

**LEGISLATIVE LETTER<sup>®</sup>**  
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**February 22, 2016**

**LL#3:26**

### **HELPING LOW-INCOME COLORADANS**

It is common sense that helping low income Coloradoans to become self-sufficient is a win-win-win: stability for families and children; vibrant communities; long term fiscal soundness for the state. Several bills in the General Assembly this year are focused on that goal. League is following a few of them, consistent with our income assistance and higher education program positions. Some are likely to pass and be implemented. Others will need more time and exploration. Here are four examples.

**SB 22 Child Care Assistance Cliff Effect Pilot Program (Sen. Martinez Humenik; Rep. Pettersen)** (support) will allow more counties to pilot methods to help low income working families transition off child-care support without a sudden drop in financial resources. The measure was first passed in 2012 and funded in 2014. Ten counties are currently trying various methods to help low income working families transition off child-care support without destabilizing the families' situation. In particular, it's important that children's early education not be disrupted by changing preschools. More counties could join the program within the funding already allocated; so no additional funds are required. The Early Childhood and School Readiness Legislative Commission proposed this bill to remove the limit of ten counties. More families could be helped, and data could be collected from a wider variety of counties. The additional data could help all Colorado counties to use welfare-to-work programs and funds more efficiently, increasing long term financial stability of families.

The bill passed the Senate (25-10) and moved on to the House, where the Public Health Care and Human Services Committee has voted 10-2-1 to send it to the whole House. Voting Yes: Conti, Danielson, Ginal, Leonard, Moreno, Pettersen, Tyler, Windholz, Singer, Primavera. Voting No: Everett, Joshi. Excused: Landgraf.

With strong bipartisan support (and no new demands on a tight budget), we expect this will pass and receive the Governor's approval.

Previously reported: LL#1, p. 12; LL #2, p. 23.

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In both medium and long term, access to post-secondary education and skill acquisition is essential for paths out of poverty. Two bills (one, HB 1100, a repeat from last year) propose to address the medium and long term in giving young people access to higher education.

**NEW** **HB 1100 Define Tuition Status Unaccompanied Homeless Youth (Reps. Pettersen & Esgar)**  
**(watch)** This bill adds “unaccompanied homeless youth” to the list of persons identified in statute as qualified to determine their own domicile and to be classified as residents for tuition purposes at Colorado’s public higher education institution. These young people would not have preferential treatment under this bill. Someone must verify that the person has lived in Colorado for a year. They would have the same in-state tuition status as people who have lived in the state for one year, those whose parents are residents, and those who have self-emancipated. The requirements conform to Federal regulations regarding financial aid. Obviously, this could help young people access the education that would help them escape a cycle of poverty. Supporters include the United Way, Court Appointed Special Advocates (CASA), The Bell Policy Center, Colorado Education Association, Aims Community College, and Metropolitan State University of Denver.

Estimating the cost of extending in-state tuition to these specific homeless young people is difficult at best. Colleges, especially community colleges, probably have eligible students enrolled now. If they are paying out-of-state tuition (presumably with federally funded financial aid), reclassifying them as eligible for in-state tuition would reduce revenues to the colleges. On the other hand, the opportunity for lower tuition may be the push that moves a homeless young person to start school. In this case, tuition revenue would increase. These students might also be eligible for a COF stipend (\$75 per credit hour, or \$900 for a full semester load of 12 credit hours). We have some concerns about unintended costs of the bill. We will monitor closely. The House Education Committee heard the bill for witness testimony only on February 17. A vote was delayed because Rep. Pettersen, a prime sponsor, was attending to an emergency. Vote has been scheduled on February 24.

**NEW** **HB 1196 Aspire to College Colorado Pilot Program (Reps. Pettersen & Rankin; Sen. Johnston)**  
**(support)** The intent of the Aspire to College program is to jump start college savings accounts for low income children, beginning in pre-school. The purpose is to encourage children and their families to save for college, and to make that aspiration a real possibility. This would happen with a \$50 per year contribution from the Department of Human Services (DHS) into an account for income qualified children. The contribution would be made yearly for up to three years per qualified student (maximum \$150 per child). There is a limit of 2000 children. The account could accept deposits not only from parents, relatives and friends of the child, but also matching gifts of grants and donations from outside organizations.

The fiscal note of \$100,000 per year reflects that 2000 children would be served with the \$50 annual contribution, funded by an increase in \$100,000 in DHS budget or by a specific line item in the Long Bill.

The League believes that all qualified students should have an opportunity to attend postsecondary education and that successful participation should be facilitated by a variety of resources. According to the bill, even a small amount of savings (\$500 or less) dramatically increases the chances of a person enrolling and graduating from higher education. The bill will be heard in House Education Committee on March 3.

