

Legislative Letter

League of Women Voters of Colorado

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LL#3:1

**TIMES HAVE CHANGED SINCE 1994--NEW SCHOOL FUNDING DISTRIBUTION
FORMULA FOR COLORADO**

Only a few of Colorado's 179 school superintendents have not signed on to a restructuring of school finance. This job has not been tackled since 1994. **NEW** [HB 1232 New School Funding Distribution Formula \(Rep. Young; Sens. Coram & Kerr\)](#) (support) creates a more equitable way to distribute state funds to school districts. At its core is a designation of which students and districts are the most in need, but as a recognition that all districts in the state must be funded adequately, the mechanism would only go into effect if Colorado voters approve an increase in funding for our public schools not later than 2022. Given that LWVCO's basic position on school funding is support for equitable and adequate funds for our schools, the League is in strong support of this measure.

The funding formula calculates a district's program funding by taking the statewide base per pupil amount and adding additional resources in the form of "district factor funding" for:

- Size (economies of scale)
- Poverty (number of students eligible for free or reduced lunch)
- English language learners (adjusted for district size)
- Gifted children (adjusted for district size)
- Special education students (adjusted for disability and district size)
- Cost of living

The district total program funding is calculated by:

- Counting kindergarten students as half day or full-day pupils depending on the length of the district's program
- Counting preschool students as half-day pupils
- Differentiating between pupils with specified disabilities for purposes of determining the new special education factor

- Applying an English language learner factor for up to 7 years, except for students with no English language proficiency.

There is also a hold-harmless provision in **HB 1232** that prevents a district’s funding from falling below what it would have been under the old formula. This gives districts that already have high property tax rates an incentive to support the measure.

In addition to the fact that Colorado has been constitutionally underfunding its schools \$1 billion each year for the past nine years, this bill recognizes the fact that schools with high rates of special needs and at-risk children have been ill served. Rural districts that have been by-passed by Colorado’s growing economy have been hit especially hard by our 25 year old funding formula. This bill is a step toward remedying those problems and building a better future for all of our children.

The bill has been assigned to House Education, but has not yet been calendared.

Sally Augden 303.455.5800

GOVERNMENT

ELECTIONS

LEAVE TIME FROM WORK TO VOTE

HB 1033 Employee Leave to Participate in Elections (Rep. Weismann; Sen. Coram) (support) As amended in committee to allow leave one time only, the bill passed 3rd Reading in the House on February 12 [35/28](#) (2 excused), and is scheduled to be heard in Senate State Affairs on February 28th.

Previously reported: [LL#1, p. 7](#); [LL#2, p. 2](#).

House Vote

YES	35	NO	28	EXCUSED	2	ABSENT	0
Amdt	Y	Foote	Y	Leonard	N	Rosenthal	Y
Becker J.	N	Garnett	Y	Lewis	E	Saine	N
Becker K.	Y	Ginal	Y	Liston	N	Salazar	Y
Beckman	N	Gray	Y	Lontine	Y	Sandridge	N
Benavidez	N	Hamner	Y	Lundeen	N	Sias	N
Bridges	Y	Hansen	Y	McKean	N	Singer	Y
Buck	N	Herod	Y	McLachlan	Y	Thurlow	N
Buckner	Y	Hooton	E	Melton	Y	Valdez	Y
Carver	N	Humphrey	N	Michaelson Jenet	Y	Van Winkle	N
Catlin	N	Jackson	Y	Neville P.	N	Weissman	Y
Coleman	Y	Kennedy	Y	Pabon	Y	Willett	N
Covarrubias	N	Kraft-Tharp	Y	Pettersen	Y	Williams D.	N
Danielson	Y	Landgraf	N	Rankin	N	Wilson	N
Esgar	Y	Lawrence	N	Ransom	N	Winter	Y
Everett	N	Lebsock	Y	Reyher	N	Wist	N
Exum	Y	Lee	Y	Roberts	Y	Young	Y
						Speaker	Y

ALIGNING ELECTIONS

HB 1039 Change Date of Regular Special District Elections (Rep. Ransom and Coleman; Sen Gardner) (support) Without any amendments, this bill unanimously (Foote excused) passed Third Reading in the House on February 6th and is scheduled to be heard in Senate State Affairs on February 21st.

