

CIVIL RIGHTS ISSUES

House Bills 2012	Long Title	Additional Information	Status
HB12-1128	CONCERNING A PROHIBITION ON DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION THAT IS BASED ON UNCONVENTIONAL ATTIRE.	The bill adds "unconventional attire" as grounds on which discrimination in places of public accommodation may not be based. "Unconventional attire" means dress that indicates a person's participation in motorcycling or status as a veteran.	1/20/12 Introduced and assigned to House State Affairs

Senate Bills 2012	Long Title	Additional Information	Status
SB12-002	CONCERNING AUTHORIZATION OF CIVIL UNIONS.	The bill creates the "Colorado Civil Union Act" (Act) to authorize any 2 unmarried adults, regardless of gender, to enter into a civil union. Parties wanting to enter into a civil union apply to a county clerk and recorder for a civil union license. Certain persons may certify a civil union. After the civil union is certified, the officiant files the civil union certificate with the county clerk and recorder. A priest, minister, rabbi, or other official of a religious institution or denomination or an Indian nation or tribe is not required to certify a civil union in violation of his or her right to free exercise of religion. The criteria for a valid civil union are set forth in the bill. The executive director of the department of public health and environment and the state registrar of vital statistics shall issue forms	1/11/12 Introduced in Senate and assigned to Judiciary

		<p>necessary to implement the Act. Each county clerk and recorder submits records of registered civil unions to the office of vital statistics. A county clerk and recorder collects a fee for a civil union license, which fee is credited to the vital statistics records cash fund. The state registrar of vital statistics is authorized to set and collect an additional fee for verification of civil unions, which fee is credited to the vital statistics records cash fund. A county clerk and recorder collects a \$20 fee to be credited to the Colorado domestic abuse program fund. The legal benefits, protections, and responsibilities that are granted under the law to spouses apply in like manner to parties to a civil union, including the following: Responsibility for financial support of a party to a civil union; Rights and abilities concerning transfer of real or personal property to a party in a civil union; The ability to file a claim based on wrongful death, emotional distress, loss of consortium, dramshop, or other laws, whether common law or statutory, related to or dependent upon spousal status; Prohibitions against discrimination based upon spousal status; The ability to inherit real and personal property from a party in a civil union under the probate code; Priority for appointment as a conservator, guardian, or personal representative;</p>	
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		<p>Survivor benefits under and inclusion in workers' compensation laws; The ability to adopt a child of a party to a civil union; The ability to insure a party to a civil union under group benefit plans for state employees; The ability to designate a party in a civil union as a beneficiary under the state public employees retirement system; Survivor benefits under local government firefighter and police pensions; Protections and coverage under domestic abuse and domestic violence laws; Rights and protections under victims' compensation laws and victims and witness protection laws; Laws, policies, or procedures relating to emergency and nonemergency medical care and treatment and hospital visitation; Rights to visit a party in a civil union in a correctional facility, jail, or private contract prison or in a facility providing mental health treatment; The ability to file a complaint about the care or treatment of a party in a civil union in a nursing home; Rights relating to declarations concerning the administration, withholding, or withdrawing of medical treatment, proxy decision-makers and surrogate decision-makers, CPR directives, or directives concerning medical orders for scope of treatment forms with respect to a party to a civil union; Rights concerning the disposition of the last</p>	
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		<p>remains of a party to a civil union; The right to make decisions regarding anatomical gifts; Eligibility for family leave benefits; Eligibility for public assistance benefits; A privilege from providing compelled testimony against a party in a civil union and evidentiary privileges for parties to a civil union; The right to apply for emergency or involuntary commitment of a party to a civil union; The right to claim a homestead exemption; The ability to protect exempt property from attachment, execution, or garnishment; Dependent coverage under life insurance; and Dependent coverage under health insurance policies; except that this provision is effective for plans issued, delivered, or renewed on or after January 1, 2013. The same processes that are provided in law for dissolution, legal separation, and declaration of invalidity of a marriage apply to dissolution, legal separation, and declaration of invalidity of a civil union. Any person who enters into a civil union in Colorado consents to the jurisdiction of the courts of Colorado for the purpose of any action relating to a civil union even if one or both parties cease to reside in the state. The courts are directed to follow the laws of Colorado in a matter filed in Colorado that is seeking a dissolution, legal separation, or invalidity of a</p>	
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		<p>civil union that was entered into in another state. The courts are authorized to collect docket fees for the dissolution of a civil union, legal separation of a civil union, and declaration of invalidity of a civil union. The Act shall not be construed to create a marriage between the parties to a civil union or alter the public policy of this state that recognizes only the union of one man and one woman as a marriage.</p> <p>Notwithstanding any provision of law to the contrary, the Act shall not be interpreted to require a child placement agency to place a child for adoption with parties to a civil union.</p> <p>The Act includes a reciprocity and principle of comity section that states that a relationship between persons of the same sex that does not comply with section 31 of article II of the state constitution that is legally entered into in another jurisdiction is deemed in Colorado to be a civil union and that, under principles of comity, a civil union, domestic partnership, or a substantially similar legal relationship that is legally created in another jurisdiction is deemed to be a civil union for purposes of Colorado law. A severability clause is included in the Act. The executive director of the department of revenue is authorized to appoint a study commission to investigate and report on what changes in the law</p>	
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		<p>could be made to ensure equitable tax treatment and to allow parties to a civil union to file a joint state tax return without violating the federal tax laws. Until a statutory change is enacted to authorize the filing of a joint state tax return by parties to a civil union, the Act shall not be construed to permit the filing of a joint income tax return by the parties to a civil union. A custodian of records is prohibited from allowing a person, other than the person in interest or an immediate family member of the person in interest, to inspect the application for a civil union license of any person; except that a district court may order the custodian to permit inspection of the license application for a civil union upon a showing of good cause. A person who has entered into a designated beneficiary agreement under Colorado's designated beneficiary statute is precluded from entering into a civil union with a different person. If both parties to a designated beneficiary agreement are eligible to enter into a valid civil union and subsequently enter into a civil union, the civil union certificate constitutes a superseding legal document that supersedes and invalidates the prior designated beneficiary agreement. The bill makes other conforming amendments. The bill takes effect October 1, 2012; except that the</p>	
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		provision relating to the inclusion of a partner in a civil union as a dependent on a health insurance policy takes effect January 1, 2013.	
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CONSUMER ISSUES