Another possible method for helping low-income Coloradans would be to increase the minimum wage. About 14 states have mandated minimum wages above the national figure. Seattle and SeaTac (the city encompassing the Seattle airport) have a \$15 minimum wage. Oregon just passed a law incorporating geographic differences. Seattle and Portland (along with Denver) are among the cities with the fastest growing wages overall and the fastest growing economies. Thus, evidence about impacts of higher minimum wages is very difficult to find, because it is difficult to separate wage impacts from the effects of other forces.

**SB 54 Local Government Minimum Wage (Sen. Merrifield; none) (support)** A Colorado law passed in 1999 prohibits local governments from setting their own minimum wages higher than the state minimum wage established in the Colorado constitution. Currently, 16 states have such laws and others are considering them, reportedly using a model provided by the American Legislative Exchange Council (ALEC).

Within the state of Colorado, the cost of living varies hugely between communities such as Aspen and Grover. Expecting low-income workers to live on the same minimum wage in all parts of the state is unrealistic. It makes it hard for businesses like restaurants to find employees in resort communities, and it increases the expense to tax payers for social services to make up the difference between wages and cost of living. The argument is made that businesses can't be expected to cope with different employment regulations in different localities, but with online information and payroll services easily available, it shouldn't be an undue burden.

The 1999 law will remain in effect for now, since the State, Veterans and Military Affairs committee voted SB 54 down on Feb. 17. Voting against the bill: Sens. Hill, Sonnenberg and Scott. Voting for the bill: Sens. Jones and Ulibarri.

Previously reported: LL#2, p. 23.

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## **GOVERNMENT**

### **ADMINISTRATION**

#### **RE-MAKING THE INDEPENDENT ETHICS COMMISSION**

**NEW** **HB 1216 Facilitate Administration IEC (Rep. McCann; Sen. Steadman) (watch)** With at least eight co-sponsors in the House, this bill seeks to increase the effectiveness of the Independent Ethics Commission by mandating the following: independent legal counsel; rules to include those governing the conduct of members of the Commission, particularly as to recusals; staff for the Commission's investigating and prosecuting functions; procedures for rule-making, including public hearings on proposed rules; the Commission's determination of an appropriate standard of proof for claimed violations; the lack of effect of advisory opinions of the Board of Ethics for the General Assembly on proceedings before the Commission; and the ability of the Commission to determine penalties for cases on misconduct involving false or incomplete reporting, filing, or disclosure. Under its positions on transparency and openness in government, League has followed the development of the IEC and looks forward to the

discussion on these proposed reforms. Although no fiscal note is yet published, a hearing in the House Judiciary Committee has been scheduled for March 3, 2016.

Fern Black 303.793.0807

### **ELECTIONS**

#### **TWEAKS TO ELECTIONS ADVANCE**

**HB 1070 Signature Verification in Mun Mail Ballot Election (Rep. Neville; Sen. Neville) (support)** This bill would bring in line the same procedure for verifying signatures on mail ballot return envelopes in municipal elections that is followed currently in general elections. It was heard in House State Affairs on February 10<sup>th</sup> and passed, as amended, unanimously to Appropriations. The amendment basically brought the wording of this bill in line with the wording applied to general elections. It is not currently on the calendar for hearing.

Previously reported: LL#1, p 7; LL#2, p. 16.

**SB 112 Voter Service & Polling Centers For Early Voting (Sen. Tate; None) (support)** As the turnout at VSPCs is very light during the first week

of early voting, this bill would have cut back on the number of required centers for that first week and first Saturday. It maintained, however, the previous level of VSPCs for the second week of early voting. The bill was heard in Senate State Affairs on February 8<sup>th</sup> and passed on a 3-2 vote (Hill, Sonnenberg and Scott voted in favor and Kefalas and Jones were opposed). It has passed Second Reading in the Senate, but Third Reading has been laid over, awaiting a House sponsor. The concern is that VSPCs have not been in use during a presidential election; so there are no accurate figures to predict such usage.

Previously reported in LL#2, p.15

Both reported by Carol Tone 303.377.3746

## **MORE TWEAKS TO ELECTIONS**

**HB 1012 Clerk File Copy of Mun Election Results with DOLA (Rep. Ryden; Sen. Scott) (support)** would require municipal clerks to file municipal election results with the division of local government in the Department of Local Affairs, rather than with the Secretary of State's office. The bill was heard in House State Affairs on February 1, passed unanimously and referred to the Committee of the Whole. It passed the House on February 4 with a unanimous vote. It has been assigned to the Local Government Committee in the Senate and has been set for hearing on February 23 at 2:00 p.m., SCR 353.

