Here we go again. Must be an election year – one of last year’s radical fringe bills is one of this year’s “statement” bills. We’ll start by quoting from last year’s POL report: “This bill would create the Family and Medical Leave Insurance (FAMLI) to provide partial wage-replacement benefits to people who take leave from work to care themselves or for a new child or a family member with a serious health condition. Because the state really should run a new mandated benefit program that you will fund!!! Every employee in the state (that means you if you’re W-2’d) will pay a premium into this program determined by the director of the division by rule. The premium will be based on a percentage of your yearly wages. We expect that massive amounts of cash would be paid out of this program, seeing as how benefits could be up to $1000 per week. Naturally, the program is established as an enterprise, so it’s exempt from TABOR. Employers are required to notify employees of the program in writing any time they hear of someone experiencing a “qualifying event,” subject to all sorts of requirements that basically boil down to treating the employee like nothing ever happened if they choose to take this leave, and strangely you’re still eligible for this leave money via one employer even if you’re able to continue working a second job elsewhere while receiving FAMLI leave benefits.” To be eligible, you only have to have worked 680 hours in a year (500 for flight attendants.) Consider that 40 hr/wk x 50 weeks = 2,000 hours for a full time job. So working a 34% part time job would qualify you for coverage. “Family Member” is defined as, “…an employee’s immediate family member, as defined in section 2-4-401 (3.7), an employee’s domestic partner, as defined in section 24-50-603 (6.5), and up to one additional person designated annually by the employee…” So you even get a bonus family member of your choice each year. “Serious Health Condition” involves, “Continuing treatment by a health care provider.” That is, anything goes! Of course the money that employees must pay into the fund are defined as “… fees and not taxes.” The division would be able to charge pretty much whatever they “need” after the first year. Of course participation in the plan will be tracked by income level, gender, race and ethnicity. Beside the fact that it is not the role to play insurance company, this is a dangerously radical proposal on many levels – fiscal, government expansion, economic, etc.

This legislation opposes the principle(s) of:
- Free Markets
- Limited Government
- Fiscal Responsibility

This bill would create a committee to study substance abuse in Colorado, prevention/intervention/harm reduction/treatment/recovery resources available to Coloradans, public and private insurance coverage and other sources of support for treatment and recovery resources, the way other countries handle substance abuse, and of course: identify legislative options to ‘do something’ about substance abuse. The bill directs the Department of Health Care Policy to award a grant to “one or more” organizations to operate a substance abuse screening, brief intervention, and referral program starting in July of 2018 and appropriates $ 500,000 for that purpose. Of course the program must include campaigning to increase public awareness of the risks related to alcohol, marijuana, tobacco and drug use. It also directs the Center for Research Into Substance Use Disorder Prevention, Treatment, and Recovery Support Strategies (say that five times fast) to develop and implement continuing medical education activities to help prescribers of pain
medication to safely and effectively manage patients with chronic pain, and when appropriate, prescribe opioids. Because the state needs to run a center to tell prescribers how to do the job they’ve gone through medical school to learn how to perform. The center is also tasked with developing more training on the use of opioid antagonists for law enforcement and first responders, and “community-based training” for persons at risk for opioid overdose. The center gets $750,000 for this. The bill also specifies that school-based health care centers may apply for grants from the School-Based Health Center Grant Program for the purpose of expanding health services to include treatment for opioid and other substance use disorders, and makes a $750,000 appropriation for that purpose.

This legislation opposes the principles of:
- Personal Responsibility
- Limited Government
- Fiscal Responsibility

**HB18-1004**  Continue Child Care Contribution Tax Credit  
**Oppose**

Under current law, a taxpayer who contributes money to promote child care in the state is allowed to take an income tax credit equal to 50% of the total value of his contribution. This credit is set to expire in 2020, and this bill would make the credit available until 2025. Time for our way-too-often recap of tax credits vs. tax deductions… Remember that a tax credit means that you get a dollar for dollar forgiveness of your Colorado state income tax under a credit. Let’s say you make $100,000 of Colorado taxable income. Your Colorado income tax would be 4.63% x $100,000 = $4,630. A tax credit means that if you gave $9,260 to this state supported “charity”, your tax bill would become $4,630 – 50% x $9,260 = $0. That’s right, wipe out your entire tax bill in one magnanimous swoop. How many times has POL said this…? “It is not the role of government to try to use tax policy to influence individual behavior.”

This legislation opposes the principle(s) of:
- Limited Government
- Fiscal Responsibility

**HB18-1005**  Notice to Students of Postsecondary Courses  
**Oppose**

Under current law, local education providers must notify students and their parents or legal guardians of opportunities to concurrently enroll in postsecondary courses. This bill specifies that the notice must include additional information on the financial, academic, and career benefits of concurrent enrollment. Because the current law that schools are forced to notify students/parents about concurrent enrollment (which they would do anyway because it is a competitive advantage to offer such programs) isn’t enough – the state believes that schools should make projections/promises to incentivize parents/students to take advantage of these classes because it is for their own good.

This legislation opposes the principle(s) of:
- Personal Responsibility
- Limited Government

**HB18-1006**  Infant Newborn Screening  
**Oppose**

This bill is an example of why you have to read a bill in its entirety and not simply rely on
summaries from legislative services. You can never simply trust a bill title. This bill expands newborn screening for genetic and metabolic diseases, increases access to follow-up services, and creates funding for additional newborn hearing loss screening. The bill increases state revenue and expenditures on an ongoing basis. For fiscal year 2018-19, the bill requires an appropriation of $1,951,722 to the Colorado Department of Public Health and Environment. The declarations trot out the commonly used trope, “this will save the public money by investing in prevention.” Check your assumptions – is it the duty of the state to take money from some people to pay for hearing loss solutions or any other medical remedies for other people? Bill provisions include, “the birthing facility where the infant is born shall forward all appropriate specimens to the laboratory operated or designated by the department. The physician, nurse, midwife, or other health professional attending a birth outside a birthing facility is responsible for collecting and forwarding the specimens. The laboratory shall forward the results of the testing to the physician, primary care provider, or other health care provider as needed for the provision of such information to the parent, parents, or guardians of the child.” The bill also says that “… the state board shall add new conditions for which infants must be tested as deemed appropriate by the department, based on the recommended uniform screening panel as recommended by the secretary of the united states department of health and human services or its successor agency.” The laws in these sections will now cover “birthing facilities” instead of “hospitals.” The bill also sets up an information technology system for tracking, to establish follow up services, “appropriately connect” people to health care, provide training to birthing facilities and midwives, and assess fees.

This legislation opposes the principle(s) of:
- Personal Responsibility
- Limited Government
- Fiscal Responsibility

HB18-1007 Substance Use Disorder Payment and Coverage

Oppose

This bill would require all individual and group health benefit plans to provide coverage without prior authorization for a five-day supply of buprenorphine for a first request within a 12-month period and impose a list of other requirements on carriers. Dictating insurance coverage benefits is not the role of government.

This legislation opposes the principles of:
- Free Markets
- Limited Government

HB18-1008 Mussel-free Colorado Act

Oppose

This bill would not be popular in Alabama. (ok, that was an unauthorized joke inserted by Rich that only a few of you will get if you are serious old school music recording fans and recognize Muscle Shoals, the Swampe, etc.) This bill would authorize the Division of Parks and Wildlife to demand reimbursement from a conveyance owner (i.e., motor vehicles, trailers, and watercraft) for the storage and decontamination of a conveyance that has been impounded and quarantined due to the suspected presence of an aquatic nuisance species. Impounding your property, “decontaminating” it, and sending you the bill does NOT support property rights. At a minimum, the state could have given you the option to turn around and take your property home. The bill would also require in-state residents to pay a $ 25 fee for an aquatic nuisance species stamp, and nonresidents to pay a $ 50 fee. These stamp fees go into the Parks and Wildlife Nuisance Species Fund for the purpose
of containing/eradicating aquatic nuisance species in Colorado waters. The bill would also create penalties for failing to comply with a peace officer or an authorized agent’s request to stop/detain/inspect a vessel, and launching a vessel without first obtaining a vessel inspection at an aquatic nuisance species check station. Current law allows peace officers to stop and inspect conveyances for the presence of aquatic nuisance species and to impound and quarantine the conveyance if a) the peace officer finds or reasonably believes there may be an aquatic nuisance species present, or b) the person transporting the conveyance refuses to submit to an inspection, or c) the person transporting the conveyance refuses to comply with an order to decontaminate the conveyance. That’s a pretty broad authority to seize property that a peace officer has upon believing that there’s a problem. This bill would pile on costs of state imposed storage and decontamination and increase fines for non-compliance. Funding a program with fines (in addition to the newly created stamp fees) creates a perverse incentive to increase the number of fines imposed for the benefit of the enforcing agency. Preventing someone from violating the property rights of others by introducing invasive species is one thing. Broad powers to confiscate property upon suspicion, impose actions upon that property, charge the property owner for the privilege, and increase fines that beneficial and incentivizing to the enforcing department crosses the line. Colorado has been wrestling with curbing abusive asset forfeiture for a few years now. This bill is a step in the opposite direction.

This legislation opposes the principle of:
- Property Rights
- Limited Government

HB18-1009 Diabetes Drug Pricing Transparency Act 2018 Oppose

Same story, different drugs. This bill would create the ‘Diabetes Drug Pricing Transparency Act of 2018’. Under the bill, drug manufacturers and pharmacy benefit managers must submit annual reports to the state board regarding drugs used to treat diabetes that are subject to price increases of certain percentages. The state board analyzes the submitted information, publishes a report, and may impose penalties on drug manufacturers or pharmacy benefit managers who do not comply with reporting requirements. Nonprofit organizations advocating for patients with diabetes or funding diabetes medical research that receive contributions from certain diabetes drug manufacturers must annually report those contributions. First step, reporting. Next step, price fixing...

This legislation opposes the principles of:
- Free Markets
- Limited Government

HB18-1010 DHS Report Data and Add Members to Working Group Oppose

This bill would require the Department of Human Services to annually calculate the recidivism rate and educational outcomes for juveniles committed to the custody of the department who complete their parole sentences and discharge from department supervision. Of course, the report must include demographic data about the population in the report. The bill would also add two members to the Youth Restraint and Seclusion Working Group. Researching the relationship between crime, educational outcomes, and ethnicity isn’t the role of government.

This legislation opposes the principles of:
- Limited Government
HB18-1011  Marijuana Business Allow Publicly Traded Owners  **Support**

This bill would loosen the restrictions on marijuana business ownership. The bill would redefine the terms ‘direct beneficial interest’ and ‘permitted economic interest’ so that only those who own more than 5% of the shares of stock in a marijuana business have to go through the disclosure and background investigations. It would also repeal provisions that require limited passive investors to go through an initial background check, that limit the number of out-of-state direct beneficial owners to 15 persons, and that prohibit publicly traded entities from holding a marijuana license.

This legislation supports the principles of:
- Individual Liberty
- Free Markets
- Limited Government

HB18-1012  Vision Care Plans Carriers Eye Care Providers  **Oppose**

This bill places certain restrictions on contract provisions that a vision plan provider may place on vision care providers. More of the usual - we must regulate health care because our regulation of health care has driven up costs and reduced quality, so of course the only solution to that government created problem is more government created “solutions”.

This legislation opposes the principles of:
- Limited Government

HB18-1013  Income Tax Credit For Endowment Contributions  **Oppose**

Please see the write-up above for HB18-1004. Pretty much the same argument. How many times has POL said this…? “It is not the role of government to try to use tax policy to influence individual behavior.”

This legislation opposes the principle(s) of:
- Limited Government
- Fiscal Responsibility

HB18-1015  Repeal Ammunition Magazine Prohibition  **Support**

This bill repeals the prohibition on the sale, transfer, and possession of “large-capacity” ammunition magazines, and it also repeals the requirement that a magazine manufactured in Colorado have a permanent stamp or marking indicating it was produced after July 1, 2013. Free the plastic boxes with springs.

This legislation supports the principles of:
- Individual Liberty
- Property Rights
- Free Markets

HB18-1018  Human Trafficking Commercial Driver’s License  **Oppose**

This bill would require schools that conduct training for commercial driver’s licenses (CDLs) to include education on human trafficking as a part of their training. The bill also directs the Department of Revenue to publish information about human trafficking for commercial driver license holders and trainees “in a manner that is likely to be read by holders of or people training to
obtain a commercial driver’s license.” This bill imposes yet another licensure requirement on people who are just trying to get your food across the country, etc. They shouldn’t be required by the state for a permission slip to do so in the first place, much less be subjected to additional “education” that has nothing to do with their jobs.

This legislation opposes the principles of:
   Free Markets
   Limited Government

**HB18-1022  DOR Department Of Revenue Issue Sales Tax Request For Information Support**

Last year, HB17-1216 created the Sales and Use Tax Simplification Task Force for the purpose of studying sales and use tax simplification between the state and local governments, especially between the state and home rule jurisdictions. The current taxation of businesses across the state is complicated with competing rules on timing, audits, rules, exceptions, etc., making it very difficult for employers to comply with state and local sales/use tax code. The formation of the task force began the process of trying to identify how the state can simplify its system of taxation. This bill would continue that process by requiring the Department of Revenue to issue a request for information for an electronic sales and use tax simplification system that would provide administrative simplification to the state and local sales and use tax system that the state or any local government that levies a sales or use tax could choose to use. Simplifying the byzantine tax process for Colorado businesses would be a step toward limiting the burden of state/local government.

This legislation supports the principle of:
   Limited Government

**HB18-1032  Access Medical Records Emergency Medical Services Patient Database Oppose**

Because not enough people are all up in your personal health business already... this bill would require the Department of Public Health and Environment to provide individualized patient information from the department’s EMS agency patient care database to “health information organization networks” for any use allowed under the federal ‘Health Insurance Portability and Accountability Act of 1996’ (HIPAA). If you want to share your health information, share it with whoever you want. Government doesn’t need to be authorizing the release of your health information to even more places.

This legislation opposes the principles of:
   Individual Liberty (privacy)
   Limited Government

**HB18-1033  Employee Leave to Participate in Elections Oppose**

Under current law, employers are forced by the state to give employees who are eligible to vote in an election two hours off of work to vote on election day. This bill would force employers to allow people to take two hours of leave from work to vote, register to vote, obtain a ballot or replacement ballot, or obtain an identification document required for voter registration. For general, primary, and coordinated elections, voters may take this leave on any day that polling locations are open. For all other elections, voters may take this leave on any day within eight days prior to the election, or on election day. Oh and by the way, employers are required to pay the absent employee as if they’re on the clock. Mandating conditions of employment to employers is not the role of
This legislation opposes the principles of:
Personal Responsibility
Limited Government

HB18-1034    Career and Technical Education Capital Grant Program  Oppose
This bill would create the Career and Technical Education Capital Grant Program in the Colorado Department of Labor for the purpose of giving technical schools money to purchase or lease equipment related to their programs or to construct/maintain their buildings. The Colorado Workforce Development Council (CWDC) must adopt guidelines for the program, review applications, award grants, and compile an annual report on the program. In awarding grants, the council must first award grants to applicants in rural areas of the state and consider the financial need of each applicant. The amount appropriated for the grant program is at the discretion of the General Assembly and the bill does not specify an appropriation, but the fiscal note assumes an appropriation of up to $10 million appropriation per year to fund the program. Is it the role of government to take money from citizens across the state and use it to help subsidize the costs associated with technical or higher education? At principles of liberty, we believe that people should pay the costs incurred from their lifestyle or career choices, including the choice to pursue technical or higher education.

This legislation opposes the principles of:
Personal Responsibility
Limited Government
Fiscal Responsibility

HB18-1036    Reduce Business Personal Property Taxes  Support
Business property tax: a tax in which government forces you to inventory property you’ve already paid for, and makes you pay a tax on it year after year after year. Under current law, if a business has less than $7,400 of personal property that would be listed on a single personal property schedule, then the personal property is exempt from the property tax. This bill would raise the exemption to $50,000 commencing in tax year 2018, and adjust that amount for inflation for subsequent property tax cycles, so that businesses with personal property under $50,000 (or the inflation adjusted amount) would not have to file the business personal property tax forms nor pay the corresponding tax. The bill would also raise the value of business personal property that qualifies for a consumable property exemption from $350, which is the value set by the property tax administrator, to $500. As we said about last year’s SB17-009, continuously taxing businesses on personal property and forcing them to list a schedule year after year after year is not a good way to “create jobs.” This exemption has been increased slightly in the recent past, why not increase it more?

This legislation supports the principles of:
Property Rights
Limited Government

HB18-1037    Concealed Handguns on School Grounds  Support
With a few limited exceptions, current statute prohibits a person who holds a valid permit to carry a concealed handgun from carrying a concealed gun on public elementary, middle, junior high, or
high school grounds. The bill removes this limitation. Current laws prohibiting law abiding people from carrying guns on school grounds aren't stopping school shootings, but a parent or teacher with a gun might.

This legislation supports the principles of:
- Individual Liberty
- Limited Government

**HB18-1038** Land Surveyors Continuing Education Requirement **Oppose**

This bill would require the state board of licensure for architects, engineers, and land surveyors to adopt rules establishing a continuing education requirement for land surveyors. Will we ever get to live in a true free market where individual liberty and personal responsibility work together free from government intervention to provide us quality goods and services at reduced costs?! Don't answer that, just keep up with your state mandated continuing education if you want to stay in business!

This legislation opposes the principles of:
- Personal Responsibility
- Free Markets
- Limited Government

**HB18-1042** Private Interstate Commercial Vehicle Registration **Support**

The bill creates an expedited registration program that authorizes the department of revenue to allow private providers to register interstate commercial vehicles.

This legislation supports the principle(s) of:
- Free Markets
- Limited Government
- Fiscal Responsibility

**HB18-1043** Beef Country of Origin Recognition System **Oppose**

This is the 2018 version of last year’s failed HB17-1234. The bill would require retailers to display a sign indicating whether the beef they’re selling was produced in the USA or in some other country. This bill seeks to address what some people are calling “misleading advertising” such as marketing beef raised in other countries but packaged in the USA as a “product of the USA”, which is permissible under NAFTA (thanks, federal government). Defrauding consumers is a problem, but this bill is not the appropriate solution. There is a difference between saying “you can’t blatantly lie to consumers” and “you MUST put a sign on your product that says this.” At POL we love us some locally sourced beef, but it’s not the role of government to require retailers to post signs identifying where their beef was born and raised. If consumers really want to know, they can demand that information—without the state mandating that retailers provide a placard. It’s amazing that you can find ‘gluten free’ food offered and advertised everywhere, without a state law/mandate, but that’s what happens when consumers create a demand. But if consumers don’t demand a market for something, what’s a producer to do? Why they should run a bill and get you, the taxpayer, to fund the force of government to do it for them. This bill is an attempt for producers to forcefully try to stimulate a demand. We’ve been contacted by several people on this bill, on both sides of the issue. Interestingly, while one respected a rancher is running the bill, another respected rancher
called to tell us that most all the ranchers he knows are against the bill. Is there a problem here? Maybe so, but more government force is not the answer. Pulling a Bush-like ‘we have to regulate the free market to save the free market’ routine only displays a complete lack of understanding of a free market. If we had a nickel for every time we’ve heard, “I usually support blah blah blah, but in THIS case, blah blah blah.” Please, set the (metaphorical) gun of government force down, take a deep breath, and slowly step away.

This legislation opposes the principles of:
   - Personal Responsibility
   - Free Markets
   - Limited Government

**HB18-1044**  Colorado Children’s Trust Fund Act  
Oppose

This bill greatly expands the scope of the Colorado Children’s Trust Fund Board. The legislative declaration announces that their goal is to “prevent child maltreatment before it occurs in the first place.” Some of the board’s current duties include spending money in the Children’s Trust Fund on the establishment, promotion, and maintenance of primary and secondary prevention programs and programs to prevent and reduce the occurrence of prenatal drug exposure. This bill would add to those duties developing strategies to increase child well-being and achievement and caregiver well-being and achievement, improving quality caregiving, increasing “safe, supportive neighborhoods,” monitoring development/promotion of workforce development, promoting academic research on child maltreatment prevention initiatives, and expending funds for programs to reduce the occurrence of “other adverse childhood experiences.” The bill would increase the board from 9 members to 21 members to help tackle these new duties.

This legislation opposes the principle of:
   - Limited Government

**HB18-1054**  Affordable Housing Plastic Shopping Bag Tax  
Oppose

This bill would ask for voters to approve 25 cent tax on anyone who uses plastic shopping bags. The amount of the tax is the same regardless of the number of bags used, and the money would be put into the housing development grant fund. The purpose of the bill, and we quote, is “to increase funding for affordable housing through a tax on plastic shopping bags, which will provide an incentive for people to use more environmentally friendly alternatives.” Because we want to be just like California! Once again: It is not the role of government to try to use tax policy to influence individual behavior! Nor is it the role of government to forcibly take money from some people to give away to others.

This legislation opposes the principles of:
   - Free Markets
   - Limited Government

**HB18-1055**  Increase Surcharge for Court Security Cash Fund  
Oppose

Under current law, courts collect a $5 surcharge on certain court fees and credit it to the court security cash fund. The fund is used to give grants to counties for purposes related to the security of facilities containing a state court or probation office. This bill would increase the surcharge to $10—double the current fee. On and after the effective date of the bill, for each $10 surcharge
credited to the fund, the state court administrator shall award $5 to the court that collected the fee upon which the surcharge was assessed and the other $5 will go into the cash fund. This method of funding is an end-run run tax increase, it isn’t particularly transparent, has no accountability, and isn’t conducive to fiscal responsibility.

This legislation opposes the principle of:
Fiscal Responsibility

**HB18-1056**  
FPPA Fire And Police Pension Association Statewide Standard Health History Form

Support

At the start of employment, members of the Fire and Police Pension Association (FPPA) are supposed to complete a health history form. The purpose of the form is to notify FPPA of a member’s health history as it exists at the commencement of employment. The employer of a member can be unjustly liable for the total payment of disability and survivor benefits that may be awarded to the member if the employer did not file the form. This bill allows the FPPA to implement an electronic format for completing and filing the required form, and tightens up the language regarding completion/filing deadlines. The bill also stipulates that any member who omits or conceals any material fact concerning his health history on the form may be disqualified from receiving disability or survivor benefits.

This legislation supports the principles of:
Fiscal Responsibility

**HB18-1059**  
Require 911 Call

Oppose

This bill would make it a class 6 felony if a person “knows” or “should know” that another person is in need of emergency assistance and fails to call 911 or use another means to get them assistance and the person in distress subsequently dies. So if the state thinks that you should have known better in any situation, it can ruin your life with a felony. What could possibly go wrong here? While we personally feel that we have an obligation to our fellow man and would call 911 for you if we see you having an emergency, it is NOT the role of government to forcibly make you your brother’s keeper. And we thought the “see something, say something” campaign was big brotherish. This is full on state-police power.

This legislation opposes the principles of:
Individual Liberty  
Personal Responsibility  
Limited Government

**HB18-1060**  
Income Tax Deduction for Military Retirement Benefits

Oppose

The starting point for determining state income tax liability is federal taxable income. This number is adjusted for additions and subtractions (deductions) that are used to determine Colorado taxable income, which amount is multiplied by the state’s 4.63% income tax rate. This bill would allow individuals under 55 years old to claim a deduction of up to $20,000 for their military retirement benefits. The legislative declaration explicitly states that the goal of the deduction is “to honor the sacrifice and service of veterans and to create an incentive for more veterans to make their post-military homes in the state.” While on the one hand we have some politicians making principled arguments against corporate welfare (for Amazon, etc.), on the other hand from the same types
of people we get bills like this for a special group. Like we said above, if we had a nickel for every
time we’ve heard, “I usually support blah blah blah, but in THIS case, blah blah blah.” Here comes
another application of our phrase of the week: It is not the role of government to try to use tax
policy to influence individual behavior.

This legislation opposes the principle(s) of:

- Fiscal Responsibility
- Equal Application of the Rule of Law

HB18-1061  No Encryption Of Dispatch Radio Communications  Support

This bill states that state, city, and county government entities must broadcast their dispatch
radio communications without encryption so that the public can monitor them with commercially
available radio receivers and scanners unless encryption is necessary to protect tactical radio
communications or communications involving the investigation of potential criminal activity. The
bill specifies that any government entity that encrypts any of its dispatch radio communications
shall disclose on its public website a list of its radio communication channels, what they’re
used for, and whether or not they’re encrypted. The bill grants anyone standing to bring an
action for injunctive relief in district court against any sheriff, chief of police, fire chief, or other
administrative head of any government entity for an allegedly unlawful encryption of dispatch
radio communications. The bill also makes it a class 3 misdemeanor to intercept and use dispatch
communications to commit or assist someone in escaping from the commission of a crime. There
are some jurisdictions that already do a good job of utilizing these types of policies regarding
encryption. This law would prevent other jurisdictions from going the other way and encrypting all
of their communications (which some are trying to do) and intentionally thwarting transparency.

This legislation supports the principle of:

- Limited Government (Transparency)

HB18-1062  Sales Tax on Retail Marijuana  Oppose

Same backstory as SB18-088. Last year’s SB17-267 was a massive a bill introduced near the end
of session that set the record for our longest bill explanation ever. It took paragraphs. It required a
diagram. It also accidentally deleted the authority of the Regional Transportation District (RTD),
the Scientific and Cultural Facilities District (SCFD), and Health Services Districts (HSD) to levy
sales tax on marijuana—which since the legalization of marijuana had been bringing them in a
good chunk of change. Oops.

How did this happen? SB17-267 exempted retail marijuana sales from Colorado’s 2.9% general
state sales tax and instead increased the rate of the retail marijuana sales tax from 10% to 15%.
But the special districts referred to earlier are only authorized to levy sales tax on transactions upon
which the state levies general sales tax.

This bill would reinstate the general state sales tax authority on marijuana by repealing the current
exemption, and it would reduce the retail marijuana sales tax by 15% to 12.1%-- a reduction
of 2.9% in an attempt to “net out” the impact of reinstating general sales tax. The Colorado
Constitution per TABOR requires voter approval to impose a tax increase. Some argue that this
isn’t a “new” tax increase, it’s fixing a mistake made in a previous bill, so the approval isn’t needed.
We think that since both chambers approved removing the sales tax when they passed SB17-267,
re-imposing it without voter approval flouts the rule of law. Votes have consequences. Netting out
the tax impact of a tax increase/decrease doesn’t mean you didn’t implement a tax increase without the approval of voters as required by the state constitution. If this bill were to pass, we could see a winning lawsuit against the 2.9% tax increase and yet the 2.9% decrease in the retail marijuana tax would stand. That would actually be pretty funny.

This legislation opposes:

- Limited Government
- Fiscal Responsibility

**HB18-1063** Consumer Control of Consumer Credit Information  
This bill would: 1) Force credit agencies to set up procedures to allow people to restrict them from providing a consumer report to anyone without their positive consent, 2) Force credit reporting agencies to give a one time positive notification of those procedures to every person that they have a credit file for, and 3) in the event that a credit agency suffers a security breach, gets hacked, or is “compromised” (somewhat vague), force that credit agency to, upon request of the consumer, turn over a consumer’s complete credit file and completely delete/purge all records from their systems, effectively destroying the credit company’s property. This looks like an expansion of government and a violation of the property rights of credit agency companies, punishing them for being hacked by mandating that they relinquish/destroy their property. It also directly restricts credit agencies from pursuing their legal business model.

This legislation opposes the principles of:

- Limited Government
- Property Rights

**HB18-1064** Training Program Prevention Child Sexual Abuse  
This bill would direct the Colorado Children’s Trust Fund Board to develop and administer a training program to prevent child sexual abuse prevention program for “parents, child care providers, librarians, church staff and volunteers, medical professionals…” etc. Like HB18-1044, this bill would continue to expand the state’s involvement in spending tax dollars on prevention programs, which isn’t the role of government.