House Bills 2012	Long Title	Additional Information	Status
HB12-1057	CONCERNING ADDITIONAL PROTECTIONS FOR PURCHASERS OF HOMEOWNER'S INSURANCE POLICIES IN COLORADO.	The bill requires the insurance commissioner (commissioner) to adopt rules on the following related to the sale of homeowner's insurance in Colorado: Criteria and requirements for estimates of replacement value of insured property; and An educational requirement for insurance producers related to homeowner's insurance, including estimating replacement value. The bill also puts into place the following with respect to homeowner's insurance policies in this state: Minimum requirements for additional living expense coverage for a period of time of no less than 24 months after a loss requiring additional living arrangements; Requirements that insurers make available to policyholders copies of homeowner's insurance policies, including declaration pages, within 48 hours after a loss or a request; Standards for paying contents loss claims in the event of total loss; Additional arbitration requirements for disputes between insured homeowners and insurers relating to policy coverage; A requirement to provide summary disclosure forms to homeowner's	1/11/12 Introduced in House and assigned to Local Government and State Affairs Committees

		insurance policyholders at least annually; and Potential disciplinary action by the commissioner against insurance producers that fail to: Accurately describe to an insured the relationship of the producer to an insurer as the representative of the insurer and not a representative of, or advocate for, the insured policyholder; or Accurately represent the adequacy of policy limits in a homeowner's insurance policy to cover total loss of the property.	
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Senate Bills 2012	Long Title	Additional Information	Status
<u>SB12-038</u>	CONCERNING MEASURES TO PROTECT CONSUMERS WHO ENGAGE A ROOFING CONTRACTOR TO PERFORM ROOFING SERVICES ON RESIDENTIAL PROPERTY.	The bill requires residential roofing contractors to sign a written contract with customers that details the following: The scope of roofing services and materials to be provided; The approximate dates of service; The costs of the services; The roofing contractor's contact information; Identification of the roofing contractor's surety and liability coverage insurer and their contact information, if applicable; The roofing contractor's policy regarding cancellation of the contract and refund of any deposit, including a rescission clause allowing the client to rescind the contract and obtain a full refund of any deposit within 72 hours after entering the contract; and A written	1/11/12 Introduced Senate and assigned to Business & Technology

