

**LEGISLATIVE LETTER<sup>®</sup>**  
**LEAGUE OF WOMEN VOTERS OF COLORADO**  
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**January 31, 2012**

**LL#2:11**

## **LEGISLATIVE CONFERENCE, 2012**

Basic to the goal of informing LWV members and voters is the concept of balance—looking at all sides of an issue. The LWVCO Legislative Conference on January 23 presented attendees with a balanced view of the recent redistricting process, of recommendations to improve Colorado’s government from a panel consisting primarily of business leaders, and of the ins and outs of the recent Lobato lawsuit regarding our state’s funding of public education. The morning was packed full of information critically important to citizen involvement in government and public policy.

Dr. Robert Loevy, Republican and professor emeritus of Colorado College, and Dolores Atencio, Democrat and Denver attorney, both served on the Colorado Reapportionment (more correctly redistricting) Commission which spent much of 2011 redrawing Congressional districts. Dr. Loevy and Ms. Atencio reflected on a process that began in a healthy bi-partisan spirit, but devolved into a partisan argument after a map of state House and Senate districts approved with bi-partisan votes was challenged in court. The court asked the Commission to modify the map, and the result addressed the requests of the challengers, but not to their satisfaction. Dr. Loevy provided suggestions for improving the Commission, many of which League has considered and supported in the last few years. A complete look at his experience and recommendations can be found at <http://faculty1.coloradocollege.edu/~bloevy/confessions/>. Ms. Atencio offered that the Commission would be quite capable of Congressional redistricting. These are concepts to be considered before the next round, 10 years from now, when Colorado will likely have one more Congressional District.

The Director of the University of Denver Strategic Issues Program, Dr. James Griesemer, presented the recommendations of his “Rethinking Colorado’s Government” panel. It was interesting to note that the members of this panel, selected by the DU Chancellor, came into the process with one mindset, but the process, which required that they listen to experts—without any comment—for months, brought new appreciation for the workings and needs of government agencies. The panel’s recommendations, which can be accessed at <http://www.du.edu/issues/>, are that Colorado’s economic future is at significant risk without changes in expectations of and funding for public services. The panel’s findings dovetail with the conclusions of the Economic Futures group, which have been presented to the General Assembly and at League Day in September 2011.

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Both sides of the Lobato lawsuit presented their positions. Kathleen Gebhardt, lead attorney for Children's Voices who brought the suit against the state, and David Blake, Deputy Attorney General for the state of Colorado, discussed their positions. The crux of the lawsuit is focused on the charge that, contrary to the Colorado constitution, the state is not providing and an adequate and equal education to all students in the state. The state contends that the ruling was in error because it did not consider the constitutional handcuffs posed by the Gallagher and TABOR amendments to the Colorado Constitution. Those interested in details in the case can go to <http://childrens-voices.org/> and [www.coloradoattorneygeneral.gov/](http://www.coloradoattorneygeneral.gov/).

Meanwhile, the focus of legislative leaders for the second regular session of the 68<sup>th</sup> General Assembly is on job creation. The ability of the legislature to create jobs is limited because, unlike the federal government, it cannot go into deficit spending to directly create jobs through infrastructure building and the like. With the state budget still in tight constraints, both the legislature and the Governor are examining rules and regulations promulgated by state agencies. The purpose is to eliminate outmoded ones that add to business costs or hamper business expansion without generating public benefit. It happens, and it is a good time for such housecleaning. Most of this occurs in state agencies, of course. We are concerned that the legislature's approach is to have more direct authority over rule-making, which can be less efficient rather than more so. Two bills covered in this legislative letter (HB 1008 and SB 27) provide some examples. HB 1008, however, also proposed some additional public input into rule-making that should be a good thing.

Sally Augden 303.455.5800

## GOVERNMENT

### REVIEW OF RULES AND PUBLIC INPUT

**NEW** **HB 1008 GA & Public Input on Proposed Agency Rules and Fees (Rep. Acree; Sen. Jahn) (support in part)** This bill addresses the procedures for rule-making within the executive branch. It will require state agencies to:

1. establish a representative group of persons to solicit and obtain input about proposed rules;
2. notify the General Assembly within ten days of proposing a rule or approving an emergency or temporary rule that increases fees or fines;
3. present regulatory agenda information at the annual meeting with each agency's applicable committee of reference.
4. submit a copy of the department's regulatory agenda, including some highly detailed information, to the Legislative Council on or before November 1 of each year for distribution to members of each agency's applicable legislative committee of reference. This last requirement is highly detailed and includes specific justification for each rule, and an evaluation of the impacts on various stake holders.