This legislation opposes the principle of:

- Limited Government

**HB18-1067** Right to Rest Act  
This bill has been run the last two years. This bill creates the “Colorado Right to Rest Act”, which establishes ‘rights’ for persons experiencing homelessness, including, but not limited to, the ‘right’ to use and move freely in public spaces, to rest or sleep in public spaces, to eat or accept food in any public space where food is not prohibited, to occupy a legally parked vehicle, and to have a reasonable expectation of privacy “on one’s personal property in public spaces.” Principles of Liberty supports the equal protection of the law for ALL citizens, including citizens that are homeless. The legislative declaration of this bill focuses on a special class of citizens (the homeless) who already possess the same right to the equal protection of the law afforded to all citizens. As we state in our definition of the principle of Equal Protection/Rule of Law: “It is not the role of government to create a special group or class of citizens for protection or punishment, special treatment or penalties.” This bill attempts to create specific “rights”, including what are essentially
a new type of property rights for individuals with respect to public spaces. The bill creates a “right to a reasonable expectation of privacy on one’s personal property in public spaces”, but the problem here is you’re not on your property... you’re on public property. Sure you may have a property right in your cell phone, but a right to privacy “on” your blanket in the park? The role of the state government is to protect individual rights, not to create/grant them. For a more complete discussion on “rights”, be sure to attend a POL training class in the fall!

This legislation opposes the principles of:

- Property Rights
- Limited Government
- Equal Protection/Rule of Law

HB18-1071 Regulate Oil Gas Operations Protect Public Safety  Oppose

In the ongoing case Martinez v. Colo. Oil & Gas Conservation Commission, a group of people sought a rulemaking petition to bar issuance of permits for oil and gas drilling unless “best available science” demonstrated that there would not be adverse impacts to the environment or human health or a contribution to climate change. The commission ultimately said uh sorry, not gonna do that, that’s outside our statutory authority/not what the legislature directed us to do. In the course of the decision by the Colorado Court of Appeals to overturn a lower court decision that said the commission could deny that petition based on the commission’s lack of statutory authority to implement it, the court of appeals did some liberal interpretation of Colorado statute. Specifically, the Court of Appeals interpreted the portion of Colorado statute that says it’s in the public interest to “[f]oster the responsible, balanced development, production, and utilization of the natural resources of oil and gas in the state of Colorado in a manner consistent with protection of public health, safety, and welfare, including protection of the environment and wildlife resources” to mean that oil and gas development is not balanced with the protection of public health, safety, and welfare, including protection of the environment and wildlife resources and the statute requires that development must occur in a manner consistent with such protection in order to be responsible/balanced. I.e. oil and gas development must be regulated to ensure it doesn’t hurt anything. By the way, the portion of statute being interpreted? It’s just the legislative declaration—it’s not even part of the commission’s official statutory duties.

This bill would add statute to direct the oil and gas commission to “regulate oil and gas operations so as to prevent and mitigate significant adverse environment impacts.” This bill is just another attempt to let a tyranny of the minority use the force of government to violate property rights by obstructing oil and gas drilling.

This legislation opposes the principle of:

- Property Rights
- Limited Government

HB18-1072 Red Light Camera Repeal  Support

This bill would repeal the authorization for the state, a county, a city and county, or a municipality to use automated vehicle identification systems (including red light cameras) to identify violators of traffic regulations and issue citations based on photographic evidence and creates a prohibition on such activity. The bill also repeals the authorization for the department of public safety to use an automated vehicle identification system to detect speeding violations within a highway
maintenance, repair, or construction zone.

This legislation supports the principles of:
- Individual Liberty
- Limited Government

**HB18-1074  Deadly Force Against Intruder at a Business**  **Support**

Under current law, you have a right to use deadly force against an intruder who has unlawfully entered your home and who you believe intends to commit a crime against you or your property (in addition to the unlawful entry) and use force against you or somebody else in the home. This bill would extent that right to include owners, managers, and employees at a place of business and change the current verbiage from “home” to “dwelling.” 3 years ago, our report on this bill stated, “POL has supported this legislation in the past and does again this year. Anyone watch the HBO Documentary on the massacre at the Westgate Shopping Mall in Nairobi in 2013? Heard of Charlie Hebdo this week? You are your own first responder.” 2 year our we added, “You can fill in your own updated events for this year. You are still your own first responder.” Not much more we can say this year.

This legislation supports the principles of:
- Individual Liberty
- Personal Responsibility
- Property Rights

**HB18-1080  Climate Leadership Awards Program**  **Oppose**

In case you didn’t know it, there is a position in the governor’s office for “Climate Change.” The statutes state that, “There shall be a position created by the governor within the executive branch, which position must include the term “climate change” in its title, to assess climate change issues in the state... The duties of the position created pursuant to subsection (1) of this section include, at a minimum; (a) Development and periodic update of a climate action plan or similar document that sets forth a strategy, including specific policy recommendations, that the state could use to address climate change and reduce its greenhouse gas emissions; and (b) Collaboration with other entities regarding climate change preparedness studies.” This bill would add new duties to this incredibly necessary state government. Such duties would include the, “Development of a Colorado climate leadership awards program. The program will recognize outstanding organizational and individual leadership in response to climate change. The person who runs this program may collaborate with a public or private entity committed to addressing the effects of climate change. The award requirements must be based on objective scientific criteria designed to measure the actual or anticipated effect of specific actions intended to reduce greenhouse gases and emissions.”

Awards for the anticipated effect of specific actions. Got it - kind of like Nobel Peace Prizes but on a smaller scale? I plan to invent a cost-free perpetual energy machine that will have the anticipated effect of saving mankind through my specific action of clicking my heels together three times and chanting over and over again. “There’s no place like Colorado.” Where do I pick up my award?

This legislation opposes the principle(s) of:
- Free Markets
- Limited Government
HB18-1081  State Court Administrator Reminder Call Center  Oppose

This bill would require the state court administrator to administer a division that is charged with reminding criminal defendants to appear at their scheduled hearings in the county courts and district courts of the state. The objective is to “significantly reduce the number of defendants who are committed to the custody of a county jail solely as a result of their failure to appear in court.” Because the threat of jail for not showing up to a hearing doesn’t get people there, but a friendly reminder call will? Got it. Could they at least make it a robo-call with an annoying motherly-nanny voice…? I can see it now, “Johnny, you never call me any more. Your brother – HE called me this week. You? Nada. You can’t remember your own mother? Puhleese. You probably won’t even remember that you got a court date tomorrow at 9:00am. That means in the morning. Can you at least remember to go to that? And call your mother afterwards to tell me how it went, that is, if I’m still around with these chest pains, but at least your brother will remember to show up to the funeral…”

This legislation opposes the principle(s) of:
- Personal Responsibility
- Limited Government
- Fiscal Responsibility

HB18-1083  On-demand Air Carriers Sales & Use Tax Exemption  Oppose

This bill would create a sales and use tax exemption for the purchase/storage/use of an aircraft for use in interstate, intrastate, or foreign commerce by an on-demand air carrier if the aircraft is purchased by a person and then subsequently leased or subleased to an on-demand air carrier or if the aircraft is purchased by an on-demand air carrier. Under current law, aircraft used or purchased for use in interstate commerce by a commercial airline are already exempt from sales tax. While we dislike taxes too, it’s an unequal application of the law for the state to exempt certain industries, goods, or services from what should be uniform tax policy. This bill doesn’t make a favorable systemic change in tax policy for everyone, but instead expands the list of winners/losers in the tax exemption game.

This legislation opposes the principles of:
- Fiscal Responsibility
- Limited Government
- Equal Protection/Rule of Law

HB18-1085  Health Effects Industrial Wind Turbines  Oppose

The bill requires the department of public health and environment to research and compile information on the health effects of noise and stray voltage from industrial wind energy turbines on humans and animals and present their findings by January 1, 2020. Under the bill “health effects” includes the psychological impact on humans. Yep, the state wants to take your money from you by force and use it to study how wind turbines make people feel. The fiscal note estimates that this bill will increase General Fund expenditures by $65,254 in FY 2018-19 along with additional centrally appropriated costs of $17,183 in FY 2018-19 and $5,536 in FY 2019-20. We’re sick of the state legislature getting involved in the energy industry. Whether it’s to subsidize electric cars, to try and block the development of certain energy resources, or study the health effects of wind turbines, none of it is the role of government.
This legislation opposes the principles of:

- Fiscal Responsibility
- Limited Government

**HB18-1095 Educator License Requirements Military Spouses**

Oppose

Under current law, the department of education may issue a professional teacher license to a teacher who holds a comparable license from another state and has 3 years of continuous teaching experience. This bill would exempt military spouses from the requirement that the teaching experience be continuous. We think that the free market can produce quality teachers without the need for government to intervene. If you don’t need to have 3 years of continuous experience to teach if you’re married to someone in the military, why does anyone else? What about everyone else who has to move around due to their spouse’s job, family matters, or any other reason?

This legislation opposes the principle of:

- Equal Application of the Rule of Law

**HB18-1096 Special Event Permit Alcohol Beverages**

Support

Special event permits allow beer, wine, and spirits to be sold by the drink at events run by specified organization. Under current law, organizations that may apply for a permit include social, fraternal, patriotic, political, athletic, religious or nonprofit organizations, as well as institutions of higher education, political candidates, or municipalities that own arts facilities. Agency rules allow any local government entity and educational organizations to also apply for a special event permit. This bill removes the requirement that a special event permit be issued to a municipality only if the municipality owns an art facility and instead allows a special event permit to be issued to any municipality, county, or special district. The bill would also add educational organizations to the list of organizations that can apply for a special event permit.

This legislation supports the principles of:

- Limited Government

**HB18-1097 Patient Choice of Pharmacy**

Oppose

This idea was proposed in 2016 as HB16-1361. This bill would directly limit and dictate the terms of how a “Health Benefit Plan” or a “Pharmacy Benefit Management Firm” may offer prescription drug coverage. The bill would preclude said companies from imposing co-payments, fees, or other cost-sharing requirements unless they apply those charges to everyone. This would inhibit firms’ abilities to price its products/services in the manner the deem best suited to the market and their business model in that market. The bill further restricts firms’ abilities to manage the terms of their product offerings through a very broad prohibition on “conditions” that a firm could impose on pharmacy selection. The bill goes so far as to assert that pharmacies/pharmacists have a “right to participate” in any network contracts if they are chosen by a patient. A free market is based upon property rights, not any sort of an asserted right of participation. A “right to participate” is a claim upon others, forcing them to associate, which is the opposite of a free market, which is conducted through a free exchange between mutually willing parties. Finally, there are the usual carve-outs and exceptions, in this case for 1) in-patient care, 2) emergency care, 3) “A carrier that offers managed care plans and provides a majority of covered professional services through physicians employed by the carrier or through a single contacted group”, 4) self-funded plans under ERISA, and 5) plans for state and federal employees, making it an inconsistent intervention into a specific
This legislation opposes the principles of:

- Free Markets
- Limited Government

**HB18-1102   Extend District Attorney Fellowships to 18 Months**  
Oppose

In 2014, SB17-174 established a program run by the Department of Higher Education that matches CU and DU law student graduates with rural district attorneys' offices for a year-long fellowship. The schools must pay a portion of the program costs, but the general assembly fund most of the money. There is no fiscal note to this year's bill, but the fiscal note in 2014 projected a cost of $356,496 per year. This bill would extend the duration of the fellowship program from 12 months to 18 months, costing an additional $170,748 per year. POL rated the original legislation as opposing the principles of limited government and fiscal responsibility back in 2014. 23 legislators must have agreed at the time, as that's how many voted “no” for that bill. Here is another opportunity to see how government grows and also to see how consistent your legislator is if they were around to vote on this bill in 2014. Cost shifting local expenses to the rest of the state is not a free market approach to finding and employing legal talent in the great state of Colorado. This bill takes a step to expand that program.

This legislation opposes the principles of:

- Limited Government
- Fiscal Responsibility

**HB18-1103   Local Government Off-highway Vehicle Regulation**  
Oppose

Pop quiz! Is it preferable to have: A) state government infringe on your liberty, B) local government infringe on your liberty, C) none of the above. If you answered C, hurrah—you might be a regular reader of POL's weekly reports. This bill would specify that local governments can require folks using off-road vehicles to: wear seatbelts, use child restraint systems, wear eye protection, wear helmets, and limit the number of occupants on board to the number that the vehicle was designed for (how boring). Apparently last year a county passed an ordinance with several of those provisions and as a result, the county was not eligible for grants from the State Trails Program as these local regulations were not in alignment with Colorado Parks and Wildlife (CPW) rules. You know you're in the regulation game deep when you're stricter than CPW, folks. It's not the role of government to protect you from yourself—the government is not your mother.

This legislation opposes the principles of:

- Individual Liberty
- Personal Responsibility

**HB18-1104   Family Preservation for Parents with Disability**  
Oppose

This bill pertains to disabled parents or potential parents (individuals trying to adopt etc.), and it has the potential to create a shocking expansion of government. Under the bill, a parent's disability cannot be a basis for denying or restricting temporary custody, foster care, guardianship, participation in adoption, or to restrict a parent's responsibility in domestic relations or dependency or neglect proceedings unless a detrimental impact on the child can be shown. The bill shifts the burden of proof to the party that alleges that a parent's disability will have a detrimental effect on
a child. Here’s where things get really problematic: according to this bill, if the burden of proof standard is met, the disabled parent must be “given the opportunity to demonstrate how the implementation of supportive parenting services can alleviate any concerns that have been raised. The court may require that such supportive parenting services be provided or implemented”. What are supportive parenting services? The bill defines them as “those services that may assist a parent or prospective parent with a disability... to enable the parent... to fulfill their responsibilities as successfully as a parent or prospective parent without a disability.” That could literally cover any service we can think of. Maid? Sure. Cook? Why not! The bill would also require court ordered treatment plans in neglect/dependency proceedings to include “reasonable accommodations for any disability...to allow for the greatest opportunity for successful completion of the treatment plan.” What are reasonable accommodations? Disability can be a major challenge, but using the force of government to make other people help you overcome life’s obstacles is not an appropriate solution.

This legislation opposes the principles of:
- Personal Responsibility
- Limited Government

HB18-1106 Minimum Wage Requirement Waiver  Support
Current law establishes a minimum wage for certain employees. This bill would allow employers and an applicant for a job or an employee to negotiate a different wage that is agreeable to both parties. Under the bill, employers must post a notice of the right to negotiate wages. Capitalism is the only moral economic system ever devised because it’s based on free exchange—the ability for people to voluntarily exchange goods and contract for services without coercion. Minimum wage laws are a violation of this liberty, dictating to employers the terms of their contracts with employees (ultimately denying potential entry level jobs to people who want to work and driving the cost of goods and services go up for everyone). This bill takes a step in the right direction by restoring the right for employees and employers to determine wages without Big Brother’s help.

This legislation supports the principles of:
- Individual Liberty
- Personal Responsibility
- Free Markets

HB18-1107 Prewire Residence For E-vehicle Charging Port  Oppose
Under existing law, builders MUST offer a ‘solar prewire’ option to purchasers of certain newly constructed residences. This bill applies a similar requirement to facilitate the installation of electric vehicle charging systems by purchasers of new residences, both in traditional detached, single-family homes and also in buildings that contain owner-occupied condominium units. Because nothing says free-market demand like government mandated products...

This legislation opposes the principle(s) of:
- Free Markets
- Limited Government

HB18-1112 Pharmacist Health Care Services Coverage  Oppose
Under current law, health benefit plans are required to provide coverage for health services
provided by a pharmacist if certain conditions are met. This bill would require a health benefit plan to provide coverage for health care services provided by a pharmacist if the services are provided within a “health professional shortage area” as defined by federal law. More expansive mandates. If you wonder why health care is expensive, this is one of the reasons. Government mandates instead of free markets.

This legislation opposes the principles of:
- Free Markets
- Limited Government
- State vs. Federal Powers

**HB18-1113  Small Business Regulatory Reform**  
Support

An iteration of this bill has been run almost every year at least since 2013. Under current law, state agencies are generally authorized by the Administrative Procedures Act to initiate an enforcement action when an individual or business violates an administrative rule. This bill creates enforcement provisions that apply to small businesses following a minor violation of a new (less than 1 year old) administrative rule. In essence, instead of hammering a small business about a rule it wasn’t even aware of, a state agency must issue a written warning for a first-time minor violation during the first year of an administrative rule. Like we mentioned in 2015, the only thing we don’t care for is that this only applies to businesses of less than 100 people. The thinking is that small business makes up the majority of business activity in Colorado, and they don’t have teams of lawyers to keep up with the administrative rule-making of the state. We’d like to see the rule expanded for ALL businesses. Last year’s version of this bill expanded the definition of small business to those with fewer than 500 employees, but like all the previous versions of this bill it was killed.

This legislation supports the principle of:
- Limited Government

**HB18-1114  Require License Practice Genetic Counseling**  
Oppose

The bill enacts the ‘Genetic Counselor Licensure Act’. On and after June 1, 2019, a person cannot practice genetic counseling without being licensed by the director of the division of professions and occupations in the department of regulatory agencies. To be licensed, a person must have graduated with an appropriate genetic counseling degree and have been certified by a national body, except that the director may issue a provisional license to a candidate for certification pursuant to requirements established by rule, and shall license a genetic counselor who graduated from a Colorado genetic counseling training program, has at least 15 years of experience, and provides at least 3 letters of recommendation. The bill gives licensing, rule-making, and disciplinary powers to the director. Genetic counselors must have insurance unless the director, by rule, finds that insurance is not reasonably available.

This legislation opposes the principles of:
- Individual Liberty
- Free Markets
- Limited Government

**HB18-1115  DPS Human Trafficking-related Training**  
Oppose

This bill would require the Division of Criminal Justice to provide human trafficking training
to law enforcement agencies, organizations that provide services to human trafficking victims, school personnel and parents, and any other entity that may benefit from the training. We have no problem with the state providing appropriate training for law enforcement to help them enforce human trafficking laws, and it already does this. The problem with this bill is that it's now expanding training to “parents or guardians of students,” and “any other organization, agency or group that would benefit from such training.” The bill specifically adds that the Director of the School Safety Resource Center's duty to “research and select model, age-appropriate educational materials designed for children in grades kindergarten through twelve regarding child sexual abuse and assault awareness and prevention” must include materials on human trafficking.

This legislation opposes the principles of:

Limited Government

HB18-1117  Self-service Storage Facility Personal Prop Liens  Oppose

This bill mandates that a self-service storage unit rental agreement must include a notice that all items stored will be sold or disposed of by the owner of the unit if no payment has been received for a continuous 30 day period, as well as a provision that the lessee must disclose any lien holders with an interest in property that will be stored in the unit. The bill goes on to limit late fees for each month the lessee fails to pay the full rent by the due date. A late fee of $20 or 20 percent of the monthly rent is considered reasonable. A late fee may not be collected as part of a lien, unless the amount of the late fee is stated in the rental agreement. This bill also states that if a rental agreement limits the aggregate value of the items that may be stored in the unit, this is the maximum value of the stored property. Lastly, this bill allows a lien to be satisfied through the sale of the property stored in the unit through an online auction website. Dictating the terms of private contracts between two voluntary parties is definitely not the proper role of government in a free market.

This legislation opposes the principle(s) of:

Free Markets
Limited Government

HB18-1116  Broadband Deployment Board Apply For Federal Funds  Oppose

This bill would authorize the Broadband Deployment Board to apply for federal funding of broadband deployment, and allocate any federal money received to broadband deployment projects approved by the board. The bill also directs the board to petition the Federal Communications Commission (FCC) for a waiver from the FCC’s rules prohibiting a state entity from applying for federal money earmarked for broadband deployment through the FCC’s connect America fund phase II auction so that the board can apply for the federal auction money. Psst: federal tax dollars are still your tax dollars that should only be used to execute the proper role of government. Partnering with the federal government to spend your tax dollars on broadband expansion not only violates the principle of limited government, it also reduces Colorado's state government from the guardian of Coloradan’s life, liberty, and property to a subservient accomplice to federal overreach.

This legislation opposes the principles of:

Limited Government
State vs. Federal Balance of Power

HB18-1118  Create Health Care Legislative Review Committee  Oppose
This bill would create the Statewide Health Care Review Committee to study health care issues that affect Colorado residents throughout the state. “Because the role of government is to study all things health care so it can eventually propose more legislation to direct the health care market that government continually butchers!” —said POL never.

This legislation opposes the principle of:
Limited Government

HB18-1125  Tax Credit Employer-assisted Housing Pilot Program  Oppose

This bill contains the words “assisted housing” and “pilot program.” Do we even need to say more? Naturally the bill starts with a dramatic declaration about how the “immense demand for affordable housing is a huge impediment” to economic growth and “the ability of the state to provide a high quality of life for all its residents and to develop, attract, and maintain a high quality workforce” particularly in rural areas. Reminder to legislature: developing, attracting, and maintaining a workforce is NOT the role of the state!

In order to “provide certain financial incentives to encourage the development and growth of employer-assisted housing projects that are located in rural areas”, this bill would create a state income tax credit for a donation a taxpayer makes to a “sponsor” that is used solely for the costs associated with an employer-assisted eligible activity in a rural area. The bill defines ‘sponsor’ to mean the Colorado housing and finance authority, a housing authority operated by a county or municipality, or a nonprofit corporation that has been designated as a community development corporation under the federal tax code. The amount of the credit allowed by the bill is 20% of the approved amount of the donation, with a credit limit of $400 per taxpayer in any one income tax year. The bill requires each sponsor that has issued certificates evidencing donations in a calendar year in the cumulative amount of $10,000 or more to report to the general assembly on the overall economic activity, usage, and impact to the state from the employer-assisted eligible activity for which it has certified a donation eligible for a tax credit under the bill.

This legislation opposes the principles of:
Free Markets
Fiscal Responsibility
Limited Government

HB18-1127  Residential Landlord Rental Application  Oppose

The legislative war on landlord liberty continues. A regurgitation of last year’s HB17-1310, this bill would tell landlords what application/screening fees they can charge potential tenants and require them to disclose the basis for the fee, require landlords to provide each prospective tenant with written notice of the landlord’s tenant selection criteria and the grounds upon which a rental application may be denied before accepting an application or collecting an application fee and imposing restrictions on what factors a landlord can consider, and require a landlord to provide a prospective tenant with an adverse action notice if the landlord takes adverse action on a prospective tenant after reviewing the prospective tenant’s rental application. Landlords who don’t play ball are liable to pay a fee to the applicant of twice the value of the rental application fee plus court costs and attorney fees. This relentless drive to use the force of government to interfere with contracts and the free market seems to know no bounds.

This legislation opposes the principles of:
HB18-1130  School District-authorized Instructors  Support

This bill already passed both chambers almost unanimously, but we want to bring it to your attention because it deals with a topic we addressed earlier this session in HB18-1095. Under current law, the department of education may issue a professional teacher license to a teacher who holds a comparable license from another state and has 3 years of continuous teaching experience. HB18-1095 (which also passed both chambers) exempted military spouses from the requirement that the teaching experience be continuous and instead requires 3 years of experience within the previous 7 years. Principles of Liberty asked, “If you don’t need to have 3 years of continuous experience to teach if you’re married to someone in the military, why does anyone else? What about everyone else who has to move around due to their spouse’s job, family matters, or any other reason?” and said 18-1095 opposed the principle of equal protection because it single out one group of people for a special exemption from the law. So let’s talk about HB18-1130. This bill proposes changing the current 3 years of continuous teaching experience to 3 years of experience within the previous 7 years for everyone. This bill makes getting into teaching just a little bit easier, and does so in an equitable way.

This legislation supports the principles of:
  Individual Liberty
  Limited Government

HB18-1135  Extend Advanced Industry Export Acceleration Program  Oppose

In 2013 HB13-1193 established the AI Export Acceleration Program, which we said at the time opposed Free Markets/Limited Government/Fiscal Responsibility. This bill would extend that program, which is currently set to repeal in 2019, for six more years. This is a perfect example of the inherent bias toward government expansion that exists in legislature, regardless of the political party in question. The original bill HB13-1193 in 2013 only had a total of 3 Republican yes votes in the House (one of those was actually a mistake) and 2 in the Senate in 2013. Despite the fact that Republicans originally voted resoundingly against this program in 2013 by a count of 37-5, today we see them leading the charge to expand it. One of the legislators who voted against the original bill in 2013 is now a prime sponsor of this bill to continue the program. This bill to extend the program has a Republican prime sponsor in the House and a Republican prime sponsor in the Senate. How many times have you heard the lines, “This has a sunset provision, so it will go away”, or, “Just give us a majority and we’ll fix things”? This, dear reader, is the reality all too often. Talk is cheap. How do they actually vote, what bills do they actually run, and why? You’re about to find out on this one. See how many who originally voted against the 2013 bill now vote for this extension. Have they had a complete change of heart and now support a free market busting program, or did they just forget because they don’t have any sort of compass of principles that guide their thinking and they just want to ‘get something done’ so they can go back to their districts and talk about getting legislation passed (no matter how bad)?

This bill goes hand in hand with one of the worst pieces of legislation ever to have been passed since POL began in 2011, the “Advanced Industries Act”, HB13-1001. And today, the state has the gall to proudly proclaim in bold headlines how much of YOUR money they give away to crony...
corporate pals every year. That’s right, giving away your money to corporations is a sign of success in this post-1984 Newspeak world of Colorado. The more they give away, the more successful they are. Sounds crazy, but it’s true.

This legislation opposes the principles of:
- Free Markets
- Limited Government
- Fiscal Responsibility

**HB18-1136**  **Substance Use Disorder Treatment**  **Oppose**

This bill would add inpatient and residential substance use treatment as a Medicaid benefit. This will require federal approval and a waiver process that takes two years. The bill would increase expenditures in HCPE by $493,981 in FY 2018-19, $481,075 in FY 2019-20, and $174.2 million in FY 2020-21. The inpatient and residential substance use disorder treatment benefit is anticipated to cost $180 million per year starting in FY 2020-21. It is absolutely stunning to us that some legislators believe that you, a law abiding and hardworking citizen, should fund $180 million dollars a year worth of substance abuse treatment for other people.

This legislation opposes the principles of:
- Personal Responsibility
- Limited Government
- Fiscal Responsibility

**HB18-1150**  **Local Government Liable Fracking Ban Oil & Gas Moratorium**  **Support**

This concept was run last year as HB17-1124. This bill would specify that a local government that bans hydraulic fracturing of an oil and gas well is liable to the mineral interest owner for the value of the mineral interest and that a local government that enacts a moratorium on oil and gas activities shall compensate oil and gas operators, mineral lessees, and royalty owners for all costs, damages, and losses of fair market value associated with the moratorium. Like we stated last year: “A local government that executes a “taking” from individuals, either through possession or through the denial of the legal use of one’s property, cannot constitutionally do so without just reason and compensation. Property rights are not a local control issue. The fundamental role of the state is to protect individuals’ rights to life, liberty and property. Those rights cannot be voted away by a local tyranny of the majority.”

This legislation supports the principles of:
- Property Rights

**HB18-1152**  **Judicial Admin & Budget Records Subject to CORA**  **Support**

Under current law, CORA requires that state agencies allow the public to inspect documents and records, with certain exceptions. Under CORA, state agencies must produce a record for inspection within a reasonable period of time, which is usually three days. Statute defines public records to include all writings made, maintained, or kept by the state, any agency, institution, political subdivision of the state, local government-financed entity, or nonprofit corporation incorporated by a state supported higher education institution’s governing board. Currently, the Judicial Department is exempt from CORA, but in 2015 the Colorado Supreme Court adopted the Public Access to Administrative Records of the Judicial Branch rule. The rule is patterned after CORA
with some exceptions. This bill would now make administrative and budget records of the Judicial
Department subject to the Colorado Open Records Act (CORA) by including them in the definition
of a public record.