Previously reported: [LL#1, p. 7](#); [LL#2, p. 2](#).

Both reported by Carol Tone 303.884.8429

FISCAL POLICY

DE-BRUCING THE SEVERANCE TAX, 2018 EDITION

The state Severance Tax is intended to repay the state for the “severing” of state natural assets – taking them out of the ground. It is imposed on minerals that are mined, and oil and gas that is pumped. In theory it should be used to pay for the public impacts of the mining and drilling activity in affected communities and to support new kinds of economic activity. In past years, Severance Tax proceeds have been used to help out the General Fund in tight years; and were part of the dollars used for TABOR refunds for the tax year 2015.

League has acquiesced to this use, knowing there are few good alternatives. In 2016, the Joint Budget Committee took that unusual step of proposing a ballot measure to allow Severance Tax funds to create a Severance Tax Reserve Fund (essentially removing the tax revenues from the TABOR revenues). It was not successful.

Now, **NEW HB 1201 Severance Tax Voter-approved Revenue Change (Rep. Thurlow; Sen. Coram) (support)** also proposes to “de-Bruce” the Severance Tax. It is a simple measure that declares that in years when the total revenues exceed the TABOR limit, the amount of total revenues that came from the Severance Tax can be retained and spent on the things that the tax is intended to be used for. The one wrinkle in the proposal is the provision that if the General Assembly repeals or reduces existing severance tax exemptions or credits, or reduces the percentage allotted to local governments, the whole proposal is null and void, not only for that year, but for all future years – sort of a “drop dead” clause.

If passed by the General Assembly, HB 1201 will become a statutory ballot measure that is a “proposition.” League has consistently supported measures to allow reasonable fiscal management in Colorado, and we endorse this as fair and financially reasonable. The communities most affected have been understandably unhappy when these funds have been diverted, which is the reason for the “drop dead” clause. We are sympathetic and agree that protections need to be in place. We would like to see some flexibility, such as allowing changes after a certain number of years, or under certain narrowly defined dire circumstances.

Although the bill was just introduced, the hearing will be delayed until April 9, a time when the General Assembly takes up proposed ballot measures in earnest.

Christine Watson 303.863.0437

JUSTICE SYSTEM

NO JAIL BECAUSE YOU ARE POOR

NEW HB 1089 No Monetary Conditions Of Bond For Misdemeanors (Rep. Benavidez; None) (support) eliminates monetary bail for certain misdemeanors and makes other changes related to bond hearing requirements and procedures. Far too many poor people remain in jail while awaiting their day in court because they cannot afford bail. Under this bill, a defendant arrested and charged with a misdemeanor, petty offense, or municipal code violation cannot be required to post monetary bail as a condition of being discharged from custody. However, misdemeanor acts of domestic violence, third degree assault, protection order violations, child abuse, or sexual assault may still have a cash bond imposed.

The bill was assigned to the House Judiciary Committee and will be heard on February 22nd.

Lucinda Schneller 720.254.5741

JUVENILE JUSTICE

JUVENILE COMPETENCY BILL PASSES HOUSE

HB 1050 Competency to Proceed Juvenile Justice System (Rep. Singer; Sen. Fields) (support) creates a juvenile-specific definition of “competent to proceed” in the Colorado Children’s Code. It passed unanimously out of House Judiciary on Feb. 2nd and passed 3rd Reading by a unanimous vote on Feb. 8. It has been assigned to Senate Judiciary.

Previously reported: [LL#1, p. 8.](#)

Carla Bennett 303.757.2930

VOTING RIGHTS

BANNING VOTE TRADING

SB 076 Ban Vote Trading (Sen. Lundberg; Rep. Melton) (watch) has been scheduled for a hearing in House State, Veterans, and Military Affairs on Thurs, Mar. 1 upon adjournment.