Previously reported: LL#1, p. 7; LL#2, p. 16

**SB 107 Regulation of Voter Registration Drive Circulators (Sen. Cooke; Rep. Pabon) (support)** requires circulators to fulfill certain mandatory training requirements specified by the Secretary of State and provided by the voter registration drive (VRD) organizer prior to circulating voter registration applications. In addition, it requires circulators to inform anyone registering after the VRD registration submission deadline of alternative means of registering for the upcoming election. The bill was heard in Senate State Affairs, passed unanimously, and was sent to the Consent Calendar. It passed Third Reading in the Senate on February 16 (unanimously, with Sen. Kerr Excused) and has

been assigned to the House State Affairs Committee.

Previously reported: LL#2, p. 16

All reported by Elizabeth Steele 303.349.3331

## **JUSTICE SYSTEM**

### **DEATH PENALTY MUST BE UNANIMOUS**

**SB 64 Death Penalty Jury Decision (Lundberg; None) (Oppose)** After the bill was amended by the sponsor to call for an 11 to 1 jury decision rather than the original 9 to 3, the bill was PI'd by a vote of 3-2. Voting to PI: Aguilar, Merrifield, and Roberts. Voting not to PI: Cooke and Lundberg.

Previously reported: LL#1, p. 7

Jean Fredlund 303-428-5420

### **TESTIMONY FROM THE ELDERLY**

**NEW HB 1027 Concerning Depositions in Criminal Cases (Rep. Danielson) (watch)** This bill seeks to change the way in which depositions of at-risk adults and elders are taken and admitted into court in criminal cases. It appears that the purpose of the bill is to ensure that the testimony of at-risk adults and elders can be admitted at trial, even if these at-risk people are not available at the time of the trial in a criminal matter related to them. The bill mandates that the Court allow a deposition to be taken of an at-risk elder who may be unavailable at trial and also allows its admission if the elder is not available at trial. The bill does not specifically state what rights the defendant has during the deposition, other than to be present and represented by counsel. There are concerns about whether the defendants' rights (for example, to cross examine the witness) are fully protected in this procedure.

Angie Layton 720.934.9497

### **HUMAN TRAFFICKING COUNCIL**

**HB 1033 Travel Costs & Members Human Trafficking Council (Reps. McCann & Nordberg; Sens. Kefalas & Newell) (support)** allows members of the Human Trafficking Council

to be reimbursed for travel expenses incurred in the performance of their duties on the council. This bill also removes the requirement that one member of the council be appointed by the Commissioner of Agriculture and instead requires that one person representing the judiciary be appointed by the Chief Justice of the Supreme Court.

This bill was heard by the committee on Health, Insurance and Environment on January 28, amended for clarity, and referred to the Committee of the Whole on a vote of 12-1 (Humphrey voting No).

The revised fiscal note says that this bill is expected to increase state General Fund expenditures in the Department of Public Safety by up to \$12,400 beginning in FY2016-17 to pay for the travel expenses of council members. These costs can be absorbed with the existing appropriation to the Department of Public Safety, and no new appropriation is required. The costs of the Human Trafficking Council are paid from the General Fund.

It passed the third reading in the house on Feb 2<sup>nd</sup> with a vote of 60 to 4 and 1 excused. Voting no: Everett, Humphrey, Leonard, P. Neville. Excused: Carver.

Previously reported: LL#1, p. 8.

Kimberly Love 303.956.8840

## **JUVENILE JUSTICE**

### **TRUANCY ISSUE PUT OFF FOR NOW**

**SB 47 No Detention for Juveniles Who Are Truant ( Sen. Woods; Rep. Ransom) (support)** was heard in Senate Judiciary on February 17 and was PI'd at the request of the sponsor after testimony was heard. The vote was unanimous. Senator Woods decided not to go forward with the bill at this time because she believed it was premature. The bill was a follow-up bill to last year's SB15-184 that required the Judicial Department to hold stakeholder meetings with the goal of coming up with best practices around alternatives to detention for youth whose only offense is truancy. The report from the Judicial

Department is due out in March. However, she did want to allow the opportunity for the committee and the Judicial Department to hear testimony because, over the summer, she had heard from parents that they felt left out of the stakeholder process. The sponsor believes that this is a conversation that needs to continue, and we would agree. We hope that the Judicial Department's report will suggest some alternatives to detention that Colorado can implement successfully.

Previously reported: LL#2, p. 17.

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Sally Augden 303.455.5800

## **TRANSPORTATION**

### **SAFEGUARDING THE PUBLIC'S MONEY**

**NEW** **HB 1172 CDOT Efficiency and Accountability Committee (Reps. Saine & Primavera; Sens. Holbert & T. Neville) (support)** would require the transportation commission to re-establish and broaden this committee which was disbanded by the Colorado Department of Transportation (CDOT) in 2013. A 2015 audit was unable to obtain adequate information on over \$1.4 billion of CDOT's expenditures. The committee will include four legislators, two each from the House and Senate (one from each party), representatives of Colorado municipalities and nonpartisan good government organizations. This bill is consistent with League policies on supporting transparency in government and the prudent use of public funds.