This legislation supports the principles of:

Limited Government

HB18-1154  Protect Consumer Solicit Public Records Copy for Fee  Oppose
This bill imposes all sorts of requirements on people who solicit a fee for providing a copy of a
record held by a governmental entity. Under the bill the person soliciting must give a copy of their
advertisement to the county clerk at least 15 days before distribution, can't charge a fee for a record
of more than 4 times the amount charged by the state agency or local government with custody of
the record, the ad must include the cost of getting the record from the state agency with custody
of the record and their contact info, the ad must state that the document doesn't impose a legal
duty on the individual being solicited, and the ad must include the name and address of the person
soliciting the fee. Font size of this information? Must be 24 point. No, we are not kidding. The bill
provides for prosecution, fines, etc. Title insurance companies are exempt from the provisions of
the bill.

A free market means that entrepreneurs can come up with ways to get information to people
and if those people want to pay a premium for getting that information, then, supply – meet
demand. Could people get the information from government themselves, for less money? Maybe.
But individuals should have the opportunity, and the personal responsibility, to make their own
decisions. This bill assumes that if someone gets you to pay them for their services instead of
hauling yourself to whichever agency has your paperwork, then you must be getting ripped off!
So government better save you from yourself because apparently government is your mother.
We already have (sooo many) laws in place to deal with legitimately misleading or fraudulent
advertisements.

This bill opposes the principles of:

Personal Responsibility
Free Markets
Limited Government

HB18-1156  Limit Penalties for Juvenile Truancy  Support
Under current law, a child who does not comply with a plan to fix their habitual truancy behavior
can be sanctioned for contempt of court and placed in detention in a Division of Youth Services
facility. This bill would make it clear that a court cannot order that a youth be placed in detention
at a Division of Youth Services facility for being habitually truant or for failing to comply with a
truancy plan. Not going to jail for refusing to be coerced into government education? Ok.

This legislation supports the principles of:

Personal Responsibility
Limited Government

HB18-1176  Sunset Offender Reentry Grant Program  Oppose
The Offender Reentry Grant Program was created in the Department of Corrections (DOC) in
2014 and provides funds to “community-based organizations” that provide services to offenders reentering society. The Latin Coalition for Community Leadership serves as the intermediary between the DOC and the community partners. According to the bill’s fiscal note, “As an intermediary, the Latin Coalition for Community Leadership oversees the community partners and ensures proper records maintenance, use of grant funding, and provides technical, administrative, and financial guidance. The Latin Coalition for Community Leadership receives 15 percent of the funds appropriated to this program to cover its administrative costs with the remaining amount going to community partners.” This bill would extend the program, which is set to expire in September 2018, until September 2023. It would also direct the Department of Corrections to release as much as one quarter of the amount annually appropriated to the grant program to the intermediary (the Latin Coalition) at the beginning of each fiscal year, and specify that the intermediary shall determine how much of this amount is awarded to each community partner as an advance portion of grant money to be awarded to the community partner. The FN estimates that this bill will increase state expenditures by $1,733,971 beginning in FY 2019-20. We’re sure that a lot of the groups receiving funds under this organization do great work on their communities. But handing out tax dollars to organizations to help them do their work is not the role of government.

This legislation opposes the principles of:
Limited Government

HB18-1177 Youth Suicide Prevention Oppose

This bill would change the age of consent for a minor to seek and obtain outpatient psychotherapy services from 15 years of age or older to 12 years of age and older. The bill would also require the Office of Suicide Prevention to work with entities to develop and provide access to training programs related to youth suicide prevention for people who regularly interact with youth but who are not in a profession that typically provides such training opportunities, such as camp counselors, recreation center employees, youth group leaders, clergy, and parents. The office must approve at least 3 nonprofit organizations statewide to participate in a coordinated program of youth suicide prevention. Training, classes and programs offered by the approved nonprofit organizations must be free to the public, and the department must reimburse the approved nonprofit organization for any direct or indirect costs associated with the classes and programs. The bill also directs the department to coordinate efforts to create and implement a statewide awareness campaign about suicide and youth suicide prevention, and the suicide prevention hotline. As we’ve said before, suicide is tragic and most of us have unfortunately dealt with it up close and personal at some point. But suicide prevention should be addressed voluntarily by society, not through the force of government.

This legislation opposes the principles of:
Limited Government

HB18-1179 Prohibit Price Gouging on Prescription Drugs Oppose

This bill was also run in the senate this year as SB18-152. From our report on SB18-152:

Health care has become increasingly expensive, in large part thanks to government regulations that stifle competition. But don’t worry! The state is here to try and fix problems created by government regulation with… more government regulation! This bill prohibits “price gouging,” defined in the bill as “an increase in the price of a prescription drug that is excessive and not justified by the cost of producing the drug, or by the cost of appropriate expansion of access to the drug to
promote public health, and that results in consumers for whom the drug has been prescribed having no meaningful choice about whether to purchase the drug at an excessive price because of the importance of the drug to their health and insufficient competition in the marketplace.”

Uh, never mind the fact that one of the results of incessant government intervention into markets is often “insufficient competition.” Under the bill, the pharma board is required to report certain price increases to the attorney general. If the attorney general has reasonable cause to suspect that “price gouging” is occurring, he’s authorized to go in and tally up a manufacturer’s costs related to producing the drug and make it justify the cost increase to the bill’s satisfaction. If the court determines a manufacturer is price gouging, it can order the manufacturer to stop, to repay the money made from the “price gouging”, and force the manufacturer to sell the drug to covered persons at the price it did last year.

This legislation opposes the principles of:
Free Markets
Limited Government

HB18-1183  Sunset Repeal Department Agriculture Regulation Home Sale of Meat  Support

This bill repeals the Sale of Meat Act under which the Department of Agriculture regulates home food service plans (i.e. sales people who offer meat and poultry for sale through plans that deliver the food to you). Woo hoo, repealing some excessive state statutes – that’s what we’re talking about.

This legislation supports the principles of:
Individual Liberty
Free Markets
Limited Government

HB18-1190  Modify Job Creation Main Street Revitalization Act  Oppose

This bill would extend the scheduled repeal of a tax credit program for owners rehabilitating certified historic structures from 2019 until 2029. The bill would also modify the program to increase the tax credit if the structure is located in a rural community or in a disaster area. The bill makes a long list of other technical changes as well, which you can read on the bill summary here: http://leg.colorado.gov/bills/HB18-1190, but you don’t need to read them all to understand the applicable principle here: using tax policy to reward people for working on certain structures is not the role of government.

This legislation opposes the principles of:
Free Markets
Limited Government

HB18-1191  Local Government Alter Speed Limits  Oppose

Current law requires county and municipal authorities to conduct a traffic investigation or survey before increasing or decreasing the speed limits within the authority’s jurisdiction. The bill adds the requirement that the authority consider the following factors: road characteristics, current and future development, environmental factors, parking practices, pedestrian and bicycle activity in the vicinity, and crash statistics from the most recent year. Just the Nanny State doing what it does best—spending taxpayer dollars on bills to make sure government takes enough factors into
account when deciding whether to crack down on your liberty…

This legislation opposes the principle of:
Limited Government

HB18-1192  Application Assistance Federal Disability Benefits  Oppose

The bill creates a program to help persons with disabilities navigate the application process for federal disability benefits, including supplemental security income and social security disability insurance. The bill includes the services that may be provided by county departments participating in the program, including outreach to tell people about the federal programs available, assistance with compiling, drafting supporting documentation for the application for federal disability benefits, completing and submitting the application, and assisting in appealing denials of the federal benefits. The stated goals of this program are to: help people apply for federal benefits, increase the percentage of people who get those federal benefits, and help them get their federal benefits sooner. The bill starts with the usual false claim that getting people onto more federal aid will lesson the state's expenses for health care, emergency room usage, etc. The premise is that you, dear taxpayer, are personally responsible for paying for all of those things to begin with. You are not. The other premise of this legislation is that somehow federal programs are free. News flash – taking a bucket of water out of the deep end of the pool and pouring it into the shallow end of the pool does not change the water level of the pool. And forcing Colorado taxpayers to pay for a state program to help get more people onto a federal program (also funded by Colorado taxpayers) does not save you money. What would save you money is if both the state and federal government stopped taking your money to give away to other people in the first place.

This legislation opposes the principles of:
Limited Government
Fiscal Responsibility

HB18-1195  Tax Credit Contributions Organizations Affordable Housing  Oppose

This bill would create a state income tax credit for taxpayers who make donations to an “eligible developer” for the purpose of expenditures on eligible affordable housing projects. The bill defines an “eligible developer” as a “nonprofit community-based home ownership development organization” that must meet specifications outlined in the bill, and “eligible project” as projects as those developing residential housing for buyers whose median incomes are up to 120% of the area's median income. The housing units sold must also be preserved as affordable housing for a minimum of 15 years by means of a deed restriction. The amount of the credit allowed by the bill is 50% of the donation, with the amount of the credit awarded to any one taxpayer capped at $ 250,000 in any one income tax year with a total limit on the total amount of tax credits given set at $ 20 million. Under the bill, if your tax credit is worth more than you owe, you can't use it for a refund but you can apply it against your income tax for the 5 succeeding income tax years. Using tax policy to advance social/political agendas and intervene in free markets is not the role of government.

This legislation opposes the principles of:
Free Markets
Limited Government

HB18-1196  Applications for Aid to the Needy Disabled Program  Oppose
This bill would add licensed or certified psychologists, licensed social workers, professional counselors, or other personnel deemed as qualified by the Department of Human Services to the list of professionals who can examine and certify the diagnosis, prognosis, and other relevant medical or mental factors for an applicant for Aid to the Needy Disabled Program (AND). Currently, for an individual to receive benefits under the AND program, an applicant must have his medical condition certified by a physician, physician assistant, or advanced practice nurse. AND benefits are paid to individuals who are completely disabled and unable to work for a period of six months. Once an individual is approved for SSI benefits, they stop receiving AND benefits and the state is reimbursed by the federal government for the amount of AND benefits paid. In FY 2017-18, the AND Program was appropriated $18.8 million. This bill would facilitate redistributing more federal tax dollars based on the flawed premise that someone else is entitled to your monetary assistance, and it’s ok for the state take what you “owe” that person from you by force and give it to them.

This legislation opposes the principles of:

- Limited Government
- Fiscal Responsibility

**HB18-1201 Severance Tax Voter-approved Revenue Change**

Oppose

In Colorado, severance tax is imposed on the production or extraction of metallic minerals, molybdenum, oil and gas, oil shale, and coal. Currently, severance tax revenue is subject to the spending and revenue limitations of TABOR. This bill would require the Secretary of State to refer a ballot issue to voters in the next general to seek approval for the state to retain and spend an amount equal to state severance tax revenue on water projects, conservation, “other state programs,” and to support local governments impacted by extraction related activities. Translation: “Can we move severance tax out from under TABOR so we can spend more money?” The bill makes retaining the revenue contingent on the state not repealing or reducing any of the existing severance tax exemptions or credits, nor reducing the percentage of the severance tax revenue that is allocated to local governments. PSA: Only around 1/3 of Colorado’s budget is actually protected/covered by TABOR. This narrows the amount of the budget protected by TABOR even further. It’s another thinly veiled attempt by the legislature to spend more tax dollars, rather than cutting their ever-increasing budget.

This legislation opposes the principles of:

- Fiscal Responsibility

**HB18-1202 Income Tax Credit Leave of Absence Organ Donation**

Oppose

This bill would allow employers to take an income tax credit equal to 35% of the employer’s expenses incurred paying an employee during a leave of absence period for the purpose of making an organ donation, and for the cost of temporary replacement help (if any) during the employee’s leave of absence. Employers can’t claim a tax credit related to a leave of absence period for an employee who makes $80,000 or more per year. The tax credit is not refundable, but unused credits may be carried forward up to 5 years. Using tax policy to advance social/political agendas and intervene in free markets is not the role of government.

This legislation opposes the principles of:

- Free Markets
- Limited Government
Why is health care so expensive for everyone now?! Oh, because government has decreed that health care is a right and therefore decided that you must subsidize the cost of other people’s health care and passed a metric ton of health care regulations. (For an in-depth discussion on the question “what is a right?” attend one of our classes.) But rather than recognizing that redistributionist health care policies are a violation of your property rights and have helped create such expensive health care, apparently some legislators are just going to keep proposing more redistributionist policies by creating more programs to “assist” some people by giving them tax dollars taken from other people. Enter this bill.

This bill would create a “financial relief program,” available from July 1, 2018, through December 31, 2019, to provide financial assistance to individuals and their families who reside in a county within one of the 3 most costly geographic insurance rating areas of the state and who spend more than 20% of their household income on individual health insurance premiums as long as they aren’t eligible for or don’t have access to a government-sponsored health care program or an “affordable” employer sponsored plan. The Colorado Health Benefit Exchange is to oversee the program. The general assembly is to appropriate up to $6 million from the general fund to provide financial assistance to individuals who qualify under the program. The bill requires a carrier offering individual health benefit plans on the exchange to permit an individual to purchase an individual health benefit plan on the exchange during a special enrollment period that begins June 1, 2018, and ends August 1, 2018, for plans effective through December 31, 2018. For the 2019 plan year, individuals are subject to the standard open enrollment period specified in law. The program is set to repeal on September 1, 2020, unless congress enacts and the president signs legislation repealing the advance premium tax credit authorized under federal law, in which case the program repeals upon the date of the repeal of said tax credit.

This legislation opposes the principles of:
- Property Rights
- Free Markets
- Limited Government
- Fiscal Responsibility

The Colorado Healthcare Affordability and Sustainability Enterprise Board administers the Healthcare Affordability and Sustainability Fee. The Healthcare Affordability and Sustainability Fee allows the state to get some of that “free” federal money under Medicaid to pay for uncompensated care at hospitals, as well as the costs of providing care to Medicaid expansion populations. Federal regulations require the formula used to distribute money to hospitals to be redistributive, meaning supplemental payments may not be proportional to the fee amounts paid by individual hospitals. You read that right – it is required to be redistributive – meaning that the government must take form some to give to others. This bill directs the Department of Health Care Policy and Financing (HCPF) to create an annual report on uncompensated costs and expenditures made by general hospitals to be used for that free federal money (your money, dear taxpayer) for all of that wonderful redistribution. It is not the role of government, state or federal, to take your money to pay for other peoples’ health care.

This legislation opposes the principles of:
Limited Government
Fiscal Responsibility

**HB18-1208 Expand Child Care Expenses Income Tax Credit**

Currently, Coloradans with a federal adjusted gross income (AGI) of $60,000 or less are allowed a state income tax credit for child care expenses. The amount of the credit depends on an individual’s gross income and is set as a percentage of a similar federal income tax credit claimed. This bill would expand the state child care tax credit by allowing a resident individual with an AGI of $150,000 or less to claim a credit that is equal to 80% of the individual’s federal credit. If passed, this will reduce the income to the general fund by about $21 million a year. You might hear the argument that this makes things “more” fair. Some people already get this tax credit, so isn’t allowing more people to get in on the deal better? Nope, wrong plus wrong still does not equal right. It is not someone else’s job to pay for your child care. This is more progressive redistribution. Believe it or not, not everyone in the state wants to be part of your village and pay for raising your kids, and it’s not ok to use the gun of government to make them do so.

This legislation opposes the principles of:
- Personal Responsibility
- Limited Government
- Fiscal Responsibility

**HB18-1209 No 529 Account Income Tax Deduction For K-12 Expenses**

This bill proposes the opposite of HB18-1221. It specifically states that K-12 expenses shall NOT be allowed distributions for a 529 plan at the state level like they are now at the federal level. This would mean that if you use 529 money for K-12 purposes, those withdrawals from your 529 would not be taxed at the federal level, but they WOULD be taxed at the state level. This is a push from the supporters of a union funded, government controlled monopoly on education – because only THEY know what’s best for your children, and they need all of your money to do it – they can’t possibly allow you to keep some of your own money and decide where to spend it yourself.

This legislation opposes the principles of:
- Individual Liberty
- Personal Responsibility
- Limited Government

**HB18-1217 Income Tax Credit for Employer 529 Contributions**

This bill would create a temporary income tax credit for employers that make contributions to qualified 529 state tuition program accounts owned by their employees. Principles of Liberty has consistently stated that it is not the role of government to use tax policy to induce a particular individual behavior. This bill tries to encourage employers to contribute to a particular group of people (employees saving for a kid’s education) by offering them a tax credit if they do so. This is not a uniform change in tax policy, but rather a targeted credit focused on a particular special interest.

This legislation opposes the principles of:
- Free Markets
- Equal Protection/Rule of Law
Limited Government

HB18-1220  Bitcoin Dealers Licensed as Money Transmitters  Support

**UPDATE 4/16/18**: As introduced, we evaluated this bill as opposing individual liberty, free markets and limited government because it regulated persons who buy, sell, or exchange cryptocurrency (such as bitcoin) for fiat currency under the ‘Money Transmitters Act’. Cryptocurrency isn’t a security; it’s an alternative form of currency. Since it’s relatively new, its exchange rate with the dollar currently fluctuates more drastically than currency such as the Euro, but it is currency nonetheless. Regulating it as a security doesn’t make sense. The House Business committee adopted a strike below amendment (replacement bill) that is completely different from the original bill. As amended, the bill now defines open blockchain tokens (ex: bitcoin) and specifies that acquiring these tokens for a consumptive purpose does not constitute an investment. This bill could help protect bitcoin from unnecessary regulation, so it is now rated as supporting individual liberty, free markets and limited government.

**Previous Position: Oppose.** This bill subjects persons who offer cryptocurrency ‘wallets’, buy or sell cryptocurrencies, or exchange cryptocurrency with fiat currency to regulation under the ‘Money Transmitters Act’. The bill defines cryptocurrency (e.g., bitcoin) and fiat currency. Meanwhile, Wyoming is currently proposing legislation to EXEMPT blockchain technology, Bitcoin, etc. from money transmitter regulations because regulation is currently stifling the market. Rumor has it that companies are already moving there because of those and similar policy change proposals. They’re about to eat your lunch on this one, Colorado, and they will attract businesses to their state that you’ll never get back.

This legislation supports the principles of:

- Individual Liberty
- Free Markets
- Limited Government

HB18-1221  Income Tax Deduction For 529 Account K-12 Expenses  Support

We’ve talked many times about government creating problems, running bills to fix those problems, which creates more problems, followed by more government solutions, with the never-ending cycle expanding government like the inflationary time period posited in the Big Bang theory. Should government be doing 529’s for higher education—no, but they were one of the government ‘solutions’ to the government created problem of subsidized student loans helping to drive up post-secondary education costs so high that government HAD to do something to help people save for post-secondary education (sarcasm).

The recently passed federal ‘Tax Cuts and Jobs Act’ made money spent on tuition for elementary through secondary education a sanctioned use for money saved in 529 plans, so when paid through your 529 plan, money used on those expenditures isn’t taxed at the federal level. Under the federal law, the amount of cash distributions from all qualified tuition programs for K-12 shall, in the aggregate, include not more than $10,000 in expenses per year. This bill would make similar changes at the state level, clarifying that funds withdrawn from 529 accounts can be used for expenses for tuition in connection with enrollment or attendance at an elementary or secondary public, private, or religious school of your choice and you would not be taxed for making those withdrawals used for those purposes.
POL can’t change the fact that 529’s exist. The question is, what does this bill do given the current situation? The government is currently taking tax dollars from families to fund public primary education. So if you want to send your kids to private school, you get to pay for primary education twice. This bill would allow families to save a few tax dollars from the hungry hippo government when they put some of their own money toward the education they want for their kids. That’s a good step, giving taxpayers more choice and control over their own lives, enhancing individual liberty, personal responsibility, and limited government.

This legislation supports the principles of:
- Individual Liberty
- Personal Responsibility
- Limited Government

HB18-1223 Declare Autism Epidemic in Colorado  **Oppose**

This bill would direct the Executive Director of the Department of Public Health to convene the governor’s Expert Emergency Epidemic Response Committee for the purpose of determining whether there is an autism epidemic in Colorado. The committee must review autism data from 1990 to 2017 from every Colorado county and across all age groups. If the committee determines there is an autism epidemic, the director shall advise the governor to declare that an autism epidemic exists in Colorado, that reasonable and appropriate measures be taken to address the autism epidemic and protect the public health, that departments with publicly funded safety net programs update their plans to include the autism epidemic, and the percentage at which the state will contribute money to the autism epidemic.

This legislation opposes the principle of:
- Limited Government

HB18-1230 Creation of Work Status for Immigrants  **Oppose**

In order for the rule of law to be legitimate, government must enforce all of its laws and apply them equally to everyone. This means that it can’t pick groups to receive special “get out of jail free” cards. If government does not enforce all of its laws and apply them equally to everyone, you are not in a place governed by laws—you are being governed by the whims of your rulers. Enter this bill, which says “just disregard those immigration laws over there…” and creates a program that would allow people who came to the United States illegally to apply for a “purple card” allowing them to work legally in Colorado. To be eligible, a person must have been either brought to the U.S. as a minor (just how do you prove/disprove that anyway?), have paid state income tax the two preceding years, and meet the astonishingly high bar (/sarcasm) of not having had any felony convictions in the 3 preceding years. We’re not sure why the legislature thinks if they give a program a color code, it suddenly makes it OK to abrogate the rule of law.

This legislation opposes the principles of:
- Personal Responsibility
- Equal Protection/Rule of Law

HB18-1232 New School Funding Distribution Formula  **Oppose**

Colorado spends over $11 billion per year on education, and that’s ignoring counting capital construction. This bill would ask voters to approve a new P-12 funding model that would increase
P-12 education by over $1.5 billion per year. How? By implementing universal preschool funding for 4-5 year olds (which is NOT included in the state’s constitutional mandate for government education), and increasing state education funding for school districts with groups including English language learners (ELL), gifted and talented students, special education students, and students using reduced lunch programs as well as implementing cost of living funding and poverty enrollment funding factors. Sorry that was a run-on sentence, but this is a run-on bill! All preschool students would also be funded as half-day students, and the bill anticipates conforming changes to the Colorado Preschool Program (CPP) removing limits on the number of children eligible to attend state-funded preschool. Naturally the fiscal note assumes a corresponding increase in the number of preschool students (32,000 to be precise), and approximately 1,050 new preschool classrooms in 550 new facilities will be needed to serve those new students. Full-day and retained kindergarten students would be funded as full time students, while part-time kindergarten students would be funded as half-time. The bill would apply English Language Learner (ELL) funding for up to 7 years to all English language learners, increasing ELL over 700%.

Under this new system, districts with declining enrollment will be allowed to use the greater of the district’s pupil count or an average enrollment count over a period of up to five years to try to keep funding up to school districts even if some of their unsatisfied customers have figured out a way to leave. Regardless of the reason students are leaving a school district, continuing to fund a school with declining enrollment at an inflated level is not fiscally responsible.

And just for fun, here is a sampling of quotes in this bill of things that POL has never, ever said:

“A thorough and uniform system of public education should prepare all Colorado students, regardless of where they live, for success in career, college, and life.” We were under the impression that was actually the role of parents. Plus, what is with the obsession with sending kids to college? “Financial resources are inadequate to provide the educational supports and opportunities necessary to meet the needs of all of Colorado’s students.” We don’t have a revenue program… we have a spending problem. “…the needs of the state require, that all students, including those who are underserved or face significant challenges in meeting Colorado’s graduation guidelines, complete high school career and college ready.” First, the “needs of the state” to not dictate anything. Second, the state does not need to ensure students are ready for college. Believe it or not, college is not necessarily a requirement for everyone to live a productive, prosperous life.

This legislation opposes the principle of:

- Limited Government
- Fiscal Responsibility
- Equal Protection/Rule of Law (massively redistributive)

HB18-1234 Concerning Clarification of the Laws Governing Simulated Gambling Activity Oppose

Background: right now gambling is limited to three areas in the state due to a monopoly granted to those areas by the Colorado State Constitution. At POL, we call government granted monopolies ‘cronyism.’ Nevertheless, according to the committee hearing on the bill, the statutes on gambling are not completely clear and this has created space for “illegal gambling operations” to open up in the communities across the state.” A sponsor of the bill told the committee that the question before them was whether or not they “support or oppose the idea of unfettered illegal gambling in each and every community across our state.” We’re throwing a “drama” flag on that one – 15 yards and loss of bill.
This bill would expand the definition of gambling to include certain simulated games that others argue are not gambling. Proprietors of these games (arcade owners, etc.) argue that these are games of skill, not chance, and therefore aren’t gambling. According to testimony, the player is in sole control of the game and there is zero chance of payout if the player takes no action. At least some of these games are even certified as “games of skill” by the same body the state of Colorado uses to certify “games of chance”. One arcade owner testified that law enforcement has raided their stores and seized hundreds of thousands of dollars worth of their games in spite of the fact that no charges have ever been brought against them, but they were told that whether charges were brought or not they would never see their property again! This bill would continue to extend the rule of the tyranny of the majority, and the use of the force of government to pick winners and losers in the marketplace. The role of government is to protect the rights of the individual against a tyranny of the majority, not impose a tyranny of the majority. Just because you can get enough people together to convince government to abolish or restrict a business that’s not infringing on the rights of others doesn’t make it ok.

This legislation opposes the principle of:
- Individual Liberty
- Free Markets
- Limited Government

HB18-1236   Sunset Food Systems Advisory Council

Oppose

This bill would continue the Food Systems Advisory Council created by Senate Bill 10-106 and continued by Senate Bill 13-174. The council’s mission “is to foster a healthy food supply, enhance the state’s agricultural and natural resources, encourage economic growth, expand the viability of agriculture, and improve the health of Colorado communities and residents by making recommendations to state agencies and the General Assembly.” Embarking on a mission to centrally plan Colorado’s food supply, shape the economy, and improve people’s health is not the role of the state legislature.

This legislation opposes the principles of:
- Free Markets
- Limited Government

HB18-1245   Prohibit Conversion Therapy Mental Health Provider

Oppose

Various iterations of this idea have been floated the past three years, and some of our comments still apply... Does the legislature, in its infinite wisdom, know better than anyone else in the state (including medical professionals) what medical treatments psychiatrists and mental health providers should offer? Well, certainly they know more than you Luddites who cling to those anachronistic vestiges of parenthood, anyway. This bill would make it illegal for psychiatrists or mental health care providers to offer counseling that seeks to influence the “sexual orientation or gender identity” of individuals under 18 years of age, irrespective of the wishes of the minor or their parents.

This legislation opposes the principles of:
- Individual Liberty
- Personal Responsibility
- Limited Government
HB18-1352  Oil & Gas Facilities Distance from School Property  **Oppose**

This bill was proposed last year as HB17-1256. Currently, the Colorado Oil and Gas Conservation Commission requires oil and gas production facilities and wells to be at least 1,000 feet away from schools and other high occupancy buildings. Production facilities are defined to include everything from oil and gas exploration equipment to wells and oil storage equipment. This bill would specify that for new oil and gas facilities, the distance between schools and oil and gas production facilities must be calculated from the school’s nearest property line—not just from the nearest school building to the drilling area.

This legislation opposes the principles of:
- Property Rights
- Limited Government

HB18-1256  Sunset Continue Civil Rights Division & Commission  **Oppose**

The ability to conduct business with whomever you want is a fundamental part of liberty. It’s called freedom of association. If you’re forced to do business with people, are you really free? We think not. This bill would continue the Colorado Civil Rights Division and the Colorado Civil Rights Commission, which programs are scheduled to repeal in 2018, through September 2027. The Colorado Civil Rights Division in DORA enforces Colorado's anti-discrimination laws in the areas of employment, housing, and public accommodations, and provides training to groups and individuals throughout Colorado. The Colorado Civil Rights Commission develops policy and conducts hearings regarding illegal discriminatory practices. It’s a prime example of the administrative state. Based on the 2018-2019 budget request, it appears Colorado spends in excess of $2 million per year administering the Civil Rights Division and Commission, i.e. telling people to be nice. Do we think discrimination is crappy? Yep. Is it the role of government to tell you the reasons you can fire an employee or refuse to contract with someone? No.

