



# Colorado Women's Bar Association Legislative Session Wrap-Up

*June 19, 2020*

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One of the most extraordinary – and shorter – sessions of the Colorado General Assembly ended June 15 after lawmakers pushed out a stack of notable legislation.

Despite the stresses of an interrupted, socially distanced, and masked session, legislators passed many transformative and landmark bills to: set new standards for police accountability; repeal the state's death penalty; create collective bargaining for state employees; restructure the state reinsurance program; require employers to provide paid sick leave; and set up uniform procedures for school immunization requirements.

Most important, lawmakers managed to patch together a \$31.7 billion FY2020-21 state budget, but only by making significant cuts to K-12 and higher education. The legislature also set in motion four tax policy changes that could be significant in the future.

And, the legislature also passed an 11-bill COVID-19 relief package, financed with \$70 million in emergency federal funding. The bills are designed to provide aid to small businesses, renters, and people who need help with utility bills, among other things.

All but the death penalty legislation were passed during the legislature's truncated, 15-day "second" session.

## **Priority Legislation for the Colorado Women's Bar Association**

The Women's Bar monitored 26 bills during the 2020 legislative session, in addition to the budget process. The issues represented broad segment of women's issues, economic stability including a major win for the CWBA with insurance coverage for infertility treatments (HB-1158). Despite the unusual nature of the second half of session some of CWBA's top bills were able to make it through the process. Of those 25 bills the CWBA took action to support/amend 9 bills and opposed/monitored 8 bills which are outlined below.

Five of the bills passed the legislative process and have either been signed into law or are awaiting the Governor's signature. Due to unprecedented nature of COVID-19 and fast, friendly, and free constraints HB-1079, HB-1228, HB-1270, HB-1296, and HB-1316 failed to pass through the legislative process.

### **[HB20-1158](#) Insurance Cover Infertility Diagnosis Treatment Preserve**

**Sponsors:** Representatives Tipper & Herod and Senators Winter and Fenberg

**Bill Summary:** The act enacts the "Colorado Building Families Act", which requires health benefit plans issued or renewed in Colorado on or after January 1, 2022, to cover diagnosis of infertility, treatment for infertility, and fertility preservation services. A religious employer may request an exclusion from the infertility coverage in a health benefit plan offered by the religious employer if the coverage conflicts

with the religious organization's bona fide religious beliefs and practices. The act directs the division of insurance to make a determination as to whether the coverage required by the act is in addition to essential health benefits required by the federal "Patient Protection and Affordable Care Act" and would be subject to defrayal by the state pursuant to the Affordable Care Act.

**Bill Status:** 04/01 Signed by the Governor

#### **HB20-1048 Race Trait Hairstyle Anti-discrimination Protect**

**Sponsors:** Representatives Buckner & Herod and Senator Fields

**Bill Summary:** The bill enacts the "Creating a Respectful and Open World for Natural Hair Act of 2020", also known as the "CROWN Act of 2020", which specifies that, for purposes of anti-discrimination laws in the context of public education, employment practices, housing, public accommodations, and advertising, protections against discrimination on the basis of one's race include hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps.

**Bill Status:** 03/06 Signed by the Governor

#### **HB20-1014 Misuse Of Human Reproductive Material**

**Sponsors:** Representatives Tipper & Rich and Senator Gardner

**Bill Summary:** The bill creates a new civil cause of action and a crime if a health care provider in the course of assisted reproduction uses gametes from a person without the written consent of the patient. The bill authorizes specified compensatory damages or liquidated damages of \$50,000 in the civil action and specifies that the crime is a class 6 felony. The bill includes that conviction of an offense under the new crime is unprofessional conduct under the licensing to practice medicine.

