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Legislative Letter

March 25, 2019

LL#6:1

ASSISTANCE FOR STRUGGLING COLORADANS

Three bills are making progress through the legislature that could assist Coloradans who are having a hard time making ends meet even as the economy continues to flourish.

HB 1210 Local Government Minimum Wage (Sen. Danielson, Moreno; Rep. Melton, Galindo) (support) will repeal the prohibitions on a local government enacting minimum wage laws within its jurisdiction.

The House passed the bill on third reading on March 11 on a [40-24](#) vote. It was assigned to Senate Business, Labor, & Technology Committee on March 13. It is not yet scheduled there.

While there are always concerns about how raising the minimum wage will affect businesses, this bill allows flexibility between different parts of the state, where different wages may be appropriate. In the Denver area, even some fast food restaurants are offering more than the minimum wage because of the competition for employees. Different jurisdictions may find they are benefiting the businesses in their area by raising the minimum wage and helping them attract employees from neighboring cities or counties that are staying with the state minimum.

Previously reported: [LL#5, p. 11](#).

While it is important to earn more money if you are supporting a family, it is also important to keep that money and not have to spend it on taxes. In 2013, the general assembly created a child tax credit against state income taxes for Colorado residents. But the credit would be in effect only after the United States congress enacted a specific piece of legislation (which has not happened). This bill repeals that condition and allows the credit to be claimed for any income tax year beginning with the 2019 income tax year.

The child tax credit is estimated to cost approximately \$80M in state income tax revenue annually. (It is expected that this would reduce TABOR refunds as well as competing with other spending priorities, at least in some years.) Around 60% of the tax credit goes to filers with Adjusted Gross Income of \$25,000 or less (\$35,000 for joint filers).

The House Finance Committee referred the amended bill to Appropriations on Feb. 25 on a 6-5 vote.

Previously reported: [LL#4, p. 10](#).

Finally, it is crucial to economic security to be protected from a loss of income if you become ill or if you must care for a family member who is ill. **SB 188 Family Medical Leave Insurance Program (Sens. Winter & Williams; Reps. Gray & Duran) (support)** creates the family and medical leave insurance (FAMLI) program and the Division of Family and Medical Leave Insurance (Division) in the Department of Labor and Employment to provide partial wage replacement benefits to an eligible individual who takes leave from work for health reasons, to care for a family member, or for other specified reasons.

The Senate Committee on Business, Labor, & Technology referred the bill, amended, to Finance on March 13 on a vote of [3-2](#). Senate Finance Committee heard testimony on the bill on March 19 and laid the bill over for further consideration because testimony on the bill ended at 10:00 p.m. (No further hearing is scheduled at this time.)

Testimony covered several issues:

Large, established companies and public employers often offer employees competitive benefit packages that include paid leave to employees for family medical situations such as birth of a child. Unfortunately, most Colorado workers don't get these benefits. Small businesses generally do not have the resources to provide paid leave and, thus, are at a competitive disadvantage in recruiting and retaining employees.

A statewide family medical leave insurance program can fund paid family medical leave for all employees in Colorado at a fraction of the cost of private short-term disability insurance policies. This will help level the playing field for small businesses and help them to do better for their employees.

There was opposing testimony by representatives of the Colorado Retail Council and Colorado Restaurant Association along the lines that these are competitive, low-margin industries characterized by low-paying service jobs. There was testimony that paying half the family medical leave insurance premium would cause grocery stores and other low-wage employers to leave the state. This concern is probably the best argument for covering all workers. If every grocery store must contribute to the family medical leave fund, no store will be at a competitive disadvantage. If the cost of hamburger goes up, so be it. Colorado will be better off when having a baby doesn't mean loss of a job or financial bankruptcy.

Previously reported: [LL#5, p. 11](#).

Harry Hempy 303.459.0172

GOVERNMENT

ELECTIONS

NATIONAL POPULAR VOTE SIGNED

SB 042 National Popular Vote (Sen. Foote; Rep. Sirota; Rep. Arndt) (support) Governor Polis signed the national popular vote bill on Friday, March 15th. The bill will not go into effect until ninety days after the legislature adjourns (probably August 2). If the law goes into effect, it will bring the electoral vote count of supporting states to 181. The national popular vote interstate compact needs a total of 270 electoral votes by supporting states before it will take effect. Both New Mexico and Delaware have now passed the bill in both houses and are awaiting governor signatures (who have

said they would sign). Once those are signed, the total will be 189 electors.

Opponents of the bill have started to gather signatures for a popular referendum to defeat the bill. If they gather enough signatures, the bill will not take effect unless the voters approve it in November 2020. The bill would then go into effect when the governor officially declares the vote.

The opposition is saying that they think the individual votes in urban areas would overwhelm individual votes in rural areas, but they leave out the fact that the United States has as many people living in rural areas (15%) as live in cities with population counts over 400,000 (15%) and that most of us live in suburbs or smaller cities or towns. They also don't tell people that in the 2016 election, more Coloradans voted for someone else than

for the Democratic candidate and that our state's electoral votes still all went to the Democratic candidate. So more than half of our individual votes were not represented in the national vote count and were "dropped" at our border. It is true that more people live in urban areas than rural ones, but this is true of almost every state. Thus, electoral votes are determined more by urban voters than rural voters in almost every state.

We continue to do LWV voter education events about national popular vote. There is a lot of confusion and misunderstanding about both how the electoral college works today and how the national popular vote interstate compact works.

Previously reported: [LL#1, p. 7](#); [LL#2, p. 2](#); [LL#3, p. 2](#); [LL#4, p. 2](#).