This legislation opposes the principles of:
- Individual Liberty
- Property Rights
- Limited Government

HB18-1358  Health Care Charges Billing Required Disclosure  **Oppose**

This bill would impose more requirements on health care facilities, health care providers, pharmacies, and health insurers. It would require health care facilities to publish their fee schedules or other lists of charges the facilities bill for specific health care services before applying any discounts, rebates, or other charge adjustment mechanisms and to include in every bill sent to a patient an itemized detail of each health care service provided. Individual health care providers who provide health care services at a health care facility but have a separate fee schedule must provide a fee schedule to the facility. As introduced, the bill would remove the current statutory prohibition on including the healthcare affordability and sustainability fee as a separate line item in a bill and we will be interested to see whether that particular provision survives both chambers.

In situations where an individual provides health insurance information to the facility or a provider in a facility setting, the bill requires disclosures on whether the facility or provider participates in the individual’s health insurance plan, whether the services the facility or provider will render will be covered as an in-network or out-of-network benefit, and whether the individual will receive...
service from an out-of-network provider at an in-network facility. The bill would also prohibit a facility or provider from billing a patient or third-party payer an amount in excess of the lower of any established self-pay rate or the lowest rate negotiated with or reimbursed by any third-party payer, and require pharmacies to publish their retail drug prices. Health insurers must publish information about contract terms, cost-sharing arrangements, and prescription drug prices. We understand that there are serious issues in the healthcare system, but more state mandates are not a path to the “market-based system with fairer prices determined by the marketplace” that the bill seeks to achieve.

This legislation opposes the principles of:
Free Markets
Limited Government

HB18-1259  Marijuana Sample for Quality Product Development  Support

According to testimony in committee, currently in order for MJ growers, manufacturers or retailers to test out their products they have to purchase their product where it’s being sold. If you’re thinking that the idea of quality control is that you’re testing a product before sending it out to consumers, you would be correct. This is what happens when you let government regulate everything. This bill would allow a medical marijuana optional premises cultivation licensee, a medical marijuana-infused products manufacturing licensee, a retail marijuana cultivation facility licensee, and a retail marijuana products manufacturing licensee to provide product samples to managers for quality control and product development purposes. The bill specifies limits on the amount that can be provided as a sample per batch, and prohibits the licensee from allowing the manager to consume the sample on site, exceed his or her personal possession limits, providing or reselling the sample to another licensed employee/individual/customer, and the sample can’t be used as a means of compensating the manager. Managers must have a medical marijuana registration card in order to sample medical marijuana products. Lots of stipulations, but it does give companies and their employees more options than they have under the existing situation.

This legislation supports:
Free Markets

HB18-1260  Prescription Drug Price Transparency  Oppose

This bill would require health insurers to submit information regarding prescription drugs dispensed in the preceding calendar year that are covered under their health insurance plans to the Commissioner of Insurance. It would also require prescription drug manufacturers to notify state purchasers, health insurers, and pharmacy benefit management firms when the manufacturer increases the price of certain prescription drugs by more than 10% or when the manufacturer introduces a new specialty drug in the commercial market. Manufacturers must also provide specified information to the commissioner quarterly on any drugs manufacturers reported on pursuant to those provisions.

A prescription drug manufacturer that fails to notify purchasers or fails to report required data to the commissioner is subject to discipline by the state board of pharmacy, including a penalty of $ 1,000 per day for each day the manufacturer fails to comply with the notice or reporting requirements. The commissioner must post the information received from prescription drug manufacturers on the Division of Insurance website, and the commissioner or a disinterested
third-party contractor must analyze the data submitted by health insurers and prescription drug manufacturers and other relevant information to determine the effect of prescription drug costs on health insurance premiums and provide a report on those findings to the legislature each year. This bill sets the stage for more bills like SB18-152 (see our write up under 2018 Senate Bills).

This legislation opposes the principles of:
- Free Markets
- Limited Government

**HB18-1265  Sunset Continue Stroke Advisory Board**

The Stroke Advisory Board was created to evaluate potential strategies for stroke prevention and treatment, develop a statewide needs assessment identifying relevant resources, and make recommendations for developing a statewide plan to improve quality of care for stroke patients. All of which are fine pursuits for the private sector. Government does not exist to create boards to study particular health issues. This bill would extend the Stroke Advisory Board, which is scheduled to sunset in September of 2018, indefinitely.

This legislation opposes the principles of:
- Limited Government

**HB18-1266  Career Development Success Program Expansion**

In 2016, HB16-1289 created the Career Development Success Pilot Program to provide money for school districts and charter schools to get students to complete identified industry-certificate, internship, and pre-apprenticeship programs related to “top jobs” and to pass computer science advanced placement (AP) courses. The state work force development council must annually identify the level of regional and state demand for various jobs and the qualifying programs that go along with those “top jobs”. The program was projected to cost at least $1,000,000 per year, and gives schools $1,000 for each student who completes a qualified industry-certificate program, a qualified internship or pre-apprenticeship program, or passes a computer science AP course in the preceding school year (funding is prioritized in that order). This is central planning. It’s the state deciding what fields of employment students should pursue, and trying to “incent” schools to convince them to do so. This bill eliminates the pilot programs 2019 repeal date and extends the program until 2024 (although these things invariably go on forever).

The bill makes a few other changes to the program including requiring the Department of Education to explain every single year to schools that choose NOT to participate in this program how it works (because it’s so great, and the state wants to give away more money) and increasing the program reporting requirements. It also caps the amount of money a school district can receive for students completing industry certificates at 10% of the total number of completed industry certificates reported, which adds a very fitting redistributive element to this central state planning approach because we don’t want any particular school districts to be TOO good at utilizing this incentive compared to other “disadvantaged” school districts (/sarcasm).

This legislation opposes the principles of:
- Free Markets
- Limited Government
- Fiscal Responsibility
**HB18-1267**  Income Tax Credit for Retrofitting Home for Health  
**Oppose**

This bill would provide an income tax credit of up to $5,000 to qualified individuals who retrofit or hires someone to retrofit their residences for health, safety and welfare reasons. If the credit is worth more than your tax liability, it can be carried forward and used against your taxes for up to 5 years. The retrofit must meet specified conditions, including increasing the “visitability” of the home—a brand new word which the bill defines as “a measure of a residence’s ease of access for persons with disabilities.” Like we’ve already explained in half a dozen tax credit bills this year... it is not the role of government to pick out groups of people for special tax treatment, incentivize particular behaviors, and make other people shoulder your tax burden to help you pay for your expenditures.

This legislation opposes the principles of:

- Personal Responsibility
- Limited Government
- Fiscal Responsibility

**HB18-1272**  Network-Level Distracted Driving Control Technology  
**Oppose**

“How many ways can the state nanny thee? Let me count the ways.” – 21st Century Version of Sonnet 23. This bill would require phone service providers to make network-level distraction control technology available to customers that allows the provider to limit “distracting content” on your phone from the network level while you’re driving—at your request, of course (for now). Telling businesses what services they must provide is absolutely not the role of government, nor is trying to micromanage your safety by interfering in the market.

This legislation opposes the principles of:

- Personal Responsibility
- Free Markets
- Limited Government

**HB18-1273**  Protect Colorado Residents from Federal Government Overreach  
**Oppose**

Never trust a bill title to tell you what the bill is actually about. This title sounds good, but alas, it turns out that it is only political spin. This bill isn’t about federal overreach, it’s about immigration. If it weren’t for the provisions on immigration status in this bill, POL would say that the concept of the bill –to protect individual rights– is reasonable. Like HB17-1230 run last year, this bill prohibits a state or political subdivision from aiding or assisting the federal government in creating a registry for the purpose of identifying Colorado residents based on race, ethnicity, national origin, immigration status, sexual orientation, gender identity, or religious affiliation, from marking or otherwise placing a physical or electronic identifier on a person based on any of those factors, and from aiding or assisting the federal government in interning, arresting, or detaining a person based on any of those factors.

The problem is that this bill conflates identifiers like “race”, “ethnicity”, “national origin”, and “religious affiliation” with “immigration status”. Remember those puzzles in grade school where you had to pick which item was out of place in a group of items? In this case, it’s “immigration status” – a legal designation identifying whether you’re acting in accordance with the law or breaking the law. That’s very different from the other items listed in the bill!

This legislation opposes the principle of:
HB18-1274  Reduce Greenhouse Gas Emissions by 2050  **Oppose**

According to this bill, “climate change is occurring, and it’s due to anthropogenic emissions.” The bill asserts that this “adversely affects Colorado’s economy, public health, and way of life,” so naturally... the state better do something – because, you know, Colorado can single handedly save the human race from certain extinction. This bill requires that, by the year 2050, statewide greenhouse gas emissions be reduced by at least 80% of the levels of greenhouse gas emissions that existed in the year 2005. The bill requires Colorado to have “statewide programs” in place to get this done. In the words of a savvy intern: “This bill is the epitome of government intervention for a socio-political agenda.”

This opposes the principle of:
- Limited Government

HB18-1276  Teaching Competent History in Public Schools  **Oppose**

This bill was run in 2016 as HB1-1036. Under current law, Colorado’s public schools are required to teach the history and civil government of the United States, including the history, culture and contributions of American Indians, Hispanic Americans, and African Americans. This bill would require that schools also teach the history, culture, and contributions of Asian Americans. It would also require school districts to hold community forums on civics content standards once every two years instead of the current requirement of every 10 years—another unfunded mandate in the name of political correctness. The bill would create a 15-member History, Culture, and Civil Government in Education Commission. Members must meet specific ethnic quotas. The commission is charged with making recommendations for revising state education standards to the CDE and the SBE, participating in the proposed biannual community forums, and helping the Department of Education assist school districts in developing and promoting history and civics programs that include the aforementioned contributions. Political correctness driving policy once again... we’re shocked (not).

This legislation opposes the principles of:
- Limited Government
- Equal Protection/Rule of Law

HB18-1278  Apprentice Utilization in Public Projects  **Oppose**

Run last year as HB17-1300, this bill would require contractors hired by the state (as long as they don’t receive federal funding) that do public projects to use apprentices enrolled in an apprenticeship program registered with the U.S. Department of Labor as 25% of their workforce on the project. Agencies can’t consider a bid for a public project unless it indicates that this requirement will be met. After completing the project, contractors must submit an affidavit stating that the contractor has satisfied the apprenticeship requirements or made a good faith effort to comply. If the contractor does not comply, the government has the right to keep the statutorily permissible withheld percentage of the contract price “as liquidated damages.” Is it the role of government to mandate how employers must run their company, tell them who they must hire, how they must pay them, what programs they must participate in, etc.? No. If you support this bill you have zero tolerance for free markets.

This legislation opposes the principles of:
HB18-1279   Electronic Prescribing Controlled Substances  **Oppose**

The bill would require podiatrists, dentists, physicians, physician assistants, advanced practice nurses, and optometrists, to prescribe controlled substances only via a prescription that is electronically transmitted to a pharmacy unless a specified exception applies starting July 1, 2020. If you're a practitioner serving rural communities or in a solo practice, you get until July 1, 2021 to make the switch. Prescribers must also indicate on license renewal questionnaires whether they have complied with the electronic prescribing requirement. Because the government must oversee and regulate everything, and that's easier when you people do everything electronically.

This legislation opposes the principles of:

- Limited Government

HB18-1283   Classify Residential Land Change in Improvements  **Support**

Under current law, property taxes are paid on a portion of the actual value of the property called the assessed value. Assessed value is based on either the residential or non-residential classification of the land as determined by the land’s physical status and use. Residential land is assessed at 7.20 percent and non-residential land assessed is at 29 percent. This bill would specify that a residential classification for land must remain in place for two years after residential improvements were destroyed, demolished, or relocated if the assessor determines there is evidence that the owner intends to rebuild or locate a residential improvement on the land. If you don’t make your residential improvements within two property tax years or a change in the land use occurs, the land classification must change to match its current use. Making sure local government can’t change your tax status to squeeze more money out of you because your property is under construction? Sounds like limited government to us!

This legislation supports the principle of:

- Limited Government

HB18-1286   School Nurse Give Medical Marijuana at School  **Support**

Under current law, a primary caregiver may possess and administer medical marijuana in a “nonsmokeable” form to a student with a valid recommendation for medical marijuana while the student is at school. This bill would allow a school nurse (or the school nurse’s designee) to possess and administer medical marijuana to the student. The bill specifies that administering medical marijuana to a student in compliance with these provisions are not a criminal act. This bill makes it a little easier for students to get their medication.

This legislation supports the principles of:

- Individual Liberty
- Limited Government

HB18-1292   Pilot Program Assist Person Experiencing Homelessness  **Oppose**

This bill creates a brand new grant program for persons experiencing homelessness – because it is the role of the state to take your money by force and give it away to people that really need it, said POL never. The grant program will make grant money (provided by you, dear taxpayer)
available to public safety, social services, or nonprofit agencies that have contact with persons experiencing homelessness. A grant recipient shall use grant money only to provide personnel and resources to persons experiencing homelessness. The grant program may include, but need not be limited to, training, work programs, housing vouchers, transportation, counseling or therapy, and food assistance. A public safety, social services, or nonprofit agency may apply for a grant, provided it clearly demonstrates a plan for collaboration with municipal or county courts, local law enforcement, local human or social services agencies, and nonprofit agencies that have contact with persons experiencing homelessness.

There are many of you readers who VOLUNTARILY give your time, skills, and money to many organizations, including those that support people who are dealing with homelessness. That is called charity. This bill takes your money at gunpoint (yes, gunpoint – try NOT paying your taxes and see what happens) and gives it to those causes the state deems worthy. That is called forceful redistribution. It is the role of government to protect you from plunder, not engage in it.

Food for thought which applies to MANY of the bills you see in Colorado state legislature: Merriam-Webster provides the following definition of Socialism, “a stage in Marxist theory transitional between capitalism and communism distinguished by unequal distribution of goods and pay according to work done” (emphasis POL’s).

This bill opposes the principles of:
  Personal Responsibility
  Limited Government
  Equal Protection/Rule of Law

HB18-1294    Sunset Continue Regulation Nursing Home Administrators    Oppose

Under current Colorado law, you need a license to plan, organize, direct and control the operation of a nursing home. Because how could we possibly find people competent to perform certain jobs if the state wasn’t here to license them? (/sarcasm.) This bill would continue the regulation of nursing home administrators by a board created for that purpose (which is scheduled to cease this year) for 7 more years. It would also change the membership of the board of examiners from 3 practicing nursing home administrators and 2 members representing the public to 2 practicing nursing home administrators and 3 members representing the public, and require a nursing home administrator to report to law enforcement possible felony conduct by an employee. We’re not sure how the administrator is supposed to single handedly act as an investigator and grand jury to determine the possible commitment of a felony. If the employee holds a state license, the administrator must also report the suspected felony conduct to the appropriate occupational board or the director of the Division of Professions and Occupations. Failure to report is grounds for discipline, so there will be incentive to err on over-reporting those potential problems, whish we’re sure will create no problems whatsoever (/sarcasm).

This legislation opposes the principles of:
  Personal Responsibility
  Limited Government

HB18-1295    Hemp Products Deemed Not Adulterated or Misbranded    Support

This bill would modify the ‘Colorado Food and Drug Act’ to establish that food, cosmetics, drugs, and devices are not adulterated or misbranded by virtue of containing industrial hemp. The bill
defines ‘industrial hemp’ and ‘industrial hemp food product’ and specifies that the Department of Public Health cannot deny or revoke registration just because someone engages in the selling, manufacturing, processing, or storage of an industrial hemp product. The department has the authority to verify that a product fits within the definition of an industrial hemp product.

This legislation supports the principle of:

Limited Government

HB18-1296  Unattended Motor Vehicles Remote Start Systems  Support
Ah, our old friend the “puffer” bill... Under current (fairly recently passed) law, if – and ONLY if - your car has a remote starter system and adequate security measures, you can leave the motor vehicle unattended while the engine is running. Thanks mom. This bill would specify that a motor vehicle may be left unattended if either a remote starter system or adequate security measures are in place, effectively expanding who can legally warm up their cars in the morning or temporarily leave their car running to pop in someplace without incurring the wrath of the state. This is quite the delegation of personal responsibility from the state to us mere know-nothing citizens, I wonder if we can handle it…?

This legislation supports the principle of:

Individual Liberty
Personal Responsibility

HB18-1298  Colorado Secure Savings Plan  Oppose
This bill was floated in 2016 and 2017, and trust us the concept does not improve with age. The summary on this bill contains 19 bullet points and 8 paragraphs, so we’ll let you thank your lucky stars that we’re going to summarize the bill for you in one paragraph. After lecturing us that “[t]he median white family with retirement savings has over three times as much saved as the median African-American or median Hispanic family” and “[e]xperts on retirement recommend that the best way to increase retirement savings is to offer a workplace savings plan to all workers and enroll them automatically with the right to opt out”, this bill declares that “America’s retirement system has unraveled” and comes up with a mandatory “solution” to save us all. The bill would establish the “Colorado Secure Savings Plan” –a retirement savings plan in the form of an automatic enrollment payroll deduction individual retirement account that private employers of a certain size would be forced to offer to their private-sector employees. The bill would establish a state board to oversee the plan and mandate all the rules. We’re not sure what the point of the savings levels of various groups has to do with the actual bill, or who these so-called “experts” are but we’re sure that’s just above our little pea-brains since we’re not omniscient legislators and all. Not to mention the fact that there is no such thing as “America’s retirement system” nor any sort of constitutional mandate or any moral dictate for the state to paternally “provide” for you. We have a federal government running a ponzi scheme for a “safety net” of social security, and a state government running a PERA system that, if it were a private entity, would have been declared insolvent years ago. As one of our interns commented on this proposal last year: “Because [government-run retirement programs] are working out so well.”

This legislation opposes the principles of:

Personal Responsibility
Free Markets
Limited Government
HB18-1303 Youth Sports Coach Exempt Employment Security Act  
**Support**

This bill would expand the ability for two parties to enter into a private contract and avoid a government financial “security” program in an arena for a job where the program doesn't make sense. The bill would exempt a coach for a nonprofit youth organization from unemployment insurance coverage if the coach has a written agreement with the organization stating that the coach is an independent contractor. The fiscal note estimates that nonprofit youth sports organizations pay approximately $137,000 in premiums per year to the Unemployment Insurance Trust Fund, and we certainly don’t see why.

This legislation supports the principles of:

- Limited Government

HB18-1307 Limit Access to Products with Dextromethorphan  
**Oppose**

This bill makes it illegal to sell products containing dextromethorphan (like Robitussin cough syrup) to a person under 18. Violation of the provision gets you a warning the first time, and a fine of up to $200 for subsequent offenses. The prohibition does not apply when the medication is being sold pursuant to a valid prescription. The state is not your mother. Or nanny. Or guardian. Or provider. Or... please, let this session come to an end.

This legislation opposes the principles of:

- Individual Liberty
- Personal Responsibility
- Limited Government

HB18-1308 Workers’ Compensation Out-of-state Workers Temporarily in Colorado  
**Support**

This bill creates an exemption to the Workers’ Compensation Act of Colorado so that employers in contiguous states don’t have to pay into workers comp in their home state and in Colorado as long as the contiguous state provides a reciprocal exemption for Colorado employers/employees. The exemption only applies if the employer furnishes coverage under the workers' compensation laws of the state in which the employee is regularly employed, and the coverage applies to the employee while he is working temporarily in Colorado. The bill specifies that the home state’s workers’ compensation laws are the sole remedy for an out-of-state worker who is injured while working temporarily in Colorado. Reducing the burden on employers and making it easier for businesses to participate in commerce across state lines? Winning.

This legislation supports the principles of:

- Limited Government

HB18-1310 Emergency Employment Support Services Pilot Program DOLA  
**Oppose**

This bill would create a pilot program in the Division of Local Government to provide reimbursement to entities that provide “emergency employment support services” to people in certain areas of the state. Ten rural counties and a “limited number of zip codes within Pueblo, Arapahoe, Denver, and Adams counties” will get to participate in the program. Emergency services eligible for reimbursement under the program include transportation, “emergency childcare,” food and nutrition, interpretation expenses (yes, you read that right – you, dear taxpayer, get to pay for interpreters to support ‘emergency employment’), utility and internet bills, and prepaid cell phones amongst other things. And you thought the ol’ “Obama phones” were bad. Service providers
(who must be public agencies or non-profits) can receive up to $400 for each individual to whom they give assistance, although individuals must be 16 years or older, eligible to work in the United States, have an income at or below 200% of the federal poverty line, and be actively pursuing employment or job training (we’re sure there are taxpayer funded programs for those, too!) Hey, we need some “emergency employment assistance” over here at POL to collect legislator voting data. There’s a program for that too, right…?

This legislation opposes the principles of:
- Personal Responsibility
- Limited Government
- Fiscal Responsibility

HB18-1311  Single Geographic Rating Area Individual Health Plan  Oppose

Who feels like the health care system isn’t redistributive enough already? Certain Colorado legislators, apparently. Since government has decided healthcare is a right, it means everyone gets healthcare no matter what. Since money doesn’t grow on trees, if one person can’t afford it then the government must coerce someone else to cover them… which has lead to an increase in the cost of health insurance. Rather than letting the market dictate the cost of premiums (which would allow low-risk people to pay less, and high-risk people to either pay more or to forego health insurance or use other options like HSAs etc.), in an attempt to help some people pay less government has taken it upon itself to decide what factors companies can consider when setting insurance premiums—which means other people have to pay more. Under the federal Patient Protection and Affordable Care Act, insurance premiums must be calculated using the risk factors applying to all persons within the market as a whole, and may only vary for individual characteristics of a policyholder according to age, tobacco use, family size, and geographic location. Currently, the state uses nine geographic rating areas for the individual health insurance market. This bill says tough noogies… starting in 2019 insurers can no longer consider a policyholder’s geographic location when setting premiums. Straight from the fiscal note: “This shift to a single geographic area will redistribute costs for people purchasing health insurance through the individual market, with some areas having premium increases and others having premium decreases, relative to the current rating areas.” Whether your rates happen to go up or down isn’t really the point—the point is that it’s immoral to use the force of government to impose a redistributionist political philosophy on the free market.

This legislation opposes the principles of:
- Free Markets
- Limited Government

HB18-1312  Open Internet Customer Protections in Colorado  Oppose

This bill would leverage High Cost Support Mechanism funding (a bogus state subsidy, see our explanation of SB18-002 for details) as a carrot/stick to dictate how internet providers run their businesses. Under the bill, internet service providers who engage in certain business practices such as participating in paid prioritization of internet content or those who don’t “provide transparency of its reasonable network management practices” can’t receive HCSM funds. Internet services providers are businesses, not governments. They don’t owe you (or the state) “transparency.” We’re also weary of all this “reasonable” network management practices language. As if the government is a) an expert on business, b) the arbiter of what is “reasonable” or c) should outlaw anything it
This bill leverages HCSM dollars to add yet another layer of government intervention between the free market and internet service. Government is not here to micromanage your internet service.

This legislation opposes the principles of:
Free Markets
Limited Government

**HB18-1316  Extend CDLE WORK Grant Program**

If you don’t know where this analysis is headed based on the title of this bill alone, you must be new around these parts! In 2015, HB15-1276 created the Skilled Worker Outreach, Recruitment, and Key Training Act”, or the “WORK Act”, which provides matching grants to eligible public or private entities or organizations that provide “skilled worker” training. Because as we sarcastically observed in 2015, “… without the economic genius of a state bureaucracy, assisted by corporate cronies always looking for a handout or taxpayer funded job training for their particular business, a free market couldn’t possibly work.” The program was initially given $10 million of your dollars. Now, in 2018 HB18-1316 would extend the WORK program for 3 more fiscal years, require the Department of Labor to develop an expedited application process for award recipients seeking to extend or increase an existing grant award, and requires the general assembly to appropriate an additional $10 million for the 2018-19, 2019-20, and 2020-21 fiscal years. Because the state is on a mission to plan the economy and spend as many tax dollars as possible in the process. Colorado’s new state motto, “Making it easier to give your money away to others.”

This legislation opposes the principles of:
Free Markets
Limited Government
Fiscal Responsibility

**HB18-1318  Require Presidential Candidate Disclose Tax Return**

The bill would require candidates for president and vice president of the United States to file their federal income tax return forms for the last 5 completed tax years with the Colorado Secretary of State. If either one of these candidates fail to file their returns, neither of their names will be printed on the official ballot. The Secretary of State is required to publish the candidates tax returns on his website within 7 days of the time they are filed. Like we said last year when this idea was pushed by HB17-1328, a candidate’s taxes are none of your business. They submit tax returns and have the opportunity to be audited by the IRS like everyone else. Forcing them to publish their personal affairs so the public can criticize them from the comfort of an armchair is not an appropriate function of the state legislature.

This legislation opposes the principles of:
Limited Government

**HB18-1319  Services Successful Adulthood Former Foster Youth**

This bill would allow county departments of human or social services to extend the provision of certain services to foster care youth between the ages of 18 and 21 who have exited the foster care system. Services would include assistance with employment, housing, education, financial management, mental health care, and substance abuse treatment. The bill would also task the state
department of human services with establishing a former foster care youth steering committee. The purpose of the steering committee would be to develop recommendations for an implementation plan that supports the long-term provision of services for a successful adulthood for former foster care youth. There is only a minimal appropriation for the steering committee for now, but if this bill passes we guarantee there will be a call for more money to be put toward this expanded program later.

This legislation opposes the principle of:

- Personal Responsibility
- Limited Government

**HB18-1323**  Pay for Success Contracts Pilot Program Funding

Oppose

In 2015, the legislature passed HB15-1317 which created the “State Pay for Success Contracts Program.” According to that bill’s summary, “Pay for success contracts leverage private sector resources to implement social services programs that are likely, but not guaranteed, to generate subsequent direct or indirect reductions in government spending for other programs.” We noted: if we use the magic words, like “leverage” and pay for private companies to do social work that may or may not result in reductions from government programs that should or should not even exist, that makes it a good idea, right? Now back to 2018, where we are creating pilot projects to fund via the program. This bill would spend over $6,000,000 on a Jefferson County pilot program to improve educational outcomes for foster youth, a multi-systemic therapy pilot program for underserved regions of Colorado, and a Denver pilot program to “better serve runaway youth upstream.”

Notably there is nothing in the bill about the details of these programs and they’re not programs originating from the legislature—the bill notes that the programs were chosen by the Office of State Planning and Budgeting (which is in charge of contracting with entities who want to participate in the State Pay for Success Contracts Program) “after reviewing numerous proposals submitted in response to its call for innovation for proposals designed to reduce juvenile involvement in the justice system, reduce out-of-home placements of juveniles, and improve on-time high school graduation rates.” This entire program is a mess incentivizing more government spending. To state the obvious: if the “government” is offering money, people will come up with projects to spend it! This is one of the most irresponsible misallocations of your tax dollars we’ve seen in a while, taking your money and giving it to an unelected bureaucracy to invent ways of giving it away.

This legislation opposes the principles of:

- Limited Government
- Fiscal Responsibility

**HB18-1324**  Codify Governor’s Commission on Community Service

Oppose

Nothing is safe from government micromanagement, including community service. This bill codifies the Governor’s Commission on Community Service (which is already in existence via an executive order) in state statute. Under the bill, the duties of the commission include: recommending to the Governor a three-year comprehensive national and community service plan for the state that “ensures outreach to diverse community-based agencies that serve underrepresented populations” (emphasis ours). You didn’t think we would get through this bill without government deciding who needs service most, did you? Other duties of the commission include administering a
competitive process to select service programs to be included in the application for funds from the Corporation for National and Community Service (a U.S. federal government agency), assisting in the development of service grant programs, providing technical assistance to local nonprofit organizations and other entities, assisting in the provision of health care and child care benefits for participants in service programs that receive assistance from the feds, and developing projects/training methods/curriculum related to national service programs. Because dear citizens, we clearly cannot handle community service or philanthropy on our own—we need the state and federal governments to decide which nonprofits deserve funding and then conscript us into funding them. The fact that the state is partnering with the federal government to participate in something that is not the role of government means this bill manages to violate limited government on two levels. Bonus (negative) points. The state should be actively opposing federal overreach, not become complicit in it.