Testimony in committee tracked with League's view that the bill would enhance open, responsive and accountable government and would give citizens more opportunity for participation in government especially when fee increases are proposed. Agencies are already permitted to take public input before rule making, and many do.

The bill makes it a requirement and directs them to make sure that the public participation is broadly representative. Most are reporting legislative agenda to committees of reference in their SMART government reports already. However, we are concerned about item 4, and oppose that portion of the bill. The General Assembly must approve the rules made by the executive branch, and traditionally does so as a matter of course, through one bill. This last requirement introduces a process where committees of reference will gain veto power over specific rules (especially fee changes). We are concerned that this oversteps the checks and balances between the legislative and executive branches. At least as important, we believe it will reduce the efficiency of state government and make conditions worse, not better, for business and consumers because of the uncertainty of the rules until the General Assembly has met.

The bill passed out of House Business and economic Development Committee unanimously on January 24. Its small fiscal note of \$11,491 was driven by cost that the Department of Transportation would incur in the specified public input process. Thus, it must be approved by Appropriations before continuing.

**NEW** **SB 27 Committee of Reference Review of Rules (Sen. Scheffel) (oppose)** involves similar General Assembly review of agency rules as is contained in the portion of HB 1008 that we oppose. This bill directly gives committees specific power to approve or deny rules promulgated by state agencies. We are opposed based on the view that the bill more clearly oversteps the checks and balances between the legislative and executive branches, reducing the efficiency of state

government and making conditions more uncertain, and thus worse, for business and consumers.

Christine Watson 303-250-1796

## **ELECTIONS**

**NEW** **HB 1089 Specific Wording Relating to Statewide Ballot Title (Rep. Court; Sen. Steadman) (support)** is a modification of past attempts to simplify and clarify the wording of referred or initiated measures as they appear on the ballot. The intention is to make it easier for voters to read and understand the information about these measures when they are marking their ballots. The bill specifies the following changes. First, the phrase “in conjunction with” (tying the single subject to its features) would be replaced with “that.” Second, the ballot title would specify a change to the statutes (Proposition) or a change to the constitution (amendment). Finally, the YES and NO fields would be expanded to say “YES/FOR” and “NO/AGAINST.” These changes address some of the most commonly heard complaints about ballot measures. With more clear language, we hope, voters will be better able to make sure that the vote they cast is the one they intend to cast. This bill is assigned to House State, Veteran, and Military Affairs.

Christine Watson 303-250-1796

## **GUN CONTROL**

### **GUN BILLS RETURN**

**NEW** In this session, those advocating for more permissive and expansionary gun possession laws have proposed several bills. **SB 25 Concealed Handgun Carry with No Permit (Sen. Neville; Rep. Baumgartner) (oppose)** would have done what the title implies: allow anyone who can legally purchase a handgun to conceal it with no further permitting required. The Senate State Affairs Committee PI'd the bill on January 23 by a vote of 3-2. Voting for the bill: Grantham, Neville. Voting against the bill: Bacon, Boyd, Heath. Coming up, however, is the similar **HB 1092 Concealed Handgun Carry without Permit (Rep. Priola; Sen. Brophy) (oppose)**.

**NEW** **HB 1048 End CBI Instacheck Duty for Firearm Transfers (Rep. Waller) (oppose)** Current federal law requires a licensed transferor of firearms to complete a background check of a prospective transferee through the national instant criminal background check system before transferring a firearm to him or her.

Current state law requires the Colorado Bureau of Investigation (CBI) to perform such background checks as a point of contact for the Federal Bureau of Investigation. The bill eliminates this requirement of the CBI and makes conforming amendments as necessary. Bills to do this have been proposed before. Opponents have pointed out that the CPI Database is more up to date than national system with information about matter such as domestic relations incidents that might lead to a denial of permission of a person to purchase a handgun. League's position is to limit the accessibility of handguns in order to protect the health and safety of citizens. In our view, HB 1048 moves in the opposite direction.