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CAMPAIGN CONTRIBUTION LIMITS BILL WILL GO TO GOVERNOR

HB 1007 Contribution Limits For County Offices (Rep. Sirota; Sen. Zenzinger) (support) establishes campaign contribution limits for candidates for county offices. Candidates may accept up to \$2,500 (total) from an individual during the primary/general election cycle. 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 passed the Senate State Affairs Committee [3-2](#) and the Senate Appropriations Committee [6-4](#) with no amendments. It passed 3rd Reading in the Senate on March 22 on a [19-11-5](#) vote and will now go to the Governor to be signed.

Previously reported: [LL#1, p. 7](#); [LL#2, p. 3](#); [LL#4, p. 3](#).

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FISCAL POLICY

NEW **HB 1257 Voter Approval to Retain Revenue for Education & Transportation (Reps. Becker & McCluskie; Sens. Court & Priola) and HB 1258 Allocate Voter-Approved Revenue for Education &**

Transportation (Reps. Becker & McCluskie; Sens. Court & Priola) (support) are companion bills that would seek voter approval to allow the state to retain revenue collected in excess of the TABOR cap and allocate it for education and transportation, respectively. The referred measures, if approved, would put the questions on the November 2019 ballot. The measures must be approved by a simple majority, by both the legislature and by the voters in November, since they do not seek to change the state constitution.

Revenue allocated under HB 1258 would provide funding for public schools, higher education, and transportation in one-third shares. Further divisions are specified in regard to the one-third allocated to the highway users tax fund (HUFT), with 60 percent being allocated to the state highway fund, 22 percent will be provided to counties, and 18 percent will be provided to cities. At least ten percent of the money allocated to the state highway fund must be dedicated for transit projects.

The bills were introduced on March 20 and will be heard in the House Finance Committee on April 1.

Andrea Wilkins 303.521.1759

GUN SAFETY

ERPO ADVANCES

HB 1177 Extreme Risk Protective Order (ERPO) (Reps. Sullivan & Garnett; Sens. Court & Pettersen) (support) This bill, which would allow guns to be temporarily taken from those who are judged by a court to be dangerous to themselves or others, has passed the Senate on Second Reading and is scheduled for Third Reading on March 25.

Previously reported: [LL #4, p. 1](#); [LL#5, p.2](#).

Jean Fredlund 303.428.5420

JUSTICE SYSTEM

DEATH PENALTY REPEAL

SB 182 Repeal the Death Penalty (Sens. A Williams & Gonzales; Reps. Arndt & Benavidez) (support) This bill would repeal the death penalty in Colorado in favor of a maximum sentence of life without parole. It had been referred to the Senate Committee of the Whole,

but was laid over until April 1 due to uncertainty about sufficient votes to pass.

Previously reported: [LL#5 p. 2.](#)

Jean Fredlund 303.428.5420

BAN THE BOX PASSES SENATE COMMITTEE

HB 1025 Limits On Job Applicant Criminal History Inquiries (Reps. Herod & Melton; Sens. Foote & Rodriguez) (support) The bill would reduce employment barriers for those with criminal histories by prohibiting employers from requiring disclosure of such history either in advertising for a position or on initial employment applications, both written and electronic. The bill does not prohibit employers from checking backgrounds at any time. The purpose of the bill is to enhance fairness in employment opportunities for applicants who have served their sentences. The bill was heard in Senate Judiciary on March 18 and passed without amendments by a vote of [3-2](#). The bill moves to Senate Appropriations.

Over a dozen witnesses testified in support of the bill, including representatives from the Colorado Center on Law and Policy, Colorado Coalition for the Homeless, religious coalitions and organizations committed to helping individuals with criminal histories successfully reenter the community. Strong evidence of employment as the key to reducing recidivism and homelessness was presented. A representative of the Colorado Competitive Council, a coalition of dozens of diverse businesses and community partners, credited the earnest work of the sponsors and proponents of the bill in addressing employer and business concerns and noted that the Council, along with other business groups, have moved from opposition in the past to neutrality on the bill. No witnesses appeared in opposition to the bill and the members of the Senate Judiciary voting in opposition to the bill asked no questions nor did they make any statements regarding their votes in committee.

Previously reported: [LL#1, p. 8](#); [LL#3, p. 3](#); [LL#5, p. 3](#).

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SB 100 Unauthorized Disclosure of Intimate Images Act (Sen. Gardner; Rep. Tipper) (support) passed Second Reading in the House on March 12 with a technical amendment and passed Third Reading on

March 15 on a vote of [64-0](#) (1 excused). The Senate concurred with the House amendment and voted to repass the bill on March 20 on a vote of [35-0](#).

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

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NEW HB 1251 Age of Marriage and Emancipation Procedure (Reps. Hansen & Landgraf; none) (watch) provides that a marriage license may only be issued to a person who has reached the age of 18 or has reached the age of 16.5 and has been emancipated through a court order. In creating a statutory procedure for emancipation the bill provides that a minor may file a petition for emancipation in the juvenile court in the county in which the minor resides, provided they have continuously resided in Colorado for at least six months prior to the date of filing. The bill provides further requirements on the information that must be included in the petition for emancipation and provides that a parent or legal guardian may not petition for an order of emancipation, either individually or on behalf of a minor.

The court shall appoint an attorney to serve as guardian ad litem for the minor and a hearing must take place no later than 63 days after the filing. The court shall provide reasonable notice to the minor's parent or guardian of the petition and hearing date. The court may waive notice to the minor's parent or guardian under certain circumstances.

The minor must demonstrate, by clear and convincing evidence, that requirements for an order of emancipation have been met. The court must find that the minor will be 16.5 years of age prior to the effective date of the order, the residence requirements have been met, the minor is capable of independence and self-support, and the order is the in the best interest of the minor.

Upon entry of the order, the emancipated minor is considered to be a person who has attained 18 years of age and has all the rights and responsibilities of a person that age except that the minor must still meet the age requirement to vote and possess tobacco products.