This legislation opposes the principles of:

- Limited Government
- State vs. Federal Balance of Powers

**HB18-1327**  All-Payer Health Claims Database  **Oppose**

This bill would allow General Fund moneys to be appropriated to the Department of Health Care Policy and Financing (HCPF) to pay the costs of the All-Payer Health Claims Database (APCD), a state government created mining operation pertaining to healthcare data. It would also create a grant program to support nonprofit and government organizations other than HCPF that conduct research using the data in the APCD. We wonder who will get that money, and what they'll be spending it on...? (insert incredibly cynical and spot-on answer here). The bill's fiscal note anticipates that HCPF will award $500,000 in grants per year. Uh, why are we issuing grant to help nonprofits conduct research? Rhetorical question. We shouldn't be. Currently, the APCD is supported by private grant funding that is set to expire. Which is why POL warns that when the state creates programs that start out funded by “gifts, grants and donations,” you dear taxpayer will inevitably end up funding those programs in future years.

We've talked about this before, but it bears a re-hash, because this strategy is used exhaustively by your state legislature and they bat almost 100% with it. Create a commission to study something. Commission makes recommendation for a pilot project. Pilot is funded with crony “donations”. Pilot is judged to be wildly successful because they managed to give away free money (the more they give away, the more successful they deem the program). Then the “donations” run out because the cronies have paid their “fair share”, but since the program is so “successful”, it is turned over to the state to fund it (or else the “successful” program would have to be CUT). Cronies then reap the benefit of a new expanded government program forever, giving them a great return on their initial “donations”.

This legislation opposes the principles of:

- Limited Government
- Fiscal Responsibility

**HB18-1331**  Higher Education Open Educational Resources  **Oppose**

The trend of giving your money away one $1,000,000 grant program at a time continues. This bill would create a grant program to give money to public institutions of higher education to
develop and adapt open educational resources. It would also create the Colorado Open Educational Resources Council to recommend statewide policies for promoting the adaptation/creation/use of open educational resources, facilitate professional development and the sharing of knowledge regarding open educational resources, implement the open educational resources grant program, and provide an annual report concerning the use of open educational resources in public institutions of higher education across the state. More money for higher ed to do what higher ed can and should be doing on its own. How nice.

This legislation opposes the principle of:
Fiscal Responsibility

HB18-1334  Extend Transitional Jobs Program  Oppose

This bill would extend the Transitional Jobs Program (again) until 2024. What’s the Transitional Jobs Program, you ask? In 2009 as part of the stimulus package (ARRA of 2009), the federal government gave Colorado lots of money (you’ll recall those “shovel-ready jobs...”), so Colorado created a program to give all that “free” money away. The federal money dried up in 2011. Colorado created its own version of this “jobs program” in 2013 with HB13-1004. The program subsidizes wages of unemployed and underemployed adults to “provide opportunities to learn and practice successful workplace behaviors” that will hopefully help them secure long-term, unsubsidized employment. Because individuals can’t possibly be expected to do that for themselves. That 2013 bill passed with exactly zero Republican votes in the House and zero Republican votes in the Senate. But lo and behold, in 2016 HB16-1290 was run to extend that program and was co-sponsored by a Republican who had voted against it in 2013. We suppose some would call that “progress”... but we don’t. Now here we are in 2018, with another bipartisan effort to extend the program even further. As the Overton Window continues to move to the left, Republicans continue to follow it like walking dead zombies mumbling, “more government... more government...”

This legislation opposes the principles of:
Free Markets
Limited Government
Fiscal Responsibility

HB18-1335  County Child Care Assistance Program Block Grants  Oppose

This bill makes several changes to the Colorado Child Care Assistance Program (CCCAP) requirements and funding model that result in a net increase in Colorado’s spending on and involvement in providing childcare assistance services to certain individuals. Current law requires counties (subject to available appropriations) to provide childcare assistance to families who make below 165% of the federal poverty level. This bill would change that number to 185% of the federal poverty level, and allows counties to provide childcare assistance to families who make more than this amount as long as they only use local funds to do so. The bill also extends the period of time the state must continue to provide the CCCAP subsidy if a person loses eligibility for it. According to the bill’s fiscal note, the FY 2018-19 Long Bill includes an additional $ 12.25 million for CCCAP to reduce the use of wait lists and to fund the priorities in this bill. If you have a child, you are responsible for him or her. You do not get to use the coercive force of the state to take funds from your neighbors and use those funds to help you with childcare.

This legislation opposes the principles of:
Personal Responsibility
Limited Government

HB18-1341  Apprenticeship & Vocational Technical Training  Oppose
This bill would require the Department of Labor to create the “Colorado State Apprenticeship Resource Directory.” The department must collect detailed information on each apprenticeship program in this state, including the application process, requirements for enrollment, costs, and program outcomes. The department must promote the availability of the directory to both public and private entities. The fact that personal responsibility has been eviscerated in this state to the point that the state is now using state resources to put together directories of information that people can and should be looking up themselves is absolutely absurd.

This legislation opposes the principles of:
Personal Responsibility
Limited Government

HB18-1343  Veterans’ Service-to-career Program  Oppose
Repeat after us: government does not exist to help people find jobs. In 2016, HB16-1267 created a pilot grant program to assist veterans, veterans’ spouses, and other eligible participants in obtaining employment. This bill makes that program permanent, appropriates $500,000 for it, changes definitions to encourage expanded services, and expands eligibility for the program. Of course, the bill also requires the Department of Labor to develop an evaluation methodology to measure program effectiveness. Unfortunately, the state prefers to focus on metrics like “how are we going to ensure this works out?” rather than “should we be doing this in the first place?” Like we said when this program was created in HB16-1267: “More of your tax money (federal and/or state) paying for the employee costs of select employers. This bill picks a particular group of citizens for whom to provide a special service.”

This legislation opposes the principles of:
Personal Responsibility
Limited Government
Equal Protection/Rule of Law

HB18-1345  Electric Transmission Lines Right of First Refusal  Oppose
Blind squirrel, meet nut. We never thought we’d see a day when a federal agency gets it right (in any limited way) on a free market concept, much less a day when the judicial branch agrees, but that has actually happened. So naturally, certain Colorado state legislators want to pass a law to exempt the state from such free-market “debauchery.”

In 2011, the Federal Energy Regulatory Commission (FERC) issued Order Number 1000 which eliminated some (but not all) of an incumbent utility’s Right of First Refusal (ROFR) to construct, own, and maintain new transmission lines (i.e. to block a competitors ability to produce a competitive service). In Order 1000, FERC only eliminated the ROFR for large projects where costs would be spread out among all members in a regional transmission organization, but allowed utilities to retain the ROFR for smaller projects to improve reliability. One small step for a free market. Response from energy companies has been predictably litigious.

On April 6 of 2016, U.S. Court of Appeals for the Seventh Circuit upheld the FERC’s limited
elimination of the incumbent utility’s Right of First Refusal (ROFR). In the court’s decision against the large utility fighting to retain their ROFR, the court stated that “Neither in their briefs nor at oral argument were they able to articulate any benefit” that having an ROFR for large projects would confer on consumers or on society as a whole. When the utility argued that the court just didn’t understand because these contracts are “sophisticated” (sound familiar, dear reader…?), the court responded, “No doubt—sophisticated enough to understand the benefits of a contract that would give each party protection against competition in the creation of new facilities.” While we’re not really excited by the entire ruling, the fact that the court couldn’t help but cede this little bit of ground to the free market is noteworthy. (credit https://www.elp.com/articles/2016/04/court-upholds-ferc-right-of-first-refusal.html)

Time for Colorado’s Statist Legislators to ride to the rescue – cue HB18-1345 on behalf of Excel. Since FERC Order 1000 specifically says that the rule does not over-ride state statute, our intrepid interlopers simply need to create them some state statute to protect their special interests, er… constituents, yeah… and pass a law to make sure that rascally free market thinking doesn’t creep into Colorado. And it’s bi-partisan, because statism knows no party lines.

This legislation opposes the principles of:
Free Markets
Limited Government

HB18-1357 Behavioral Health Care Ombudsperson Parity Reports

Oppose

This bill would create an office of ombudsperson for behavioral health access to care “for the purpose of assisting Coloradans in accessing behavioral health care” and add major new reporting requirements for health benefit plans subject to mandatory coverage provisions. The sponsors of the bill clearly want broad coverage for behavioral/mental health/substance abuse treatment, and are willing to use the force of the state to require carriers to report on their coverage determination process ad-nauseum to try and make it as difficult as possible for carriers to say no to covering those services. The ombudsperson for behavioral health access is supposed to help consumers and providers resolve coverage issues, give consumers information to help them get behavioral health care, help people file complaints, and more. “Because it’s the role of the state to help you access health care and micromanage the industry, resulting in obscene health care costs and byzantine nanny state, feel good, money wasting government goodness!” - said POL never.

The bill mandates that carriers report on the process they use to select the medical necessity criteria used in determining coverage for behavioral/mental health/substance abuse disorder treatment, medical and surgical benefits. Carriers must also identity all “nonquantitative” limitations that are applied to those benefits, and describe their compliance with requirements for maintaining an “adequate networks of behavioral, mental health, and substance use disorder providers.” The bill specifies that the medical necessity criteria and nonquantitative treatment limitations on benefits applied to behavioral health coverage can’t be stricter than the criteria/limitations applied to medical and surgical benefits. Basically, let’s just make it so vague and all-encompassing that the regulatory bodies in charge will be able to promulgate rules and regulations to do just about whatever they want.

This legislation opposes the principles of:
Personal Responsibility
Limited Government
HB18-1364  Sunset CO Council Persons with Disabilities  
**Oppose**

Update 4/22/18: Just when you think something good is about to happen… As introduced, this bill would have implemented the recommendation of the Department of Regulatory Agencies to sunset the Colorado Advisory Council for Persons with Disabilities. Instead, a strike below (replacement bill) was adopted in committee to recreate the Colorado Advisory Council for Persons with Disabilities. As amended, the bill tasks the committee with recommending legislation related to “accessibility, services and supports, and others issues concerning the disability community;” and to conduct “research concerning how to make Colorado the best state for persons with disabilities” among other duties. This picks out a group for special consideration by the state so we can grow government some more.

This legislation opposes the principles of:
- Equal Protection/Rule of Law
- Limited Government

Previous Rating: **Support** This bill would implement the recommendation of the Department of Regulatory Agencies to sunset the Colorado Advisory Council for Persons with Disabilities, and removes references to the council from statute. Holy mackerel, a bill to end something!!!

HB18-1365  Primary Care Infrastructure Creation  
**Oppose**

This bill establishes a Primary Care Payment Reform Collaborative in CDPHE. The collaborative is tasked with examining medical expenses allocated to primary care and alternative payment models. By August 31, 2019, the administrator of the APCD must provide the collaborative with a report regarding primary care spending—so we can propose more legislation to mess up the health care system further! Don’t believe us? They legislative declaration lays it out for you. The sponsors think that “The state of Colorado will achieve more affordable care and better outcomes by consistently measuring and sustaining a system-wide investment in primary care” so the collaborative needs to “develop recommendations to increase the use of alternative payment models that are not paid on a fee-for-service per claim basis”.

This legislation opposes the principles of:
- Free Markets
- Limited Government

HB18-1368  Local Control of Minimum Wage  
**Oppose**

This bill would allow local governments to set their own minimum wage. This an attempt to permit a localized tyranny of the majority over the free market. This bill would prevent individuals from utilizing their liberty to make voluntary agreements, in the name of “local control.” Let’s get something straight: you do not have a right to “local control” over your neighbors: their life, their liberty, or their property. A majority does not give you a right to violate or limit the life, liberty, or property rights of others as long as they are not doing things that directly violate your life, liberty, or property rights. Using a majority in order to control your neighbor’s property is called a tyranny of the majority. The role of government is to protect the rights of the ultimate minority –the individual– not empower tyranny at any level of government.

This legislation opposes the principles of:
- Individual Liberty
HB18-1370  Drug Coverage Health Plan  Oppose

This bill would prohibit a health insurance carrier from excluding or limiting a drug under a health benefit plan and from moving the drug to a disadvantaged tier in the plan formulary if the drug was covered at the time the covered person enrolled in the plan and the person’s health care provider continues to prescribe them the drug. A carrier may not increase the amount that a covered person pays for a copayment, coinsurance, or deductible or set limits on maximum coverage for such a prescription drug. And people wonder why the cost of their healthcare keeps going up for everyone…

This legislation opposes the principles of:

Free Markets
Limited Government

HB18-1377  Prohibit Seeking Salary Info Job Applicant  Oppose

This bill makes it an unfair employment practice for an employer to seek salary history information, including compensation and benefits, about an applicant for employment unless the employer documents that they have provided a salary range for the open position or the applicant voluntarily agreed to discuss his or her salary history. Like we said when this was proposed by HB16-1166 in 2016: Because individuals don’t already have the ability to say no all by themselves and need the government to help them with employment negotiations (NOT).

This legislation opposes the principles of:

Free Markets
Limited Government

HB18-1378  Equal Pay for Equal Work Act  Oppose

This bill deals with employment compensation and gender. Colorado currently already prohibits discriminating in wage rates solely on the account of sex, but this bill seeks to go further. The bill prohibits wage discrimination on the basis of sex, and would permit an aggrieved person to bring a civil action in district court to pursue remedies specified in the bill. The bill allows exceptions to the prohibition if the employer demonstrates that a wage differential is based upon one or more factors including a seniority system, a merit system, or a system that measures earnings by quantity or quality of production or a bona fide factor other than sex.

The bill would also require an employer to announce to all employees employment advancement opportunities and the pay range for the opportunities. The director is authorized to enforce actions against an employer concerning transparency in pay and employment opportunities, including fines of between $ 500 and $ 10,000 per violation. The bill also forbids employers from prohibiting their employees from disclosing their wage information.

This legislation opposes the principles of:

Free Markets
Limited Government

HB18-1380  Grants for Property Tax Rent and Heat  Oppose
Under current law, a low-income senior or individual with a disability is eligible for two types of annual state assistance grants administered by the department of revenue related to his or her property: a grant for their property taxes or rent paid (with the latter being deemed a tax-equivalent payment), and a grant for heat or fuel expenses. Together these are commonly known as the ‘PTC’ rebate. This bill would expand the property tax and rent assistance grant by repealing the requirement that rent must be paid to a landlord that pays property tax. For grants claimed for 2018, the bill also increases the grant amounts reflect inflationary growth since 2014 and dictates all of these amounts will continue to be adjusted annually for inflation. We believe that it is our personal duty to help care for our family members and neighbors; it is not the role of the government to redistribute our tax dollars to “care” for people.

This legislation opposes the principles of:

- Personal Responsibility
- Limited Government

**HB18-1382  Create Energy Legislation Review Committee**

Oppose

This bill would create the Energy Legislation Review Committee to study energy development, grid security, energy supply and transmission planning so they can review and recommend legislation on energy issues. According to the bill: “the general assembly recognizes its mandate to ensure the reliability, affordability, and sustainability of energy resources as a key component of Colorado's economy.” If you had any doubt that there are legislators out there who believe the economy should be centrally planned rather than driven by free exchange and supply/demand, that should set you straight. The bill allows the committee to report “no more than three bills or other measures to the legislative council… unless a two-thirds majority of the members of the committee vote to report a greater number.” The bill sets a maximum on total approved bills at one bill per member (there are ten members on the committee). Given that we see more bills that oppose our principles than bills that support them, we’ll let you decide if that sounds like a good idea.

This legislation opposes the principles of:

- Free Markets
- Limited Government

**HB18-1384  Study Health Care Coverage Options**

Oppose

This bill would require the Department of Health Care Policy and Financing (HCPF), in conjunction with the Division of Insurance, to study three options for health care coverage: a Medicaid buy-in option, a public-private partnership option, and a community or regionally based cooperative health plan affiliated with a private carrier. The departments must report on the most feasible option based on affordability, administrative and financial burden to the state, ease of implementation, and likelihood of success. Because we need more state healthcare.

This legislation opposes the principles of:

- Free Markets
- Limited Government

**HB18-1387 Eliminate Oil & Gas Abatement Refund Interest**

Support

If property taxes are levied erroneously or illegally on oil and gas leaseholds and lands and a taxpayer has not protested the valuation within the time permitted by law, then the taxpayer has 2
years from the start of the property tax year to file a petition for an abatement or refund. The board of county commissioners is required to abate the taxes, and the taxpayer is entitled to a refund for the incorrect amount and refund interest equal to 1% per month from the date a complete abatement petition is filed. This bill would specify that if the property tax was erroneously levied and collected as a result of an error made in an oil and gas owner or operator statement, then the taxpayer still gets a refund but isn’t paid interest. Why should the state pay you interest for your mistake?

This legislation supports the principle of:
Fiscal Responsibility

HB18-1392 State Innovation Waiver Reinsurance Program Oppose

This bill would require the Commissioner of Insurance to seek a State Innovation Waiver under the federal Affordable Care Act to create a state reinsurance program in Colorado. If federal approval is received, the reinsurance program will apply to 2019 health plans sold on the individual health insurance market. To fund the reinsurance program, the Commissioner is authorized to assess a fee on state-regulated health insurance carriers of up to 2 percent of premiums and will also receive federal funds that would have otherwise been provided to consumers as federal advanced premium tax credits. The bill directs the Commissioner to set the parameters of the reinsurance program so that claims costs in areas of the state with the highest health insurance premiums are reduced by 30 percent, and that all other geographic areas of the state have a 20 percent reduction in claims costs. Of course, the reinsurance program is created as an enterprise under TABOR and revenue is exempt from the TABOR revenue limits.

This legislation opposes the principles of:
Free Markets
Limited Government

HB18-1395 Colorado Youth Advisory Council Review Committee Oppose

The Colorado Youth Advisory Council is comprised of 4 legislative members and 40 nonlegislative members who are between 14 and 19 years of age. The council meets 4 times each year to examine, evaluate, and discuss the issues, interests, and needs affecting Colorado youth. Each year, the council reports to legislative committees a summary of their work and recommendations. This bill would create the Colorado Youth Advisory Council Review Committee. The review committee may meet up to 3 times each interim and recommend up to 3 bills to the legislative council. The bill includes a General Fund appropriation of $25,000 to the Youth Advisory Council Cash Fund and a General Fund appropriation of $54,189 to the Legislative Department. Because we need more people proposing more government.

This legislation opposes the principles of:
Limited Government

HB18-1397 Landlord Tenant Warranty of Habitability Oppose

Under current law, a landlord is deemed to warrant that a residential property is fit for human habitation as part of every rental agreement between a landlord and a tenant. This is referred to as a warranty of habitability. This bill would modify the conditions for a breach of the warranty, the method for notifying a landlord of problems with the premises, and time lines for the landlord
to address defective conditions. The bill would also allow a tenant to deduct the cost to repair
defective conditions caused by a breach of the warranty of habitability from subsequent rent
payments under certain circumstances, permit a county court to provide injunctive relief for a
breach of the warranty of habitability, and repeal the current law requirement that a tenant notify a
local government prior to seeking an injunction. The bill would modify the current law prohibition
on retaliation for a tenant’s alleging a breach to specify damages and remove presumptions.
Because we need more meddling in private, voluntary contractual relationships between landlords
and tenants.

This legislation opposes the principles of:
Personal Responsibility
Free Markets
Limited Government

HB18-1399 Regulation of Surgical Smoke Oppose
This bill would require licensed health facilities to adopt policies on preventing exposure to surgical
smoked based on rules established by the Colorado Department of Public Health and Environment.
It’s ironic to us that the state thinks that only CDPHE, not surgeons/hospitals, can possibly figure
out what should be done about surgical smoke.

This legislation opposes the principles of:
Free Markets
Limited Government

HB18-1401 RTD Regional Transportation District Low-income Fare Program Oppose
The public transit provided by the RTD is already a redistributive affair. Passenger fares don’t cover
the operating costs of the transit; a large chunk of funding comes from taxes on things like retail
marijuana sales. Forcing a particular group of people to shoulder the burden of a service by taxing
unrelated purchases/goods/services is redistribution, and it’s not the role of government. Despite
the fact that riders aren’t actually covering the cost of their own transit, RTD doubles down on
the redistribution by offering a variety of discount fare and incentive programs. This bill would
authorize the Regional Transportation District (RTD) to create a program to offer reduced fares to
low-income riders. The bill would make an appropriation of $80,000 to be used to establish and
implement the program. Because apparently heavily subsidized transportation should be even more
subsidized.

This legislation opposes the principles of:
Equal Protection/Rule of Law (Redistribution)
Fiscal Responsibility

HB18-1403 Stand By Your Ad Act Oppose
Under current law, an independent expenditure that is broadcast, printed, mailed, or delivered in
certain media formats and in excess of $1,000 must have a disclaimer statement identifying the
name of the issue committee making the expenditure. This bill would include online video, audio
communication, and other online content to this requirement. The bill would also specify that
the disclosure requirement related to electioneering materials includes all candidate committees,
political committees, issue committees, small donor committees, political organizations, political
parties, and any other person spending in excess of $1,000. The bill would add this disclosure requirement to expenditures made in elections for school board. We think that people can evaluate advertisements for themselves without Big Brother slapping labels on everything.

This legislation opposes the principle of:

- Individual Liberty
- Personal Responsibility
- Limited Government

**HB18-1409  Crime Survivors Grant Program and Presumptive Parole**

Oppose

This bill would create the Community Crime Survivors Grant Program to provide funding to eligible entities that provide support services to crime survivors and other interventions that are intended to reduce repeat victimization, and appropriate $1.7 million to the program. The other (seemingly unrelated) half of this bill would create a presumption in favor of granting parole to a nonviolent offender who has reached his or her parole eligibility date and who is not disqualified from such presumption by certain conditions. This analysis focuses on the grant program portion of the bill. Government is here to exact justice against offenders; it is the role of parents, friends, mentors and volunteer communities to care for and educate victims.

This legislation opposes the principle of:

- Limited Government

**HB18-1411  Employees Working With Vulnerable Persons**

Support

Current law requires employees of the department of human services and independent contractors with the department of human services who have or will have direct contact with vulnerable persons to undergo a fingerprint-based criminal history record check. Current law also requires employees or operators of licensed child care facilities or child placement agencies to undergo a background check. Employees or operators of licensed child care facilities that are under contract with the department of human services must obtain 2 separate background checks. This bill adds language to statute that allows for a single background check for such employees who have or will have direct contact with vulnerable persons, reducing redundancy for such employees.

This legislation supports the principle of:

- Limited Government

**HB18-1415  Regulate Student Education Loan Servicers**

Oppose

This bill intends to "promote all of the following: (I) meaningful access to federal affordable repayment and loan forgiveness benefits; (II) Reliable information about student loans and loan repayment options; and (III) Quality customer service and fair treatment." The bill would require student education loan servicers to obtain a supervised vendor license from the administrator of the Uniform Consumer Credit Code. The bill exempts certain entities from these licensing requirements such as loan originators and lenders who are already licensed under current law. The Department of Law must adopt rules for the new license requirement. ‘Servicing’ means receiving a scheduled periodic payment from a student loan borrower, applying the payments of principal and interest with respect to the amounts received from a student loan borrower, and similar administrative services.

This legislation opposes the principles of:
HB18-1417  Protect Constitutional Rights Colorado Residents  

Oppose

You can’t always judge a bill by its title. This bill isn’t about the rights of Colorado citizens; it’s about the state helping people violate federal immigration law. This bill would prohibit county law enforcement agencies from detaining individuals for the federal immigration and customs enforcement agency (ICE) or providing notifications of an individual’s release date and time to ICE without a federal warrant. The bill would prohibit renewal of current intergovernmental service agreements with ICE and prohibits new agreements. It would also require local law enforcement officers to administer an advisement of rights informing individuals that they have the right to deny an ICE interview request and that they can exercise their “constitutional” rights.

The bill would require the Department of Human Services to develop and publish model “Safe Spaces for Noncitizens” policies to “limit immigration enforcement on those premises and limit assistance with immigration enforcement to the greatest extent possible consistent with federal and state law.” All public schools, state-funded colleges and universities, public libraries, public health facilities, shelters, and courthouses must adopt the policies or equivalent policies. Probation offices and entities providing criminal court-ordered classes, treatment, and appointments may adopt the policies or equivalent policies.

This legislation opposes the principles of:

- Equal Protection/Rule of Law
- State vs. Federal Powers

HB18-1419  Oil Gas Operators Disclosures Wellhead Integrity  

Oppose

This bill would require the Colorado Oil and Gas Conservation Commission (COGCC) to adopt rules addressing the permitting, construction, operation, and closure of production wells, and take into account regulatory developments and changes in operational practices that have occurred since 2008. Oil and gas operators are required to provide electronic notice of the location of each subsurface facility (flow lines or gathering lines) to the COGCC, and to each local government within whose jurisdiction the subsurface facility is located. The operator notification must distinguish between subsurface facilities constructed or installed before and after the bill’s effective date, and specify whether a subsurface facility is active or abandoned. The bill specifies required time lines for notifications. Upon request from a local government, an oil and gas operator is required to provide a good-faith estimate of the number of wells the operator intends to drill in the next five years within a local government’s jurisdiction, and a map showing the location within the local jurisdiction of the operator’s existing oil and gas well sites and development sites for which the operator has applied to or received permits from the COGCC. How would you like to have to submit your 5 year business plan to the government every year?

This legislation opposes the principles of:

- Property Rights
- Free Markets
- Limited Government
HB18-1420  Early Childhood Development Special District  Oppose

Every mandate and prohibition issued by the state is backed by the full force of government. That includes the requirement that you pay your taxes. So when is it ok for government to initiate force on its citizens? At POL, we believe it’s only moral for government to initiate force in order to protect your life, liberty, and property from others - including a tyranny of the majority sponsored by local government “special districts”. To be crystal clear, that does NOT include protecting you from yourself or the consequences of your own choices. Using the force of government on your fellow citizens for any other purpose—including taking their money to help you “develop” your kids from birth to age eight—is wrong. Enter this bill, which would authorize the creation of Early Childhood Development Service Districts to provide services for children from birth through eight years of age. Services are defined as including (but not limited to!) early care and educational, health, mental health, and developmental services. 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. Live in a newly created “special district” where 51% of people would qualify for getting some of your money and all they have to do is vote for it? Too bad, so sad for you.

This legislation opposes the principles of:
Personal Responsibility
Limited Government

HB18-1426  Virtual Currency Exemption Money Transmitters Act  Support

This bill would exempt the transmission of virtual currency from regulation under the Colorado “Money Transmitters Act”. Cryptocurrency isn’t a security; it’s an alternative form of currency. Since it’s relatively new, its exchange rate with the dollar currently fluctuates more drastically than currency such as the Euro, but it is currency nonetheless, despite the IRS’s appetite for more revenue sources. Regulating it as a security doesn’t make sense. This bill would help protect cryptocurrency from unnecessary regulation.

This legislation supports the principles of:
Individual Liberty
Property Rights
Free Markets
Limited Government

HB18-1428  Authorize Utility Community Collaboration Contract  Oppose

This bill would authorize the creation of an “energy and innovation collaboration agreement” between an investor-owned utility and the government of a city, county, town, or city and county served by that utility. The agreement can “include any provisions that promote innovation, economic development, increased use of eligible energy resources, and other energy-related goals within the community.” Encouraging local governments and state-sponsored/regulated monopolies (Excel Energy) to work together to “promote innovation, economic development, increased use of eligible energy resources, and other energy-related goals within the community” is not the role of state government.

