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## Legislative Letter

February 25, 2019

LL#4:1

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**ACTION ALERT! Please ask your state representative to support this bill!**

### A REASONABLE GUN SAFETY MEASURE

Whenever we hear about yet another mass killing, most of us wonder, “Why didn't someone take that guy's guns away?” The **NEW** **Extreme Risk Protective Order (ERPO) HB 1177 (support)**, proposes to do just that. This measure, known as the Red Flag Act, already enacted in some form in 13 states, is sponsored by **Rep. Sullivan and Rep. Garnett as well as Sen. Court and Sen. Pettersen.**

The bill creates the ability for a family or household member or a law enforcement officer to petition the court for an ERPO. The petitioner must establish by a preponderance of the evidence that a person poses a significant risk to self or others by having a firearm in his or her custody or by control, or by possessing, purchasing, or receiving a firearm.

Note: This is different from our current laws for an involuntary mental health hold, which says that the danger must be imminent.

The petitioner must submit an affidavit that sets forth facts to support the issuance of a temporary ERPO and a reasonable basis for believing they exist. The court must hold a temporary ERPO hearing in person or by telephone on the day the petition is filed or in court the day after.

A petition must, among other things;

- Allege that the respondent poses a significant risk of causing injury to self or others by having access to a firearm.
- Be accompanied by an affidavit stating the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the respondent.
- If possible, identify the number, types, and locations of any firearms the petitioner believes to be in the respondent's possession.

Note: There is not a requirement that the respondent “appears to have a mental health disorder” as in current law. Indeed, the bill lists several conditions that suffice, such as a credible threat of violence, a pattern of acts during the past year, a conviction of domestic violence, corroborated evidence of abuse of drugs or alcohol, and

others. The bill also allows the judge, if it seems appropriate, to issue a mental health hold under current law, which is not changed by this bill.

The court must schedule a second hearing no later than 14 days to determine whether the issuance of a continuing ERPO is warranted. The court shall appoint counsel to represent the respondent at the hearing. If the petitioner establishes by clear and convincing evidence that a person poses a significant risk to self or others by having a firearm in his or her custody, the court may issue a continuing ERPO. The ERPO prohibits the respondent from possessing, controlling, purchasing, or receiving a firearm for 364 days. Upon issuance of the ERPO, the respondent shall surrender all his or her firearms and his or her concealed-carry permit if the respondent has one. If needed, the judge may also order a search warrant. The respondent may surrender his or her firearms either to a law enforcement agency or a federally licensed firearms dealer. If a person other than the respondent claims title to any firearms surrendered to law enforcement, the firearm shall be returned to him or her.

HB 1177 was heard in the House Judiciary Committee on Feb. 21 beginning at 1:30 p.m. in front of a standing-room only crowd along with a nearly-filled overflow room. Approximately 250–300 were in attendance, about equally divided between those for and against the bill. Opponents were most concerned about the “lack of due process” in taking someone's guns away, and said that they wanted to strengthen the mental health hold criteria instead. Supporters replied that taking away someone's freedom was more serious than temporarily taking their guns. Opponents were also concerned about the possibility for spurned lovers lying about a gun owner just to get back at them, but this is clearly spelled out as felonious perjury, and has not been a problem in those states where this measure is already law.

Despite the horror we all feel when mass shootings take place and the desire to prevent those massacres, it is likely that most of the lives saved by this process will be the lives of gun owners themselves, as two-thirds of all gun deaths are suicides.

The committee members asked many thoughtful questions of the various testifiers, including asking this author about domestic violence and victims of early stage Alzheimer's disease. It took more than 10 hours to finish hearing all testimony. Finally, the vote was taken just after midnight, and the bill passed [7-4](#). It now goes to the House Appropriations Committee on Feb. 28.

The Colorado Coalition Against Gun Violence (CCAGV), a group of civic non-profits of which LWVCO is a member, has asked all its members to call or email the legislators to support this bill because the NRA and the Rocky Mountain Gun Owners are lobbying heavily against it. **Because the League has members across the state, we are in a position to be more effective than any other CCAGV member. Please help if you can.**

Jean Fredlund 303.863.0437

## **GOVERNMENT**

### **ELECTIONS**

#### **NATIONAL POPULAR VOTE AGREEMENT**

**SB 042 National Popular Vote (Sen. Foote; Reps. Sirota & Arndt) (support)** This bill has passed in

the House by a vote count of [34 to 29](#). It previously was passed in the Senate. It now goes to Governor Polis to sign. The LWV had a panel of three to testify in favor during the House State, Veterans, & Military Affairs Committee and several other LWV members testified in favor as well. During the House Second Reading debate, it was brought up that LWV has favored a popular vote for president since 1970.