The bill was heard on February 11<sup>th</sup> in House Transportation and Energy and passed unanimously. It has been sent to Appropriations.

Carol Andersen 720.692.0407

## ***NATURAL RESOURCES***

### **ENVIRONMENTAL QUALITY**

#### **ADVANCING THE COLORADO CLIMATE ACTION PLAN**

**HB 1004 Measureable Goals Deadline CO Climate Action Plan (Rep. Winter and Arndt; Sen. Kefalas) (support)** has passed out of the House on Third Reading on February 9th on a vote of 34-31. This bill would require the state climate action plan to include specific measurable goals using the best scientific data available that would reduce greenhouse gas emissions and help Colorado respond to climate change. It has not been introduced in the Senate as of this date.

Previously reported: LL#1, p. 8; LL#2, p. 18.

Jeannette Hillery 303.494.7718

### **WATER**

#### **ABANDONED MINE RECLAMATION**

**SJM 001 Good Samaritan Remediation Abandoned Mines, (Sen. Roberts; Reps. Coram and Mitsch-Busch) (support)** would request that the Colorado legislature urge Congress to pass legislation to establish a Good Samaritan exemption from liability under the Clean Water Act. This legislation has been needed for years to enable any state with thousands of abandoned mines that impact water quality. The bill was heard in Senate Agriculture on February 11<sup>th</sup> with an amendment to include other third party reclamation efforts and include watershed efforts for abandoned mines. It passed unanimously. It passed Third Reading unanimously (with Carroll excused) on February 19.

Previously reported: LL#1, p. 8.

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## ***SOCIAL POLICY***

### **BEHAVIORAL HEALTH**

#### **EMPLOYMENT FIRST FOR PEOPLE WITH DISABILITIES**

**SB 77 proposes an Employment First policy for people with disabilities. Senator Kefalas and Senator Aguilar along with Representatives Ginal and Primavera (support)** responded to the alarming finding that 85% of adults with disabilities are either unemployed or underemployed by introducing Senate Bill 77.

The employment opportunities sought are described in the bill as “competitive integrated employment.” This phrase means, among other things, that the employee has the ability to interact with non-disabled employees, has the opportunity for advancement, and is engaged in full-time work.

The approach is a multi agency one including the Colorado Department of Education, the Colorado Department of Higher Education, and the Colorado Department of Labor. The Legislation provides for the establishment of an Advisory Board.

The legislation was heard in Senate Finance. There was a Strike Below amendment offered along with two others which were passed without objection. Importantly, the amendments added the Department of Human Services to the agencies involved in implementing the Employment First policy. No vote was taken on the amended bill. No date has been set for a vote.

Previously reported: LL#1, p. 9.

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#### **DUTY TO WARN**

**HB 1063 Mental Hlth Professional Disclosure School Safety (Rep. Foote; None) (support)** This bill provides an exception to current law prohibiting disclosure of confidential communications with a mental health professional when school safety is at risk. Mental health professionals will be required to report to schools and law enforcement authorities when the mental health professional’s client **either**:

makes a direct threat against a school or its occupants, or exhibits behavior that may jeopardize the safety or well-being of students, faculty, staff, parents, or the general public. The bill was heard on February 11 by the House Judiciary Committee and was amended by a “strike below” amendment that did not change the thrust of the bill. As amended, the bill passed unanimously and was adopted on Second Reading on February 16. It awaits a Senate sponsor before final passage in the House.

Previously reported: LL#1, p. 9.

## **INVOLVING MENTAL HEALTH PROFESSIONALS**

**SB 39 Mental Health and Collaborative Management Teams (Sens. Newell & Martinez Humenik; Reps. Lee & Singer (support))** This bill adds a mental health professional to the list of persons to be included in any memorandum of understanding entered into between interested county departments of social or human services and other local-level service providers when the memorandum is established as a means of promoting a collaborative system of local-level interagency oversight and services to children and families. This bill passed the Senate on January 26 unanimously 34-0, with Sen. Aguilar excused. It was introduced in the House on January 26 and assigned to Public Health Care & Human Services Committee. It is scheduled to be heard by that committee on March 8.

Previously reported: LL#1, p. 9.

Both reported by Linda Rinehart 720.989.8944

## **CHILDREN'S ISSUES**

### **TREAT ABUSED CHILDREN AS VICTIMS**

**NEW** **HB 1224 Treat Trafficking of Children as Child Abuse (Rep. Lundeen; None) (watch)** Under current law, county departments respond to reports of child abuse and neglect within families and may provide services to promote the well-being and safety of the child. Law enforcement may respond to reports of child abuse or neglect within a family or involving third parties, as part of a

criminal investigation or to respond to an urgent situation.