This legislation opposes the principles of:
Limited Government
SB18-001  Transportation Infrastructure Funding  Not Rated

The bill starts of with the usual soapbox prose of legislative declarations, which typically is a bunch of political posturing, grandstanding, and happy horse hooey, and the legislative declarations of this bill do not disappoint in that respect (multi-modal transportation, environmental consequences, etc.) The declarations also assert that transportation bonds have been successfully utilized by Colorado in the past to fund transportation projects, and now that the state has finished paying off those bonds from 1999, it would be less expensive to issue new bonds again to fund more transportation projects rather than issue Certificates of Participation (COPs, which are unconstitutional debt in our opinion) as prescribed by last year's SB17-267, and that we should use some of the massive increase in revenue that was unconstitutionally created by SB17-267 to pay for new voter approved transportation bonds instead. This part of the legislative declarations we would tend to agree with. After that, we get to the meat of the bill.

While the bill does continue to allow COPs (unconstitutional debt, see our write up of SB17-287) to be issued for the purposes of capital construction as established by SB17-267, it also mandates that tax revenue credited to the state highway fund and the proceeds from the proposed bond issuances must be used for qualified federal aid transportation projects that the Department of Transportation has identified on their priority list. The bill also mandates that 25% of that must be spent in rural counties, and that at least 10% shall be spent on “transit” – that's shorthand for trains, bike paths, walking paths, and other such government approved and funded ways to treat you like the cattle you should strive to be to keep our roads from being used so much (\textit{/sarcasm}). This bill eliminates the COP approach to funding for transportation that was established by SB17-267 minus the capital construction portion. The bill also mandates that the state publish a list of the projects that would be funded with these new bonds.

Ok, what does all of that mean in plain English...? 1) We've paid off the bonds from 1999 that were used to fund TREX and other road construction, so go to the people as the constitution demands for a vote to allow the state to issue some more bonds to fund our new projects instead of using the unconstitutional (in our opinion) method put forward last year in SB17-267. 2) Use some of the money that was unconstitutionally (in our opinion) kept by the state by last year's SB17-267 to repay the bonds, 3) Use the money for qualified projects with 25% of it going to rural counties and 10% of it going to “transit” (trains, busses, & bikepaths, oh my!), 4) Force the Transportation Commission to use some of their money repay the bonds, and 5) publish an updated list of the projects that the money would be used for.

This is a plan that follows Colorado's existing constitutional process for incurring debt that voters would vote upon. It's kind of like taking out a very large loan ($3.5 billion) for a very big car (or transportation projects in this case). The state did this in 1999 for TREX and other projects. That loan is now paid off. Should the state do this again today? Would you like to vote on that? This bill also mitigates a little bit of the damage from SB17-267. There are arguments for and against this bill/approach, but overall, it properly puts the issue to the voters to decide, so we have published this analysis so that you can make your own decision.

SB18-002  Financing Rural Broadband Deployment  Oppose

Under current law, the Public Utilities Commission subsidizes broadband service to areas that “lack effective competition.” I.e. there isn't enough demand from the market to support the cost of broadband service, but instead of leaving the free market alone our state levies a surcharge on
all telecommunications companies in the state and then redistributes (they call it ‘awards’) that money to companies willing to extend broadband service to those areas. But don’t worry—one company can get a grant for that service, further discouraging competition or any hope of cost effective service eventually reaching that area. This bill would do a few things, but for our purposes you just need to know that it would change the law to allow a grant applicant to apply for grants for multiple projects in a single year. Which we read to us as: “we’re bringing in so much revenue from this surcharge (which drives up the cost of YOUR internet services, by the way) or have so few companies benefitting from this system due to mucking up the free market that we need to change the law so we can give out even more grants!” It is government intervention such as this that shuts down innovation. Government mandated solutions crowd out real innovation by providing and subsidizing government services/products in a way that only government can do (poorly). Thank goodness legislators are “looking out for you” by taking your tax dollars and subsidizing technologies that will likely be extinct in 10 years, but that you’ll be stuck with. If you want to completely cronyize/marginalize/trivialize/kill an industry, let government get into that industry. At POL, we prefer not.

This legislation opposes the principles of:

Free Markets
Limited Government

**SB18-004 Funding for Full-day Kindergarten**

Under existing law, kindergarten students are funded as half-day pupils plus the supplemental kindergarten enrollment, which is an additional .08 of a full-day pupil. The bill increases the supplemental kindergarten enrollment for the 2017-18 budget year and each budget year thereafter to .15 of a full-day pupil but expresses the legislature’s intent to increase funding annually for full-day kindergarten so that by the 2022-23 budget year, the general assembly is funding kindergarten students as full-day pupils.

This bill also proposes a ballot proposition asking voters: “Without raising taxes and to invest in preschool through twelfth grade education, may the state retain and spend all current and future state revenues that exceed the constitutional limitation on state fiscal year spending?” (emphasis added.) If voters agree, the bill would require the legislature to appropriate that new revenue first to fund kindergarten pupils as full-day pupils, and then to fund the state’s share of total program funding. The state treasurer must transfer any amount remaining to the state education fund. So in summary: Colorado voters reined in the state by imposing spending limits through the state constitution, but the state wants to buck those spending limits and is trying to convince people who don’t know about Colorado’s spending problem that we just have extra money lying around that should be spent on kindergarten/education funding and by-the-way pat us on the back for not “raising” taxes to do it (except they would be raising their revenue from your tax dollars by eliminating the refund you should have gotten.)

This legislation opposes the principles of:

Limited Government
Fiscal Responsibility

**SB18-005 Rural Economic Advancement Of Colorado Towns**

The bill authorizes the executive director of the department of local affairs to coordinate the
provision of resources to assist with job retention or creation in a rural community experiencing a significant economic event, such as a plant closure or layoffs, including industry-wide layoffs. The bill also authorizes the executive director to award money to qualifying rural communities experiencing a significant economic event and creates the rural economic advancement of Colorado towns fund to be administered by the executive director for grant-making purposes. Over the next 3 years, $500,000 of taxpayer money will be given away. First the state creates regulatory and tax policies that drive businesses out, then the state throws some taxpayer money at a handful of people to show how much it cares. It’s an endless cycle.

This legislation opposes the principle(s) of:
- Free Markets
- Limited Government
- Fiscal Responsibility

SB18-006  Recording Fee to Fund Attainable Housing

When at first a redistributionist scheme doesn’t succeed... try, try again. Like SB17-085 and HB17-1309 last year, this bill would create the “Statewide Affordable Housing Investment Fund” in order to give people who “only” make up to 80% of the area median income money to finance, purchase, or rehabilitate single family residential homes. I.e. they are literally going to take money from some people and give it to other people to help them get or renovate a house. Money for the fund will come from the bill’s proposal to allow counties to impose a $5 surcharge for each document received for recording or filing at the county clerk’s office. The clerk’s office would keep $1, and the other $4 would go into the affordable housing fund. Just like we said in our analysis of SB17-085 and HB17-1309, “This bill waylays one group of citizens in order to redistribute their money to another group of citizens. We’re not sure how this even qualifies as a fee rather than a tax, since money is being collected on one function and spent on a completely different function.”

This legislation opposes the principles of:
- Personal Responsibility
- Fiscal Responsibility
- Limited Government

SB18-007  Affordable Housing Tax Credit

This bill does a couple of things: 1) it changes the name of the “Colorado low-income housing tax credit” to the “Colorado affordable housing tax credit,” (don’t want to generate any hurt feeling reports) and 2) it extends the availability of tax credits for low income housing developments from December 2019, when it was originally set to expire, to December 2024. Legislators love to put “sunset” clauses into legislation when they run it so that they can say, “Hey, don’t worry, this is just temporary so that if it doesn’t work out, it will automatically go away.” Problem is, it is rare for anything to actually lapse – legislators virtually always come back and say, “This is a GREAT program, we need to keep it going!”, or, “If we don’t continue this program, people will DIE!” (sarcasm) or something to that effect. This is another example of government using tax code to manipulate outcomes to further a social agenda, not protect life, liberty and property.

This legislation opposes the principles of:
- Free Markets
- Limited Government
Equal Protection/Rule of Law

SB18-010 Residential Lease Copy and Rent Receipt  Oppose

Like a bad penny, this bill is back again. This bill would require landlords to provide tenants with a copy of rental agreements within 7 days from the time the tenant signs the agreement. It would also require landlords to provide written receipts of rental payments delivered in person, or if requested by the tenant when payment is not delivered in person. The landlord may provide the tenant with an electronic copy of the rental agreement or the receipt unless the tenant requests a paper copy. It’s smart to make sure you get a copy of your rental agreement and receipts showing you’ve paid your rent. It’s not the role of Big Brother to impose mandates to make sure you get them.

This legislation opposes the principles of:
- Personal Responsibility
- Free Markets
- Limited Government

SB18-011 Students Excused From Taking State Assessments  Support

Under current law, each school district, board of cooperative services that operates a school, and charter school must adopt a written policy and procedure by which a parent may excuse his or her student from participating in the state assessments. The bill clarifies that the local education provider determines whether notice from the parent must be in writing. Also under current law, a local education provider shall not punish a student whose parent excuses him or her from taking a state assessment. This bill clarifies that a local education provider also shall not prohibit the student from participating in an activity or receiving any other form of reward that recognizes participation in the state assessments. If a local education provider does not comply with these restrictions, the department of education must note the failure to comply on the performance report prepared for the local education provider and for the specific public school if the local education provider is a school district or board of cooperative services. If a local education provider fails to comply 3 or more times during a school year, the state board of education must impose a significant penalty, as provided by rule, on the local education provider in calculating the local education provider's accreditation rating for that school year. This bill helps keep decision making properly in the hands of the parents/guardians of students.

This legislation supports the principle(s) of:
- Individual liberty

SB18-012 Military Enlistment School Performance Indicator  Oppose

This bill would add enlistment in the military within a year of graduation as a measure of school performance. The Department of Education must weight military enlistment equally with enrollment in postsecondary institutions for purposes of determining the level of attainment on the performance indicator. So we should reward schools with more gold stars if they send kids off to the military. What’s next?

This legislation opposes the principle of:
- Limited Government

SB18-013 Expand Child Nutrition School Lunch Protection Act  Oppose
Under current law, the state pays for the lunches of children in state-subsidized early childhood education programs administered by public schools or in kindergarten through fifth grade who would otherwise have to pay for a reduced price lunch. This bill would extend that free lunch to sixth through eighth grade students who would otherwise be paying for a reduced price lunch if their schools participate in the program, and requires the legislature to make an annual appropriation between $500,000 and $750,000 to cover the increased costs.

This legislation opposes the principles of:
- Personal Responsibility
- Limited Government

**SB18-015**  Protecting Homeowners and Deployed Military  **Support**

This bill would help address the issue of squatters taking over property owner’s houses. Residents have been returning from military deployment or vacation to discover that their homes have been taken over by squatters. Apparently, getting squatters out requires eviction proceedings—even though the squatters have no legitimate right to be on your property in the first place. This bill would direct law enforcement to remove a person from your property and order them to stay away if you sign a declaration concerning your ownership of the premises and the lack of authority for the squatter to be there. You’re liable if you make false statements in your declaration, and the person being removed must be given the opportunity to get together evidence of his authority to be on the premises. If law enforcement sees that your property is damaged or you declare in your statement that is has been damaged, law enforcement must get the information of the persons being removed for you and they could be found guilty of a class 1 misdemeanor.

This legislation supports the principle of:
- Property Rights

**SB18-018**  Commission on Criminal & Juvenile Justice Sentencing Study  **Oppose**

Over a DECADE ago, HB07-1358 established the Colorado Commission On Criminal And Juvenile Justice was created in statute to accomplish the following tasks: “...conducted an empirical analysis of and collect evidence-based data on sentencing policies and practices... investigate effective alternatives to incarceration, the factors contributing to recidivism, evidence-based recidivism reduction initiatives, and cost-effective crime prevention programs... make an annual report of findings and recommendations... conduct and review studies... Using empirical analysis and evidence-based data, the commission shall study sentences in Colorado... ” The 26 member Commission was given resources for these tasks such as, “The division of criminal justice in the department of public safety, in consultation with the department of corrections, shall provide resources for data collection, research, analysis, and publication of the commission's findings and reports.” In addition, “Upon the request of the commission, the office of legislative legal services created pursuant to section 2-3-501, C.R.S., shall provide a staff member to attend meetings of the commission.” Our state government at work for the people of Colorado, right? Apparently not. This bill wants $93,000 to pay for a consultant to do that work which the Commission was supposed to be doing for the past decade.

This legislation opposes the principles of:
- Limited Government

**SB18-020**  Registered Psychotherapists Auricular Acudetox  **Support**
For the uninitiated, auricular acudetox is a form of acupuncture performed on the ears as part of addiction detoxification/treatment. You learn something new every day. Current law allows licensed mental health care professionals and level III certified addiction counselors who have documented that they have undergone auricular acudetox training to perform auricular acudetox. This bill would allow registered psychotherapists who have documented that they have undergone the same training requirements to also perform auricular acudetox as well. We’re of the opinion that you should be able to let anyone you want stick needles in your ears, but since apparently that’s against the law without a license, this bill at least expands the number of practitioners who can provide this service to interested patients. While the approach to this issue, having government ‘grant permission’ for something, is not an approach that is consistent with true individual liberty, the fact that the bill does take an existing situation and makes it slightly better is a step in the right direction of easing some government restrictions.

This legislation supports the principle(s) of:

Limited Government

SB18-022 Clinical Practice for Opioid Prescribing Oppose

This bill would restrict the number of opioid pills that health care practitioners including physicians, physician assistants, advanced practice nurses, dentists, optometrists, podiatrists, and veterinarians may prescribe as an initial prescription to a 7 day supply and one refill for an additional 7 day supply. There are exceptions for people with chronic pain, cancer, etc. The bill would also require health care practitioners to query the Prescription Drug Monitoring Program before prescribing opioids, and to indicate the practitioner’s specialty or area of practice. The bill also requires the Department of Public Health and Environment to report its results from studies regarding the prescription drug monitoring program integration methods and health care provider report cards to the general assembly. Here we go again with legislators playing “doctor”, because clearly it’s working out REALLY well for America to have a bunch of legislators running our health care system and telling health care professionals how to do their jobs.

This legislation opposes the principle of:

Limited Government

SB18-023 Promote Off-Label Use Pharmaceutical Products Support

Let’s start with some definitions so we are clear as to what we’re talking about. “Off-Label Use” is defined by this bill as, “The use of an FDA-approved prescription drug, biological product, or device in a manner other than the use approved by the FDA.” When the FDA, in its infinite wisdom after an insanely expensive and bureaucratic approval process finally approves the use of a drug for a specific condition, then that drug can only be promoted/prescribed for that condition. If it turns out that the drug is also great for treating a different condition, then the drug manufacturer would have to go through the approval process again to get the FDA’s blessing to use that approved for that other condition.

A highly simplified hypothetical example would be something like this: Drug A has been FDA approved for use in stopping runny noses. It later turns out that the drug is also good for lowering cholesterol and it’s WAY cheaper than the currently approved cholesterol drugs they can promote for prescription. However, manufacturers can’t promote this already FDA approved drug for lowering cholesterol—they can only promote it for use on runny noses. What’s a doc to do? Lie and say that they’re giving you this Rx for a runny nose when really it’s to treat your high cholesterol at
a cheaper price? How would the doctors know that this option exists if the manufacturer can’t tell him about it? This bill would allow drug manufacturers to engage in the “truthful promotion” of an off-label use of a prescription drug, biological product, or device. The bill would not force insurers to provide coverage for off label use, but they could if they wanted to.

This bill supports the principles of:

- Individual Liberty
- Personal Responsibility
- Limited Government

SB18-024  Colorado health service corps program  Oppose

Central planning alert. This bill expands the state’s involvement in subsidizing health care all over the place. It would expand the Colorado Health Service Corps Program’s loan repayment program to include behavioral health care providers as participants if they commit to provide behavioral health care services in health professional shortage areas for a specified period. Currently these shortage areas are designated by the federal government, but this bill directs the state’s Primary Care Office to create and administer state-designated “health professional shortage areas” with the help of the Department of Health Care Policy and Financing so that we can designate more shortage areas. The bill also establishes a new scholarship program to help defray education and training costs associated with obtaining certification as an addiction counselor or with progressing to a higher level of certification, and requires the legislature to appropriate $ 2.5 million from the marijuana tax cash fund to the primary care office each year to help fund the loan repayment and addiction counselor scholarship program. Naturally, the bill also directs the advisory council to prioritize loan repayment and scholarships for those who provide behavioral health care services in nonprofit or public employer settings.

This legislation opposes the principles of:

- Free Markets
- Limited Government
- Fiscal Responsibility

SB18-028  Motor Vehicle License Plate Mounting Requirements  Support

This bill would remove the requirement that your front license plate must be at least 12 inches from the ground, and specifies that the front license plate can be anywhere that is clearly visible and legible. While this is a very minute change, we’d be pretty irritated if we got a ticket from Big Brother because our front license place wasn’t at least 12 inches from the ground. This bill gets you at least a few more inches of liberty. With apologies to the musical, Oklahoma, “Oh, the low riders and sports cars should be friends…!”

This legislation supports the principle of:

- Individual Liberty
- Limited Government

SB18-033  Animal Feeding Operation Permits Continuation  Oppose

The bill extends the Department of Public Health and Environment’s Animal Feeding Operation Permit Program from 2019 to 2025. The bill also extends the fees associated with the program at their current levels (which were doubled and tripled in 2009). The program helps ranchers with
dairy cows and other feeding operations meet federal requirements for point source pollution. Without this continued increase in fees, the program would either have to find money from somewhere else or possibly be limited or even eliminated. We understand that burdensome federal regulations create problems for Coloradans. A better approach would be for the state of Colorado to affirm and exercise its proper state powers and protect ranchers’ property rights from over-reaching federal bureaucracies rather than create programs and charge ranchers to help them comply with said over-reaching federal bureaucracies. This is a good example of government creating ‘solutions’ to the problems created by prior government ‘solutions’. Government expansion and intrusion will never end if you simply continue the pattern.

This legislation opposes the principle of:
Limited Government

SB18-041  Authorize Water Use Incidental Sand And Gravel Mines Support

Current law requires operators of sand and gravel open mines that expose groundwater to the atmosphere to obtain a well permit and either a replacement plan approved by the Colorado Ground Water Commission, a plan for augmentation approved by the water court, or a substitute water supply plan approved by the State Engineer in the Department of Natural Resources. This bill would specify that the replacement plan or the plan of substitute supply and the permit may authorize uses of water incidental to open mining for sand and gravel (ex: dust suppression, washing mined materials, etc).

This legislation supports the principles of:
Property Rights
Limited Government

SB18-042  Concerning the Creation of the Agricultural Workforce Development Program Oppose

This bill would require the commissioner of agriculture to create the Agricultural Workforce Development Program to provide incentives to agricultural businesses to hire interns (with your tax dollars)! Qualified agricultural businesses can be reimbursed for up to 50% of the cost of hiring an intern (with your tax dollars)! For an internship to qualify it can’t last longer than 6 months and the internship must provide at least 130 hours of working experience. The program is allegedly repealed on July 1, 2024—but once stuff like this gets started, it never goes away. It only grows to take more of your tax dollars and give them to even more people. Hey, maybe we should propose a bill for the government to pay for OUR interns! (just kidding) It’s not the role of government to pick out industries that need “help”, then take your money and give it to them. That’s central planning. That’s the political approach of countries like North Korea, and it’s a system diametrically opposed to property rights and the free market. To hear why property rights are the foundation of liberty and the free market is the only moral economic system, come to one of our classes! Or better yet, send any legislators who vote for this bill!

This legislation opposes the principles of:
Free Markets
Limited Government
Fiscal Responsibility

SB18-045  Repeal Architectural Paint Stewardship Act Support
This bill would repeal the “Architectural Paint Stewardship Act.” The Paint Stewardship Act requires architectural paint producers to create paint stewardship programs for the recycling of architectural paint and to fund the paint stewardship programs by charging assessments on retailers and distributors, who are then required to add the amount of the assessments to the purchase price of containers of architectural paint sold in Colorado.

This legislation supports the principle of:
- Limited Government

**SB18-047**  
**Repeal Tax Credits Innovative Vehicles**  
Support

The bill repeals the income tax credits for innovative motor vehicles and innovative trucks for purchase and leases entered into on or after January 1, 2019. For the 2018-19 state fiscal year and each fiscal year thereafter through the 2020-21 state fiscal year, the bill requires the state controller to credit an amount of tax revenue estimated to be retained by the repeal of the income tax credits to the highway users tax fund. It is not the role of government to use tax policy to drive social/economic behavior. Let’s put a stop to corporate crony, social engineering Tesla tax credits.

This legislation supports the principle(s) of:
- Free Markets
- Limited Government
- Fiscal Responsibility

**SB18-048**  
**Protect Act Local Government Authority Oil & Gas Facilities**  
Oppose

This bill has been run before, and it’s an attempt to permit a localized tyranny of the majority over the private property rights of individuals in the name of “local control.” Let’s get something straight: you do not have a right to “local control” of your neighbor’s property. You have a right to not have your property rights violated, but a majority does not give you a right to violate or limit the life, liberty, or property rights of others. Using a majority in order to control your neighbor’s property is called a tyranny of the majority. The role of government is to protect the rights of the ultimate minority – the individual.

Under current law, local governments have the authority to designate geographic areas or specific activities as matters of state interest, and may control development by adopting regulations for these areas and activities that require permitting. However, local governments can’t designate an area of state interest unless the Colorado Oil and Gas Conservation Commission (COGCC) has done so. This bill would repeal that limitation, and specifically grant the board of county commissioners and municipalities the authority to regulate the siting of oil and gas facilities or even prohibit them entirely. The bill also specifies that the COGCC’s authority to regulate oil and gas operations, including the siting of oil and gas facilities, does not exempt oil and gas facilities from local governments’ siting authority and that oil and gas operators must ensure that the location of oil and gas facilities complies with city, town, county, or city and county siting regulations.

This legislation opposes the principles of:
- Property Rights
- Limited Government

**SB18-049**  
**Use of Mobile Electronic Devices While Driving**  
Oppose
Nanny state alert! Current law prohibits the use of wireless telephones while driving for individuals who are younger than 18 years of age. This bill would extend that prohibition to ALL drivers for ALL electronic devices unless you’re using your phone via a hands-free device (bluetooth, headphones etc.) or it’s an emergency/you’re calling law enforcement or 911. Get busted talking with your cell phone in your hand… pay $300.

This legislation opposes the principles of:
Individual Liberty
Personal Responsibility
Limited Government

SB18-050  Free-standing Emergency Facility as Safe Haven Support

Does the title combined with our rating have you on tenterhooks?! No, this isn’t about immigration. This bill would expand Colorado’s “safe haven” laws to include staff members of free-standing emergency facilities as persons allowed to take temporary physical custody of babies 72 hours old or younger without risk of civil or criminal liability when the baby is voluntarily surrendered by his parent/s. Protecting human life is within the proper role of government and this bill helps provide for that.

This legislation supports the principle(s) of:
Personal Responsibility
Limited Government

SB18-051  Prohibit Multi-burst Trigger Activators Oppose

Under current law, possession of a “dangerous weapon” is a class 5 felony for a first offense and a class 4 felony for each subsequent offense. This bill would amend the definition of “dangerous weapon” to include a “multi-burst trigger activator”, which the bill defines as “a device that attaches to a semiautomatic firearm and allows the firearm to discharge 2 or more shots in a burst when the device is activated; or A manual or power-driven trigger-activating device that, when attached to a semiautomatic firearm, increases the rate of fire of that firearm.” The bill also a class 5 felony to sell a multi-burst trigger activator to another person, or to purchase one. Each subsequent violation by the same person is a class 4 felony.

This legislation opposes:
Individual Liberty
Property Rights
Limited Government

SB18-052  Repeal Ammunition Magazine Prohibition Support

This bill would repeal the prohibition on the sale, transfer, and possession of “large-capacity” ammunition magazines, and it also repeals the requirement that a magazine manufactured in Colorado have a permanent stamp or marking indicating it was produced after July 1, 2013. Free the plastic boxes with springs.

This legislation supports the principles of:
Individual Liberty
Property Rights
Free Markets

SB18-053 Primary Offense for No Safety Belt **Oppose**

Under current law, you can’t get pulled over just for not wearing your seat belt but if you get pulled over for something else the officer can cite you for not wearing your belt. Right now the citation only applies to drivers. This bill would allow law enforcement officer pull you over for the sole reason that you OR anyone else in the vehicle isn’t wearing a seat belt… and cite you. At POL, we wear our seatbelts (except for those times when Rich gets crazy and doesn’t buckle up for a trip to the mailbox in some vain effort at rebellion.) But if you want to drive without a seat belt, you’re not violating the rights of anyone else and it’s not the role of government to step in and fine you.

This legislation opposes the principles of:
- Individual Liberty
- Personal Responsibility
- Limited Government

SB18-054 Cap Fee Increases Assisted Living Residences **Support**

Under current law, the State Board of Health is authorized to establish a schedule of fees for health facilities, including assisted living residences, to cover the costs associating with regulating them. For most department-regulated health facilities, the board cannot increase fees by more than the inflation rate. However, the inflation rate limitation does not apply to the fees assessed by the board against assisted living residences. This bill would impose the inflation rate limitation on fees assessed against assisted living residences, making the current system a little more equitable and more conducive to fiscal responsibility on the part of the board.

This legislation supports the principles of:
- Fiscal Responsibility
- Limited Government

SB18-057 Use of Criminal Records with Respect to Housing **Oppose**

Under current law, it is an unfair housing practice for a property owner to impose a restrictive covenant on the transfer/rental/lease of housing property based on a protected status such as age, sex, religion, or national origin. This bill adds certain arrest records or convictions to the list of reasons you can’t refuse to show, sell, transfer, rent, or lease property to someone or provide financial assistance or loans for housing to someone. It also prohibits landlords from requiring information about or taking adverse action based upon an applicant’s arrest records or sealed or expunged criminal justice records and imposes similar restrictions on housing authorities. The bill also requires a landlord to provide applicants with access to certain records used as the basis for denying a rental application (as the Big Bad Wolf would say: “all the easier to sue you with, my dear!”) A free market by definition means you’re free to conduct business, or not, with whomever you want—for any reason. Sometimes people will refuse to do business with you for reasons you don’t like, but using government to violate the liberty of those people to make them play nice (according to you) is not an acceptable response.

This legislation opposes the principles of:
- Free Markets
- Limited Government

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Principles of Liberty 2018 Cumulative Report
**SB18-060**  
**Protective Orders in Criminal Cases**  
*Oppose*

Under current law, courts can grant various protective orders on behalf of a petitioner against a defendant. This bill would allow two new types of protective orders. The first protective order would prohibit the taking or harming of an animal owned by what the bill calls the “alleged victim.” That might be fine because that would protect the property rights of the victim. The second protective order directs a wireless company to transfer the financial responsibility and the rights to a wireless number to a petitioner if the petitioner is not the account holder, but proves that she or a minor child under her care are the primary users of the number. The government shouldn’t be able to transfer the property of the account holder (in this case the contract holder's contractual right to a phone number) to someone else, nor should it be able to alter private contracts. The free market depends upon property rights and the sanctity of private contracts.

This legislation opposes the principles of:
- Private Property
- Free Markets
- Limited Government

**SB18-061**  
**Reduce the State Income Tax Rate**  
*Support*

This bill title should be, “Too Little, Too Late.” We should keep a tally of how many times SB17-267 is integral to the backstory of a bill this year. In this installment of “effects of SB17-267”…

Last year, SB17-267 increased state revenue through means like COPs (unconstitutional means of going into debt in our opinion) and maneuvering more of the state budget out from under the requirements of TABOR. We said SB17-267 opposed the principles of limited government and fiscal responsibility. Nevertheless, to try and stake a claim to fiscal responsibility SB17-267 also required that most of the principal departments of the state submit budget requests that are at least two percent lower than actual budgets for the 2017-18 fiscal year with the idea being that this would reduce state spending this year. For anyone naïve enough to think that was actually going to happen… it’s not. The budget submitted by the governor for the coming year apparently didn’t reflect the reductions and a fight has ensued. Legislators asked for those 2% reduced budget proposals that law demanded. The governor said nope, not gonna give that to you.