HB 1251 was introduced on March 18 and will be heard in the House State, Veterans & Military Affairs Committee on March 28.

Andrea Wilkins 303.521.1759

VOTING RIGHTS

VOTING AT 16

NEW HB 1243 16-year-olds Voting School District Elections (Rep. Coleman; Sen. Moreno) (support)

This bill will allow a person who is pre-registered under Colorado law to vote in school district elections, not including a primary election, beginning at the age of 16. Pre-registration is available in Colorado high schools through high school deputy registrars trained by county clerks. The bill defines a school district election as an election to recall a school district officer or an election called under Title 22 of Colorado statutes to elect school district officers, to elect the state board of education, to decide referred measures to impose or increase mill levies, and measures to raise and expend property taxes. In addition, 16-year-olds will be able to vote on referred measures related to the financial obligations and indebtedness of school districts and related to the organization of or plan of representation for school districts.

Among other provisions, a 16-year-old pre-registrant can circulate and sign petitions to nominate or recall a school district officer or to initiate an election under Title 22. The pre-registrant's vote is to be kept confidential, and those eligible to be pre-registered must receive information concerning: their ability to vote in school district elections, how to update their pre-registration information, how to obtain and cast a ballot; and their confidential status and actions that could cause their information to become public even while in confidential status.

When the county clerk has responsibility for an election in which pre-registrants are eligible to vote, the state must reimburse the county for the direct costs associated with ballots sent to pre-registrants, reducing the school districts' share of costs by the amount of such reimbursement.

League of Women Voters has a long history of promoting and protecting voting rights and sees value in early casting of ballots as practical civic education and a means of improving lifetime voting habits.

The bill has been assigned to House State Affairs, but no hearing has yet been scheduled. No fiscal note is available yet.

Fern Black 303.793.0807

ACCURATE CENSUS

NEW HB 1239 Census Outreach Grant Program (Reps. Tipper & Caraveo; None) (support) This bill establishes a grant program for not-for-profit agencies and local governments to increase the self-response rate and accuracy of the 2020 census in the state, specifically in hard-to-count communities. It would include outreach, education, and promotion efforts. It has been assigned to the House State Affairs Committee and will be heard on March 26.

League supports this bill because an accurate census is essential to fair apportionment of the Representatives to the U.S. Congress.

Jean Fredlund 303.428.5420

NATURAL RESOURCES

ENERGY

REGULATIONS ADVANCE

SB 181 Protect Public Welfare Oil & Gas Operations (Sens. Fenberg & Foote; Reps. Becker & Caraveo) (support) After a whirlwind introduction in the Senate and passage in one week through three committees and floor action, SB 181 was the subject of extensive debate. Twenty-two amendments were introduced during Second Reading on March 12--eleven of which passed and eleven of which failed. Of those that passed, the amendments focused largely on the Colorado Oil and Gas Conservation Commission composition and local government control. More specifically, the amendments provide that local governments have authority to regulate land use on the basis of the impact of the use on the community and surrounding areas and to regulate oil and gas operations to minimize adverse impacts to public health, safety and welfare and the environment. Local government regulations may be more protective or stricter than state requirements governing oil and gas development. Other amendments specify that the commission must include one member with technical expertise relevant to the issues considered by the commission and require a report to the General Assembly by January 1, 2021 regarding recommended structural changes to the commission membership, including whether the commission requires more

scientific expertise in oil and gas mineral resource development. Appropriations were made to the Department of Natural Resources and the Department of Law to support implementation of this act. The bill passed Third Reading the following day on a vote of [19-15](#). SB 181 was introduced in the House and heard in the Energy & Environment Committee on Monday March 18th.

Testimony provided was very emotional, lasting almost 12 hours. The bill passed on a vote of [7-4](#) and will be heard in House Finance on March 25.

Previously reported: [LL#5, p. 1](#).

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BACKWARDS FOR SOLAR GARDENS

HB 1003 Community Solar Gardens Modernization Act (Rep. Hansen; Sen. Foote, Story) (support) This bill expands the allowable size of community solar gardens and the definition of subscribers.

The bill had its Second Reading in the House on March 15 and was re-referred to the Appropriations Committee. This may have been due to an Appropriations Committee amendment rescinding a tax credit for coal mines, which is not covered in the title of this bill.

Previously reported: [LL#1, p. 9](#); [LL# 2, p. 6](#); [LL#4, p. 5](#); [LL# 5, p. 5](#).

Amy Sherwood 847.239.0236

Ann Sutton 303.903.2097

ENVIRONMENTAL QUALITY

REDUCE GREENHOUSE GAS EMISSIONS

NEW **HB 1261 Climate Action Plan to Reduce Pollution (Reps. Becker & Jackson; Sens. Winter & Williams A.) (support)** This bill states that Colorado shall have statewide goals to reduce:

- 2025 greenhouse gas (GHG) emissions by at least 26%;
- 2030 GHG by at least 50%;
- and 2050 GHG emissions by at least 90% of the levels of GHG emissions that existed in 2005.

The bill contains a Legislative Declaration with the important rationale for the bill including air quality impacts on the environment, economy, health, welfare, and comfort of the people of Colorado. The end purpose is to require the use of all available practical methods which are technologically feasible and economically reasonable to reduce and control pollution in the state and to require the development of an air quality control program.

It also declares that climate change adversely affects Colorado's economy, air quality and public health, ecosystems, natural resources, and quality of life. It delineates the many harmful effects that Colorado is experiencing: declining snowpack, prolonged drought, extreme heat, wildfires and first responder risks, beetle infestation, vector-borne diseases, frequent flooding, severe ground-level ozone causing respiratory damage and lives lost, economic impacts on recreation and agriculture, and diminished quality of life. Many impacts disproportionately affect rural communities and communities of color, youth, the elderly and working families. It declares that we need to work together to keep average global temperatures below 1.5 degrees Celsius for now and future generations. Reducing GHG pollution creates a new clean energy economy which is already bringing tens of thousands of jobs and billions of dollars to Colorado. Through these goals Colorado will position its economy, technology centers, financial institutions, and businesses to benefit from national and international efforts to reduce greenhouse gases..