This bill adds human trafficking of a minor for involuntary or sexual servitude to the definition of "abuse" or "child abuse or neglect" for dependency and neglect cases. It requires county departments of human or social services to offer services immediately to any child reported to be a victim of trafficking and allows county departments to file a petition in juvenile court on behalf of the child. County departments must inform local law enforcement if investigators believe the child or other children require protection, and in these cases county departments may place the child or children in protective custody. Finally, the bill requires the Department of Human Services and county departments to implement a uniform screening tool for identifying children who are victims, or are at risk of becoming victims, of human trafficking. Department of Human Services indicates this can be accomplished existing appropriations.

House Public Health and Human Services Committee will hear the bill on Tuesday, March 8.

Kimberly Love 303.956.8840

## **EDUCATION**

### **LURING TEACHERS TO RURAL DISTRICTS**

**NEW** **SB 104 Incentives to Build Number of Rural Teachers (Sen. Todd; Rep. J. Becker) (support)** fits right in line with the League's position of assuring equity of access for all students to quality education across the state. Rural districts are having a very hard time recruiting and keeping professional educators. These districts have been severely impacted by Colorado's budget restraints and the number of legislative mandates issued in the last ten years. Pay is low and resources are limited.

This bill would create new programs to provide incentives for teacher candidates to take positions in these areas and support for professional educators so that they choose to stay. These programs include: rural education centers located in higher education facilities in four areas in the state to provide teacher education and additional resources for neighboring districts; financial stipends for

student teachers who elect to do their student teaching in rural schools; a teacher cadet program to engage local middle and high school students in a potential career path toward education; and financial stipends to offset costs for National Board certification and becoming qualified as concurrent enrollment teachers (who can teach courses that provide both high-school and college credit).

The cost of this program would be \$1,046,792 for 2016-17 (the bulk of which would be the establishment of the four regional centers); thereafter, the cost drops to \$317,203 per year. One million dollars in this year of tight money is significant. Rural districts, however, have paid the highest price for the legislature's attempts to improve Colorado's public schools with lots of mandates and little additional funding. It is time the urban areas took a bit of a hit to help them out.

The bill is scheduled to be heard in Senate Education on Thursday, March 3.

Sally Augden 303.455.5800

### **ADJUSTMENTS TO EDUCATORS' EVALUATIONS AXED**

The good news in the testimony on **SB 105 Adjustments to Educator Evaluation System (Sens. Merrifield and Marble; none) (support)** in the Senate education hearing on February 18 is that parts of the 2010 Teacher Effectiveness Act (SB 191) seem to be working well. Teachers who testified like having more input and help – a factor in the now yearly evaluations. Boulder has used a very collaborative process to refine teacher evaluations. It is highly likely, however, that those things would have happened without SB 191, as Governor Bill Ritter's Council on Teacher Effectiveness was in the process of looking at this very issue at the time of that bill. In other words, improvements would have been made in a collaborative fashion without making a complicated law that makes those processes harder and needs more legislation to tweak.

The League's position on education supports policies that are efficient and effective. We opposed SB 191, in large part because of the top-down nature of the legislation, and because there was

insufficient funding to administer the mandate effectively. A superintendent who spoke in favor of SB 105 admitted that he testified in 2010 that the cost would be minimal. He has since changed his mind. While out-of-pocket costs are not great, the impact on principal and teacher time has been huge, meaning other things are sacrificed.

SB 105 would have removed the requirement that 50% of a teacher's or principal's evaluation be based on student growth scores and allowed effective and highly effective teachers to be evaluated every three years at district discretion. It failed in committee 6-3 (Against: Hill, Marble, Holbert, Johnston, Neville T, Woods; For: Merrifield, Kerr, Todd). Interestingly, Sen. Marble was originally a co-prime sponsor (making the bill bi-partisan) and Sen. Woods was originally a co-sponsor. Sponsorship signals a legislator will vote for the bill, unless something significantly changes.

School superintendents provided the major support for the changes, along with several teachers who individually shared their concerns. Opposition came primarily from education reform organizations and conservative advocacy groups: Colorado Children's Campaign, Stand for Children, Colorado Succeeds, Together Colorado, Metro Denver Chamber, the Independence Institute, and Americans for Prosperity. We do have a concern about the influence of highly funded lobbying efforts in this rather minor change to educator evaluations. It does not appear that the opposition to this effort is simply Colorado residents concerned about our children's education. The concerns of educators, who must implement the changes and live with the results, appear to be dismissed.

Previously reported: LL#2, p. 20.