		<p>statement that if the client plans to use the proceeds of a property or casualty insurance policy to pay for the roofing work, the roofing contractor cannot pay, waive, rebate, or promise to pay, waive, or rebate all or part of any deductible applicable to the claim for payment for roofing work on the covered residential property. A person who enters into a contract with a roofing contractor to perform roofing work on his or her residential property and who submits a claim to his or her property and casualty insurer for payment for the roofing work may rescind the contract for the roofing work if the insurer denies the claim in whole or in part, as long as the person notifies the roofing contractor within 72 hours after the claim is denied. The roofing contractor must refund any moneys paid by the customer within 10 days after receipt of the cancellation notice. When residential roofing work will be paid from the proceeds of a property and casualty insurance policy covering the residential property, the roofing contractor is prohibited from paying, waiving, rebating, or offering or promising to pay, waive, or rebate all or part of any deductible that applies to the claim.</p>	
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FAMILY ISSUES

House Bills 2012	Long Title	Additional Information	Status

Senate Bills 2012	Long Title	Additional Information	Status
<u>SB12-022</u>	CONCERNING MAINTAINING CHILD CARE ASSISTANCE FOR WORKING FAMILIES.	Under the current law, when a person receiving child care assistance under the Colorado child care assistance program (CCCAP) is ineligible due to exceeding the income eligibility level adopted by the county department of social services, the county department is strongly encouraged to continue providing child care assistance for 6 months and to work with the person to provide a gradual transition off of the child care assistance. This bill eliminates that permissive 6-month option when a person's income exceeds the county-adopted eligibility level and requires that the county continue to provide child care assistance to the person for a period of 2 years while the person pays a series of incremental increases in the portion of the parental share of the child care. The bill requires the state board of human services to adopt rules establishing a formula for the scheduled increases in the parental share based on income and on the cost of child care with the goal of the parent becoming more self-sufficient, maintaining stable employment, and taking on more of the cost of	1/11/12 Introduced in House and assigned to Health and Human Services

		child care over the 2-year period. A family that receives child care assistance during the extended 2-year period is required to report any income changes during the 2-year period and is subject to a redetermination of eligibility after the first 12 months.	
SB12-042	CONCERNING BRINGING CERTAIN STATUTORY PROVISIONS RELATED TO CHILD SUPPORT INTO COMPLIANCE WITH FEDERAL LAW.	The bill authorizes the state department of human services (department) to identify for another state, upon request and through a data match system (system), any assets owned by a person who owes child support in another state. The department is further authorized to seize such assets through levy or other appropriate processes. The department and financial institutions are required to enter into agreements to implement the system. The data match required through the system shall be conducted quarterly.	1/11/12 Introduced in Senate and assigned to Judiciary

HOMELESSNESS AND HOUSING ISSUES

House Bills 2012	Long Title	Additional Information	Status
HB12-1093	CONCERNING THE RIGHT OF AN INSURED HOMEOWNER TO HAVE A DEFECTIVE APPLIANCE REPLACED AS PART OF AN INSURANCE SUBROGATION ACTION TO RECOVER DAMAGES TO A DWELLING UNIT CAUSED BY A DEFECTIVE APPLIANCE.	This bill adds provisions to the "Colorado Consumer Protection Act" to require as part of a homeowner's insurance subrogation action to recover damages to a dwelling unit caused by a defective appliance that was purchased new and used for less than 5 years and where damages sought exceed \$5,000, that the final judgment in	1/17/12 Introduced in House and assigned to Economic & Business Development