The bill specifies factors that the air quality control commission (AQCC) is to consider in implementing policies and rules to reduce GHG pollution, including benefits of compliance, opportunities to incentivize clean energy in transitioning communities, and the potential to enhance the resilience of Colorado to climate impacts. The AQCC will consult with the public utilities commission in regard to rules that affect providers of retail electricity in Colorado.

League supports reducing carbon, methane and other GHG pollution to preserve the physical, chemical and biological integrity of ecosystems and maximum protection of public health and the environment.

The bill was introduced on March 21 and assigned to the Energy and Environment Committee.

DATA COLLECTION ADVANCES

SB 96 Collect Long Term Climate Change Data (Sen. Donovan; Rep. Hansen) (support) This bill requires the Air Quality Control Commission in the Department of Public Health and Environment to collect greenhouse gas (GHG) emissions data from greenhouse gas-emitting entities, report on the data, including a forecast of future emissions, and propose a draft rule to address emissions by July 1, 2020.

The bill was heard in the Transportation and Energy Committee on March 21, amended to align with Federal reporting of GHG emissions, in metric tons, every five years, unless an earlier forecast is needed due to an occurrence of an extraordinary event. It was referred to Appropriations on a [5-2](#) vote.

FORECASTING GREENHOUSE GAS POLLUTION

NEW HB 1188 Greenhouse Gas Pollution Impact In Fiscal Notes (Reps. Sirota & Snyder; None) (support)

The bill was introduced in the House on February 19. Beginning in 2020, and for a 10-year period, the bill requires all measures (legislation/bills?) include an assessment in the fiscal notes of whether the measure is likely to directly cause a net increase or decrease in greenhouse gas (GHG) pollution. The assessment must report new sources of emissions, increases or decreases in existing sources of emissions, and any impact on emission sequestration. Policies and procedures are to be developed by the director of the Legislative Council staff. The Natural Resources Department, Colorado Energy Office and other agencies with expertise must cooperate with information to develop policies and procedures for the assessment to provide information on GHG emissions for the fiscal note. The Legislative Council Staff must develop a format of procedures for completing and updating these analyses by Dec. 1, 2019.

The National Oceanic and Atmospheric Administration's Greenhouse Gas Index, which tracks the warming influence of long-lived greenhouse gases, has increased by 41% from 1990-2017 with most attributed to rising carbon dioxide levels. The Index was created for policy makers to understand the influence exerted by GHG levels over time. Other gases being tracked are methane, nitrous oxide, and two chlorofluorocarbons (CFCs). These 5 primary GHGs account for about 96% of the

increased climate warming since 1750. Fifteen other gases are also tracked for the remaining 4%.

This bill is a step forward that will allow informed decisions along with transparency in considering other governmental actions. League passed a resolution that supports a climate test, a set of climate assessment criteria used to evaluate proposed energy policies and major projects in light of the globally agreed upon goal of limiting global warming to 1.5 degrees centigrade, informed by the United Nations COP 21 Paris Agreement. League supports comprehensive action plans to reduce pollution and fight climate change for our health and safety.

The bill had a hearing on March 4 in House Energy & Environment. It passed on a [7-4](#) vote and was sent unamended to Appropriations.

SUPPORT FOR RECYCLING

SB 34 Local Government Recycling Standards For Food Containers (Sen. Moreno; Rep. Arndt)

(support) This bill allows a local government to set a standard for a retail food establishment's use of ready-to-eat food containers that may be discarded through recycling and composting.

When the League's Legislative Action Committee first considered this bill, we took a "Watch" position because of our concern that multiple standards for recycling across the state would cause unnecessary burdens to business that operated in multiple jurisdictions. Upon further consideration, we believe that the need for control of pollution by plastics and other materials outweighs those considerations. If local regulations prove to be a burden to businesses, they can approach the state legislature for a statewide regulation. Therefore, we have changed our position to "Support" for SB 34.

Unfortunately, this bill has not moved from the Local Government Committee in the Senate since its introduction, and it is still not scheduled for a hearing.

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

All reported by Amy Sherwood 847.239.0236

SOCIAL POLICY

BEHAVIORAL HEALTH

MENTAL HEALTH ADVANCES

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 League supports this bill as it attempts to reach parity with other health care decision making. The bill is also supported by Mental Health Colorado.

The House concurred with Senate amendments on March 4 and re-passed the bill. On March 19 the President of the Senate and the Speaker of the House each signed the bill and sent it to the Governor on March 20. The bill is waiting for Gov. Polis to sign it.

Previously reported: [LL#2, p. 8](#); [LL#3, p. 6](#); [LL#4, p. 6](#).

SB 010 Professional Behavioral Health Services for Schools (Sen. Fields; Reps. McLachlan & D. Valdez) (support) The bill makes changes to the Behavioral Health Care Professional Matching Grant Program. It modifies the current program appropriation and expands the allowable uses of grant funds. 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. On March 19, the Senate Committee on Appropriations passed the amendments and referred the bill to the Senate Committee of the Whole on a vote of [7-3](#). On March 21 the bill passed Second Reading with amendments, and on March 22, it passed Third Reading in the Senate [22-8-5](#).

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

Both reported by Marcia Marshall 410.271.3420

CHILDREN'S ISSUES

ADOPTION SUBSIDY BILL GOES TO THE HOUSE

SB 178 Program to Subsidize Adoption for Children & Youth (Sen. Foote; Rep. Singer) (support) reforms the Colorado adoption assistance program. It passed out of Senate Finance on March 14th with no opposition and a [unanimous](#) vote. The bill was amended to clarify that the state Department of Human Services will supervise the subsidy program but it will be administered by the county departments of human services.