**Bill Status:** 06/15 House Considered Senate Amendments - Result was to Concur - Repass

#### **SB20-217 Enhance Law Enforcement Integrity**

**Sponsors:** Representatives Herod & Gonzales-Gutierrez and Senators Garcia & Fields

**Bill Summary:** The bill underwent significant amendments in the Senate and was further negotiated in the House, where the concerns of law enforcement and local governments were addressed. Key policies include;

- Beginning July 1, 2023, the bill requires all local law enforcement agencies and the Colorado state patrol to issue body-worn cameras to their peace officers and requires all recordings of an incident be released to the public within 21 day after the local law enforcement agency or Colorado state patrol receives a complaint of misconduct.
- Clarification on when a peace office should wear and activate body-cams
- Data collection and statewide state database and reporting including all use of force by peace officers that result in death or serious injury
- Clarifies and limits law enforcement response to a protest or demonstration.
- The bill prohibits a peace officer from using a chokehold.
- The bill requires a peace officer to intervene when another officer is using unlawful physical force and requires the intervening officer to file a report regarding the incident.

**Bill Status:** 06/19 Signed by the Governor

#### **SB20-083 Prohibit Courthouse Civil Arrest**

**Sponsors:** Representative Herod and Senator Gonzales

**Bill Summary:** The bill protects an individual from civil arrest while the person is present at a courthouse or on its environs, or while going to, attending, or coming from a court proceeding. A judge or magistrate may issue a writ of protection to prohibit a civil arrest, but a writ of protection is not required

for the protection to apply. The bill provides various remedies for violation of the protection provided by the bill.

**Bill Status:** 03/23 Signed by the Governor

#### **[HB20-1079](#) Juveniles On Colorado Sex Offender Registry**

**Sponsors:** Representatives Benavidez & Singer and Senators Rodriguez

**Bill Summary:** The bill implements various recommendations of the legislative oversight committee concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems regarding juveniles who have committed sex offenses.

**Bill Status:** 06/13 Bill was Lost

#### **[HB20-1228](#) Protect Survivors' Rights To Rape Kit Evidence**

**Sponsors:** Representative Froelich and Senators Danielson

**Bill Summary:** The bill requires the medical professional collecting the medical evidence to inform victims of the contact information for the nearest sexual assault victim's advocate or confidential victim's advocate, the length of time that medical evidence must be preserved, and their right to be notified of the destruction of the medical evidence. The bill requires law enforcement agencies to maintain the medical evidence until the statute of limitation has run on the crime and for an additional 10 years if the victim objects to its destruction.

**Bill Status:** 05/27 Bill was Lost

#### **[HB20-1270](#) One Parent Consent For Behavioral Health Services**

**Sponsors:** Representative Michaelson Jenet and Senators Fields

**Bill Summary:** The bill authorizes a physician or a mental health professional to evaluate or treat a minor patient for a behavioral health disorder with the consent of only one parent or legal guardian of the minor if both parents have legal decision-making authority over the minor, but not when there is an existing court order providing that the parents or legal guardians have joint-decision making authority concerning the medical or behavioral health decisions of the minor. The professional shall act in the best interest of the minor and provide services for a behavioral health disorder only in accordance with the professional's own advice or recommendation. The bill defines a minor as a person who is under 15 years of age.

**Bill Status:** 05/28 Bill was Lost

#### **[HB20-1296](#) Civil Action Statute Of Limitations Sexual Assault**

**Sponsors:** Representatives Michaelson Jenet & Soper and Senators Gonzales and Coram

**Bill Summary:** The bill defines sexual misconduct and removes the limitation on bringing a civil claim based on sexual misconduct, including derivative claims and claims brought against a person or entity that is not the perpetrator of the sexual misconduct. The statutory period to commence a civil action described in the bill applies to a cause of action that accrues on or after January 1, 2021, or a cause of action accruing prior to January 1, 2021, so long as the applicable statute of limitations has not yet run as of January 1, 2021. The bill removes the provision that a plaintiff who is a victim of a series of sexual assaults does not need to establish which act in the series caused the plaintiff's injuries.

**Bill Status:** 06/12 Bill was Lost

#### **[HB20-1316](#) Gestational And Genetic Surrogacy Agreements**

**Sponsors:** Representative Froelich and Senator Ginal

**Bill Summary:** The bill repeals a section on assisted reproduction of the "Uniform Parentage Act" and replaces it with a new "Colorado Surrogacy Agreement Act". Establishes eligibility requirements for

entering into surrogacy agreements and required elements of the agreements. Contains provisions governing the termination of agreements and the effect of a death or a change in marital status of any of the parties to such agreement. Authorizes court orders recognizing and enforcing agreements. And specifies the duties of persons under the agreements.