		the case, if the insurer prevails, or the final settlement of the case, include provision for replacement of the defective appliance, unless the insured homeowner in writing waives total replacement of the defective appliance.	
HB12-1165	CONCERNING THE DISCLOSURE OF INFORMATION ABOUT RADON HAZARDS IN CONNECTION WITH THE RESALE OF PRIVATE RESIDENTIAL REAL PROPERTY.	On and after January 1, 2013, in connection with the resale and subsequent conveyance of private residential real property, the bill requires the seller of the property to conduct a test of the property for radon hazards prior to sale in accordance with testing procedures approved for such use by the Colorado department of public health and environment. The bill further requires the seller to timely disclose the findings of the test to the potential purchasers of the property and provide documentation to such purchaser evidencing the completion of the test and the test results. Any presence of a radon hazard above the safety level may constitute cause for the mitigation of the hazard. The bill specifies that the cost of any such mitigation is a matter to be privately negotiated between the seller and the potential purchaser of the property. Nothing in the bill is intended nor shall be construed to require any mitigation on the part of the seller of the property. The bill provides a property owner, an authorized agent of a property owner, or a person in possession of real property immunity from liability for any damages	1/20/12 Introduced in House and assigned to State Affairs

		resulting from the operation, maintenance, installation, or effectiveness of any mitigation undertaken pursuant to the bill.	
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Senate Bills 2012	Long Title	Additional Information	Status
SB12-070	CONCERNING RESIDENTIAL LANDLORDS AND TENANTS, AND, IN CONNECTION THEREWITH, ENACTING THE "UNIFORM RESIDENTIAL LANDLORD AND TENANT ACT".	Section 1 of the bill enacts the "Uniform Residential Landlord and Tenant Act" (Act), which includes, among other things, provisions related to: A statement of purpose and rules of construction; Exclusions from the application of the Act; An obligation of good faith; The effect of an unsigned or undelivered rental agreement; Prohibited provisions in rental agreements; A landlord's obligation to make disclosures, deliver possession of a dwelling unit, and maintain a premises; A tenant's obligation to maintain a dwelling unit, to allow a landlord access to a dwelling unit, and to use and occupy a dwelling unit; Rules and regulations adopted by a landlord; A tenant's remedies for a landlord's noncompliance with his or her obligations; A landlord's remedies for a tenant's noncompliance with his or her obligations; A prohibition on retaliatory conduct; and The repeal of existing inconsistent law relating to landlord and tenant relations. The Act does not include a provision related to security deposits that was approved by	1/19/12 Introduced in Senate and assigned to Judiciary

		<p>the national conference of commissioners on uniform state laws. Section 2 of the bill requires the official comments of the national conference of commissioners on uniform state laws to be published along with the Act as nonstatutory matter. Sections 3 and 4 of the bill confer authority on a county court and a small claims court, respectively, to grant injunctive relief as permitted under the Act. Section 5 of the bill modifies the current deadlines for giving notice to quit a tenancy in order to be consistent with the deadlines in the Act. Section 6 of the bill modifies the existing security deposit law by:</p> <ul style="list-style-type: none">Eliminating the requirement that a tenant must give notice to a landlord of his intention to file legal proceedings a minimum of 7 days prior to filing said action;Limiting the total security deposit that a landlord demand or receive security to one month periodic rent; andRequiring a landlord in all instances to return a security deposit to a tenant within one month after the termination of a lease or surrender and acceptance of the premises, whichever occurs last, by eliminating the ability of the parties to specify in the lease agreement a longer period of time, up to 60 days. The first 2 changes related to the security deposit law are included in the Act approved by the national conference of	
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		commissioners on uniform state laws.	
SB12-071	CONCERNING A REQUIREMENT TO PURSUE AVAILABLE LOAN MODIFICATION REMEDIES BEFORE FORECLOSING ON RESIDENTIAL REAL PROPERTY.	The bill requires the holder of an evidence of debt (typically a mortgage lender), before initiating or completing the process of foreclosing on residential real property containing 4 or fewer dwelling units, to make and fully document its efforts to: Contact the borrower directly; Negotiate in good faith with the borrower in an effort to effectuate a cure for default rather than move directly into the foreclosure process; Fully assess the eligibility of the borrower, the property, and the loan for any available public or private loan modification programs or other alternatives to foreclosure; Communicate with, and inform, the borrower about impending deadlines and the consequences of missing them at every major step of the foreclosure process; Carry the burden of proof in court proceedings regarding the holder's compliance with procedural as well as substantive requirements before obtaining an order authorizing sale of the property under rule 120 in the Colorado rules of civil procedure; and Abide by the terms of any offer of modification it makes, if the borrower signs and returns documents containing those terms.	1/19/12 Introduced in Senate and assigned to Judiciary