The public testimony during the House Committee went on for over four hours and had both supporters and opponents. The House Second Reading debate also went on for about four hours and had vigorous remarks from both supporters and opponents. Supporters, such as the LWV, say that popular vote would enfranchise every voter in every state, would increase voter turnout, and would eliminate favoritism for swing states. Opponents express concern about the constitutionality of popular vote, concern about increasing direct power of the majority, and concern that Colorado voters would prefer to have their vote for president aggregated with other Coloradans instead of aggregated with other US citizens.

Previously reported: [LL#1](#), p. 7; [LL#2](#), p. 2; [LL#3](#), p. 2.

Linda Sorauf 720.593.8678

## **CAMPAIGN CONTRIBUTION LIMITS**

### **HB 1007 Contribution Limits For County Offices (Rep. Sirota; Sen. Zenzinger) (support)**

This bill establishes campaign contribution limits for candidates for county offices. Current law regulating campaign finance does not set limits on contributions to candidates for a county office. During committee testimony, Rep. Sirota reported that the vast majority of contributions are \$100 or less, but there are some outliers in the \$5,000-\$40,000 range.

The bill passed 3rd Reading in the House on February 15 on a [40-23](#) vote. It was assigned to the State Affairs Committee, where it is scheduled to be heard on March 4.

Previously reported: [LL#1](#), p. 7; [LL#2](#), p. 3.

Peggy Leech 303.666.4720

## **EQUAL OPPORTUNITY**

### **EQUAL PAY FOR EQUAL WORK ACT**

**NEW** **SB 85 Equal Pay For Equal Work Act (Sens. Danielson & Pettersen; Reps. Buckner & Gonzales-Gutierrez) (support)** The bill will implement best practices to prevent pay disparities based on sex or any other protected status.

The Senate Judiciary Committee heard testimony in an overflowing hearing room in support of the Equal Pay for Equal Work Act on Feb. 20. The committee amended the bill to allow up to three years of back pay for pay disparities. The bill as introduced called for up to six years of back pay. The committee referred the amended bill to Appropriations on a vote of [3-2](#).

Harry Hempy 303.459.0172

## **JUVENILE JUSTICE**

### **JUVENILE JUSTICE REFORM BILL INTRODUCED**

**NEW** **SB 108 Juvenile Justice Reform (Sen. Lee & Gardner; Rep. Michaelson Jenet & Soper) (support)** is a significant juvenile justice reform bill that is based on recommendations from the Governor's Youth Task Force. It focuses on reforming juvenile diversion and probation procedures by standardizing those procedures statewide. It also has as a goal the reduction of the number of youth who will become involved in the formal juvenile justice system. According to the bill, research has shown that low risk youth are harmed when they become involved in the formal juvenile court system. Diversion services are a way to keep youth out of the formal court system.

The bill creates a committee on juvenile justice reform in the governor's office. The committee will adopt a validated risk and needs assessment tool to be used by all juvenile courts, the Division of Youth Services (DYS), and all juvenile probation and parole departments. It will also select a mental health screening tool for juveniles, and a validated

risk screening tool to be used by all the district attorneys to determine a juvenile's eligibility for diversion. The committee will also select a vendor to assist in implementing these tools. DAs must use the risk screening tools when determining a youth's eligibility for diversion and need for services.

The bill requires an existing DYS working group to adopt a research-based detention screening instrument, to develop a plan for training on the use of the instrument and to establish criteria for alternative services and report on their effectiveness. This instrument must be used before removing a youth from the custody of his/her parent and unless a youth needs to be physically restricted, custody of the youth must be given to kin or another person. Also, the courts are required to use this instrument when releasing a youth from detention.

Regarding juvenile probation, the bill requires the state court administrator to develop a statewide system of graduated responses and incentives to change a youth's behavior and to address any violations a youth may have committed. Also, the administrator must develop statewide standards for juvenile probation supervision and services and provide annual training on those standards.

As of this writing there has been no fiscal impact statement posted, and the bill is scheduled to be heard in Senate Judiciary on February 27.

Carla Bennett 303.757.2930

## **YOUTH SERVICES PILOT PROGRAM**

**NEW** SB 136 Expand Div Youth Services Pilot Program (Sen. Lee; Rep. Gonzales-Gutierrez) (support) is scheduled to be heard in Senate Judiciary on February 25<sup>th</sup>. The bill expands a pilot program within the Division of Youth Services (DYS) to a second location. The current pilot program was implemented to help establish a division-wide therapeutic and rehabilitative culture within the Division with the goal of keeping youth and staff safe without using seclusion and restraints other than handcuffs. The pilot program is testing the effectiveness of a therapeutic group treatment approach.