Previously reported: [LL#2, p. 6.](#)

Celeste Landry 303.440.4395

PRE-REGISTERING FOR FELONS

SB 150 Voter Registration Individuals in Criminal Justice System (Sen. Fenberg & Lundberg; Rep. Lee & McKean) (support) would allow felons to pre-register to vote, similar to the pre-registering now in effect for 16-year-olds. The bill was postponed indefinitely in Senate State Affairs on February 13th. Surprisingly at 9:06 PM on February 14th Senator Hill asked for reconsideration. The bill was amended to indicate that after July 1, 2019 the Division of Adult Parole shall provide individuals at their initial meeting with information regarding pre-registering to vote. The Division would also provide individuals being released with registration and voting rights information and provide the Secretary of State regularly with a report identifying these individuals. The amended bill passed Senate State Affairs on a 3-2 vote and was referred to Appropriations.

Previously reported: [LL#2, p. 6.](#)

Carol Tone 303.884.8429

NATURAL RESOURCES

ENERGY

ELECTRICITY STORAGE SYSTEMS

SB 9 Allow Electric Utility Customers Install Energy Equipment (Sen Fenberg, Priola)(Rep. Winter, Lawrence)(Support) The bill directs the

PUC to adapt rules for installation, interconnection, and use of customer-sited distributed electricity storage systems. As amended on Feb. 7, the bill passed Third Reading [30-5](#) on Feb. 8.

Previously reported [LL#1, p. 9](#); [LL #2, p. 7.](#)

Senate Vote

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Garcia	Y	Kerr	Y	Scott	Y
Baumgardner	N	Gardner	N	Lambert	Y	Smallwood	N
Cooke	Y	Guzman	Y	Lundberg	Y	Sonnenberg	N
Coram	Y	Hill	Y	Marble	Y	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.	Y	President	Y
Fields	Y	Kefalas	Y	Priola	Y		

REPORTING OIL/GAS INCIDENTS

NEW HB 1157 Increased Reporting Oil and Gas Incidents (Reps K.C. Becker, Singer; none)

(support) This bill requires oil and gas operators to file written reports with the Colorado Oil and Gas Conservation Commission and other stakeholders for each major (eleven types) and minor (5 types) reportable event (i.e. oil and gas incidents). Operators must also give verbal notice of the major reportable events. The commission will post the reports, notifications, and an annual summary on its website in a database that is searchable by operator, location, type of event, date, and other criteria established by the commission.

This bill will allow transparency and accountability by informing the public about major and minor incidents that occur in the state. Fighting to improve opportunities for public participation on natural resource issues has always been important to League. League believes in environmentally sound use of energy resources with consideration of the entire cycle of energy production.

This bill was introduced on Feb. 1 and assigned to the House Transportation and Energy Committee for a hearing on March 14.

Both reported by Amy Sherwood 847.239.0236

ENVIRONMENTAL QUALITY

NO TAX CREDITS FOR ENERGY EFFICIENT CARS, NOR STUDY OF EMISSIONS IMPACT OF HEAVY DUTY TRUCKS

SB 47 Repeal Tax Credits Innovative Vehicles (Sen. Marble; Rep. Saine) (oppose) This bill repeals income tax credits for electric or hybrid cars and trucks as of January 1, 2019 and for three years diverts the funds that would have gone to the credits to state and local transportation purposes, via the Highway Users Tax Fund. This bill was heard in the Senate Finance Committee, passed with a 4-1 vote, and sent to Appropriations.

Previously reported [LL# 1, p. 8.](#)

Amy Sherwood 847.239.0236

SOCIAL POLICY

BEHAVIORAL HEALTH

RURAL ACCESS TO BEHAVIORAL HEALTH CARE

SB 24 Expand Access to Behavioral Healthcare Providers (Sens. Jahn, Tate; Rep. Singer) (support) The bill expands the availability of behavioral health care providers in shortage areas by including additional health care professionals in the Colorado Health Service Corps education loan repayment program.