**NEW** State law with regard to disaster emergencies (whether natural or human caused) allows the Governor to make executive orders or proclamations to ensure the safety of the state and people. One of those powers is to suspend sale of alcoholic beverages, firearms, explosives or combustibles. The power to make such orders does not require them. Suspending sale of one of these items does not require suspending the sale of all of them. **HB 1064 Firearm Possession during State of Emergency (Rep. Stephens) (oppose)** proposes to remove firearms from the list of things the sale of which the Governor can suspend in an emergency. To our knowledge, this specific power has not been invoked in many, many years, if ever. However, the governor should have the ability to do what he or she deems prudent to protect all citizens in times of disaster emergencies.

The three house bills have assigned to House Judiciary Committee, and are currently set to be heard February 9.

Christine Watson 303.250.1796

## **JUVENILE JUSTICE**

### **PRETRIAL DETENTION OF CHILDREN TRIED AS ADULTS**

**NEW** **HB 1139 Pretrial Detention of Children Tried as Adults (Rep. Levy; Sen. Guzman) (support)** is the first bill that comes from the coalition that is working on reforming direct filing of juveniles. The League of Women Voters of Colorado is a member of that coalition.

This bill deals with the issue of where children tried as adults are held prior to trial. It forbids a child who has been charged as an adult from being held in an adult jail or pretrial facility unless the district court holds a hearing and determines that that is the appropriate place

to hold the child. The bill also includes a list of factors that the district court must consider when making its decision.

When children are held in adult facilities prior to trial, federal law requires that they be separated by sight and sound from the adults. In order to accomplish this, the children are often held in solitary confinement. They also do not have access to the types of services such as education and mental health services that are available in juvenile facilities. One reason that this bill is being brought forward is that, within the past few years, two youth have committed suicide while being held in adult facilities.

The bill is scheduled to be heard February 14 in House Judiciary.

Carla Bennett 303.757.2930

## **VOTING RIGHTS**

### **FACILITATING MILITARY VOTING**

**NEW** SB 62 Voting by Military Personnel (Sen. S. Williams, Rep. Looper) (support in part) The current pilot program for military personnel to vote via internet requires gifts, grants and donations to cover the cost. This bill would direct the State Treasurer to transfer \$100,000 from the Department of State cash fund to the pilot program so that the program can be implemented. In addition, uniformed services electors could verbally, not just in writing, provide information to a commissioned officer so that the officer could request a mail-in ballot on his/her behalf. ID cards, with a photo, issued by the Veterans Health Administration would become an acceptable form of identification.

We support the aspects of the bill which offer internet registration and transmission of a ballot to the elector. However, a ballot cast by the voter via the internet does not produce a voter-verified paper ballot or record that can be used for an audit or recount. Therefore, internet voting is in conflict with LWV positions.

Carol Tone 303.377.3746

### **PHOTO ID BILL DEVELOPED**

**NEW** HB 1111 Photo Identification For Voting (Reps. Szabo and Summers) (oppose) Yet again a bill requires that a government-issued photo identification be used in order to vote. This time around the approach is to remove from the list of IDs acceptable at polling places:

- certified documentation of naturalization;
- a certified copy of a US birth certificate; and
- a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the elector.

In particular we take issue with the part of the bill that states that “by law, access to state-issued photographic identification is available to senior citizens and low-income citizens.”

The bill has been assigned to the House State, Veterans, and Military Affairs Committee.

Carol Tone 303-377-3746

## ***NATURAL RESOURCES***

### **ENERGY**

#### **COAL METHANE TO BE BIOMASS**

**NEW** HB 1160 Captured Methane Coal Mines (Sen. Schwartz; Rep. Baumgardner) (support) would add methane gas captured from active and inactive coal mines to the definition of “biomass” for purposes of the renewable energy standard. The definition of “biomass” would become: Methane produced at landfills or as a by-product of the treatment of wastewater residuals OR CAPTURED FROM ACTIVE OR INACTIVE COAL MINES. League supports rational use of alternative and renewable energy sources. Using the captured methane means that these mines are producing twice!