**Bill Status:** 05/28 Bill was Lost

#### **House Republican Anti Choice/ Anti-LGBTQ Bills: CWBA Monitored/Opposed Legislation**

- [HB 20-1033](#) **Live And Let Live Act**  
Postponed Indefinitely 02/13
- [HB 20-1063](#) **Fundamental Family Rights In Colorado**  
Postponed Indefinitely 02/13
- [HB 20-1068](#) **Born Alive Child Physician Relationship**  
Postponed Indefinitely 02/11
- [HB20-1075](#) **Protect Human Life At Conception**  
Postponed Indefinitely 02/11
- [HB 20-1098](#) **Prohibition On Abortion After Twenty-two Weeks**  
Postponed Indefinitely 02/11
- [HB 20-1114](#) **Protect Minors From Mutilation And Sterilization**  
Postponed Indefinitely 02/13
- [HB 20-1272](#) **Colorado Natural Marriage And Adoption Act**  
Postponed Indefinitely 02/13
- [HB 20-1273](#) **Equality And Fairness In Youth Sports Act**  
Postponed Indefinitely 02/13

### **General Legislative Overview**

While it may sound cliché, the “Second Regular Session of the 72<sup>nd</sup> General Assembly,” or 2020 legislative session was truly one of kind. This was in part because work was starkly divided into two sessions - pre and the other post COVID pandemic – and because of the unprecedented nature of the numerous far-reaching actions passed by the body.

When the legislature first convened in January of 2020, the main chatter was whether Governor Polis and the Democratic majority would succeed to complete 2019’s unfinished business on big dreams like paid family leave and public option health insurance. Business proceeded as usual and there was little sense of urgency – most of the heavy lifting tends to happen in the latter half of the session.

And then, in early March, the COVID-19 pandemic dominated the news and the state saw successive closures of events, activities, and places of work. By Saturday, March 14, legislative leaders had decided to recess because of the growing health threat. It was just over halfway point of the 120-day session.

This recess was taken with uncertainty as the law was not clear if the constitutionally limited 120 days session needed to be consecutive, as always has been the case, or if the clock could be stopped and resumed when they reconvened. In the end the Democratic majority opted to appeal to the Colorado Supreme Court for a ruling on the matter.

Later in March, the court ruled for non-consecutive days, giving lawmakers some breathing room beyond what would have been the scheduled adjournment date of May 6.

But lawmakers faced another, firmer deadline – the end of the fiscal year on June 30, the last date on which a new state budget could go into effect. In practical terms the budget needed to be adopted in early June so school districts could set their own budgets based on the amount of state aid. This necessitated the legislature reconvening in mid-May.

To prepare for this the legislature's Joint Budget Committee went back to work on May 4, starting with the almost-finished budget it had left behind in March. This task proved incredibly daunting as updated revenue forecasts on May 12 revealed the depth of state revenue losses resulting in a at \$3.4 billion budget deficit. This was the largest in state history.

The JBC spent three weeks painstakingly going through every state agency's budget to transfer, adjust, divert, and cut as much as possible to mitigate the impact of \$3.4 billion in needed reductions. This newly balanced budget was then presented to their colleagues as the legislature reconvened on May XX

With COVID protocols in place, the Capitol environment was very different. Temperatures were checked at the entrance, clear plastic panels separated legislator desks, some lawmakers sat in the galleries and a few participated remotely from home. Lobbyists and citizens were thin on the ground. Most everybody wore masks.

Once lawmakers got settled, the Democratic majority moved quickly. Of the 651 bills brought during the entire session, 66 were introduced during the brief second session, and they included the biggest bills of the session: police accountability, tax reform, paid sick leave, referred measures to repeal the Gallagher amendment and increase tax on tobacco and nicotine products.

The Republican minority objected to the speed and scope of these bills and used parliamentary delaying techniques a few times. This said, the Democratic juggernaut kept moving, although there were significant concessions on some bills.