The bill passed Senate Health & Human Services on Jan. 25 with minor amendments on a vote of 4-1 and was sent to Appropriations.

Previously reported: [LL#1, p. 10.](#)

CONTROLS ON OPIOID PRESCRIPTIONS

SB 22 Clinical Practice for Opioid Prescribing (Sens. Aguilar, Tate; Reps. Kennedy & Pettersen) (support) puts parameters around new opioid prescriptions, as a part of an overall effort to counter the opioid addiction and dependence crisis.

The bill passed Health & Human Services Feb. 8 on a vote of 5-0, and is in the COW, where it is on Second Reading laid over daily until Feb. 20.

Previously reported: [LL#1, p. 10.](#)

Both reported by Carol Pace 303.863.0437

EDUCATION

FULL DAY KINDERGARTEN ON THE MOVE

HB 1088 Funding for Full Day Kindergarten (Rep. Wilson; none)(support) was heard in Senate Education on February 12 and passed on to Appropriations on a 10-3 vote. It will be heard in Appropriations on Wednesday, February 21.

Previously reported: [LL#1, p. 11.](#)

Sally Augden 303.455.5800

HEALTH CARE

HEALTH CARE REVIEW COMMITTEE

HB 1118 Create Health Care Legislative Review Committee (Reps. Ginal, Beckman; Sens. Aguilar, Crowder) (support) The bill creating the Health Care Legislative Review Committee (HCLRC) passed out of the Health, Insurance & Environment with minor amendments on Feb. 15, on a vote of 10-3, and is referred to Appropriations.

Previously reported: [LL#2, p. 10.](#)

CONTINUE INSURANCE COUNCIL

HB 1149 Sunset Continue Insurance Council (Reps. Kennedy, Esgar, Ginal, Lontine; Sen. T. Neville) (support) provides for the indefinite continuance of the Consumer Insurance Council (CIC) of the Division of Insurance (DOI) and will be heard in Health, Insurance & Environment on Feb. 22.

Both previously reported: [LL#2, p. 10](#).

PROHIBIT PRICE GOUGING ON DRUGS

NEW HB 1179 Prohibit Price Gouging on Prescription Drugs (Rep. Salazar; None) (support) The bill prohibits pharmaceutical manufacturers or wholesalers from price gouging on sales of essential off-patent or generic drugs; makes the practice of price gouging a deceptive trade practice under the Colorado Consumer Protection Act; requires the state board of pharmacy and the executive director of the Department of Health Care Policy and Financing to report suspected price gouging to the attorney general who is in turn authorized to seek subpoenas and file lawsuits in regard to the practice.

League supports this bill as it provides consumer protections and improves access to health care services, specifically in the area of prescription drugs. This bill was introduced in the House on February 2 and was assigned to the Health, Insurance & Environment Committee where it will be heard March 1.

HELP WITH HEALTH PLAN COSTS

NEW HB 1205 Financial Relief Defray Individual Health Plan Costs (Rep. Roberts; Sen. Donovan) (watch) creates a short-term financial relief program for individuals and families residing in the most geographically costly health care rating areas of the state who spend more than 20% of their household income on health insurance premiums. The program provides relief up to 500% of the federal poverty level (FPL), with health insurance plans

purchased on the state exchange through the existing subsidy of advanced premium tax credits, now part of available options for individuals and families up to 400% FPL. Sliding scale premium relief is extended to 500% FPL individuals and families.

League will watch this bill as it enhances access to health care across all of Colorado, particularly where health care premiums are extraordinarily high.

Introduced in the House on Feb. 5, the bill was assigned to the Health, Insurance & Environment Committee and the Appropriations Committee where it will be heard March 1.