Shirley Jin 303.499.1574

#### **DISCLOSURE OF SEVERED MINERAL RIGHTS**

**NEW** Rep. Looper has introduced HB 1164 Require Disclosure Severed Mineral Estate (support) which is a necessary transparency issue in the blossoming oil and gas drilling industry. This bill would require listing contracts, contracts of sale and sellers’ property disclosures for real estate to include a notice regarding whether the mineral estate has been severed from the surface estate when the taxes on the mineral estate have not been paid. This is similar in nature of the legislation a few years ago to inform prospective buyers of where their water resources come from when purchasing property. This bill has been assigned to Judiciary.

## HYDROFRACTURING

**NEW** HB 1176, Oil Gas Surface Owner Horizontal Drilling Setbacks (Rep. Ryden) (support) would require the Colorado Oil and Gas Conservation Commission (COGCC) to increase the setbacks from wells that will be treated with hydraulic fracturing. It would require at least 1,000 feet from any school or residence, but allow a surface owner who is not located in an urban area to request a shorter setback. It would also require best management practices (BMPs) for new technologies be established by rule prior to their use. The bill is assigned to House Local Government.

All reported by Jeannette Hillery, 303-494-7718

## WATER

### WATER BILLS FLOW ON

**SB 9 Consolidate Div Water Resources Funds (Sen. Hodge, Rep. Swerdfeger) (support)** is a means for efficiency in government. It was heard in Senate Agriculture on January 26, and passed unanimously to be placed on the Senate consent calendar.

Previously reported LL#1, p. 7.

**HB 1003 Authorize Graywater Use, Rep. Fisher (watch)** is calendared for hearing in House State Affairs on February 2.

Previously reported LL #1 p. 8

### SCIENTIFIC REVIEW OF WATER QUALITY RULES

**NEW** Rep. Looper and Sen. K. King have introduced HB 1161, Nutrients Scientific Advisory Bd. Water Quality (oppose) which would create a scientific advisory board appointed by leadership of the general assembly to review proposed numeric water quality nutrient standards regulating nitrogen and phosphorus to comply with rules of an executive order, and reflect stakeholder participation, cost benefit analysis.

There is already a very active working group, with broad stakeholder participation and balanced membership. This seems to be duplicative. It is a one year study, funded through gifts, grants and donations. Assigned to House Agriculture.

All reported by Jeannette Hillery, 303-494-7718

## SOCIAL POLICY

### CHILDREN'S ISSUES

#### GUARDIANSHIP ASSISTANCE BILL INTRODUCED

**NEW** SB 66 Guardianship Program Eligibility (Sen. Nicholson; Rep. Gardner, B.) (support) expands eligibility for the Guardian Assistance Program to people who have a family-like relationship with a child or who have had a significant relationship with a child.

In 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act. Part of that act provides federal matching payments for states that choose to provide guardianship assistance to relatives who become legal guardians of foster children. Colorado chose to take advantage of this opportunity to help foster children achieve permanency by creating the Guardian Assistance Program in the Department of Human Services. In an effort to further promote permanency, the state department would like to expand eligibility to non-relatives who have a close, significant relationship with a foster child. These non-relative guardians would receive financial support and a Medicaid card for the child just like relative guardians do. Passage of the bill will allow even more foster children to achieve the permanency that is so important to their success in life.

The bill is scheduled for hearing in Senate Judiciary on January 30. Federal matching funds are available to support this expansion.

Carla Bennett 303.757.2930

### EDUCATION

#### IMPROVE SCHOOL DISCIPLINE GUIDELINES

**NEW** The unintended consequence of "no tolerance" polices for schools in the past 20-30 years, including the in-school presence of police officers, has been an increased number of more and younger children entering the justice system for "crimes" such as school yard fights and theft. **SB 46 Discipline in Public Schools (Sens. Newell & Hudak; Reps Nikkel and Levy) (support)** culls months of work of the Legislative Task Force to Study School Discipline to narrow the mandatory grounds for student expulsion to one who brings a firearm to school or possesses a firearm at school, leaving the consequences of other infractions to the discretion of school districts. Schools must provide a

clear code of conduct, insure that students are made aware of these policies, and report disciplinary actions. School staffs and school resource officers must be trained in conflict resolution, disciplinary alternatives, etc.

This bill appears to hold schools responsible for establishing an environment for student safety and allows for the ability to use minor incidents to teach students all-important lessons about behavior. LWVCO supports the legislature establishing a base level of disciplinary expectations as in the mandatory expulsion for possession of firearms at school to insure consistency and equity across the state. However, we also support local school districts bearing the primary responsibility for general discipline policies. The task force has done a commendable job of updating the disciplinary regulation, updating bullying education requirements, and helping schools be more clear and just in educating our children about consequences of their behaviors.