On March 20 it passed 3rd Reading in the Senate again by a [unanimous](#) vote. It has been assigned to House Public Health Care & Human Services where it is scheduled to be heard on March 27th.

Previously reported: [LL#5, p. 7](#).

Carla Bennett 303.757.2930

EDUCATION

EDUCATOR LOAN FORGIVENESS PASSES

SB 3 Educator Loan Forgiveness Program (Sens. Coram & Zenzinger; Reps. McLachlan & Wilson) (Support) This bill renames the teacher loan forgiveness program and revises the eligibility criteria. This program repays up to \$5,000 of qualified education loans for up to 5 years for teachers and other educators employed in qualified positions. It targets those employed in hard-to-fill positions due to geography or content area. The bill provides incentives for recruiting and retaining educators with the possibility of \$25,000 loan forgiveness over a 5-year period. The Department of Education and the Commission on Higher Education are overseeing this program.

On March 19, the Senate Appropriations Committee passed SB3 with a vote of [7-3](#) and referred it to the Full Senate where it passed its Second Reading with a minor amendment on March 21. The bill passed Third Reading with no amendments on March 22 by a vote of [25-5-5](#).

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

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SPECIAL DISTRICTS TO GOV

HB 1052 Early Childhood Development Special District (Reps. McCluskie & Rich; Sens. Rankin & Bridges) (support) The bill authorizes the creation of early childhood development service districts to provide services for children from birth through 8 years of age. 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 Senate Committee on Local Government referred the bill [unanimously](#) to the Consent Calendar of the Senate Committee of the Whole on March 14. The bill passed Senate Third Reading with no amendments on March 20 on a vote of [23-12](#). The bill will now go to the Governor.

Previously reported: [LL#4, p. 7](#).

Harry Hempy 303.459.0172

HEALTH CARE

PRESCRIPTION DRUG COSTS

NEW **HB 1131 Prescription Drug Cost Education (Rep. Jaquez Lewis; Sen. Winter) (support, in part)** The bill, as amended, requires that a drug manufacturer provide to a prescriber 1) the wholesale acquisition cost, and 2) related educational materials about comparable generic drugs. After a hearing in the committee on Health & Insurance, the amended bill was referred to the Committee of the Whole with a favorable recommendation on February 20 on a vote of [6-5](#). A floor amendment specifies that the educational information be provided through drug marketing activities. The bill passed Third Reading [40-23-1](#). Following introduction in the Senate, the bill was heard in Senate Health & Human Services on March 20 and referred to the Committee of the Whole on a vote of [3-2](#). It is scheduled for Second Reading on Monday March 25.

The League supports transparency in costs of health care, including costs of prescription drugs, and believes this bill is a step in assisting health care providers to make more informed decisions about costs when prescribing drugs.

However, this bill lacks detail in many aspects, such as definitions and context, and does not describe

enforcement or any penalties for non-compliance by the drug manufacturer or their marketing representatives. The fiscal note on the bill indicates that the State Board of Pharmacy will be directed to perform rulemaking to implement the bill, if passed.

The educational material must include the *wholesale acquisition cost* of the prescription drug, which is not defined here, but is defined in federal law as the list price, charged to wholesalers or direct purchasers in the United States, not including rebates or other discounts [42 U.S.C. § 1395w-3a(c)(6)(B)]. In testimony this was described as a standardized cost for comparisons but witnesses pointed out that this was different from the “sticker price” or price to the patient after rebates or price negotiations by insurers and pharmacy benefit managers. This was acknowledged as a problem that might be addressed in future legislation. It was the opinion of some that legislation should focus on consumer prices.

The manufacturer/representative must provide the names of three generic prescription drugs (or all available if fewer than three) intended for the same use and their wholesale costs. *Generic drugs* have a very specific regulatory and legal definition in the Food, Drug & Cosmetic Act [<https://www.fda.gov/AboutFDA/Transparency/Basics/cm471814.htm>]. Generic drugs are FDA-approved copies of brand-name drugs that contain the same active ingredients. Approved generics come in the same dosage form, are administered in the same way, have the same conditions of use, are bioequivalent, and meet the same standards for identity, strength, purity and quality. Note that the term “generic” only applies to chemical drugs and not to biologic drugs; the analogous definition would be “biosimilar.”

One of the ways that consumers and prescribers can learn about available generic equivalents for a drug product is by searching the FDA publication, *Approved Drug Products with Therapeutic Equivalence Evaluations*, for information about substitution.

Ann Sutton 303.903.2097

SOME HEALTH CARE LEGISLATION MOVES FORWARD, SOME IS STALLED OUT

This session has seen a lot of health care legislation, which LWVCO is tracking with significant interest.