This bill says, and we quote: “With the increase in anticipated revenue to Colorado as a result of Senate Bill 17-267, it appears that the only way to achieve the goal of limiting the growth of government is to reduce the state income tax rate.” I.e. if we want to slow the rate at which taxpayer money is flooding into the black hole of government growth I guess we better slow down the rate at which we’re sucking in revenue. The bill proposes reducing both the state income tax rate from 4.63% to 4.43% in lieu of that 2% reduction in expenses.

This legislation supports the principles of:
- Limited Government
- Fiscal Responsibility

**SB18-062**  
**Snow Removal Service Liability Limitation**  
*Oppose*

This bill would nullify and prohibit provisions in private contracts between snow removal service providers and the recipients of their services that do any of the following: 1) require service providers to indemnify service receivers for any damages that occur as a result of the service
receiver’s acts or omissions (or visa versa) 2) require a service provider to hold a service receiver harmless from any tort liability or damages resulting from the acts or omissions of the service provider (or visa versa) 3) require a service provider to defend a service receiver against any tort liability for damages resulting from the acts or omissions of the service provider (or visa versa). Of course, the bill exempts the state’s contracts from these interventions; contracts for snow removal or ice control on public roads, within public bodies, with a public utility, or an insurance policy, as surety bond, or workers’ compensation are exempt. Part of the reason people make contracts is to define who is liable for what in the event that accidents happen in the course of providing a service. The ability to voluntarily set and agree to the terms of contracts, knowing that those terms are legally binding and not subject to change, is the foundation for our entire economic system. If government can alter the terms of a private contract at will, why bother making contracts?

This legislation opposes the principles of:

Free Markets
Limited Government

SB18-063 Oil Gas Higher Financial Assurance Reclamation Requirements Oppose

This bill requires an oil and gas operator to provide financial assurance to the state that it is capable of the ability to finance every reasonably foreseeable eventuality related to compliance. The operator must provide “clear and convincing evidence, that the financial assurance will be sufficient to finance every reasonably foreseeable eventuality related to ensuring compliance with this article 60, including full reclamation as required by section 34-60-131, spills, leaks, air pollution impacts, explosions, diseases, injuries, and deaths.” They left out asteroids, alien invasions, and the Apocalypse, but there’s still time to run amendments for that (sarcasm). This bill sets a pretty high bar with wide open interpretations. The bill also allows new fees to recover the commission’s cost to conduct this up-front financial viability analysis. Every operator that applies for a permit or permit amendment must submit and execute a proposed reclamation plan on all affected land. The bill also sets a great number of specific requirements for the reclamation plan and its implementation. Finally, COGCC must confer with county commissioners and, if applicable, supervisors of a conservation district that contains the land on plan approvals. A lot more expensive government red tape.

This legislation opposes the principle(s) of:

Limited Government
Fiscal Responsibility

SB18-064 Require 100% Renewable Energy By 2035 Oppose

This bill would require that all electric utilities, including cooperative electric associations and municipally owned utilities, derive their energy from 100% renewable sources by 2035. The bill would also remove recycled energy from the types of energy sources eligible for meeting the renewable energy standard, allow a utility to obtain energy efficiency credits equal in value to renewable energy credits based on any energy efficiency upgrades made for a low-income residential customer, removes multipliers used for counting certain renewable energy generated (but don’t worry, they leave in certain special credits “for purposes of stimulating rural economic development”), bolsters state-mandated rebates, and phases out the system of tradable renewable energy credits so that renewable energy generated after 2035 is not eligible for renewable energy credits. This is an absurd, state planned, taxpayer funded unicorn hunt. What could possibly go
This legislation opposes the principles of:

Free Markets
Limited Government

SB18-066  Extend Operation of State Lottery Division  Oppose

This bill would repeal the State Lottery Division’s scheduled termination date of July 1, 2024, permanently establishing the division in Colorado statute. Remember what we said about those so-called “sunset” dates…? Because the state’s gotta regulate. Oh wait, no they don’t.

This legislation opposes the principles of:

Free Markets
Limited Government

SB18-067  Auction Alcohol in Sealed Container Special Events  Support

We currently have so much government regulation related to alcohol that you can’t bring alcohol and sell it as a silent auction item if the silent auction is being held on a premises licensed to sell you drinks. You can’t make this stuff up. This bill would provide exceptions to the problematic prohibitions in order to allow certain organizations to use alcohol beverages at an auction for fundraising purposes as long as the alcohol beverages remain in sealed containers at all times and the premises licensee does not realize any financial gain related to the alcohol beverage auction. While we’d prefer to see all these regulations done away with entirely, this bill makes a legitimate improvement to the existing ridiculous situation.

This legislation supports the principles of:

Individual Liberty

SB18-070  Church Property Tax Exemption  Not Rated

The Colorado State Constitution states in Article X, Section 5 that “Property, real and personal, that is used solely and exclusively for religious worship, for schools or for strictly charitable purposes, also cemeteries not used or held for private or corporate profit, shall be exempt from taxation, unless otherwise provided by general law.” What is the argument for the state giving tax exemptions to churches, schools, and charitable organizations? Digging through past court decisions, we found that “Exemptions to charitable and educational institutions are predicated on the fact that they render service to the state, and thus relieve the state and its people of a burden which they otherwise would have to assume.” Young Life Campaign v. Bd. of County Comm’rs, 134 Colo. 15, 300 P2d 535 (1956). We also found that, “The test for determining whether the exemption for property used for religious worship applies depends upon the character of the use of to which the property is put.” St. Mark Coptic Orthodox Church v. State Bd. of Assessment Appeals, 762 P2d 775 (Colo. App. 1988); Maurer v. Young Life, 779 P2d 1317 (Colo. 1989); Pilgrim Rest Baptist Church, Inc. v. Prop. Tax Adm’r, 971 P2d 270 (Colo. App. 1998). Note that this test does not include ownership. However, the courts have also ruled that the legislature has the power to limit, modify or even abolish some of these tax provisions – “Under this constitutional provision with reference to exemptions, it is expressly provided that the property exempted, “shall be exempt from taxation, unless otherwise provided by general law”, thus leaving it absolutely within the power of the general assembly to limit, modify, or abolish the exemptions provided by the constitution.”
McGlone v. First Baptist Church, 97 Colo. 427, 50 P.2d 547 (1935). This is what the legislature has done through the existing statute requiring ownership of the property.

What does all of this add up to? 1) The legislature is within its legal rights as currently adjudicated to either adopt this statute and drop the ownership requirement, or to not adopt this statute and keep the existing ownership requirement intact. Ok, so what’s POL’s take on this law? On the one hand, we are not fans of property tax because a property tax means that you never truly own your property – the state will forcefully take it from you if you do not pay your rent to the state. From this perspective, this statute would slightly expand a freedom from property tax, supporting property rights. On the other hand, the paradigm of POL is to always evaluate the question, “Is this the role of government?” In that sense, while churches, schools and charitable organizations do fulfill many valuable roles for society, their role is not the state’s role – which is to protect (using the delegated authority and force of government) individuals’ rights to their life, liberty, and property. In that sense, we do not agree that these organizations relieve the state of any of its proper duties, so we do not find the argument for state incentives to churches, schools and charitable organizations compelling on that basis. As a result, this entire exemption for churches, schools, and charitable organizations is suspect due to unequal treatment under the rule of law because taxes aren’t applied equally to everyone. On these basis, POL has decided not to give a rating on this bill due to the conflicting principles of supporting Property Rights but opposing the Equal Protection of the Rule of Law.

SB18-071 Extend Substance Abuse Trend & Response Task Force

Oppose

This bill would continue the Substance Abuse Trend and Response Task Force, which is scheduled to repeal July 1, 2018, until September 1, 2028. The task force was created in 2013 by SB13-244, and its tasks include the usual studying of substance abuse prevention etc. that we have explained is not the role of government for the umpteenth time this session.

This legislation opposes the principles of:
- Individual Liberty
- Personal Responsibility
- Limited Government

SB18-075 Campaign Contribution Limits School Dist Dir

Oppose

Current law regulating campaign finance does not set limits on contributions to candidates for school district director. This bill would set aggregate limits on contributions to candidates for school district director from persons other than small donor committees for any regular biennial or special school election in the amount of $500, and set aggregate limits on contributions to candidates for school district director from small donor committees for any regular biennial or special school election in the amount of $5,000. The bill also subjects the new contribution limits to existing statutory provisions governing the disclosure of campaign contributions and contains requirements governing when a candidate for school district director is required to disclose information concerning campaign contributions and clarifies that such candidates are required to file their disclosure with the secretary of state. Because the state must control everything, including what you can do to support a candidate.

This legislation opposes the principle(s) of:
- Individual Liberty
Limited Government

SB18-076  Ban Vote Trading  **Oppose**

This bill would make it a misdemeanor criminal offense for a person to trade a vote (or offer to do so) with another elector in Colorado or someone in another state in exchange for the other person’s vote for or against a particular candidate, ballot issue, or ballot question. It’s already against the law to use money, employment, or other valuables to convince someone to vote a certain way (or to abstain from voting). Legislators are already prohibited from vote trading. We believe that you, however, “own” your vote. If voting for a particular commissioner is important to you but you don’t care who gets on the school board, and your friend feels the exact opposite, why should government come in and make your agreement to vote the same way for both offices a misdemeanor?

This legislation opposes the principles of:
- Individual Liberty
- Property Rights
- Limited Government

SB18-080  Wholesale Canadian Drug Importation Program  **Oppose**

This bill proposes the creation of a government program in which the Colorado State Department will select a pharmaceutical wholesaler (or wholesalers) to import Canadian pharmaceuticals and regulate everyone involved in the distribution of those drugs to Colorado citizens. Pharmacies and other distributors will be subject to rules on what they can charge for the drugs, how much money they can make off the drugs, and health insurance carriers are subject to rules about coinsurance and cost-sharing regarding the drugs. The state department is directed to figure out how to fund their new role as Canadian Drug Distribution Poobah, but if it uses a fee on prescriptions the fee shouldn’t “significantly reduce consumer savings.” The solution to too much government is not more government. This bill is a move toward a single payer state Rx exchange, and a step in the fight toward single payer government run healthcare.

This legislation opposes the principles of:
- Free Markets
- Limited Government

SB18-081  Emergency Medical Service Providers Licensing  **Oppose**

This bill would add a minimum requirement of 36 classroom hours for EMS license renewal, and require a fingerprint based criminal history check on applicants. Under current law, the fingerprint based criminal history check may be undertaken with reasonable cause. The bill would also subject EMS licensees to the Medical Transparency Act of 2010. The regulatory state continues to grow.

This legislation opposes the principle of:
- Limited Government

SB18-083  Education Income Tax Credits For Nonpublic School  **Support**

We’ll quote from last year’s write-up, “This bill would establish a private school tuition income tax credit for taxpayers who enroll a dependent qualified child in a private school or who provide a scholarship to a qualified child for enrollment in a private school. The income tax credit would
commence for income tax year January 1, 2018. The credit may be carried forward for 3 years but may not be refunded, and the department of revenue is granted rule-making authority. In addition, the credit may be transferred, subject to certain limitations. The bill also establishes an income tax credit for taxpayers who use home-based education for a qualified child for income tax years commencing on or after January 1, 2018. This credit may also be carried forward for 3 years but may not be refunded. The bill specifies the amounts for both types of credits. Allowing some small amount of school choice would be a step in the right direction.”

We opposed the Tesla tax credit, so why do we support this tax credit? The Tesla tax credit, and others like it, are highly specific tax breaks to encourage very specific behaviors that the state, in its infinite wisdom, wants to promote. It is a behavioral incentive based on state-determined values. It is not the role of government to selectively determine and incentivize individual behavior. Education, for better or worse, is a function of our state government, spelled out in the state constitution, and specifically delegated by that same constitution to a significant level of local control. Taxpayers fund the current government monopolized educational system and have little choice with respect to the product, and they have no choice but to pay for this product through their tax dollars. If people want to make a choice different from the “single-payer” product of government education and are not utilizing the monopoly’s resources, then why shouldn’t they be able to direct a portion of their tax dollars toward the educational model of their choice? This would be the economic effect of this bill. This tax credit does not single out one particular type of school for favoritism, but would be a positive change in overall tax policy that would give taxpayers more of a choice in the utilization of their tax money.

This legislation supports the principle(s) of:
- Free Markets
- Limited Government

**SB18-088  
Taxation of Retail Marijuana Sales**

*Oppose*

Same backstory as HB18-1062. Last year’s SB17-267 was a massive a bill introduced near the end of session that set the record for our longest bill explanation ever. It took paragraphs. It required a diagram. It also accidentally deleted the authority of the Regional Transportation District (RTD), the Scientific and Cultural Facilities District (SCFD), and Health Services Districts (HSD) to levy sales tax on marijuana—which since the legalization of marijuana had been bringing them in a good chunk of change. Oops.

How did this happen? SB17-267 exempted retail marijuana sales from Colorado’s 2.9% general state sales tax and instead increased the rate of the retail marijuana sales tax from 10% to 15%. But the special districts referred to earlier are only authorized to levy sales tax only on transactions upon which the state levies general sales tax.

This bill would state that marijuana sales are still subject to taxes by governmental entities that taxed them before SB17-267 went into effect, reinstating the RTD/SCFD/HSD taxation authority removed by SB17-267. The Colorado Constitution per TABOR requires voter approval to impose a tax increase. Some argue that this isn’t a “new” tax increase, it’s fixing a mistake made in a previous bill, so the approval isn’t needed. We think that since both chambers approved removing the sales tax when they passed SB17-267, re-imposing it without voter approval flouts the rule of law regardless of your rationale and whether you “accidentally” voted to remove it in the first place. Votes have consequences. If the legislature wants to reinstate general sales tax on marijuana,
sending that proposal to the voters is the proper course of action.

This legislation opposes the principle of:
Limited Government

**SB18-089**  
Elements of the Crime of Hazing  
*Oppose*

Under current law, hazing is a class 3 misdemeanor limited to acts committed for the purpose of initiation, admission, or affiliation to a student organization. This bill expands the definition of hazing to include any willful act committed on public or private property in which a person endangers the physical, emotional, or psychological health or safety of an individual or causes bodily injury to an individual for the purposes of initiation, affiliation, or admission to any organization. This includes any organization and age group, not just students. The bill adds conduct “that could result in extreme embarrassment” to the definition of hazing, amongst other additions. Government is not the solution to every problem. There are laws on the books to deal with if you willfully harm someone else—this bill even references them and says it’s not the intent of the bill to change them. If an actual crime is occurring, prosecute it under the existing laws. It isn’t the role of government to swoop in and protect the people who choose to participate in initiation activities from embarrassment. Sometimes, the best way to deal with a “problem” is a healthy helping of personal responsibility.

This legislation opposes the principles of:
Personal Responsibility
Limited Government

**SB18-097**  
Concealed Handgun Carry With No Permit  
*Support*

This bill would allow a person who legally possesses a handgun under state and federal law to carry a concealed handgun in Colorado. A person who carries a concealed handgun under the authority created in the bill has the same carrying rights and is subject to the same limitations that apply to a person who holds a permit to carry a concealed handgun under current law, including the prohibition on the carrying of a concealed handgun on the grounds of a public elementary, middle, junior high, or high school.

This legislation supports the principles of:
Individual Liberty  
Limited Government

**SB18-101**  
CSU Global Campus Student Admission Criteria  
*Support*

Under existing law, the online “Colorado State University global campus” is prohibited from admitting first-time freshman baccalaureate students who reside in Colorado and who are under 23 years of age. The bill removes that prohibition. This bill allows for more consumer choice.

This legislation supports the principle(s) of:
Free Markets

**SB18-104**  
Federal Funds For Rural Broadband Deployment  
*Oppose*

This bill requires the broadband deployment board, on or before January 1, 2019, to petition the federal communications commission (FCC) for a waiver from the FCC’s rules prohibiting a state
entity from applying for federal money earmarked for broadband deployment in remote areas of
the nation through the remote areas fund created as part of the connect America fund established
by the FCC. Here’s some background. The federal government wants to give $198 million dollars
per year for ten years (that’s about $2 billion dollars) to telecommunications service providers
that provide both voice and broadband service in “high-cost” areas of the nation. In addition,
after giving this money away, the FCC plans to give at least another one hundred million dollars
annually (another billion dollars) from a remote areas fund created as part of the connect America
fund to eligible telecommunications service providers that will commit to providing both voice
and broadband service in “extremely high-cost” areas of the nation. Colorado legislators want to
get some of that “free” federal money (aka, your tax dollars) to subsidize broadband companies in
Colorado.

From the perspective of POL (attend a training class if confused), the proper role of government
does not include subsidizing any specific industry. Subsidizing specific industries stifles/crowds
out innovation on new technology by propping up existing technology. Paying companies to build
out systems that would not be economically viable without the government’s assistance reduces/
eliminates any sort of market demand for innovation and actually helps to lock consumers into
today’s technology that can’t even cut it without government subsidies, at the expense of future
innovation. How would you like to be stuck with cell phone technology from 15 years ago? Today
there is innovation in the “broadband” markets that doesn’t even require the expensive, capital-
intensive process of laying of cables. Wireless and LTE and other technology could very well replace
cable as a delivery mechanism for broadband in the future, and indeed is already doing so in many
areas of the country, but not if government continues to distort the free market by subsidizing
today’s technology.

This legislation opposes the principle(s) of:
- Free Markets
- Limited Government
- Fiscal Responsibility

SB18-108 Eligibility Colorado Road & Community Safety Act  Oppose

Gotta love these bill titles - “Community Safety Act.” Where’s the FTC cracking down on misleading
advertising when you need them? Currently, a person who is not lawfully present in the United
States may obtain a driver’s license or identification card if certain requirements are met. One of
the requirements is that the person present a taxpayer identification card. This bill allows a person
to present a social security number as an alternative to a taxpayer identification card. The bill also
allows the license or identification card to be reissued or renewed in accordance with the process
used for other licenses and identification cards and allows a person whose license is lost or stolen
may obtain a replacement without renewing the license.

This legislation opposes the principle(s) of:
- Personal Responsibility
- Equal Application of Rule of Law (to people who break the law)

SB18-112 Veterans Outdoor Terrain Restoration Grant Program  Oppose

The bill creates the Veterans Outdoor Terrain Restoration and Recreation Mental Health Grant
Program to provide money to nonprofit and for-profit organizations that provide outdoor
restoration and recreation activities for veterans. The adjutant general, in consultation with the Board of Veterans' Affairs, is directed to adopt rules for the administration of the program, including a requirement that organizations receiving money from the program carry insurance. The fund will be populated by “gifts, grants, and donations” and any money appropriated by the general assembly. If you've been following POL for any length of time, you know how that one turns out.

This legislation opposes the principles of:
- Equal Protection/Rule of Law
- Limited Government

SB18-114  Suicide Prevention Enhance Student Life Skills  Oppose

This bill would create the Student Suicide Prevention Grant Program for Schools. The purpose of the grant program is to provide financial assistance to schools in the development and implementation of prevention policies. The program can authorize up to 25 grants per year in amounts between $5,000 and $10,000 each. An advisory board would be created to advise the state board on rules for the grant program. The bill encourages school districts, public schools, charter schools, and institute charter schools to develop and adopt a student suicide prevention policy (and copious requirements regarding the policy if they do) and to designate a staff person to serve as a student suicide prevention coordinator for the school. This bill is going to be an emotional one. Nobody wants to see kids commit suicide, but suicide prevention should be addressed by parents and local communities, not by the state. Nothing is preventing individuals, including school administrators, from voluntarily working together on suicide prevention now and many do.

This legislation opposes the principles of:
- Personal Responsibility
- Limited Government

SB18-117  Collect Long-term Climate Change Data  Oppose

An executive order in 2008 required the Department of Public Health and Environment to periodically report on greenhouse gas emissions in Colorado. The last report is due in 2024, and according to this bill “there is insufficient information to accurately measure progress and identity steps to achieve the goals established in the governor’s 2017 executive order” in which by executive fiat the governor established a statewide goal to reduce greenhouse gas emissions and reduce electricity sales, so this bill would require the Department of Public Health and Environment to collect and report on greenhouse gas emissions data so the state can measure progress and identify steps to achieve the governor's goals. This bill would direct the department to impose reporting requirements on greenhouse gas emission sources.

This legislation opposes the principle of:
- Free Markets
- Limited Government

SB18-118  Local School Board Authority Over Charter Schools  Oppose

This bill would ensure that the special interest of public schools have the ability to shut down their competition. Under current law, if a school district board of education denies an application for a charter school or revokes or refuses to renew an existing charter, the charter applicant or charter school can appeal the decision to the state board of education. If the state board remands
the decision for reconsideration and the local school board confirms its prior decision, the charter applicant or charter school can appeal to the state board again, and the state board may order the local school board to grant the charter application or to reinstate or renew the existing charter. This bill would remove the second appeal for denial of a charter application or the revocation or nonrenewal of an existing charter. If a charter applicant or charter school appeals a local school board's decision to deny an application or revoke or not renew an existing charter, the state board may remand the decision to the local school board for reconsideration, but the local school board's decision upon remand is final and not subject to further appeal. This bill is a perfect example of how our current education system isn't about kids. When the state grants a monopoly on education, kids and parents lose—public schools can do what they want because you may not have other feasible options. Protecting special interests is cronyism, pure and simple.

This legislation opposes the principles of:
- Free Markets
- Limited Government

SB18-120  Time Period For Tenant To Cure Unpaid Rent  
Current law requires a landlord to provide a tenant 3 days to cure a violation for unpaid rent before the landlord can initiate eviction proceedings based on that unpaid rent. This bill requires landlords to accept payment of all outstanding amounts due before the date by which a tenant is required to appear in court in an eviction proceeding. For a second or subsequent violation of the same agreement within 6 months of a violation, a landlord may require payment within 3 days. Once again, dictating terms of private contracts between 2 willing parties in not the state's job.

This legislation opposes the principle(s) of:
- Limited Government

SB18-124  Imported Alcohol Beverages Waiting Period  
Current law requires a manufacturer or importer of imported alcohol beverages to file a statement and notice of intent to import with the state licensing authority at least 30 days before the import or sale of the imported alcohol beverages. The bill removes the 30-day waiting period requirement. One small step for limiting government...

This legislation supports the principle(s) of:
- Limited Government

SB18-130  Repeal Carrier Reporting Requirements to DOI  
Current law requires health insurance carriers to report a list of average reimbursement rates for the average inpatient day or the average reimbursement rate for the 25 most common inpatient procedures to the Division of Insurance. The bill repeals this requirement. It's a rare day when we see government actually eliminate a reporting requirement!

This legislation supports the principle of:
- Limited Government

SB18-136  Health Insurance Producer Fees & Fee Disclosure  
Current law prohibits health insurance brokers from charging clients a fee for their services.
Instead, they typically get paid via a commission from the plan you end up purchasing. This bill would allow an insurance producer or broker advising a client on individual health benefit plans to charge the client a fee (i.e. get paid directly by the client) subject to certain requirements, including that the fee is disclosed in writing and the producer or broker does not also receive a commission related to the individual health benefit plan selected by the client. The bill continues the prohibition against charging someone a fee to help them enroll in Medicaid, or the Children’s Basic Health Plan. The bill directs the commissioner of insurance to promulgate rules regarding how the producer or broker must provide the fee disclosure. The insurance industry is nowhere near a “free market” right now, but this bill does take a small step in the right direction.

This legislation supports the principles of:
Free Markets
Limited Government

SB18-142  Pilot Project for Sustainable Communities

Oppose

This bill already died in the Senate, but it's so appalling that we took the time to do a write up on it so you can keep an eye out for it next year.

This bill would require a state district court to waive the current statutory requirements for municipal incorporation in order to approve the incorporation of a special “sustainable community” affordable housing pilot project, granting the project-town all the statutory rights, powers, and duties of a town. Simply put, this bill bypasses the existing laws on creating towns so certain legislators can advance a social/political agenda and create an ‘affordable’ yet ‘sustainable’ town. The municipal town created by the ‘bypass’ method in this bill must include “significant affordable housing,” and be planned to achieve the following goals: net zero energy use, net zero waste, on-site wastewater treatment, on-site recycling, at least a 75 percent water use reduction compared to communities in the immediate area, and be a “leadership in energy and environmental design” (LEED) community.

To be approved via this bypass method, the petitioner for incorporation needs to file for a waiver and must get the endorsement 2 of the following 3 individuals as of the time the application is submitted to the district court: the governor of the state, the president of the state senate, or the speaker of the state house of representatives. Because the opinion of 2/3 of those folks is apparently all that matters when it comes to making exceptions the law! But don’t worry: this waiver can only be granted to one petitioner. Once a waiver has been granted under this bill, no other waivers can be granted unless the general assembly as a whole approves the waiver. Is that supposed to indicate that the supporters of this bill at least sometimes care a little bit about the law?

The entire point of having laws is that they are rules enacted to protect life, liberty, and property and that those rules apply to everybody. By picking a single petitioner to receive special treatment if “special” government officials approve of the advancement of a particular social/political agenda, this bill could not violate that principle of government any more clearly. This bill would take central planning to a whole new level.

This legislation opposes the principles of:
Equal Protection/Rule of Law
Limited Government
Under current law, for your “protection” it is a class 2 misdemeanor traffic offense for a bicyclist to glide through an intersection without stopping, punishable by a per offense penalty of $150. Last year’s version of this bill, SB17-093 proposed a more substantial deregulation of cyclists approaching intersections but apparently that was wayyy to much freedom, because the legislature killed it. This year’s version of the bill is far weaker. This year’s bill would allow a municipality or county to adopt a local ordinance or resolution regulating the operation of bicycles approaching intersections, but their rules must require cyclists approaching stop signs to slow to a “reasonable” speed of no more than 15 mph, or to set the “reasonable” speed as low as a maximum of 10 mph or as high as a max of 20 mph if signage indicating the speed limit is posted. If localities do this, the local rules rather than the current state rules govern. The bill also allows localities to set alternative rules (subject to limitations) for intersections with flashing lights. This bill takes the tiniest of steps toward permitting the slight deregulation of bicycles, so it supports our principles, but we can’t help calling attention to the fact that it’s embarrassing the legislature feels so strongly about the regulation of bicycles that they couldn’t bear to a more substantial deregulation of them (like the one contained in last year’s bill). We’re not sure why they think you’re competent to do all sorts of things, but can’t handle the responsibility to look both ways before crossing the street without legislative guidance.

This legislation supports the principles of:
- Individual Liberty
- Personal Responsibility
- Limited Government

This bill requires freestanding emergency departments (FSEDs) to provide any individual that enters seeking treatment a written statement of “patient’s rights,” which an FSED staff member or health care provider must also explain orally and which must indicate that: the FSED will screen and treat the individual regardless of ability to pay, the individual has a right to ask questions about treatment options and costs and to receive prompt and reasonable responses, the individual has a right to reject treatment, the FSED encourages the individual to defer questions until after being screened for an emergency medical condition, and the facility is an emergency medical facility that treats emergency medical conditions, and, for FSEDs that do not include an urgent care clinic on site, that the facility is not an urgent care center or primary care provider. The bill would also require FSEDs post a sign specifying which health care plans they accept and the price listed on the FSED’s chargemaster or other fee schedule for the 25 most common health care services it provides. In case that isn’t enough overregulation for one bill, last but not least the bill requires that after conducting an initial screening and determining that a patient does not have an emergency medical condition, the FSED must provide the patient a written disclosure that includes the information posted on the sign, a statement urging a person covered by health insurance to contact his or her health insurer for information about his or her financial responsibility and a person who is uninsured to contact the FSED’s financial services office to discuss payment options and the availability of financial assistance prior to receiving nonemergency health care services, and information about the facility fees that the FSED charge, along with a few other things.