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### **EQUAL OPPORTUNITY**

#### **“RELIGIOUS FREEDOM” BILL DIES**

**HB 1123 Religious Freedom of Certain Religious Persons (Rep. Klingenschmitt; Sen. Lundberg) (oppose).** This bill is the latest version of an effort to allow providers to public accommodations to discriminate against customers based on sexual



orientation or other inherent characteristics. Religious leaders were in support of and in opposition to the bill. The committee voted to accept the arguments that religious faith should not be used to discriminate in the public sphere, defeating the bill by a vote of 4-5. Voting in favor of the bill: Humphrey, Leonard, P. Neville, and Wist. Voting against: Foote, Primavera, Tyler, Lontine, and Ryden.

Previously reported: LL#2, p. 20

Christine Watson 303.250.1795

## **FREEDOM OF RELIGION OR FREEDOM TO DISCRIMINATE**

**NEW** **HB 1180 Free Exercise of Religion (Rep. Humphrey; Sen. T. Neville) (oppose)** This bill makes an interesting claim that “laws neutral toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise.” On that ground, the bill proposes that no state or local government may cause a person to take an action that “burdens” a person’s exercise of religion, except in cases of “compelling government interest.” A person’s religion can be burdened if the legal requirement violates his “sincerely held religious beliefs,” whether or not those conform to the tenets of any larger religious system or set of belief.

The opportunities for chaos here are endless. They could include anything from an employer who offers health insurance denying coverage for any therapy that his own religion does not accept, to any number of neighborhood disputes. The bill’s language does allow broad application. It is clear that the bill is inconsistent with League’s principles of equal rights and equal opportunity, social and economic justice.

Introduced in the House on February 2 and assigned to the House State, Veterans, & Military Affairs committee, the bill is expected to be controversial as it is also viewed as discriminatory toward the gay and lesbian community.

Linda Rinehart 720.989.8944

## **SLEEP IS A BASIC NECESSITY**

**NEW** **HB 1191 Bill of Rights for Persons Who Are Homeless (Reps. Salazar & Melton; None) (support)** seeks to reduce the many costs of enforcing local camping bans that make it illegal to sleep in public places or to cover oneself with a blanket, regardless of the outside temperature. In addition to the high costs of enforcing these bans – for police departments, jails, and the criminal justice system – these ordinances imperil the ability of homeless people to find work or to rent an apartment – in other words, to stop being homeless – because they have a criminal record.

The population of homeless people includes low wage earners, people on fixed incomes, single women, and families with children. Homelessness is primarily the result of rapid increases in rents and the lack of affordable housing. This bill would overturn local ordinances that deprive people experiencing homelessness of the basic rights that homeowners and renters have, and it would free up local funds to help them find a job and move into stable, affordable housing. It is consistent with League policies which oppose major threats to basic constitutional rights and which support programs and policies to promote self-sufficiency for individuals and families.

Carol Andersen 720.692.0407

## **REPRODUCTIVE FREEDOM**

### **COMMITTEES DENY TWO BILLS LIMITING REPRODUCTIVE CHOICE**

Every year, a number of bills appear that are attempts to limit, if not prevent, the constitutionally protected right of individuals to make certain personal reproductive choices. Time after time, the same measures appear. This session, they come with a new twist: a heightened level of criminality for violations. Both of the following bills were first seen in LL #1, p. 12.

**HB 1113 Protect Human Life at Conception (Rep. Humphrey; Sen. Lundberg) (oppose)** would have required a Class 1 felony charge for an abortion (for the doctor, not the pregnant woman). HB 1113 was heard Feb. 11<sup>th</sup> before the House

Health, Insurance & Environment Committee. Representative Humphrey presented his bill in religious terms, as an attempt to preserve precious lives, and most of the favorable testimony followed suit. The discussion seemed to stick on the point of whether a zygote or fetus is human, which deflected focus away from the question of *legal* personhood.

Witnesses against the bill brought up the specter of unintended consequences: Would miscarriages and ectopic pregnancies lead to investigations and murder charges? And how could the state justify violating HIPAA laws, which protect doctor-patient privacy?

After several hours of testimony, the bill was PI'd on a vote of 7-6. Voting Yes to PI: Buckner, Esgar, Lontine, Primavera, Ryden, Ginal, McCann. Voting No: Brown, Humphrey, Joshi, Klingenschmitt, Landgraf, and Ransom.

**HB 1007 Offenses against an Unborn Child (Rep. Joshi; None) (oppose)** was also heard Feb. 11th in House Business Affairs & Labor. Last year's version of this bill (SB 15-268) made a direct attempt to change the definition of "person" in the Colorado Criminal Code to include everyone from conception on for purposes of homicide and assault charges. This year, the measure would have allowed enhanced charges under the Offenses against Pregnant Women Act. A prosecutor would be able to charge the appropriate homicide or assault offense on behalf of an unborn child if the mother-to-be was herself a victim of a crime or traffic offense. No mention of "person" was made here, but the intent was clear: to create a de facto legal person.