The bill has a fiscal impact of \$267,372 and 0.5 FTE for FY 2019-20; \$420,995 and 1.0 FTE for FY 2020-21; and \$90,995 and 1.0 FTE for FY 2021-22.

The League supports efforts to make our juvenile justice system safer and more rehabilitative and treatment oriented to improve the outcomes for the youth it serves.

Carla Bennett 303.757.2930

## **VOTING RIGHTS**

### **PROOF OF CITIZENSHIP FOR VOTER REGISTRATION**

**HB 1156 Proof of Citizenship to Register to Vote (Rep. Neville; None) (oppose)** This bill would have required proof of citizenship to register to vote at voter service & polling centers in the 22 days prior to an election & on election day. When asked why this bill was being brought forward, the sponsor replied that while there's ample time to vet voter registrations during the remainder of the year, registrations submitted close to election day did not have adequate time to be scrutinized and, therefore, it might be possible for noncitizens to vote. Testimony included five supporting, one neutral, and 13 opposed. During closing remarks, representatives opposed to the bill commented on the lack of evidence of noncitizens voting and that provisional ballots provided the extra time needed to review questionable registrations, while representatives supporting the bill commented on the need to balance rights with election integrity. It was heard in the House State, Veterans & Military Affairs Committee on February 12<sup>th</sup> and was Postponed Indefinitely on a vote of [6-3](#).

Previously reported: [LL#3](#), p. 4.

Holly Monkman 607.272.0688

# **NATURAL RESOURCES**

## **ENERGY**

### **AMENDMENT COSTS THE STATE**

#### **HB 1003 Community Solar Gardens Modernization Act (Rep. Hansen; None)**

**(support)** This bill increases the maximum size of a community solar garden from two megawatts to five MW. An amendment by the House Energy committee extended a property tax exemption for community solar gardens from 2020 until 2026. The fiscal note shows no impact to the General Fund for FY 2019-20. The extension will require general fund appropriations of \$1,623,677 in FY 2021-22 through 2026-27 to backfill the projected reduction in local property tax revenues that finance public schools. These costs will be partially offset by increases in the general fund revenues by an estimated \$37,974 in FY 2021-22 and growing to \$75,949 in FY 2022-23.

It is scheduled for a hearing in House Appropriations on February 28.

Previously reported: [LL#1](#), p. 9; [LL#2](#), p. 6.

Amy Sherwood 303.230.0236  
Ann Sutton 303.903.2097

## **WATER**

### **XERISCAPE BILL TO GOVERNOR**

**HB 1050 Encourage Use of Xeriscape in Common Areas (Rep. Titone; Sens. Priola & Winter) support)** This bill extends permission for homeowners with HOAs to have more options and choice of extending drought tolerant landscaping to common areas within their community. It preserves the diminishing water supply needed for drinking and agriculture in the state. HOAs support the bill.

The bill was introduced in the Senate Local Government Committee on February 12. It passed out of the committee without amendments, on a vote of [5 to 0](#), to the Committee of the Whole. The

bill passed Third Reading on a [25-9-1](#) vote on February 19.

Previously reported: [LL#2](#), p. 8; [LL#3](#), p. 5.

Amy Sherwood 847.239.0236  
Jeannette Hillery 303.494.7718

### **RECYCLED WATER FOR FLUSHING**

#### **NEW HB 1200 Reclaimed Water Use Point of Compliance (Rep. Arndt; None) (support)**

During the 2018 legislative session the general assembly authorized use of reclaimed domestic wastewater for food crops, industrial hemp and toilet flushing. Certain water quality standards would have to be met, set by the Water Quality Control Commission (WQCC). This bill authorizes the WQCC to adopt rules for a point of compliance for disinfection residual from the treatment process for water to be used in toilet flushing in buildings where the public can access the plumbing fixtures used to deliver the reclaimed domestic wastewater. If the WQCC adopts rules, they will establish a point of compliance for disinfection residual at a single location.

The use of reclaimed water is to be pursued in order to extend a water system in an arid state.

The bill is scheduled for a hearing in House Rural Affairs and Agriculture on March 4.

Jeannette Hillery, 303.494.7718



## **SOCIAL POLICY**

### **BEHAVIORAL HEALTH BILLS ADVANCE**

**HB 1044 Advanced Behavioral Health Treatment (Reps. Kraft-Tharp & Landgraf; Sens. Todd & Coram) (support)** This bill would establish rules for advance behavioral health orders determining the scope of treatment an adult wishes to receive under certain behavioral health circumstances.