The bill has been assigned to the Senate Education Committee.

Sally Augden 303.455.5800

## **HEALTH CARE**

### **HEALTH BENEFIT EXCHANGE REPEAL PROPOSED**

**NEW** **SB 53 Colorado Health Benefit Exchange Repeal (Sen. Neville; Rep. Looper) (oppose)** If any part of the federal Patient Protection and Affordable Care Act (PPACA) is repealed or ruled unconstitutional, Colorado's health benefit exchange, and therefore its board of directors, will be repealed. Under ACA, if the state does not operate an exchange, the federal government will do so. The state has received a number of federal grants to conduct various aspects of health benefit exchange related planning. For example, in 2010, the state received a \$1 million federal grant to perform economic modeling, actuarial analysis, and identify infrastructure needs. The full amount of funds received to date is not yet calculated, and it is unknown how much, if any, of these funds would be required to be repaid, if the exchange is repealed. Fiscal analysis assumes that state expenditures could increase if the federal government requires any planning grant moneys already received to be returned. We supported creation of the exchange in the 2011 session. Regardless of what happens to the PPACA, the exchange is a consumer friendly, market driven way to help expand access to health care.

### **STANDARDIZED FORMS PROPOSED**

**NEW** **SB 65 Prior Authorization Form Prescription Drugs (Sen. Morse; None) (support)** The bill requires prescribing providers and health benefit plans to use a uniform prior authorization form for purposes of submitting and receiving requests for prior coverage approval of a prescription drug. The deadline for this to happen is January 1, 2014. If the health benefit plan fails to use or accept the prior authorization form or fails to respond to a request within 2 business days, the request is deemed granted. An approved prior authorization form is valid for 12 months after the date of approval. Consistency among insurers in administrative records and procedures of this nature can help health care providers control administrative costs. Assigned to Health and Human Services.

### **NOTICE OF SERVICES THAT WON'T BE PROVIDED**

**NEW** **SB 93 Notice of Hospital Service Not Provided (Sen. Carroll; Rep. Duran) (support)** This bill requires hospitals to provide notice of all services that the hospital refuses to provide because of religious beliefs or moral convictions. Generally, reproductive and end of life services are the ones subject to limitation. The notice must inform patients of their right to obtain these services from another hospital. The hospital must provide the notice prior to or at admission of the patient or as soon after admission as is practicable. The Department of Public Health and Environment will specify the manner of notice that must be provided. The issue has arisen because hospitals that have restrictions on some services have garnered substantial market share in Colorado, in both rural and metro areas. Assigned to Health and Human Services.

### **PRESCRIPTIVE AUTHORITY PRACTICE PLANS**

**NEW** **HB 1065 Deadline Advance Practice Nurse Retain Prescriptive Authority (Rep. Gardner; None) (watch)** Pursuant to legislation in 2009, the standards for advanced practice nurses (APNs) to obtain prescriptive authority were modified to require APNs to develop an articulated plan for safe prescribing that documents how the APN will collaborate with physicians and other health care professionals in his or her practice of prescribing medications. Under the 2009 legislation, APNs who were granted prescriptive authority prior to July 1, 2010, were permitted to retain that authority but were required to develop an articulated plan of safe prescribing within one year, or by July 1, 2011.

The bill allows the state board of nursing to extend the deadline by which APNs with prescriptive authority granted before July 1, 2010, are required to develop an articulated plan. The extension is to July 1, 2012. An APN seeking a deadline extension must submit to the board, an application and fee and an attestation that he or she has developed an articulated plan prior to July 1, 2012. The board is to adopt rules establishing the criteria for granting a deadline extension. A decision of the board regarding a deadline extension request is not appealable.

All reported by Carol Pace 303.751.4125

### **PILOT EXTENSION PROPOSED**

#### **NEW HB 1017 Extend Local Access Health Care Pilot (Rep. Swerdfeger, Pace; Sen. Giron) (support)**

Under current law, the authority of the board of county commissioners of Pueblo county to operate a local access to health care pilot program in the county expires July 1, 2012. This bill extends the repeal date for the pilot program and the board's authority until July 1, 2017. The subject of the program is telemedicine. We are supporting the continuation of this pilot program because it helps to provide health care access by such means as telemedicine to those living in a rural area.