Rep. Joshi said his bill was "all about criminal justice," but could not answer a question concerning the constitutionality of his proposal. "We need clarification from the U.S. Supreme Court," he said. Throughout questioning from the committee, Rep. Joshi insisted that the measure would be a tool that prosecutors may use and that the higher-level charges would be allowed *only* in the case of a

criminal offense (thus implying that abortion rights would not be endangered).

The bill was PI'd on a vote of 8-4-1. Voting Yes to PI: Arndt, Garnett, Pabon, Rosenthal, Thurlow, Winter, Kraft-Tharp, Williams. No votes: Navarro, Nordberg, Sias, Wist. Excused: Roupe.

Leslie Chomic 303.863.3644

## "BORN ALIVE" INFANTS PROTECTION ACT

**NEW** **HB 1146 Born Alive Infants Protection Act (Reps. Landgraf and Sias; None) (oppose)** would amend definitions in the CRS to include "born alive" infants, that is, any human being fully expelled alive from its mother. This bill is a carbon copy of the federal Born Alive Infants Protection Act and numerous other states' bills and acts. In the section being amended, the CRS now defines what is meant by "child" and "person" for purposes of the statutes. Later, the statutes state explicitly that a "person" is a human who is born – so this bill seems redundant. If a crime has been committed against a legal person, for example, we already have penalties.

But "born alive" legislation has been used to apply personhood retroactively to fetuses. If an infant, at any gestational stage, lives and then dies outside the womb through some nefarious action previous to its birth or expulsion, *including abortion*, that infant can be considered a legal person with regard to criminal charges. This causes us to wonder: what if the same thing happens as a result of a miscarriage or even a normal birth? And how will law enforcement officials know about it unless the privacy of the doctor-patient relationship is violated?

This bill looks like bad legislation to us. It is unnecessary, and it could have a serious impact on reproductive rights. It will be heard Feb. 29<sup>th</sup> in State, Veterans & Military Affairs Committee.

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 F=Follow

POLICY AREA	S/H	BILL #	BILL TITLE	S/O	PAGE	STATUS
Administration	SB	37	Public Access Digitally Stored Data Under CORA	S	15	S-SVM
Administration	HB	1077	Recreate Statutory Revision Committee	S	7	H-App
<b>Administration</b>	<b>HB</b>	<b>1216</b>	<b>Facilitate Administration IEC</b>	<b>W</b>	<b>28</b>	<b>H-Jud</b>
Behavioral Health	SB	39	Mental Health And Collaborative Management Teams	S	9,32	H-PHCHS
Behavioral Health	SB	77	Employment First For Persons With Disabilities	W	9,31	S-Fin
Behavioral Health	HB	1063	Mental Hlth Professional Disclosure School Safety	S	9,31	H-3rd Rdg
Children's Issues	SB	13	Clean-up Office Of The Child Protection Ombudsman	S	9	S-Jud
Children's Issues	SB	118	Screening to Identify Prenatal Substance Abuse	W	19	S-SVM
Children's Issues	HB	1110	Parent's Bill of Rights	O	18	H-SVM
Education	SB	101	School Board Education Ethics Commission	W	20	S-SVM
<b>Education</b>	<b>SB</b>	<b>104</b>	<b>Incentives To Build Number Of Rural Teachers</b>	<b>S</b>	<b>32</b>	<b>S-Ed</b>
Education	SB	105	Adjustments to Educator Evaluation System	S	20,33	PI'd
Education	HB	1002	Employee Leave Attend Child's Academic Activities	S	9	S-SVM
Elections	SB	107	Regulation of Voter Registration Drive Circulators	S	16,29	To House
Elections	SB	74	Voter Service & Polling Centers For Early Voting	SIP	15	S-App
Elections	SB	112	Voter Service & Polling Centers For Early Voting	S	15,28	S-3rd Rdg
Elections	HB	1012	Clerk File Copy Of Mun Election Results With DOLA	S	7,16,29	S-LG
Elections	HB	1070	Signature Verification In Mun Mail Ballot Election	S	7,16,28	H-App
Elections	HB	1093	Election List Maintenance Procedures	S	7	H-SVM
Environmental Quality	HB	1004	Measureable Goals Deadlines CO Climate Action Plan	S	8,18,31	To Senate
Equal Opportunity	HB	1001	State Contr Certify Compliance With Equal Pay Laws	S	10	H-BAL
Equal Opportunity	HB	1123	Religious Freedom of Certain Religious Persons	O	20,33	PI'd
Equal Opportunity	HB	1156	Extend Pay Transparency Protection All Employees	S	21	H-BAL
Equal Opportunity	HB	1166	Prohibit Seeking Salary History for Job Applicants	S	21	H-BAL
<b>Equal Opportunity</b>	<b>HB</b>	<b>1180</b>	<b>Free Exercise Of Religion</b>	<b>O</b>	<b>34</b>	<b>H-SVM</b>
Gun Safety	SB	17	Concealed Handgun without Permit	O	17	S-2nd Rdg
Gun Safety	SB	113	Repeal Large Ammo Ban	O	17	S-SVM
Gun Safety	HB	1023	Deadly Force Against Intruder at Business	O	16	H-SVM
Gun Safety	HB	1024	Repeal Ammo Magazine Prohibition	O	17	H-SVM
Gun Safety	HB	1179	Concealed Carry for Military Personnel	O	16	H-SVM
Health Care	SB	2	Health Exchange Voter Approval To Impose Tax	O	11	S-App
Health Care	SB	25	End-of-life Options For Terminally Ill Individuals	F	10,14	PI'd
Health Care	SB	27	Medicaid Option For Prescribed Drugs By Mail	S	11	H-HIE
Health Care	SB	69	Community Paramedicine Regulation	W	11,23	S-App
Health Care	HB	1015	Contingent Repeal Hlth Ins Laws Aligning With ACA	O	10,21	PI'd
Health Care	HB	1047	Interstate Medical Licensure Compact	S	10	H-Fin
Health Care	HB	1054	End-of-life Options For Terminally Ill Individuals	F	10,14	H-2nd Rdg
Health Care	HB	1065	Income Tax Credit For Home Health Care	S	10,21	H-Fin
Health Care	HB	1097	PUC Permit For Medicaid Transportation Providers	S	11	H-App
Health Care	HB	1102	Drug Production Costs Transparency Requirements	S	11,22	H-HIE