The bill passed the Senate Health and Human Services Committee to the full Senate on Feb 21 on a vote of [3-2](#). It is scheduled to be heard on Second Reading on February 26.

Previously reported: [LL#2](#), p. 8; [LL#3](#), p. 6.

**SB 010 Professional Behavioral Health Services for Schools (Sen. Fields; Rep. McLachlan & D. Valdez) (support)** This bill expands the grant program that exists for behavioral health services in schools. The League supports this under its support for improved school financing.

The bill passed out of Senate Health & Human Services and was referred to Appropriations, which amended the bill to add \$3,000,000 to the appropriation from the marijuana tax cash fund.

Previously reported: [LL#2](#), p. 9; [LL#3](#), p. 6.

**HB 1120. Youth Mental Health Education and Suicide Prevention (Reps. Michaelson Jenet & Roberts; Sens. Fenberg & Coram)** The bill allows a minor of 12 years or older to seek and obtain psychotherapy services with or without the consent of the minor's parents. It also requires the several related agencies and organizations to maintain a mental health education literacy resource bank to be made available to the public at no charge.

A hearing (for testimony only) was held on Feb 20 in the House Public Health Care and Human Services committee. The discussion focused largely on the issue of suicide prevention in younger children and the high rates of child suicide in

Colorado. The bill will be voted on in committee on March 1.

Previously reported: [LL#3](#), p. 6.

All reported by Marcia Marshall 410.271.3420

### ***CHILDREN'S ISSUES***

#### **CARENetwork PROPOSED**

In Colorado, with only six board-certified specialists in the field of child abuse pediatrics (five in Denver and one in Colorado Springs), there is limited access to expert medical exams and behavioral health assessments necessary to evaluate suspected cases of child abuse and neglect.

**NEW** **HB 1133 CO Child Abuse Response and Evaluation Network (Rep. Caraveo; Sen. Fields) (support)** creates the Colorado child abuse and evaluation network (CARENetwork) within the Colorado Department of Public Health and Environment (CDPHE) to provide improved services to young children who are experiencing physical or sexual abuse or neglect. CDPHE will contract with a resource center that will establish the CARENetwork, and the Department will coordinate with the Department of Human Services when implementing the network.

The resource center will develop and maintain a standardized, coordinated medical response to suspected child abuse and neglect. It will provide education and training to providers who are serving children in their communities and will develop a referral process to designated providers so that children can receive appropriate care. It will also collect and analyze data to identify and monitor outcomes of the network in order to develop best practices.

There will be a fiscal note for this bill, but it is not yet available. In order to keep the cost down, the bill only applies to services to young children. It is hoped that if the network is successful for young children, it can be expanded to include older children in the future.

The bill is scheduled to be heard in House Public Health Care and Human Services on Feb. 27.

Carla Bennett 303.757.2930

## **EDUCATION**

### **SEX ED PASSES THE HOUSE**

**HB 1032 Comprehensive Human Sexuality Education (Reps. Lontine & Caraveo; Sens. Todd & Coram) (support)** This bill amends and clarifies current Colorado law requiring comprehensive sex ed in public schools that opt to offer such instruction. The law does not mandate sex ed and allows parents to opt their children out of the instruction. It expands protection for and inclusion of all students, including LGBT relationships, and expands funding for and oversight of a corresponding grant program. After 7 hours of debate, and the introduction by opponents of 25 amendments, 2 of which passed, the bill passed Second Reading on Feb. 15. The bill passed Third Reading with no amendments on February 19 by a vote of [39-23-2](#).

Previously reported: [LL#2](#), p. 9; [LL#3](#), p. 7.

Kimberly Grogan 303.919.0822

### **INCOME TAX CREDIT FOR EARLY CHILDHOOD EDUCATORS**

**NEW HB 1005 Income Tax Credit For Early Childhood Educators (Sens. Todd & Priola; Rep. Buckner & Wilson) (support)** This bill promotes early childhood education by providing a state income tax credit of up to \$2000 to Early Childhood Professional-credentialed early childhood educators. The educators must be employed in specified types of facilities, which meet specified criteria. The cost of the bill is estimated to be about \$12,000,000 per year, with participation by about 7000 educators.

After passing the Education Committee [9-3](#), House Finance referred the bill to Appropriations, unamended, on Jan. 28 on a vote of [8-3](#).