Lawmakers' other job during the second session was to kill bills. Legislative leaders jettisoned bills they deemed unimportant, unlikely to pass or too controversial or complicated to pass quickly or too expensive. The revenue situation made it impossible to fund most proposals with price tags. All in all, some 316 bills were swept off the agenda.

When the General Assembly adjourned for good on June 15, they had navigated a historic budget deficit and passed unprecedented policy changes – all within only 84 days of what is usually a 120-day session. Cliché or not – it was truly one of a kind.

### **Key Legislative Issues**

While the COVID-19 health and economic crisis tabled many of the big proposals, the General Assembly was able to pass several high-profile bills and a COVID-19 relief package.

Lawmakers passed a wide-ranging and bi-partisan police accountability bill in [SB20-217](#).

[SB20-163](#) will look to boost Colorado's nearly -last-in-the-nation vaccination rates by setting up more uniform procedures for school enrollment immunization requirements.

Colorado became the 21<sup>st</sup> state to abolish the death penalty with [SB20-100](#).

After many years of debate, Democrats replaced Columbus Day, changing it to an observance of Mother Cabrini ([HB20-1031](#)).

[HB20-1048](#) makes Colorado the fourth state to ban workplace discrimination based on hair styles.

Democrats passed [HB20-1153](#) to give state employees collective bargaining rights after a multi-year push.

Coloradans will soon have a state-run retirement plan with the passage of [SB20-200](#).

The legislature passed [SB20-215](#) to restructure and refinance the state's reinsurance program, with the goal of reducing health insurance costs for more Coloradans.

### Tax Policy

The legislature also set in motion four tax policy changes that could be significant in the future, including:

- [HB 20-1420](#) that exempts Colorado's tax code from recent federal tax cuts, thereby raising revenue needed to balance the budget
- [SCR 20-001](#) that asks voters to repeal of the Gallagher Amendment; doing so would ease the distortions in the current property tax system between business and residential rates
- [HB 20-1427](#) that asks voters to raise taxes on nicotine products
- [HB 20-1218](#) changes school finance law, giving future legislatures the ability to raise property taxes

### COVID-19 Relief Package

House and Senate Democrats created a package of legislation to help Coloradans recover from the pandemic and safely get back to work. Several of the bills channeled federal CARES Act funding directly to vulnerable Coloradans and small businesses. Below see bill numbers and legislation details.

- [SB20-205](#) requires employers to provide paid sick leave to employees under various circumstances.
- [SB20-207](#) expands unemployment insurance (UI) benefits and increases the benefits workers can receive. Some of these increased benefits include the amount a worker can earn while remaining eligible for UI, as well as an expanded definition of "good cause" for a worker to quit and still receive the benefit.
- [HB20-1415](#) protects workers who raise health and safety concerns during the COVID-19 pandemic from retaliation and requires employers to allow their workers to wear personal protective equipment, such as masks.
- [SB20-212](#) allows patients to continue to receive and providers to offer certain medical services through telehealth.
- [HB20-1410](#) provides \$20 million indirect rental and mortgage assistance to Coloradans experiencing a financial need during the public health emergency.
- [HB20-1412](#) provides an additional \$10 million to the Low-Income Energy Assistance Fund for Coloradans who are at risk of having their service shut off.

- [SB20-222](#) and [HB20-1413](#) will provide grants and loans to small businesses affected by the pandemic.
- [HB20-1411](#) will allocate \$15.2 million to state programs for behavioral health and substance abuse treatment.
- [HB20-1197](#) provides additional funding 2-1-1 Statewide Human Services Referral System to provide necessary human services referrals related to the pandemic, including information on COVID test sites, emergency assistance, housing support, and information related to worker protections and health care discrimination.
- [HB20-1414](#) prohibits price gouging and deceptive trade practices on necessary goods and services.
- [HB20-1422](#) creates a food pantry assistance grant program.
- [SB20-211](#) Limitations on Extraordinary Collection Actions allows the Attorney General to limit what debt collection actions an entity can take.

### **The box scores**

There were 651 bills introduced this session, up from 598 the previous year.