EMERGENCY DEPARTMENT LICENSE

NEW HB 1212 Freestanding Emergency Departments Licensure (Reps. Landgraf, Kennedy; None) (support) HB 1212 creates a freestanding emergency department license through the Department of Public Health and Environment (CDPHE) to a health facility that offers emergency care and primary or urgent care services. The state board of health is to adopt licensure requirements and fees, safety and care standards, and staffing requirements. A health facility with a freestanding emergency department license is limited in the amount of facility fees the facility can charge patients. CDPHE may fine or take action on the license of a freestanding emergency department that charges facility fees in violation of the limits established in the bill.

League supports this bill as it heads off surprise expenses and provides transparency to the consumer. It also encourages appropriate level and cost of healthcare services, keeping health care costs down for all consumers. Introduced in the House on Feb. 5, the bill was assigned to Health, Insurance & Environment where it is set to be heard on March 8.

DRUGS FROM CANADA

SB 80 Wholesale Canadian Drug Importation Program (Sen. Aguilar; Rep. Lontine) (support)

The bill directs the design of an import program for prescription drugs from Canada. Heard in the Senate State, Veterans & Military Affairs on Feb. 5 the bill was postponed indefinitely on a 3-2 vote.

Previously reported: [LL#1, p. 12.](#)

All reported by Carol Pace 303.863.0437

INCOME ASSISTANCE

FAMILY AND MEDICAL LEAVE!

HB 1001 Family and Medical Leave Insurance Program (Reps. Winter & Gray; Sens. Fields & Donovan) (support) This bill would create the family and medical leave insurance (FAMLI) program, providing wage replacement benefits to eligible employees. The bill was heard in the House

Business Affairs & Labor Committee on February 6 and was referred, as amended, to the House Committee on Finance where it will be heard on March 7.

Previously reported: [LL#2, p. 11.](#)

HELP WITH COST OF LIVING

Two tax credit extension bills aimed at addressing cost of living issues are progressing through the Legislature. **SB 7 Affordable Housing Tax Credit (Sens. Tate & Guzman; Reps. J. Becker & Duran) (watch)** passed out of the Senate Appropriations Committee on February 14 and will be heard on 2nd reading in the Senate on February 20. **HB 1004 Continue Child Care Contribution Tax Credit (Reps. Coleman & Wilson; Sens. Kefalas & Tate)** was referred on January 29 by the House Finance Committee to House Appropriations where it awaits a hearing.

Both previously reported: [LL#2, p. 11.](#)

All reported by Andrea Wilkins 303.521.1759

STATUS SHEET

The Status Sheet is a regularly updated list of bills being followed by Legislative Action Committee members. New bills are in **boldface**.

S=Support O=Oppose SIP=Support in Part OIP=Oppose in Part W=Watch or Monitor

Policy Area	S/H	Bill #	Bill Title	S/O	LL#	Status
Behavioral Health	SB	22	Clinical Practice For Opioid Prescribing	W	1,3	S-2nd Rdg
Behavioral Health	SB	24	Expand Access Behavioral Health Care Providers	S	1,3	S-App
Behavioral Health	HB	1003	Opioid Misuse Prevention	S	1	H-PHC
Behavioral Health	HB	1007	Substance Use Disorder Payment & Coverage	S	1	H-PHC
Children's Issues	HB	1044	Colorado Children's Trust Fund Act	S	1,2	S-SA
Education	SB	4	Funding For Full-day Kindergarten	S	1,2	PI'd
Education	SB	118	Local School Board Authority Over Charter Schools	S	2	S-ED
Education	HB	1088	Funding For Full-day Kindergarten	S	1	H-App
Education	HB	1232	New School Funding Dist. Formula	S	3	H-ED
Elections	HB	1033	Employee Leave To Participate In Elections	S	1,2,3	S-SA