The board of commissioners of Pueblo County must submit a report to the general assembly regarding the activities of the pilot program operated in the county before March 15, 2017.

The bill was assigned to Local Government.

Marion Colliander 303.322.3926

### **MEDICAID FRAUD TARGETED**

**NEW SB 60 Improve Medicaid Fraud Prosecution (Sen. Roberts; none) (watch)** changes the amount of a county's share of recoveries of fraudulently obtained medical assistance when the recovery is initiated by a county department, county board, district attorney or HCPF on behalf of the county. Instead of sharing one-half of the state funds paid with the state, the county will be able to retain the full amount of the recovery after payment of the federal government share.

The bill requires the Department of Health Care Policy and Financing (HCPF) to submit a written report annually to the Health and Judiciary Committees of the House and Senate concerning client fraud in the medical assistance program. The Attorney General's office would also present a report to the same committees on provider fraud.

By January 15, 2013, and each year after, the state department will submit a report to the Judiciary and Health committees of both houses. The report must include:

- investigations of client fraud during the year;
- termination of client Medicaid benefits due to fraud;
- District Attorney action;
- recoveries of fines, penalties and restitution ordered;
- trends in methods to commit client fraud; and
- policies to be put in place to prevent fraud.

We are watching this bill because we have concerns these actions may end up in making Medicaid and thus health care less accessible for the low-income families that depend on it. The bill has been assigned to the Senate Health and Human Services Committee.

Marion Colliander 303-322-3926

### **HIGHER EDUCATION**

#### **PROPOSAL FOR NEW TUITION CATEGORY MOVES FORWARD**

**SB 15 Creating Optional Category of Higher Education Tuition (Sens. Giron & Johnston; Rep. Duran) (support)** Also known as Colorado ASSET, the bill creating a new category of student tuition at state higher education institutions, was heard in the Senate Education Committee on January 26. Once again there was impassioned testimony by students describing how passing this legislation would benefit them and the state of Colorado. The same arguments were heard from the opposition as in the past. Opponents felt that Federal legislation is needed before the state can move forward on such an initiative, and therefore it is illegal to do so. Additionally, concern was expressed that we might be giving false hope to undocumented students who would find it difficult to find jobs if they were graduated before obtaining United States citizenship. The League is still a strong supporter of the bill and believes it is important to make tuition more affordable to allow these students more opportunities to continue their education. The Senate Education Committee voted 4 (Bacon, Heath, Hudak, Johnston) to 3 (Renfroe, Spence, King, K) to pass the bill to the Senate floor. The bill was not required to go to the Appropriations Committee.

If this bill is not passed, it is likely that the state of Colorado could lose potential higher education students to surrounding states like Kansas, Oklahoma, or Texas who have passed similar legislation. One important piece to this proposed bill is that state institutions can

opt out of establishing this category should this bill be approved.

Previously reported: LL #1, p. 9

## NEW PATH TO AN AA DEGREE

**NEW SB 45 Higher Ed Associate Degree Transfer Students (Sens. Hudak & K. King; Reps. & Massey & Field) (support)** This bill proposes to allow students who have moved on from a 2-year institution (before completing a degree) to a 4-year institution to be eligible for a degree audit when he/she has meets associate degree requirements (60 credits) and awards that degree unless the student declines. Both 2-year and 4-year institutions are would be responsible for notifying the student about this program. This process would allow students to have closure on at least one degree and could ensure them of better employment opportunities.

The League's position on higher education supports giving all students an opportunity to attend post secondary education and that successful participation should be facilitated by a variety of resources. This would be such a program. The bill is scheduled for the Senate Education Committee on Thursday, February 9 at 1:30 p.m.

## HIGHER ED CREDIT FOR PRIOR LEARNING

**NEW HB 1072 Higher Ed Prior Learning Assessments (Reps. Massey & Fields; Sens. Bacon & K. King) (watch)** is a bill that would require that CCHE (Colorado Commission on Higher Education) to cooperate with state institutions of higher education to create a statewide process of evaluating prior learning experiences outside of the classroom. This would allow students to substitute these experiences for coursework/credit hours in a program. Examples of prior learning experiences may include military experiences, community involvement or work experience. Currently there is no common state process or credit guide for giving credit for prior learning experiences for academic knowledge and skills. It is now up to the each individual higher educational institution to make the final decision.