HB 1001 Hospital Transparency Measures to Analyze Efficacy (Rep. Kennedy; Sens. Moreno & Rankin) (support) was signed by the Senate President and Speaker of the House on March 19 and sent to the Governor for signature on March 20. **HB 1004 Proposal for Affordable Health Coverage Option (Reps. Roberts & Catlin; Sen. Donovan) (support)** passed out of the Senate Committee on Health & Human Services on March 13 on a vote of [3-2](#) and now awaits a hearing in Appropriations. Similarly, **HB 1010 Free Standing Emergency Departments Licensure (Reps. Mullica & Landgraf; Sens. Gardner & Pettersen) (support)** is also awaiting a hearing in Senate Appropriations. **HB 1168 State Innovation Waiver Reinsurance Program (Reps. McCluskie & Rich; Sens. Donovan & Rankin) (watch)** is scheduled for Second Reading in the House on March 25. **HB 1174 Out of Network Health Care Services (Reps. Esgar & Catlin; Sens. Gardner & Pettersen) (support)** is a bit further along having passed Third Reading in the House on March 22 on a vote of [60-4 \(1 excused\)](#). **HB 1176 Health Care Cost Savings Act of 2019 (Reps. Sirota & Jaquez Lewis; Sen. Foote) (support)** will be heard in the House Health & Insurance Committee on March 27 for witness testimony and committee discussion only. **SB 001 Expand Medication-assisted Treatment Pilot Program (Sen. Garcia; Rep. Buentello) (support)** was heard in the House Public Health Care & Human Services Committee on March 22 and was referred, unamended, to the Committee on Appropriations on a vote of [10-1](#). **SB 004 Address High-Cost Health Insurance Pilot Program (Sen. Donovan; Rep. Roberts) (support)** will be heard in Senate Appropriations on March 29. **SB 005 Import Prescription Drugs from Canada (Rep. Jaquez Lewis; Sens. Ginal & Rodriguez) (support)** passed Second Reading in the Senate on March 22 and is scheduled for Third Reading on Monday, March 25. **SB 015 Create Statewide Health Care Review Committee (Rep. Beckman; Sen. Ginal) (support)** has been awaiting a hearing in Senate Appropriations since January 17. Finally, **SB 134 Out-of-Network Health Care Disclosures and Charges (Rep. Soper; Sens. Fields & Tate) (support)** has also been stalled for some time. It was introduced in the Senate on February 7 and assigned to the Senate Health & Human Services Committee, where it still awaits a hearing.

All reported by Carol Pace 303.863.0437

Editor's Note: For personal reasons, Carol Pace is not able to continue her well-informed and detailed discussions of health-care bills. We will keep you informed of their progress as best we can. For past information on these bills, please review Legislative Letters #1, #3, and #4.

HIGHER EDUCATION

SUPPLEMENTAL ACADEMIC INSTRUCTION FOR COLLEGE SUCCESS

HB 1206 Higher Education Supplemental Academic Instruction (Reps. Coleman & Larson; Sens. Bridges & Lundeen) (support) The bill was heard in the House Education Committee where it passed [unanimously](#) and was referred to the Committee of the Whole. It passed on Third Reading and was assigned to the Education committee in the Senate.

Currently, assessment tests by colleges are used to assign students who are not ready for college-level work to remedial classes that are non-credit and may add several semesters (and expense) to the student's college career. The bill's supporters presented study data showing that a program of supplemental instruction parallel to the student's career track can increase the likelihood of success without delaying the student's progress. An amendment in the Education Committee specified that no more than 10% of students in a given year should be directly enrolled in developmental (remedial) classes. This was interpreted as a cap or backstop and not as a goal.

Previously reported: [LL#5 p. 10](#).

Ann Sutton 303.903.2097

LICENSING SERVICERS OF STUDENT LOANS

NEW **SB 002 Concerning the Regulation of Student Education Loan Servicers (Sens. Winter, Fenberg; Reps. Roberts & Jackson) (support)** The bill requires that a student education loan servicer be licensed by the administrator of the Uniform Consumer Credit Code. Student loan servicers administer student loans, serving as an interface between the lender and the student loan borrower for receiving and applying payments and advising the borrower. There are no consistent, market-wide federal standards. Banks are regulated, as are collection agencies, but student loan servicers are

not. Under the bill, servicers may not: defraud or mislead borrowers, engage in unfair or deceptive practices, misapply payments, provide inaccurate information to credit bureaus, fail to evaluate the borrower for income-based repayment programs, or engage in other prohibited acts. A Student Loan Ombudsperson will be established to receive, review, and attempt to resolve borrower complaints and collect related data. The Attorney General's office may conduct investigations of deceptive practices or failure to follow rules and could revoke servicer licenses.

The bill creates a fund to collect annual licensing (\$1000) and inspection (\$7000) fees that will be used to support the ombudsperson and the licensing and inspection activities.

League supports sustainable funding in order to provide access to higher education for all qualified students, including the objective of providing favorable interest rates on student loans.

The bill was heard in Senate Education and passed [unanimously](#) with a clarifying amendment and referred to Finance committee where it was passed [5-2](#) with a minor clarifying amendment and was referred to Appropriations. The bill requires state expenditures to support 2.8 FTE in FY2019-20 and 3.0 FTE in FY2020-21 and thereafter. The bill passed Appropriations [6-4](#) and was referred to the Full Senate. The bill was amended on Second Reading to include clarifying language regarding the servicer's responsibilities to inform the borrower of a change to a new servicer. The bill passed on Third Reading [21-9-5](#) and will proceed to the House.

Correction: In previous Letters, this bill was listed as being reported in Legislative Letter #3. It wasn't.

Ann Sutton 303.903.2097

HOUSING SUPPLY

TAX CREDITS FOR AFFORDABLE HOUSING

NEW **HB 1228 Increase Tax Credit Allocation Affordable Housing (Reps. Bird & Titone; Sens. Zenzinger & Tate) (support)** would increase the aggregate amount of the tax credits that the Colorado Housing and Finance Authority (CHFA) may allocate in a calendar year under the Colorado affordable housing tax credit.

Currently, under the affordable housing tax credit (AHTC), during each calendar year of the period beginning in 2015 and ending in 2024, the CHFA may allocate tax credits in an aggregate amount up to \$5 million annually. The bill increases the annual aggregate cap to \$10 million for the years beginning on January 1, 2020, and ending on December 31, 2024.

The House Finance Committee heard the bill on March 21 and passed it to Appropriations on a vote of [7-3](#) with one excused. There was no testimony opposing and seventeen people spoke in favor.