All in all, some 316 bills either were postponed indefinitely (which requires individual votes) or just allowed to die in committee or on the floor calendar after lawmakers went home.

## **FY 19-20 Budget Overview**

### **The COVID-19 economic downturn left the state in a \$3 billion hole.**

Legislators patched Colorado's 2020-21 state budget together with regular tax revenues, money from the state reserve, a bit of emergency but short-term federal support, money swept from special-purpose funds and even tax revenues that hadn't been approved when the Joint Budget Committee "closed" the long appropriations bill in late May.

The JBC and its staff had just about finished by budget in mid-March as the pandemic gathered momentum. Revenue forecasts issued on March 16, the last time the committee met formally until May 4, indicated the committee would have to keep the 2020-21 budget flat at 2019-20 levels.

But new forecasts given to the committee on May showed that revenues were cratering, and the legislature faced a gap of more than \$3 billion.

Estimates of state revenues for 2020-21 dropped by more the 21 percent from projections issued in September 2019 to the forecast made in May, on which the JBC based its final recommendations.

Media reports and legislator speeches often over-simplify the budget situation, describing everything in terms of cuts. In fact, shifting the sources of funds for certain programs, finding additional revenues, and foregoing or delaying some expenses were important elements of balancing next year's budget.

The budget also was balanced by cutting back on "investments" like the annual lump sum payment to the Public Employees' Retirement Association and the flows of revenue into the state school lands permanent fund.

The JBC started balancing by reversing earlier decisions to increase state employee pay and the rates paid to outside service providers, ranging from doctors who treat Medicaid patients to companies that run private prisons.

Beyond all the shuffling, there are real cuts. In one of the most important, the committee approved an across-the-board 5 percent cut to state agency personnel budgets. This does not mean pay cuts next year or furloughs for now. Executive branch managers will have the flexibility to manage those reductions themselves through steps like not filling vacant jobs. But furloughs could be a consequence later for some agencies.

The budget makes scores of cuts throughout state government, some of only a few thousand dollars. Cuts do fall heavier on agencies supported mostly by General Fund, while cash-funded agencies suffered less.

Many cuts will have downstream effects on local governments and other entities that receive state grants or subsidies from programs that have been trimmed for 2020-21.

Here is what the budget looked like when the dust settled after the long bill, HB 20-1360, finally passed on June 12.

- Grand total (all funds): \$31.7 billion, down 4 percent from FY2019-20.
- General Fund: \$10.9 billion, down 9.3 percent from FY2019-20.
- Reserve: To balance the budget at session's end, as the state constitution requires, the legislature lowered the reserve to 2.86 percent of General Fund spending. The reserve has been 7.25 percent in recent years.

### **Budget dynamics and snapshots**

Below is a snapshot of how the General Assembly balanced the state budget when they returned from the COVID-19 recess.

**K-12 Education** – School funding is set by both the long bill and a separate School Finance Act (HB20-1418). Projected Total Program Funding for FY2020-21 is \$7.24 billion, down from \$7.60 in FY2019-20. Average per-pupil funding drops from \$8,489 to \$8,078.

The Budget Stabilization Factor is about \$572.4 million, meaning school funding is about 7 percent lower than it would be if the full Amendment 23 funding formula were used. In FY21-22, the BS Factor doubles to \$1.17 billion, a 14 percent cut for schools.

**Higher education** – Higher education institutions were cut \$493.2 million from current funding. These cuts are somewhat offset by \$450 million in federal COVID-19 relief funds to higher education institutions.

**Tax adjustments** – At the very end of the session lawmakers came up with a bit more education funding through HB 20-1420. This de-couples state tax law from federal business tax breaks enacted as part of a COVID-19 relief law. This bill is expected to raise \$113 million for the State Education Fund (SEF) in the second half of 2020-21 and \$23 million in 2021-22.

**PERA direct distribution** – The legislature suspended the \$225 million annual lump sum payment from the GF to PERA.

**Hospitals** – The budget cuts \$161 million in hospital payments from the Healthcare Affordability and Sustainability fee. The JBC also cut payments to Children's Hospital Colorado for pediatric specialty care by 20 percent.