Students wanting to use prior learning experiences would benefit from such an assessment guide, as it would reduce the number of credit hours necessary for them to complete a program, thus saving tuition money. This would then impact higher education institutions in that they would be collecting less money because students would be enrolling in fewer classes. On the

other hand, seats in classes would be available for others.

According to the Fiscal Note, total expenditures in 2012-2013 are estimated to be \$860,360 and in 2013-14 - \$836,393. Additional FTEs—0.5 for the Department of Higher Education and 12 FTE, one for each of the state higher education institutions, are required. This could be a very costly endeavor at this time. Assessments of prior learning experiences at various private and online universities may serve as a model in developing a state assessment guide. A different process such as task force or committee other than one outlined in the bill may prove to be less costly and more efficient in accomplishing this task.

The bill is scheduled for the House Education Committee on Wednesday, February 8 upon adjournment.

All reported by Barbara Whinery, 970.353.6731

## INCOME ASSISTANCE

### LOW-INCOME ENERGY ASSISTANCE MOVES FORWARD

**HB 1028 Continue Low-income Energy-related Assistance (Rep. Gerou; Sen. Steadman) (support)** is making steady progress. The House Finance Committee sent it to the floor with a unanimous vote. On January 26, it passed Second Reading with no debate. Third Reading is scheduled for January 30.

Previously reported: LL#1, p. 9.

Julie Leonard 720.384.8421

### KEEPING FAMILIES OUT OF POVERTY

**NEW SB 22 Maintain Child Care Assistance Working Families (Sen. S. William; Rep. Massey) (support)** addresses the "cliff effect" created when Colorado Works participants start earning wages, only to lose their child care assistance. They've just started raising their households out of poverty, but may be plunged back below the poverty line when they suddenly have to pay the full cost of child care. The bill would require counties to provide gradually diminishing child care assistance over two years, unless the family's income rises over the federal limit or they stop participating in the eligible work activity.

Scheduled to be heard in Senate Health and Human Services on February 9.

Julie Leonard 720.384.8421

## STATUS SHEET

The Status Sheet is a constantly updated list of bills being followed by Legislative Action Committee members.

New bills are in **boldface**.