Jo Feder 904.608.3932

AFFORDABLE HOUSING/TENANT PROTECTIONS

SB 180 Eviction Legal Defense Fund (Sen. Winter; Rep. McCluskie) (support) The bill creates the Eviction Legal Defense Fund. Grants will be awarded from this fund to qualifying non-profit organizations that will provide legal advice, counseling, and representation to indigent clients facing or at risk of eviction. For FY 2019-20, the bill requires a General Fund appropriation of \$750,000 to the Eviction Legal Defense Fund in the Judicial Department.

The bill passed the Senate Judiciary Committee on a [3-2](#) vote with a clarifying amendment and was referred to Appropriations. There was no testimony in opposition to this bill.

Previously reported: [LL#5, p. 10](#).

HB 1106 Rental Application Fees (Reps. Titone & Gonzales-Gutierrez; Sen. Pettersen) (support) The bill sets conditions for when a landlord charges an application fee from prospective tenants.

The bill passed the Senate Local Government Committee on a vote of [5-0](#) with clarifying amendments and an amendment to substitute the term "application" with "application or any nonrefundable fee that precedes the onset of tenancy." It passed Senate Second Reading with a clarifying amendment and an amendment that states that a person who purposefully and in bad faith brings a meritless claim against a landlord is liable for the landlord's court costs and reasonable attorney fees in defending the claim. It passed Senate Third Reading on a vote of [20-10-5](#) with no amendments.

Previously reported: [LL#2, p. 3](#); [LL#3, p. 4](#); [LL#4, p. 10](#).

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

Under current law a tenant is given three days to pay unpaid rent or vacate the property before a landlord may begin eviction proceedings. This amended bill requires that a landlord provide ten days’ notice of insufficient rent prior to beginning eviction proceedings or terminating a lease agreement for a subsequent violation of terms. The amended bill also creates an exception to this requirement for a nonresidential agreement or an employer-provided housing agreement, in which case, three days’ notice is required. This bill does not preclude the landlord from charging and collecting late fees for overdue rent and it does not change the eviction process when a tenant’s behavior endangers the safety or property of the landlord or another tenant, or when a tenant is committing a criminal offense.

The bill passed the House on a vote of [38-26-1](#) with no amendments, and was introduced in the Senate and assigned to the Business, Labor, & Technology Committee.

Previously reported: [LL#2, p. 3](#); [LL#4, p. 10](#); [LL#5, p. 11](#).

HB 1170 Residential Tenants Health and Safety Act (Reps. Jackson & Weissman; Sens. Williams & Bridges) (support) The bill modifies the implied warranty of habitability inherent in a residential lease between a landlord and a tenant. One big point of debate

has been that the bill adds the presence of mold associated with dampness to the list of conditions that render residential premises uninhabitable.

The bill passed the Senate Local Government Committee on a vote of [4-1](#) with clarifying amendments. It passed the Senate Second Reading with five amendments. One amendment defines mold as microscopic organisms or fungi that can grow in damp conditions in the interior of a building and excludes the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their proper functioning and intended use. Another amendment addresses specifics related to containment and remedial actions to remove the health risk posed by mold. Another amendment clarifies that misconduct of the tenant or a member of the tenant’s household does not constitute a breach of the warranty of habitability. It is scheduled for Senate Third Reading on March 25.

Previously reported: [LL#3, p. 4](#); [LL#4, p. 9-10](#); [LL#5, p. 11](#).

All reported by Kathy Smith 303.278.8025

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	2,3,6	To House
Behavioral Health	HB	1009	Substance Use Disorders Recovery	S	2,5	H-App
Behavioral Health	HB	1044	Advance Behavioral Health Orders Treatment	S	2,3,4,6	To Gov
Behavioral Health	HB	1120	Youth Mental Hlth Ed & Suicide Prevention	W	3,4	H-App
Children's Issues	SB	178	Program To Subsidize Adoption For Children & Youth	S	5,6	H-PHCHS
Children's Issues	HB	1063	At-risk Information Sharing Between County Depts	S	3,5	Signed
Children's Issues	HB	1133	CO Child Abuse Response And Evaluation Network	S	4,5	H-App
Education	SB	3	Educator Loan Forgiveness Program	S	2,6	To House
Education	SB	9	Financial Incentives For Rural Educators	S	2,3	To Gov