This legislation opposes the principles of:
- Personal Responsibility
**SB18-150** Voter Registration Individuals Criminal Justice System  
**Oppose**

This bill would allow a person on parole to preregister to vote. If they do so, the person is automatically registered to vote when the secretary of state (secretary) receives notice that the person has been released from parole. The division is required to provide information to individuals on parole about their right to preregister to vote, and when people are being released from parole the division must provide them with information about their right to vote, how they can register or update their registration, how to obtain and cast a ballot, and how to get voter information materials. The bill also requires probation officers to provide parolees with that same information. You have to exercise your personal responsibility to register to vote/cast a ballot/get voter information materials.

This legislation opposes the principles of:

- Personal Responsibility
- Limited Government

**SB18-152** Prohibit Price Gouging on Prescription Drugs  
**Oppose**

Health care has become increasingly expensive, in large part thanks to government regulations that stifle competition. But don’t worry! The state is here to try and fix problems created by government regulation with… more regulation! This bill prohibits “price gouging,” defined in the bill as “an increase in the price of a prescription drug that is excessive and not justified by the cost of producing the drug, or by the cost of appropriate expansion of access to the drug to promote public health, and that results in consumers for whom the drug has been prescribed having no meaningful choice about whether to purchase the drug at an excessive price because of the importance of the drug to their health and insufficient competition in the marketplace.” Uh, never mind the fact that the government caused the “insufficient competition.” Under the bill, the pharma board is required to report price increases under certain conditions to the attorney general. If the attorney general has reasonable cause to suspect that “price gouging” is occurring, he’s authorized to go in and tally up a manufacturer’s costs related to producing the drug and make it justify the cost increase to the bill’s satisfaction. If the court determines a manufacturer is price gouging, it can order the manufacturer to stop, to repay the money made from the “price gouging”, and force the manufacturer to sell the drug to covered persons at the price it did last year.

This legislation opposes the principles of:

- Free Markets
- Limited Government

**SB18-153** Behavioral Health Care Related to Suicide Ideation  
**Oppose**

More central planning in healthcare. This bill states that it’s the intent of the legislature “for the state to collaborate with mental health professionals to coordinate behavioral health care related to suicide prevention by: establishing quality metrics for suicide ideation and substance use disorder training as part of demonstrating professional competency in the particular practice area; establishing processes for prioritizing social welfare issues regarding training and professional development of mental health professionals; and encouraging mental health professionals to receive training in evidence-based practices and treatments to address suicide ideation and
substance use disorders.” The bill directs the Department of Public Health to identify gaps in suicide prevention, study suicide trends, study prevention, implement new medicare payment codes for collaborative care, and to study suicides where a person who committed suicide isn’t found for at least “days.” The bill also directs the department to develop an outpatient form authorizing the release medical information to mental health professionals, and requires health facilities to have a plan in place for transitioning individuals being treated for suicide ideation from inpatient care to outpatient care. As we’ve said before, suicide is tragic and most of us have unfortunately dealt with it up close and personal at some point. But suicide prevention should be addressed by local communities, not by the government.

This legislation opposes the principles of:
- Free Markets
- Limited Government

SB18-157 Colorado Women’s Veterans Act

The bill creates the State Women Veterans Office and Steering Committee in the Office of the Governor, because among other things listed in lengthy legislative declaration, “Military women lack consistent access to a full range of gender-sensitive benefits and services.” A few of the office’s directives are to “provide services to ensure the health and well-being of women veterans who reside in Colorado,” develop a state women veterans association, “conduct outreach activities to increase recognition of the contribution of women veterans,” study demographic information on women veterans, “utilize existing databases to locate women veterans,” and to contact a woman veteran within 30 days of her separation from the armed forces (creepy right?). The bill is estimated to have a fiscal impact of $264,165 in FY 2018-2019 and an ongoing fiscal impact in future years.

This legislation opposes the principles of:
- Personal Responsibility
- Limited Government

SB18-160 Charter School Induction & Alternative Licensure Program

Under current law, school districts can operate induction programs for teachers, special services providers, principals and administrators, as well as alternative licensure programs for teachers and principals. Induction programs offer professional development for an educator with an initial license, and lead to a recommendation for a professional license. Alternative licensure programs offer teacher preparation for a person holding an alternative teacher or principal license and result in a recommendation for a professional license by the district or board of cooperative educational services. Currently charter schools and the charter school institute (CSI) offer induction and alternative licensure programs with the approval of the Colorado Department of Education (CDE), but this bill codifies that charter schools and the CSI may operate induction and alternative licensure programs.

This legislation supports the principles of:
- Equal Protection/Rule of Law

SB18-161 Repeal Behavioral Health Transformation Council

This bill would repeal the Behavioral Health Transformation Council, an advisory council to the
Governor and his cabinet that is set to repeal under current law on July 1, 2020. According to testimony the council has already executed the tasks it was created to accomplish. Repealing the council early will reduce work for the participating agencies. Less work on behavioral health theoretically = more time to execute the proper role of government (we’re optimists that way…).

This legislation supports the principle of:
Limited Government

**SB18-162 Substitute Placement Agency Licensure**

Oppose

This bill would create a license for substitute placement agencies that facilitate or arrange placement of substitute child care providers in licensed child care facilities providing less than 24-hour care. The bill requires the State Board of Human Services to establish rules for substitute child care providers and substitute placement agencies, including a requirement that substitute child care providers submit to a fingerprint-based criminal history records check and a review of records of child abuse and neglect maintained by the department. The bill allows the department to establish and collect a fee for licensing substitute placement agencies.

This legislation opposes the principles of:
Personal Responsibility
Limited Government

**SB18-172 Horse Racing Licensee Alcohol & Drug Testing**

Oppose

This bill adds protecting the human participants involved in horse racing to the duties of the Colorado Racing Commission, and directs the commission to establish a program of alcohol and drug testing for designated licensees. The categories of licensees subject to testing will be designated by the commission, but we assume this is aimed primarily at jockeys and other individuals handling horses. The legislative declaration states that “some person involved with the sport of horse racing have an unfortunate history of alcohol and drug abuse. The most effective method of ensuring the safety of all persons and animals included in the sport of horse racing is to establish a program of alcohol and drug testing.” Jockeys and other professionals involved in the horse racing industry know the risks involved in their profession, and it’s not the job of the nanny state to jump in and try and protect people from themselves. The bill also adds language specifying that the commission’s duty to regulate stables is to protect the welfare of horses, and that the commission shall promulgate rules to ensure fair play, human and animal safety, and integrity in the sport of horse racing.

This legislation opposes the principles of:
Personal Responsibility
Limited Government

**SB18-173 Removal of Vinous Liquor from Licensed Premises**

Support

Currently, certain liquor licensees may sell one opened bottle of partially consumed wine to a customer if the licensee also has meals available for purchase. Selling one partially consumed and resealed bottle of wine to a customer is known as “cork and carry.” Catchy, right? This bill would authorize licensees that makes sandwiches and light snacks available for consumption to “cork and carry,” too. That’s a small step in the right direction. Cork and carry on, friends.

This legislation supports the principle of:
SB18-181  4-year Motor Vehicle Emissions Inspection Cycle  Support
Under current law, vehicles 8 years or older (all the way back to 1982) must get an emissions inspection ever 2 years. This bill would extend inspection cycle for those vehicles to every 4 years, and specify that a motor vehicle does not fail an emissions inspection solely because a check-engine light is illuminated on the motor vehicle’s dashboard. And the vehicle owners in Colorado rejoiced in this modest expansion of their liberty!

This legislation supports the principle of:
Limited Government

SB18-185  Deadly Force Against Intruder at A Business  Support
This bill is run every year, and it was already run as HB18-1074 this year but the House killed it. Under current law, you have a right to use deadly force against an intruder who has unlawfully entered your home and who you believe intends to commit a crime against you or your property (in addition to the unlawful entry) and use force against you or somebody else in the home. This bill would extend that right to include owners, managers, and employees at a place of business and change the current verbiage from “home” to “dwelling.” 3 years ago, our report on this bill stated, “POL has supported this legislation in the past and does again this year. Anyone watch the HBO Documentary on the massacre at the Westgate Shopping Mall in Nairobi in 2013? Heard of Charlie Hebdo this week? You are your own first responder.” 2 year our we added, “You can fill in your own updated events for this year. You are still your own first responder.” Not much more we can say this year.

This legislation supports the principles of:
Individual Liberty
Personal Responsibility
Property Rights

SB18-186  Allow Retail Marijuana Store to Sell Consumables  Support
Under current law, a retail marijuana store is prohibited from selling or giving away any consumable product that does not contain marijuana, including baked goods, soda, and candy. This bill would remove that prohibition. Sometimes we just have to sit and shake our heads at the fact that we need bills like this to ensure stores can sell a cookie.

This legislation supports the principles of:
Free Markets
Limited Government

SB18-189  Alcohol Beverage Service Special Events  Support
Background: we currently have so much government regulation related to alcohol that you can’t bring alcohol and sell it as a silent auction item if the silent auction is being held on a premises licensed to sell you drinks. Earlier this session, the legislature passed SB18-067 which created exceptions to the problematic prohibitions in order to allow certain organizations to use alcohol beverages at an auction for fundraising purposes as long as the alcohol beverages remain in sealed
containers at all times and the premises licensee does not realize any financial gain related to the alcohol beverage auction. We noted that while we’d prefer to see all these regulations done away with entirely, that bill made a legitimate improvement to the existing ridiculous situation. SB18-189 would expand on SB 18-067 by also allowing organizations conducting a special event to open the sealed containers and sell the alcohol beverages by the drink to event attendees for consumption on the premises.

This legislation supports the principles of:

Individual Liberty

**SB18-190**  
Board County Commissioners Delegation Land Use Decisions  
**Oppose**

This bill would authorize a board of county commissioners to delegate to a county planning commission by resolution any power or duty of the board in connection with county planning law, although the right to appeal to the board of county commissioners must be retained. The bill qualifies that the authority to impose fines and fees cannot be delegated. Currently, planning commissions do work for and make recommendations to their board of county commissioners but ultimately the commissioners make most decisions. You elect your county commissioners, and so they are accountable to you. County planning commissions are composed of individuals appointed by your commissioners, and therefore they are not accountable to you. This bill would permit transferring the authority of your elected officials to a board of appointees. This is the opposite of, “the buck stops here.” This is passing off tough decisions and washing your hands of the matter. Transferring power from elected officials to commissions and agencies has created the massive, unaccountable, tyrannical administrative state we have today! You don’t need to look farther than the EPA to see that the administrative state is a serious threat to your liberty and property rights. Because the administrative state is composed of appointees who aren’t directly accountable to the people, it’s incredibly difficult to control. County commissioners do not always see eye to eye with planning commissions. Do you want the people accountable to you at the polls, or a board of unelected appointees to have the final say? Just say no to feeding the administrative beast.

This legislation opposes the principle of:

Limited Government

**SB18-192**  
Local Government Liable Fracking Ban Oil & Gas Moratorium  
**Support**

This concept was run last year as HB17-1124, and again this year as HB18-1150 but it was killed in the House earlier this session. This bill would specify that a local government that bans hydraulic fracturing of an oil and gas well is liable to the mineral interest owner for the value of the mineral interest and that a local government that enacts a moratorium on oil and gas activities shall compensate oil and gas operators, mineral lessees, and royalty owners for all costs, damages, and losses of fair market value associated with the moratorium. Like we stated last year: “A local government that executes a “taking” from individuals, either through possession or through the denial of the legal use of one’s property, cannot constitutionally do so without just reason and compensation. Property rights are not a local control issue. The fundamental role of the state is to protect individuals’ rights to life, liberty and property. Those rights cannot be voted away by a local tyranny of the majority.”

This legislation supports the principles of:

Property Rights
SB18-196  Repeal Late Vehicle Registration Fee  Support

This bill would repeal the late vehicle registration fee.

This legislation supports the principle of:

Limited Government

SB18-199  Increase Penalty for Peace Officer Assaults  Oppose

How many times must we repeat this from our soapbox?! It is the duty of the state to apply the law equally to everyone. Some citizens are not “more” valuable than others, and it is not appropriate for the state to pick a class of citizens for special treatment under the law in the form of extra legal protections. This bill would increase the penalty level for an assault on a peace officer by one class and require the court to sentence the defendant to incarceration for at least the maximum sentence and up to 2.5 times the maximum sentence. You are worth the same amount as a peace officer, and should be offered the same legal protections. If the penalty for assault isn’t strict enough, make it stricter for everyone; if it is good enough to protect average Joe, it’s good enough for everyone.

This legislation opposes the principle of:

Equal Protection/Rule of Law

SB18-200  Modifications to PERA To Eliminate Unfunded Liability  No Rate

This is a big, complicated bill with lots of moving parts and pieces. The good news is that it wasn’t dropped in the last week of the session – bravo! The idea is to “fix” PERA, which is absolutely necessary. Will this bill do it? Is this the best way to do it? We can’t say. Our President Rich Bratten is a Chartered Financial Analysis (CFA) and also a Fellow of the Society of Actuaries (FSA). He has more expertise than the average bear in this area, and he often gets a chuckle hearing folks refer to “the actuarials” etc. But even Rich can’t give a professional opinion on the bill’s design without having access to a lot of information and putting in a massive number of man hours. For POL to rate this bill would require a full time workload to ensure that we can provide our usual accurate, thorough analysis. That is time that our favorite president actuary simply does not have. Rich has a full time job, and it’s not POL (which pays him $0). POL is an underfunded non-profit and we don’t have the money to hire another someone else with Rich’s qualifications to dig into this bill (feel free to remedy that situation any time). We will not rate something that we do not understand inside and out, so we are not rating this bill.

Does PERA need to be fixed/changed/tweaked/redesigned/scraped/replaced/something? Yep. From POL's perspective, the current state of PERA is one that violates our principles of fiscal responsibility, limited government, and possibly equal application of the rule of law. PERA is currently run by the people who benefit from it, which is a conflict of interest that screams for reform. PERA is plagued with pie in the sky assumptions, a lack of transparency, and other fundamental structural problems. Adjusting the numbers are just one part of any potential solution. The abject failure of the supposed “big fix” back in 2013 makes this pretty clear. But you have to start somewhere, and we suppose the fact that both parties acknowledge that there a problem is a start.

SB18-204  Limit RTD Discount Fare Programs  Support

This bill would prohibit RTD from offering new discount fair or incentive programs without prior legislative approval. The public transit provided by the RTD is already a redistributive affair.
Passenger fares don’t cover the operating costs of the transit; a large chunk of funding comes from taxes on things like retail marijuana sales. Forcing a particular group of people to shoulder the burden of a service by taxing unrelated purchases/goods/services is redistribution, and it’s not the role of government. Despite the fact that riders aren’t actually covering the cost of their own transit, RTD doubles down on the redistribution by offering a variety of discount fare and incentive programs. This bill would at least give the legislature the opportunity to pump the brakes on any redistributive fare programs proposed in the future.

This legislation supports the principle of:

- Limited Government
- Fiscal Responsibility

SB18-210  Amend Regulation of Appraisal Management Companies  Oppose

This bill makes changes to the regulation of real estate appraisal management companies (AMCs). There are various changes to definitions, one of which is to expand the definition of an appraisal management company in order to cast a wider net of regulation. Section 3 directs the board to require that AMCs establish processes and controls to ensure compliance with the federal ‘Truth in Lending Act’ and applicable federal regulations. Pump the brakes! Why are we using the power of the state government to enforce ever increasing federal regulations?

This legislation opposes the principles of:

- State vs. Federal Powers
- Limited Government

SB18-211  Marijuana Consumption Club License  Oppose

A bill similar to this one was run last session as SB17-063. Like last year’s iteration, this bill would create a license for marijuana consumption clubs and subject them to a list of regulations. An MJ club license would authorize a club to buy and distribute marijuana from a licensed retailer or cultivate/sell its own marijuana for consumption on the premises. Under the bill, localities must specifically authorize marijuana clubs to operate in their jurisdictions and they must adopt licensing requirements in compliance with the provisions of this bill but they may also impose additional or more stringent license requirements. The bill would also subject MJ club licensees to provisions in C.R.S. Title 24 Article 34 relating to persons with disabilities, prohibit clubs from selling food/beverages other than “light snacks,” and prohibit patrons from bringing their own MJ to the premises for consumption. According to testimony on another MJ club bill last year (SB17-184), at that time there were over 20 MJ clubs operating in Colorado so we’re unclear on just why this bill is “necessary.” The main problem with this legislation is the massive expansion of government and regulation in order to try to promote more freedom. Creating a “white-list” of freedoms granted and heavily regulated by the government is not the role of government. For those of you unfamiliar with the phrase “white-list”, it is a method of security in computer systems. For example, if you have an email spam filter, and you add me to your “white-list”, that means the spam filter will allow my emails to pass through to you without being blocked. Government is not supposed to act as a freedom filter, creating lists of approved actions under its watchful regulatory eye.

This legislation opposes the principles of:

- Free Markets
- Limited Government
SB18-212  Increase Juror Compensation  Oppose

Under current law, trial and grand jurors are entitled to compensation up to $50 per day. This bill increases the amount of compensation to up to a daily maximum of the state minimum wage as defined in the Colorado Constitution plus $1, times 8 hours. The current minimum wage in Colorado is $10.20 and the Colorado Constitution requires a 90 cent increase each January 1 until the minimum wage reaches $12 per hour effective January 2020. Thereafter the minimum wage must be adjusted annually for cost of living increases. You are not entitled to make minimum wage serving as a juror. In fact, you’re not entitled to a minimum wage at all, but that’s a soapbox for another time.

This legislation opposes the principles of:
Personal Responsibility
Fiscal Responsibility

SB18-219  Motor Vehicle Dealer and Manufacturer Service Rates  Oppose

This bill is a classic of the government stepping in to babysit two parties perfectly capable of working out a mutually agreeable arrangement on their own via contract. This bill tells vehicle manufacturers and dealers the process they must use to calculate how manufacturers will compensate dealers with respect to warranty obligations. It is the role of the government to enforce contracts. It is not the role of government to set terms for parties that should be set by the parties in their contract.

This legislation opposes the principle of:
Free Markets

SB18-224  Subsidization Adoption Special Needs  Oppose

Colorado currently provides an adoption subsidy program for adoptive parents of children with “special needs as determined by prognosis and diagnosis” if all reasonable efforts to place the child for adoption have been made without success prior to consideration of a subsidy. This bill expands that program significantly. Under the bill, “special needs” are defined to include not only mental/medical conditions but also kids with “other conditions that act as a barrier to the child’s or youth’s adoption” including “membership in a minority group whose children or youth might be difficult to place.” Huh? Other features of the bill include a requirement that prospective adoptive parents are notified if a child may qualify for benefits. If the government is offering, who is going to say no to a subsidy? Parties may “negotiate available benefits” if the conditions for the benefits are met. The bill also prohibits using a means test in the process of selecting an adoptive family or in negotiating the type or amount of benefits to be provided, which doesn’t seem particularly fiscally responsible. The bill specifies that benefits provided through the program must be continued if the adoptive parents leave the state of Colorado with the adoptive child or youth whereas under the current subsidy program, C.R.S. states that the benefits may continue.

This legislation opposes the principles of:
Limited Government

SB18-227  Pet Animal Care Facilities Act PACFA Continuation  Oppose

When we saw this bill, we just couldn’t help ourselves—we had to give a pained laugh— it beats crying. Last year, many legislators were surprised to learn that the Pet Animal Care Facilities Act
(PACFA) made it illegal for you to pet sit someone else’s critter at your home without a kennel license. Yes, this is real life in Colorado. That means everyone from the neighborhood kid watching a Guinea pig at his house to pet sitters contracting through online platforms like Rover.com (which is like Uber for pet sitting) were in violation of Colorado law. Long story short, legislators ended up exempting pet sitters watching up to 3 animals from the PACFA to help resolve that issue. You can read that saga under our write up of 2017’s HB17–1228.

POL seriously questioned the need for the PACFA last year. But apparently not everyone got the memo and some legislators still don’t completely trust you to choose a competent pet sitter/breeder/groomer/shelter for yourself and don’t trust those folks to do their jobs properly without lots of state regulation because not only is the PACFA still in place, but this bill proposes to continue it permanently. Because apparently rescuing kittens and finding them good requires the involvement of the state, you ignorant do-gooder. Welcome to California Colorado.

This legislation opposes the principles of:

- Individual Liberty
- Personal Responsibility
- Free Markets

**SB18-228** Improving School Choice in Traditional Schools **Support**

Under current law, school districts are required to have open enrollment policies that allow a student to enroll in a district school other than his or her assigned school, or to enroll in a school in another school district. Unfortunately, this is not always a particularly easy or accessible process and parents often run into additional roadblocks. For example, a school district may only transport students from an adjacent school district and may only reimburse a parent or guardian for transporting such students if the “home” school district consents to the transportation. This bill would allow a school district to transport a student from any district and to arrange transportation for enrolled students without seeking the consent of the student’s resident district. It would also require that a school district’s open enrollment application procedures consider giving admission priority to students with academic deficiencies who attend a school accredited with either a turnaround plan or a priority improvement plan. The bill also requires schools to have an enrollment application period of at least 4 weeks that does not close before February 15 of each year, their open enrollment policies to include the ability to apply to at least 5 schools within the district using a standardized application, and schools must accept either in-person or online submission of the enrollment applications. School districts are required to annually notify students of open enrollment policies and post the procedures online. This bill makes it easier for parents to choose the best education of their children.

This legislation supports the principle of:

- Individual Liberty

**SB18-234** Human Remains Disposition Sale Business **Oppose**

This bill would make it unlawful for a person to own more than a 10% indirect interest in a funeral establishment or crematory while simultaneously owning interest in a nontransplant tissue bank. The bill would also prohibit an entity from profiting from the transfer, sale, storage, or leasing of human remains.

This legislation opposes the principles of:
SB18-235  Colorado Industrial Hemp Research and Development Authority  Oppose

This bill creates the Colorado Industrial Hemp Research and Development Authority to develop, promote and fund industrial hemp education, research and development. The authority is comprised of a 7 member board, and must apply for federal money a.k.a. YOUR tax dollars to disburse for industrial hemp education, research, or development projects or programs. We are astounded (well, sort of, but not really...) that there are legislators who think government needs to do something to coordinate the research, education, and development of any industry. Apparently the sponsors think this is ok because “the creation of the authority and the expenditure of public money for the authority will serve valid public purposes and are expressly declared to be in the public interest.” If you accept that “logic,” you could justify government stepping in and to fund any industry under the sun.

This legislation opposes the principles of:
Free Markets
Limited Government

SB18-237  Out-of-network Provider Carriers Required Notices  Oppose

This bipartisan bill makes it clear that not everyone has been reading our explanations of the free market, personal responsibility, and the rising costs of health care. Under current law, when a health care provider who is not under a contract with a health insurer (an out-of-network provider) renders health care services to a person covered under a health benefit plan at a facility that is part of the provider network under the plan (in-network facility), the health insurer is required to cover the services of the out-of-network provider at the in-network benefit level and at no greater cost to the covered person than if the services were provided by an in-network provider. This bill would specify that the in-network benefit level also applies to emergency services provided to a covered person by an out-of-network provider or at an out-of-network facility. Seems to make the network contracts providers and carriers bothered to make a bit pointless, doesn’t it? The bill also requires disclosures about the potential impact of receiving services from an out-of-network provider and a consumer’s “rights” under the bill (including to request an in-network provider, etc).

This legislation opposes the principles of:
Personal Responsibility
Free Markets
Limited Government

SB18-244  Alcohol Beverage Sale by Hotel Restaurant Licensee  Support

Under current law, a hotel that holds a hotel-restaurant liquor license may sell alcohol beverages to customers of the hotel only on areas of the premises where meals are regularly served, furnish and serve complementary alcohol in sealed containers, and sell alcohol beverages in sealed containers through in-room minibars. Under this bill, a licensed hotel could also sell beer or wine in sealed containers for consumption on the licensed hotel premises. The beer or wine must be sold between 8 a.m. and midnight, and not exceed 72 ounces of beer (equivalent of a six pack) and 750 milliliters of wine (one bottle) per transaction.
This legislation supports the principles of:

- Individual Liberty
- Property Rights
- Limited Government

**SB18-262**  Higher Education Targeted Master Plan Funding  
**Oppose**

This bill would appropriate $16,821,178 and require that the money be used to fund programs aimed at achieving the goals of the Colorado Commission on Higher Education’s master plan. According to the bill, the current master plan “identifies four key goals that seek to increase credential completion, erase equity gaps, improve student success, and invest in affordability and innovation.” Completing your credits and “succeeding” as a student is up to you—not on the higher education system. Higher education is there to provide an education, not to parent your adult self or erase so-called “equity gaps”.

This legislation opposes the principles of:

- Personal Responsibility
- Fiscal Responsibility
- Limited Government

**SB18-265**  Child Care Savings Account Income Tax Benefits  
**Oppose**

Santa’s election year elves are back. It is not the role of government to use tax policy to favor particular groups, lifestyles, or causes. Taxation should be limited to taking the funds needed to protect life, liberty, and property. This bill would create child care savings accounts that individuals can use to pay licensed childcare institutions to watch a child under 6 years old. This only applies to licensed facilities, so those of you paying friends and nannies for childcare are out of luck (for now, watch for expansive amendments). To be eligible to create an account, an individual must have federal taxable income of less than $90,000, or, in the case of individuals filing a joint return, $180,000. We didn’t have time to find data specific to Colorado, but a quick look at IRS data shows that in 2015 (most recent year available) returns with an Adjusted Gross Income of under $200,000 made up 95.5% of all tax returns filed.

A taxpayer may claim a credit that is equal to 10% of the amount that the taxpayer contributes to an account, up to a maximum credit of $250 per tax year. A taxpayer may contribute to multiple accounts but cannot claim more than $25,000 of credits in an income tax year. A credit for a contribution to one’s own account is refundable. All other credits are not refundable, but unused credits may be carried forward up to 5 years. It is not the role of the state to help you pay for your children at the expense of a handful of other Colorado taxpayers. This is redistribution at its finest – for the children, of course. These types of bills are designed to get people excited about what their legislator is “doing” for them. Too bad it comes at the expense of “doing” something to somebody else.

This legislation opposes the principles of:

- Equal Protection/Rule of Law
- Fiscal Responsibility
- Limited Government

**SB18-272**  Crisis and Suicide Prevention Training Program  
**Oppose**
This bill would create the Crisis and Suicide Prevention Training Grant Program. The purpose of the grant program is to provide financial assistance to schools in providing crisis and suicide prevention training to schools, with priority given to those schools that have previously not received such training. The grant program may authorize up to $400,000 in grants per year in varying amounts. Grant recipients are required to report on their activities using grant money. As we stated about another suicide prevention bill earlier this year (SB18-114): this bill is going to be an emotional one. Nobody wants to see kids commit suicide, but suicide prevention should be addressed by parents and local communities, not by the state. Nothing is preventing individuals, including school administrators, from voluntarily working together on suicide prevention now and many do.

This legislation opposes the principles of:

- Personal Responsibility
- Limited Government

**SB18-273**  Senior Property Tax Exemption Medical Necessity  
*Oppose*

This bill would specify that for property tax years commencing on or after January 1, 2019, a senior is deemed to be a 10-year owner-occupier of a primary residence that the senior has owned and occupied for less than 10 years and therefore qualifies for the senior property tax exemption for the residence if: the senior would have qualified for the senior property tax exemption for the senior’s former primary residence but medical necessity forced the senior to stop occupying the former primary residence, and the senior has not owned and occupied another primary residence since the senior first stopped occupying his or her former primary residence due to medical necessity. ‘Medical necessity’ is defined as a medical condition verified by a physician licensed to practice medicine in Colorado that required a senior to move from the senior’s primary residence to a primary residence that the senior can freely occupy without using stairs or a primary residence that is not located in a high-altitude area. As we already stated in this report, it is not the role of government to use tax policy to favor particular groups. This bill expands existing favoritism still further.

This legislation opposes the principles of:

- Equal Protection/Rule of Law
- Fiscal Responsibility
- Limited Government