Harry Hempy 303.459.0172

## **EARLY CHILDHOOD DEVELOPMENT SPECIAL DISTRICT**

**NEW HB 1052 Early Childhood Development Special District (Reps. McCluskie & Rich; None) (support)** The bill authorizes the creation of early childhood development service districts (districts) to provide services for children from birth through eight years of age. Early childhood development services are defined to include early care and educational, health, mental health, and developmental services, including prevention and intervention. Districts are authorized to seek voter approval to levy property taxes and sales taxes in the district to generate revenues to provide early childhood development services.

The House passed the bill on Second Reading on Feb. 22.

Harry Hempy 303.459.0172

### **WHAT IS EQUALITY?**

**NEW HB 1190 Repeal Of Mill Levy Equalization Fund (Rep. Kipp; None) (support)** Effective June 30, 2019, the bill repeals the mill levy equalization fund through which the General Assembly appropriated money to the state Charter School Institute (CSI) for distribution to Institute charter schools. The fund was created in 2017 when HB17-1375 mandated that school districts distribute a share of mill override levies to district charter schools on a per-pupil basis. The state was to create a fund to be distributed to CSI schools.

The League opposed SB17-61, which morphed into HB 1375, two years ago based on League support for local control and **equity** for students, taxpayers and school districts. At a time when state funding ranks \$2800 per pupil below the national average and many, if not all, charter schools receive substantial private and federal grants, and the state continues to underfund our schools to the tune of \$500K a year, it seems unwise to water down resources for all state-supported schools to support charter schools that have not become integrated into their own school districts. Taxpayers across the

state are now picking up the tab for their own schools as well as CSI charter schools.

This bill is scheduled for hearing in House Education on March 5.

Patty Cordova 303.388.0012

## **HEALTH CARE**

### **NEW ATTEMPTS AT CONTROLLING COSTS**

**NEW** **HB 1168 State Innovation Waiver Reinsurance Program (Reps. McCluskie & Rich; Sens. Donovan & Rankin) (watch)** The bill authorizes the commissioner of insurance to apply for a state innovation waiver, for federal funding, or both, to allow the state to implement and operate a reinsurance program to assist health insurers in paying high-cost insurance claims. The state cannot implement the program absent a waiver or funding approval from the secretary. The program is established as an enterprise for purposes of the state constitution.

League is taking a watch position on this bill which could result in greater premium affordability, or could alternatively have the unintended consequence of facilitating insurance participation and competition only for the healthiest populations, encouraging a return to discrimination against pre-existing conditions. The program may diminish transparency and research into health care pricing spirals and the root causes of the inflationary health care cost trend – which is not correlated with improved health. Data cited to support this program is from one or more states that do not compare to Colorado in terms of population, demographics or insurer participation, and, therefore, consumer cost savings projections are speculative at best. The Fiscal Note on the bill will be important to the discussion.

The bill was assigned to Health & Insurance and will be heard February 27.

**NEW** **HB 1174 Out of Network Health Care Services (Reps. Esgar, Catlin; Sens. Gardner, Pettersen) (support)** The bill requires health insurance carriers, health care providers, and health care facilities to provide patients covered by health benefit plans with information concerning the provision of services by out-of-network providers and in-network and out-of-network facilities. The bill establishes the reimbursement amount for out-of-network providers that provide health care services to covered persons at an in-network facility and for out-of-network providers or facilities that provide emergency services to covered persons. The bill creates a penalty for failure to comply.

League supports this bill which both provides a cap on what out-of-network providers can charge an insurer and holds the consumer harmless. The greater transparency for the consumer increases affordability and, therefore, access to health care.

The bill was assigned to Health & Insurance where it is not yet scheduled.

**NEW** **HB 1176 Health Care Cost Savings Act of 2019 (Reps. Sirota & Jaquez Lewis; Sen. Foote) (support)** The bill creates the health care cost analysis task force, which will include the executive directors of the Departments of Human Services, Public Health and Environment, and Health Care Policy and Financing, or their designees, as well as other appointees. The task force will direct an analyst to complete a health care cost analysis of four health care financing systems, to include: the current health care financing system, in which residents receive health care coverage from private and public insurance carriers or are uninsured; a public option system, in which health benefit plans are sold through the Colorado health benefit exchange, with additional funding as necessary through the general fund; a multi-payer universal health care financing system, in which competing insurance carriers or health maintenance organizations receive payments from a public financing authority; and a publicly financed and privately delivered universal health care system that directly compensates providers.



The analyst is required to use the same specified criteria when conducting the analysis of each health care financing system. The task force is required to report the findings of the analyst to the general assembly. The task force may seek, accept, and expend gifts, grants, and donations for the analysis. The general assembly may appropriate money to the health care cost analysis cash fund for the purposes of the task force, the analysis, and reporting requirements.