Education	SB	33	Automatic Law Waivers For School Districts	O	2	Pl'd
Education	HB	1005	Income Tax Credit For Early Childhood Educators	S	4	H-App
Education	HB	1017	K-5 Social And Emotional Health Act	S	5	H-App
Education	HB	1032	Comprehensive Human Sexuality Education	S	2,3,4,5	S-App
Education	HB	1052	Early Childhood Development Special District	S	4,6	To Gov
Education	HB	1190	Repeal Of Mill Levy Equalization Fund	S	4,5	Pl'd
Education	HB	1203	School Nurse Grant Program	S	5	H-App
Elections	SB	42	National Popular Vote	S	1,2,3,4,6	Signed
Elections	HB	1007	Contribution Limits For County Offices	S	1,2,4,6	To Gov
Elections	HB	1056	Election Day Holiday In Place Of Columbus Day	W	2,3	Pl'd
Energy	SB	181	Protect Public Welfare Oil And Gas Operations	S	5,6	H-Fin
Energy	HB	1003	Community Solar Gardens Modernization Act	S	1,2,4,5,6	H-App
Environmental Quality	SB	34	Local Gov Recycling Standards For Food Containers	W	2,6	S-LG
Environmental Quality	SB	53	California Motor Vehicle Emission Standards	O	1	Pl'd
Environmental Quality	SB	96	Collect Long-term Climate Change Data	S	2,6	S-App
Environmental Quality	HB	1006	Wildfire Mitigation Wildland-urban Interface Areas	W	3	H-App
Environmental Quality	HB	1159	Modify Innovative Motor Vehicle Income Tax Credits	S	5	H-App
Environmental Quality	HB	1188	Greenhouse Gas Pollution Impact In Fiscal Notes	S	6	H-App
Environmental Quality	HB	1198	Electric Vehicle Grant Fund	S	5	S-Trans
Environmental Quality	HB	1199	Colorado Clean Pass Act	S	5	H-Fin
Environmental Quality	HB	1261	Climate Action Plan To Reduce Pollution	S	6	H-ENE
Equal Opportunity	SB	85	Equal Pay For Equal Work Act	S	4	S-App
Equal Opportunity	HB	1096	Colorado Right To Rest	S	2,5	Pl'd
Fiscal Policy	SB	55	Reduce State Income Tax Rate	O	2,3	Pl'd
Fiscal Policy	HB	1257	Voter Approval To Retain Revenue For Ed & Transp	S	6	H-Fin
Fiscal Policy	HB	1258	Allocate Voter-approved Revenue For Ed & Transp	S	6	H-Fin
Gun Safety	HB	1021	Repeal Ammunition Magazine Prohibition	O	2	Pl'd
Gun Safety	HB	1022	Deadly Force Against Intruder At A Business	O	2	Pl'd
Gun Safety	HB	1049	Concealed Handguns On School Grounds	O	2	Pl'd
Gun Safety	HB	1177	Extreme Risk Protection Orders	S	4,5,6	S-3rd Rdg
Health Care	SB	1	Expand Medication-assisted Treatment Pilot Program	S	1,2,6	H-PHCHS
Health Care	SB	4	Address High-cost Hlth Insurance Pilot Program	S	1,2	S-App
Health Care	SB	5	Import Prescription Drugs From Canada	S	1,2,6	S-3rd Rdg
Health Care	SB	15	Create Statewide Health Care Review Committee	S	1,2,6	S-App
Health Care	SB	98	Cost-based Reimbursement For Rural Hospitals	W	2,4	Pl'd
Health Care	SB	134	Out-of-network Health Care Disclosures & Charges	S	4,6	S-HHS
Health Care	HB	1001	Hospital Transparency Measures To Analyze Efficacy	S	2,6	To Gov
Health Care	HB	1004	Proposal For Affordable Health Coverage Option	S	1,2,6	S-App
Health Care	HB	1010	Freestanding Emergency Departments Licensure	S	1,2,6	S-App
Health Care	HB	1122	CDPHE Maternal Mortality Review Committee	S	2,4	H-App
Health Care	HB	1131	Prescription Drug Cost Education	SIP	6	S-2nd Rdg
Health Care	HB	1150	Recreate Consumer Insurance Council	S	3	S-App
Health Care	HB	1168	State Innovation Waiver Reinsurance Program	W	4,6	H-2nd Rdg

Health Care	HB	1174	Out-of-network Health Care Services	S	4,6	To Senate
Health Care	HB	1176	Health Care Cost Savings Act of 2019	S	4,6	H-HI
Higher Education	SB	2	Regulate Student Education Loan Servicers	S	6	To House
Higher Education	HB	1206	Higher Education Supplemental Academic Instruction	S	5,6	S-Ed
Housing Supply	SB	180	Eviction Legal Defense Fund	S	5,6	S-App
Housing Supply	HB	1106	Rental Application Fees	S	2,3,4,6	Concur.
Housing Supply	HB	1118	Time Period To Cure Lease Violation	S	2,4,5,6	S-BLT
Housing Supply	HB	1170	Residential Tenants Health & Safety Act	S	3,4,5,6	S-3rd Rdg
Housing Supply	HB	1228	Increase Tax Credit Allocation Affordable Housing	S	6	H-App
Income Assistance	SB	132	Senior Property Tax Exemption Medical Necessity	S	3	S-Fin
Income Assistance	SB	188	FAMLI Family Medical Leave Insurance Program	S	5,6	S-Fin
Income Assistance	HB	1013	Child Care Expenses Tax Credit Low-income Families	S	4	H-App
Income Assistance	HB	1141	Preserve Senior & Disab Veteran Prop Tax Exemption	S	5	H-SVM
Income Assistance	HB	1164	Child Tax Credit	S	4,6	H-App
Income Assistance	HB	1210	Local Government Minimum Wage	s	5,6	S-BLT
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	1,3,5	H-Jud
Justice System	SB	100	Unauthorized Disclosure Of Intimate Images Act	S	2,3,5,6	To Gov
Justice System	SB	182	Repeal The Death Penalty	S	5,6	S-2nd Rdg
Justice System	HB	1025	Limits On Job Applicant Criminal History Inquiries	S	1,3,5,6	S-App
Justice System	HB	1051	CDPS Human Trafficking-related Training	S	2	H-App
Justice System	HB	1251	Age Of Marriage & Emancipation Procedure	W	6	H-SVM
Juvenile Justice	SB	108	Juvenile Justice Reform	S	4,5	S-App
Juvenile Justice	SB	136	Expand Div Youth Services Pilot Program	S	4	S-App
Juvenile Justice	HB	185	Protections For Minor Human Trafficking Victims	S	5	S-SVM
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
Voting Rights	HB	1239	Census Outreach Grant Program	S	6	H-SVM
Voting Rights	HB	1243	16-year-olds Voting School District Elections	S	6	H-SVM
Water	HB	1050	Encourage Use Of Xeriscape In Common Areas	S	2,3,4	Signed
Water	HB	1071	CDPHE Water Quality Control	S	2	Signed
Water	HB	1113	Protect Water Quality Adverse Mining Impacts	S	2,5	To Gov
Water	HB	1200	Reclaimed Domestic Wastewater Point Of Compliance	S	4	To Gov

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. If you find errors in the Letter, please contact Frank Bennett at 303-757-2930 or FrankBennett65@gmail.com.