**Marijuana** – The legislature used \$136.9 million from the Marijuana Tax Cash Fund to balance the budget.

**State Employee salaries and personal services cuts** – The 5 percent cut in “personal services” line items saves about \$60 million.

**Transportation funding shifts** – The legislature delayed allocating the statutorily required \$50 million for transportation needs for two years.

**State Employee Reserve Fund** – The legislature took \$32.6 million from this fund to balance the budget, along with money from other smaller cash funds.

**Unclaimed property fund** – The Joint Budget Committee took \$73 million from this fund to balance the budget.

**Community provider rates** – The across-the-board cut of 1 percent was made in the rates paid to businesses and agencies that provide health care and other services, mostly in HCPF but also in some other agencies. This saves about \$25 million.

**Capital Construction** – JBC cancelled previously approved \$450 million in state funds for capital construction projects.

A JBC proposal to suspend the \$163.5 million for the senior citizen and disabled veterans homestead exemption crossed a line in the sand for legislative Republicans, and the idea was dropped. The committee was also unable to enact a proposal to use \$17 million from tobacco revenues raised by Amendment 35 to balance the budget.

Selected large agency impacts:

**Corrections** – Some \$2.5 million will be saved by closing the small Skyline minimum-security prison in Canon City and reducing beds at the La Vista women’s prison in Pueblo. Noticeable cuts also were made in Community Corrections, part of the Department of Public Safety.

**Department of Health Care Policy & Finance (HCPF)** – Here are some items of note:

- Some targeted provider rate cuts
- Eliminate automatic rate increases for nursing and assisted living facilities
- Cuts to the All Payer Claims Database
- An Increase in copays for Medicaid clients
- A reduction in funding for the Commission on Family Medicine
- A 20 percent cut to Children’s Hospital Colorado for pediatric specialty care.
- Cuts to Denver Health and UC Hospital teaching subsidies

**DHS** – There are roughly \$40-\$50 million in assorted cuts to county welfare staffing and the provider rate increase, the TANF subsidized work program, child care quality initiatives, aid to the needy disabled and early intervention services, Family First implementation, SUDs benefits, various prevention programs and various DYS requests.

**Judicial** – This branch is taking about a \$10 million cut from its current budget of about \$835 million.

These four agencies, along with the departments of Education, Higher Education and Transportation, account for 86.2 percent of all state spending.

## Looking Ahead

**Interim Committees** - There will be no interim committees meeting this summer. The legislature made this decision due to concerns about public safety and revenue shortages. [SB20-214](#) codified this decision.

**2020 Ballot Issues** - This November, Coloradans will vote on several impactful ballot issues. Below is a list of ballot measures of interest, along with a link to a broader range of issues and analyses by Legislative Council.

Aponte & Busam intends to send a follow-up brief on the 2020 Ballot after the official ballot is determined. This analysis will include summary of initiatives and polling data. Below we have highlighted a few key initiatives already in the process.

### Referred Measures

#### [SCR20-001 Repeal Property Tax Assessment Rates](#)

The concurrent resolution asks voters to approve repealing several constitutional provisions regarding property taxes, commonly referred to as the Gallagher Amendment. Specifically, it repeals the 29 percent assessment rate in the constitution for most nonresidential property, the calculation of the target percentage, and the requirement that the General Assembly adjust the residential assessment rate to maintain the target percentage.

- Gallagher, named for former state Sen. Dennis Gallagher, was initially approved by voters in 1982, with a goal of limiting residential property taxation and forcing business to pay a higher tax share. Through a required balance between residential and commercial tax rates, one of its effects has been to bring down residential property taxes to near the lowest in the nation. Property taxes help fuel local districts of all kinds, and if the Gallagher Amendment is not repealed, legislative analysts predict K-12 education alone will lose half a billion dollars next year.
- If approved by voters, the Gallagher repeal would keep residential property tax rates from dropping in future years, saving schools, local governments, and the state from taking huge financial hits because of the coronavirus-induced recession.
  - Current Residential Assessment Rate 7.15%
  - Current Nonresidential Assessment Rate 29%

#### [HB20-1427 Cigarette Tobacco and Nicotine Products Tax](#)

Reps. Yadira Caraveo, Julie McCluskie and Sens. Rhonda Fields, Dominick Moreno

This bill was introduced and passed in the final three days of the legislative session. The measure refers a question to Colorado voters for the November 2020 ballot to raise taxes on cigarettes and start taxing other products that contain nicotine, including vaping products. If passed, it will bring in \$83 million in the next fiscal year and \$168 million the following year. See the fiscal analysis [Here](#).