The bill was assigned to Health & Insurance where it will be heard February 27.

**NEW SB 134 Out-of-Network Health Care Disclosures and Charges (Sen. Soper; Reps. Fields, Tate) (support)** The bill sets the reimbursement rate that a health insurance carrier must pay a health care facility if a covered person is treated for emergency services. The bill requires in-network health care facilities and health care providers to make disclosures to patients covered by a health benefit plan concerning the provision of services by an out-of-network provider. The bill outlines the claims and payment process, including reimbursement rates for the provision of out-of-network services for health care facilities and health care providers and authorizes arbitration for the payment of health care claims that are in dispute. The commissioner of insurance is required to submit a report annually to the general assembly concerning unanticipated out-of-network services.

As with HB 1174, League supports this bill which provides greater transparency for the consumer and, therefore, offers greater affordability and access to health care.

The bill was assigned to Health & Human Services and has not yet been scheduled.

**SB 098 Cost-based Reimbursement for Rural Hospitals (Sen. Crowder; none) (watch)** The bill requires Colorado's program of medical assistance to pay rural critical access hospitals and sole community hospitals for outpatient hospital services pursuant to a cost-based reimbursement methodology using 100% of actual cost.

The bill was heard in Finance on February 12 where the sponsor requested it be postponed indefinitely, and this was done on a [unanimous](#) vote.

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

All reported by Carol Pace 303.863.0437

**Correction:** In the last issue of the Legislative Letter, we reported that **HB 1150 Recreate Consumer Insurance Council** is sponsored by Senator Titone and Representative Danielson. The correct titles are Representative Titone and Senator Danielson. We regret the error.

## MATERNAL MORTALITY STUDY

**HB 1122 CO Department of Public Health and Environment Maternal Mortality Review Committee (Reps. Buckner & Landgraf; Sens. Fields & Gardner) (support)** This bill creates a maternal mortality review committee, which will be required to review maternal deaths, identify the causes of maternal mortality, and develop recommendations to address preventable maternal deaths. The League supports this effort at improving maternal health care.

The bill was heard on Feb 13 in the Public Health Care & Human Services committee. It was passed out of committee [unanimously](#) with minor amendments and referred to House Appropriations.

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

Marcia Marshall 410.271.3420

## ***HOUSING SUPPLY***

### **AFFORDABLE HOUSING/TENANT PROTECTIONS**

**HB 1170 Residential Tenants Health and Safety Act (Reps. Jackson & Weissman; Sens. Williams & Bridges) (support)** The bill increases tenant protections relating to the residential warranty of habitability. The bill protects the rights of tenants to negotiate for proper maintenance and management of facilities.

The bill, with clarifying amendments, passed in Public Health Care & Human Services on a vote of

[6-2](#) and was referred to the full House. Second Reading is scheduled for February 25.

Previously reported: [LL#3](#), p. 4.

**HB 1106 Rental Application Fees (Reps. Titone & Gonzales-Gutierrez; Sen. Pettersen) (support)**

The bill states that a landlord may not charge a prospective tenant a rental application fee unless the landlord uses the entire amount of the fee to cover the landlord's costs in processing the rental application.

The bill, with clarifying amendments, passed in Business Affairs and Labor on a vote of [7-4](#). The bill, with clarifying amendments for landlord protection, passed the House on a vote of 40-23. The House amendments include:

- Requiring a landlord to make a good-faith effort to provide a notice of denial to a prospective tenant within a 20-day time period after making the decision to deny the application;
- Requiring that a landlord shall not consider a criminal record that occurred more than five years before the date of the application except for convictions related to methamphetamine and amphetamine and any felony offense that required the prospective tenant to register as a sex offender;
- Stating that a landlord who corrects or cures a violation of any provision within seven days after receiving notification of the violation is immune from liability for the violation; and
- Stating that a person who intends to file an action shall make a good-faith effort to notify the landlord not less than seven days before filing the action.

Previously reported: [LL#2](#), p. 3; [LL#3](#), p. 4.

**HB 1118 Time Period To Cure Lease Violation (Reps. Jackson & Galindo; Sen. Williams)**

**(support)** Current law requires a landlord to provide a tenant three days to cure a violation for unpaid rent or any other condition or covenant of a lease agreement, other than a substantial violation, before the landlord can initiate eviction proceedings. The bill amends the time period for eviction from three days to 14 days. The bill would allow additional time for tenants to negotiate for proper maintenance, management of facilities and

would not preclude the landlord from charging and collecting late fees for overdue rent.

The bill was assigned to Business Affairs and Labor and then referred unamended to Transportation and Local Government. A hearing is scheduled for February 27.