Health Care	HB	1142	Rural & Frontier Health Care Preceptor Tax Credit	S	11,22	H-Fin
<b>Higher Education</b>	<b>HB</b>	<b>1100</b>	<b>Define Tuition Status Unaccompanied Homeless Youth</b>	<b>W</b>	<b>27</b>	<b>H-Ed</b>
<b>Higher Education</b>	<b>HB</b>	<b>1196</b>	<b>Aspire To College Colorado Pilot Program</b>	<b>S</b>	<b>27</b>	<b>H-Ed</b>
Income Assistance	SB	22	Child Care Assistance Cliff Effect Pilot Program	S	12,23,26	H-2nd Rdg
Income Assistance	SB	54	Local Government Minimum Wage	S	23,28	Pl'd
Income Assistance	HB	1050	Low-income Parents Ed Child Care	S	12,23	H-App
<b>Income Assistance</b>	<b>HB</b>	<b>1191</b>	<b>Bill Of Rights For Persons Who Are Homeless</b>	<b>S</b>	<b>34</b>	<b>H-LG</b>
Income Assistance	HB	1227	Exemptions Child Support Reqmnts Child Care Assist	S	24	H-PHCHS
Justice System	SB	64	Death Penalty Jury Decision	O	7,29	Pl'd
<b>Justice System</b>	<b>HB</b>	<b>1027</b>	<b>Criminal Deposition For At-risk Persons</b>	<b>W</b>	<b>29</b>	<b>H-Jud</b>
Justice System	HB	1033	Travel Costs & Members Human Trafficking Council	S	8,30	S-Jud
<b>Justice System</b>	<b>HB</b>	<b>1224</b>	<b>Treat Trafficking Of Children As Child Abuse</b>	<b>W</b>	<b>32</b>	<b>H-PHCHS</b>
Juvenile Justice	SB	47	No Detention for Juveniles Who Are Truant	S	17,30	Pl'd
Natural Resources	SJM	1	Good Samaritan Remediation Abandoned Mines	S	8,31	To House
Reproductive Freedom	HB	1007	Offenses Against Unborn Children	O	12,35	Pl'd
Reproductive Freedom	HB	1113	Protect Human Life At Conception	O	12,35	Pl'd
<b>Reproductive Freedom</b>	<b>HB</b>	<b>1146</b>	<b>Born Alive Infant Protection Act</b>	<b>O</b>	<b>35</b>	<b>H-SVM</b>
<b>Transportation</b>	<b>HB</b>	<b>1172</b>	<b>CDOT Efficiency And Accountability Committee</b>	<b>S</b>	<b>30</b>	<b>H-App</b>
Voting Rights	SB	83	Government-issued Photo ID for Voting	O	18	S-SVM
Voting Rights	HB	1111	Same Day Voter Registration With Photo ID	O	8,17	H-SVM
Water	HB	1005	Residential Precipitation Collection	S	8	H-Ag

The Legislative Letter is written by the members of the Legislative Action Committee, edited by Frank Bennett and Chris Watson, and published by the Colorado League of Women Voters every two weeks during the Legislative Session. 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.