Elections	HB	1039	Change Date Of Regular Special District Elections	S	1,2	S-SA
Energy	SJM	2	Eliminate Energy Subsidies	S	2	PI'd
Energy	SB	3	Colorado Energy Office	W	2	S-2nd Rdg
Energy	SB	9	Allow Elec Util Cust Install Energy Storage Equip	S	1, 3	H-Trans
Energy	SB	47	Repeal Tax Credits Innovative Vehicles	O	1,3	S-App
Energy	SB	64	Require 100% Renewable Energy By 2035	S	1,2	PI'd
Energy	HB	1107	Prewire Residence For E-vehicle Charging Port	S	2	H-Trans
Energy	HB	1157	Increased Reporting of Gas and Oil Incidents	S	3	H-Trans
Environmental Quality	SB	48	Protect Act Local Gov Auth Oil & Gas Facilities	S	2	PI'd
Environmental Quality	HB	1071	Regulate Oil Gas Operations Protect Public Safety	S	2	S-Ag
Fiscal Policy	SB	61	Reduce The State Income Tax Rate	O	2	S-App
Fiscal Policy	HB	1201	Severance Tax Voter-approved Revenue Change	S	3	H-App
Gun Safety	SB	51	Prohibit Multi-burst Trigger Activators	S	2	S-SA
Gun Safety	SB	52	Repeal Ammo Magazine Prohibition	O	2	S-SA
Gun Safety	HB	1015	Repeal Ammo Magazine Prohibition	O	2	H-SA
Gun Safety	HB	1037	Concealed Handguns On School Grounds	O	1,2	H-SA
Gun Safety	HB	1077	Penalty For Burglary Of Firearms	SIP	2	H-App
Health Care	SB	80	Wholesale Canadian Drug Importation Program	S	1,3	PI'd
Health Care	SB	146	Freestanding Emer Depts Required Consumer Notices	S	2	S-Fin
Health Care	HB	1179	Prohibit Price Gouging of Prescription Drugs	S	3	H-HIE
Health Care	HB	1009	Diabetes Drug Pricing Transparency Act 2018	S	1	H-HIE
Health Care	HB	1118	Create Health Care Legislative Review Committee	S	2,3	H-App
Health Care	HB	1149	Sunset Continue Consumer Insurance Council	S	2,3	H-HIE
Health Care	HB	1205	Financial Relief Defray Individual Health Care Costs	S	3	H-HIE
Health Care	HB	1212	Freestanding Emergency Departments Licensure	S	3	H-HIE
Higher Ed	SB	85	Financial Incentives For Education In Rural Areas	S	1	S-App
Higher Ed	HB	1002	Rural School District Teaching Fellowship Programs	S	1,2	H-App
Income Assistance	SB	7	Affordable Housing Tax Credit	S	2,3	S-2nd Rdg
Income Assistance	HB	1001	FAMLI Family Medical Leave Insurance Program	S	2,3	FIN
Income Assistance	HB	1004	Continue Child Care Contribution Tax Credit	S	2,3	H-App
Justice System	SB	18	CCJJ Criminal Sentencing Study	S	2	S-App
Justice System	HB	1029	Lowering Mandatory Parole From 5 Years To 3 Years	S	1,2	H-App

Justice System	HB	1089	No Monetary Conditions Of Bond For Misdemeanors	S	3	H-Jud
Juvenile Justice	SB	154	Juvenile Planning Committee Crossover Youth Plans	S	2	To House
Juvenile Justice	HB	1010	DHS Report Data & Add Members To Working Group	S	2	A-Jud
Juvenile Justice	HB	1050	Competency to Proceed Juvenile Justice System	S	1,3	S-Jud
Sustainability	SB	142	Pilot Project For Sustainable Communities	W	2	Pl'd
Transportation	SB	1	Transportation Infrastructure Funding	W	2	S-Fin
Voting Rights	SB	76	Ban Vote Trading	W	2,3	H-SA
Voting Rights	SB	150	Voter Regis Individuals Criminal Justice System	S	2,3	S-App
Water	SB	38	Reclaimed Water Use On Industrial Hemp	S	2	S-App
Water	HB	1053	Reclaimed Water Use For Marijuana Cultivation	S	2	H-App
Water	HB	1069	Reclaimed Water Use For Toilet Flushing	S	2	H-App
Water	HB	1093	Reclaimed Water Use For Edible Crops	S	2	H-App

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