Previously reported: [LL#2](#), p. 3.

All reported by Kathy Smith 303.278.8025

***INCOME ASSISTANCE***

**CHILD TAX CREDIT**

**NEW** **HB 1164 Child Tax Credit (Sen. Priola; Reps. Singer & Zenzinger) (support)** In 2013, the general assembly created a child tax credit against state income taxes for a resident individual. But the credit, which is a percentage of the federal child tax credit based on the taxpayer's income, would only be allowed after the United States congress enacted a version of the "Marketplace Fairness Act". The bill repeals the contingent start of the tax credit and instead allows the credit to be claimed for any income tax year beginning with the 2019 income tax year.

The House Finance Committee is scheduled to hear the bill on Feb. 25.

Harry Hempy 303.459.0172

**CHILD CARE EXPENSES TAX CREDIT FOR LOW-INCOME FAMILIES**

**NEW** **HB 1013 Child Care Expenses Tax Credit Low-income Families (Sen. Pettersen; Rep. Exum) (support)** Under current law, the existing state income tax credit for child care expenses for low-income taxpayers is set to expire after the tax year 2020. The bill, as amended by the House Finance Committee on Jan. 24, extends the tax credit until the tax year 2029.

The House Finance Committee referred the bill, as amended, to Appropriations on Jan. 24 on a vote of [10-1](#).

Harry Hempy 303.459.0172

## 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	10	Prof'l Behavioral Health Services For Schools	S	2,3	S-App
Behavioral Health	HB	1009	Substance Use Disorders Recovery	S	2	H-PHCHS
Behavioral Health	HB	1044	Advance Behavioral Health Orders Treatment	S	2,3,4	S-2nd Rdg
Behavioral Health	HB	1120	Youth Mental Hlth Ed & Suicide Prevention	W	3,4	H-PHCHS
Children's Issues	HB	1063	At-risk Information Sharing Between County Depts	S	3	S-Jud
<b>Children's Issues</b>	<b>HB</b>	<b>1133</b>	<b>CO Child Abuse Response And Evaluation Network</b>	<b>S</b>	<b>4</b>	<b>H-PHCHS</b>
Education	SB	2	Regulate Student Education Loan Servicers	S	3	S-Fin
Education	SB	3	Educator Loan Forgiveness Program	S	2	S-App
Education	SB	9	Financial Incentives For Rural Educators	S	2,3	H-App
Education	SB	33	Automatic Law Waivers For School Districts	O	2	PI'd
<b>Education</b>	<b>HB</b>	<b>1005</b>	<b>Income Tax Credit For Early Childhood Educators</b>	<b>S</b>	<b>4</b>	<b>H-App</b>
Education	HB	1032	Comprehensive Human Sexuality Education	S	2,3,4	S-HHS
<b>Education</b>	<b>HB</b>	<b>1052</b>	<b>Early Childhood Development Special District</b>	<b>S</b>	<b>4</b>	<b>H-3rd Rdg</b>
<b>Education</b>	<b>HB</b>	<b>1190</b>	<b>Repeal Of Mill Levy Equalization Fund</b>	<b>S</b>	<b>4</b>	<b>H-Ed</b>
Elections	SB	42	National Popular Vote	S	1,2,3,4	To Gov
Elections	HB	1007	Contribution Limits For County Offices	S	1,2,4	S-SVM
Elections	HB	1056	Election Day Holiday In Place Of Columbus Day	W	2,3	PI'd
Energy	HB	1003	Community Solar Gardens Modernization Act	S	1,2,4	H-App
Environmental Quality	SB	34	Local Gov Recycling Standards For Food Containers	W	2	S-LG
Environmental Quality	SB	53	California Motor Vehicle Emission Standards	O	1	PI'd
Environmental Quality	SB	96	Collect Long-term Climate Change Data	S	2	S-T&E
Environmental Quality	HB	1006	Wildfire Mitigation Wildland-urban Interface Areas	W	3	H-RAA
<b>Equal Opportunity</b>	<b>SB</b>	<b>85</b>	<b>Equal Pay For Equal Work Act</b>	<b>S</b>	<b>4</b>	<b>S-App</b>
Equal Opportunity	HB	1096	Colorado Right To Rest	S	2	H-TLG
Fiscal Policy	SB	55	Reduce State Income Tax Rate	O	2,3	PI'd
Gun Safety	HB	1021	Repeal Ammunition Magazine Prohibition	O	2	PI'd
Gun Safety	HB	1022	Deadly Force Against Intruder At A Business	O	2	PI'd
Gun Safety	HB	1049	Concealed Handguns On School Grounds	O	2	PI'd
<b>Gun Safety</b>	<b>HB</b>	<b>1177</b>	<b>Extreme Risk Protection Orders</b>	<b>S</b>	<b>4</b>	<b>H-App</b>
Health Care	SB	1	Expand Medication-assisted Treatment Pilot Program	S	1,2	S-App
Health Care	SB	4	Address High-cost Hlth Insurance Pilot Program	S	1,2	S-HHS
Health Care	SB	5	Import Prescription Drugs From Canada	S	1,2	S-App
Health Care	SB	15	Create Statewide Health Care Review Committee	S	1,2	S-App
Health Care	SB	98	Cost-based Reimbursement For Rural Hospitals	W	2,4	PI'd

