concealed Handgun Carry Without Permit	O	30	S-App
Gun Safety	HB	1036	Concealed Carry in Public Schools	O	29	Pl'd
Gun Safety	HB	1037	Deadly Force Against an Intruder at a Business	O	30	Pl'd
Gun Safety	HB	1097	Repeal Ammunition Magazine Prohibition	O	28	Pl'd
Health Care	SB	3	Repeal Colorado Health Benefit Exchange	O	12	S-App
Health Care	SB	4	Access To Providers For Medicaid Recipients	O	12,53	To House
Health Care	SB	57	CO Healthcare Affordability & Sustainability Enter	S	11	S-Fin
Health Care	SB	64	License Freestanding Emergency Departments	S	12	Pl'd
Health Care	SB	84	Coverage For Drugs In A Health Coverage Plan	S	12	Pl'd
Health Care	SB	91	Allow Medicaid Home Health Services In Community	S	12	S-App

Health Care	HB	1057	Interstate Physical Therapy Licensure Compact	S	11	H-App
Health Care	HB	1094	Telehealth Coverage Under Health Benefit Plans	S	39,53	To Gov
Immigration	HB	1134	Hold Colorado Government Accountable Sanct JUSDCT	O	31,46	Pl'd
<b>Income Assistance</b>	<b>HB</b>	<b>1002</b>	<b>Child Care Expenses Income Tax Credit Extension</b>	<b>S</b>	<b>54</b>	<b>H-App</b>
Income Assistance	HB	1116	Continue Low-income Household Energy Assistance	S	25,40,54	H-2nd Rdg
<b>Income Assistance</b>	<b>HB</b>	<b>1119</b>	<b>Payment Of Workers' Compensation Benefits</b>	<b>S</b>	<b>54</b>	<b>H-Bus</b>
Initiatives	SB	79	Limit Amendments To Initiated Statutory Laws	S	7,18	Pl'd
Initiatives	SB	152	Implement Changes Made By Amendment 71	W	17,31	To House
Justice System	SB	24	Clarify Intellectual & Dev Disab Hearsay Exception	S	19	H-Jud
Justice System	SB	95	Repeal the Death Penalty	S	33	Pl'd
Justice System	SB	141	Low-Risk Offender Community-Based Treatment	S	33,47	Pl'd
Justice System	HB	1015	Clarify Good Time Sentence Reductions in Jails	S	32,47	S-Jud
Justice System	HB	1040	Interception Of Human Trafficking Communications	S	19	S-3rd Rdg
Justice System	HB	1072	Human Trafficking Sexual Servitude	S	19	H-Jud
Justice System	HB	1132	Judicial Disqualification in Civil Actions	W	32	H-Jud
<b>Justice System</b>	<b>HB</b>	<b>1147</b>	<b>Purpose Of Community Corrections</b>	<b>S</b>	<b>46</b>	<b>H-3rd Rdg</b>
Juvenile Justice	HB	1064	Misuse Of Electronic Images By A Juvenile	W	7,48	H-Jud
<b>Juvenile Justice</b>	<b>HB</b>	<b>1204</b>	<b>Juvenile Delinquency Record Expungement</b>	<b>S</b>	<b>47</b>	<b>H-Jud</b>
<b>Juvenile Justice</b>	<b>HB</b>	<b>1207</b>	<b>No Detention Facility Requirement Youth Ages 10-12</b>	<b>S</b>	<b>48</b>	<b>H-Jud</b>
Reproductive Freedom	HB	1085	Women's Health Protection Act	O	25	Pl'd
Reproductive Freedom	HB	1086	Abortion Pill Reversal Information Act	O	26	Pl'd
Reproductive Freedom	HB	1108	Protect Human Life At Conception	O	25	Pl'd
Water	SJR	13	Public Input and GA Review Before Nutrient Reqmts	W	34	S-Ag
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](mailto:info@lwvcolorado.org) or 303-863-0437 for information about rates and delivery.