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

POLICY AREA	S/H	BILL #	BILL TITLE	S/O	PAGE	STATUS
Children's Issues	SB	33	Child Fatality Reviews	S	8	S-HHS
<b>Children's Issues</b>	<b>SB</b>	<b>66</b>	<b>Guardianship Program Eligibility</b>	<b>S</b>	<b>15</b>	<b>S-Jud</b>
<b>Education</b>	<b>SB</b>	<b>46</b>	<b>Discipline In Public Schools</b>	<b>S</b>	<b>15</b>	<b>S-Ed</b>
Elections	HB	1024	Plain Language For Ballot Titles	S	7	H-SVM
Elections	HB	1076	Additional Voluntary Info On Initiative Petitions	W	7	H-SVM
<b>Elections</b>	<b>HB</b>	<b>1089</b>	<b>Specific Wording Relating To Statewide Ballot Title</b>	<b>S</b>	<b>13</b>	<b>H-SVM</b>
<b>Energy</b>	<b>HB</b>	<b>1160</b>	<b>Captured Methane From Coal Mines</b>	<b>S</b>	<b>14</b>	<b>H-Ag</b>
<b>Energy</b>	<b>HB</b>	<b>1164</b>	<b>Require Disclosure Severed Mineral Estate</b>	<b>S</b>	<b>14</b>	<b>H-Jud</b>
<b>Energy</b>	<b>HB</b>	<b>1176</b>	<b>Oil Gas Surface Owner Horizontal Drilling Setbacks</b>	<b>S</b>	<b>15</b>	<b>H-LG</b>
Equal Opportunity	SB	2	Civil Unions	S	7	S-Jud
<b>Government</b>	<b>SB</b>	<b>27</b>	<b>Committee Of Reference Review Of Rules</b>	<b>O</b>	<b>12</b>	<b>S-Jud</b>
<b>Government</b>	<b>HB</b>	<b>1008</b>	<b>GA &amp; Public Input Proposed Agency Rules &amp; Fees</b>	<b>SIP</b>	<b>12</b>	<b>H-App</b>
<b>Gun Control</b>	<b>SB</b>	<b>25</b>	<b>Concealed Handgun Carry With No Permit</b>	<b>O</b>	<b>13</b>	<b>Pl'd</b>
<b>Gun Control</b>	<b>HB</b>	<b>1048</b>	<b>End CBI Instacheck Duty For Firearm Transfers</b>	<b>O</b>	<b>13</b>	<b>H-Jud</b>
<b>Gun Control</b>	<b>HB</b>	<b>1064</b>	<b>Firearm Possession During State Of Emergency</b>	<b>O</b>	<b>13</b>	<b>H-Jud</b>
<b>Gun Control</b>	<b>HB</b>	<b>1092</b>	<b>Concealed Handgun Carry Without Permit</b>	<b>O</b>	<b>13</b>	<b>H-Jud</b>
Health Care	SB	32	Medicaid Reform Seek Federal Waiver	O	8	S-HHS
<b>Health Care</b>	<b>SB</b>	<b>53</b>	<b>Colorado Health Benefit Exchange Repeal</b>	<b>O</b>	<b>16</b>	<b>S-HHS</b>
<b>Health Care</b>	<b>SB</b>	<b>60</b>	<b>Improve Medicaid Fraud Prosecution</b>	<b>W</b>	<b>17</b>	<b>S-HHS</b>
<b>Health Care</b>	<b>SB</b>	<b>65</b>	<b>Prior Authorization Form Prescription Drugs</b>	<b>S</b>	<b>16</b>	<b>S-HHS</b>
<b>Health Care</b>	<b>SB</b>	<b>93</b>	<b>Notice Of Hosp Serv Not Provided Religious Grounds</b>	<b>S</b>	<b>16</b>	<b>S-HHS</b>
<b>Health Care</b>	<b>HB</b>	<b>1017</b>	<b>Extend Local Access Health Care Pilot</b>	<b>S</b>	<b>17</b>	<b>H-LG</b>
<b>Health Care</b>	<b>HB</b>	<b>1065</b>	<b>Deadline Advan Prac Nurse Retain Prescriptive Auth</b>	<b>W</b>	<b>16</b>	<b>H-HE</b>
Higher Education	SB	15	Creating Optional Category Of Higher Ed Tuition	S	9, 17	S-Ed
<b>Higher Education</b>	<b>SB</b>	<b>45</b>	<b>Higher Ed Associate Degree Transfer Students</b>	<b>S</b>	<b>18</b>	<b>S-Ed</b>
<b>Higher Education</b>	<b>HB</b>	<b>1072</b>	<b>Higher Ed Prior Learning Assessments</b>	<b>W</b>	<b>18</b>	<b>H-Ed</b>
<b>Income Assistance</b>	<b>SB</b>	<b>22</b>	<b>Maintain Child Care Assistance Working Families</b>	<b>S</b>	<b>18</b>	<b>S-HHS</b>
Income Assistance	HB	1028	Continue Low-income Energy-related Assistance	S	9, 18	H-3rd Rdg
<b>Juvenile Justice</b>	<b>HB</b>	<b>1139</b>	<b>Pretrial Detention Of Children Tried As Adults</b>	<b>S</b>	<b>13</b>	<b>H-Jud</b>
<b>Voting Rights</b>	<b>SB</b>	<b>62</b>	<b>Voting By Military Personnel</b>	<b>SIP</b>	<b>14</b>	<b>S-SVM</b>
<b>Voting Rights</b>	<b>HB</b>	<b>1111</b>	<b>Photo Identification For Voting</b>	<b>O</b>	<b>14</b>	<b>H-SVM</b>
Water	SB	9	Consolidate Div Water Resources Funds	S	7, 15	S-CC
Water	SB	17	Prohibit Water Quality Standards Regs Nutrients	W	8	S-Ag
Water	HB	1003	Authorize Graywater Use	W	8, 15	H-SVM
<b>Water</b>	<b>HB</b>	<b>1161</b>	<b>Nutrients Scientific Advisory Bd. Water Quality</b>	<b>O</b>	<b>15</b>	<b>H-Ag</b>