<b>Health Care</b>	<b>SB</b>	<b>134</b>	<b>Out-of-network Health Care Disclosures &amp; Charges</b>	<b>S</b>	<b>4</b>	<b>S-HHS</b>
Health Care	HB	1001	Hospital Transparency Measures To Analyze Efficacy	S	2	S-HHS
Health Care	HB	1004	Proposal For Affordable Health Coverage Option	S	1,2	H-App
Health Care	HB	1010	Freestanding Emergency Departments Licensure	S	1,2	S-HHS
Health Care	HB	1122	CDPHE Maternal Mortality Review Committee	S	2,4	H-App
Health Care	HB	1150	Recreate Consumer Insurance Council	S	3	H-App
<b>Health Care</b>	<b>HB</b>	<b>1168</b>	<b>State Innovation Waiver Reinsurance Program</b>	<b>W</b>	<b>4</b>	<b>H-HI</b>
<b>Health Care</b>	<b>HB</b>	<b>1174</b>	<b>Out-of-network Health Care Services</b>	<b>S</b>	<b>4</b>	<b>H-HI</b>
<b>Health Care</b>	<b>HB</b>	<b>1176</b>	<b>Health Care Cost Savings Act of 2019</b>	<b>S</b>	<b>4</b>	<b>H-HI</b>
Housing Supply	HB	1106	Rental Application Fees	S	2,3,4	To Senate
Housing Supply	HB	1118	Time Period To Cure Lease Violation	S	2,4	H-TLG
Housing Supply	HB	1170	Residential Tenants Health & Safety Act	S	3,4	H-2nd Rdg
Income Assistance	SB	132	Senior Property Tax Exemption Medical Necessity	S	3	S-Fin
<b>Income Assistance</b>	<b>HB</b>	<b>1013</b>	<b>Child Care Expenses Tax Credit Low-income Families</b>	<b>S</b>	<b>4</b>	<b>H-App</b>
<b>Income Assistance</b>	<b>HB</b>	<b>1164</b>	<b>Child Tax Credit</b>	<b>S</b>	<b>4</b>	<b>H-Fin</b>
Justice System	SB	8	Substance Use Disorder Treatment In Crim Jus Sys	S	1	S-Jud
Justice System	SB	64	Retain Criminal Justice Programs Funding	S	1,3	S-App
Justice System	SB	100	Unauthorized Disclosure Of Intimate Images Act	S	2,3	S-Jud
Justice System	HB	1025	Limits On Job Applicant Criminal History Inquiries	S	1,3	H-2nd Rdg
Justice System	HB	1051	CDPS Human Trafficking-related Training	S	2	H-App
<b>Juvenile Justice</b>	<b>SB</b>	<b>108</b>	<b>Juvenile Justice Reform</b>	<b>S</b>	<b>4</b>	<b>S-Jud</b>
<b>Juvenile Justice</b>	<b>SB</b>	<b>136</b>	<b>Expand Div Youth Services Pilot Program</b>	<b>S</b>	<b>4</b>	<b>S-Jud</b>
Reproductive Freedom	HB	1103	Protect Human Life At Conception	O	3	PI'd
Voting Rights	HB	1156	Proof Of Citizenship To Register To Vote	O	3	PI'd
Water	HB	1050	Encourage Use Of Xeriscape In Common Areas	S	2,3,4	To Gov
Water	HB	1071	CDPHE Water Quality Control	S	2	To Gov
Water	HB	1113	Protect Water Quality Adverse Mining Impacts	S	2	S-Ag
<b>Water</b>	<b>HB</b>	<b>1200</b>	<b>Reclaimed Domestic Wastewater Point Of Compliance</b>	<b>S</b>	<b>4</b>	<b>H-RAA</b>

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. If you find errors in the Letter, please contact Frank Bennett at 303.757.2930 or [FrankBennett65@gmail.com](mailto:FrankBennett65@gmail.com)