The amount and structure of the tax was negotiated with Altria, a prominent company within the tobacco and vaping industry before introduction and as such was not opposed. The industry is committed to standing down to oppose the measure on the ballot and to ensure a competing citizens' initiative, is removed from the ballot.

The revenue earned from the new tax will go to a variety of different needs over a period of several years. The allocation of funding is not the same each year, but general fund backfills, and tobacco cash fund allocations remain constant. This funding allocations include K12 education, affordable housing, tobacco and nicotine prevention, education and cessation programs and preschool programs, and back fill for state. But importantly in the first few years the revenue will be available to support K12 education needs.

### **Citizen Initiatives**

**Tobacco** - [Initiative 292](#) - Proponents of this initiative will withdraw the title with the passage of **HB 20-1427** through the legislature as a referred measure. See above notes for detail.

**Paid Family Leave** - [Initiative 247](#) creates a statewide paid family and medical leave insurance program and division as an enterprise in the Department of Labor and Employment (CDLE). The purpose of the Family and Medical Leave Insurance (FAMLI) program and division is to provide partial wage-replacement benefits for up to 16 weeks per year to eligible employees, and employment protections for employees that take that leave. Premium payments for the program are split between employers and employees.

[Initiative 248](#) creates a statewide paid family and medical leave insurance program and division as an enterprise in the Department of Labor and Employment (CDLE). The purpose of the Family and Medical Leave Insurance (FAMLI) program and division is to provide partial wage-replacement benefits for up to 12 weeks per year to eligible employees, and employment protections for employees that take that leave. Premium payments for the program are split between employers and employees.

**Income Taxes** - [Initiative 271](#), repeals the constitutional requirement that all taxable net income be taxed at one rate.

Beginning in tax year 2021, the measure replaces the current 4.63 percent tax on income earned by individuals and fiduciaries with a graduated income tax, whereby Colorado taxable income earned above certain thresholds is taxed at higher rates. For tax year 2021, the rates in the measure are:

- for taxable income up to \$250,000, 4.58 percent.
- for taxable income from \$250,000 up to \$500,000, 7.00 percent.
- for taxable income from \$500,000 up to \$1,000,000, 7.75 percent; and
- for taxable income from \$1,000,000 and up, 8.90 percent.

The income tax brackets in the measure are adjusted for 2022 and subsequent years according to growth in Colorado personal income as measured by the Bureau of Economic Analysis in the U.S. Department of Commerce. Revenue collected from the increased individual income tax is exempt from the state TABOR limit as a voter-approved revenue change.

**Abortion** - [Initiative 120](#) would ban late term abortions occurring from 22 to week to the time of birth.

### **Additional Citizen Initiatives**

In preparation for the 2020 ballot information booklet Legislative Council Staff has begun to prepare their analysis summary of each measure. This includes the major arguments both for and against the measure, and a brief fiscal assessment of the measure. Please see below for links to other measures.

- [Initiative 107 Reintroduction and Management of Gray Wolves](#)

- [Initiative 200 Expungement of Eligible Criminal Records](#)
- [Initiative 257 Local Voter Approval of Gaming Limits in Black Hawk, Central City, and Cripple Creek](#)
- [Initiative 271 Policy Changes Pertaining to State Income Taxes](#)
- [Initiative 284 Prohibit Restrictions on the Utilization of Natural Gas](#)
- [Initiative 295 Voter Approval Requirement for Creation of Certain Fee-Based Enterprises](#)
- [Initiative 304 Economic Impact Statement Requirement Pertaining to Ballot Titles](#)
- [Initiative 306 State Income Tax Rate Reduction](#)