ID ISSUES

House Bills 2012	Long Title	Additional Information	Status
HB12-1111	CONCERNING THE DEFINITION OF IDENTIFICATION FOR ELECTION-RELATED PURPOSES.	<p>One of the following is required to be used as identification for election-related purposes: A valid Colorado driver's license; A valid identification card issued by the department of revenue; A valid United States passport; A valid employee identification card with a photograph of the eligible elector issued by a governmental entity; A valid pilot's license issued by the federal aviation administration or other authorized federal agency; A valid United States military identification card with a photograph of the eligible elector; A valid medicare or medicaid card issued by the United States health care financing administration that has been issued to an eligible elector who is a resident of a state-licensed facility; or A valid student identification card with a photograph of the eligible elector issued by an institution of higher education established and existing as an agency of the state of Colorado. The following documentation is removed from the list of identification that may be used for election-related purposes: A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector; A certified copy of a birth certificate for the elector issued in the</p>	1/20/12 Introduced in House and assigned to State Affairs

		United States; and Certified documentation of naturalization.	
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Senate Bills 2012	Long Title	Additional Information	Status

IMMIGRATION AND EMPLOYMENT ISSUES

House Bills 2012	Long Title	Additional Information	Status
<u>HB12-1134</u>	CONCERNING A PROHIBITION AGAINST ADVERTISING A JOB VACANCY THAT REQUIRES AN APPLICANT TO BE CURRENTLY EMPLOYED.	The bill prohibits an employer, employer's agent, employer's representative, or employer's designee (referred to as "employer") from publishing, in print or on the internet, an advertisement for any job vacancy that contains a provision that states: The qualifications for a job include current employment; An application for employment will not be considered if the applicant is currently unemployed; or Only applications submitted by job applicants who are currently employed will be considered. An employer who violates the provisions of the bill is subject to a civil penalty. The bill also clarifies that the prohibitions regarding advertising do not establish a private cause of action by an aggrieved person.	1/20/12 Introduced in House and assigned to Economic & Business Development

Senate Bills 2012	Long Title	Additional Information	Status
SB12-003	CONCERNING THE USE OF CONSUMER CREDIT INFORMATION BY EMPLOYERS.	<p>The bill creates the "Employment Opportunity Act", which specifies the purposes for which consumer credit information (i.e., consumer credit reports and credit scores) can be used by an employer or potential employer (jointly referred to as "employer"). Specifically, the bill: Prohibits an employer's use of consumer credit information for employment purposes if the information is unrelated to the job; Requires an employer to disclose to an employee or applicant for employment (jointly, "employee") when the employer uses the employee's consumer credit information to take adverse action against him or her and the particular credit information upon which the employer relied; Authorizes an employee aggrieved by a violation of the above provisions to bring suit for an injunction, damages, or both; and Requires the department of labor and employment to enforce the laws related to employer use of consumer credit information.</p>	1/11/12 Introduced in Senate and assigned to Judiciary

PUBLIC BENEFITS ISSUES

House Bills 2012	Long Title	Additional Information	Status
HB12-1018	CONCERNING MODIFICATIONS TO AVAILABLE AFFILIATION BY SOCIAL SECURITY EMPLOYERS WITH THE FIRE AND POLICE PENSIONASSOCIATION.	Police Officers' and Firefighters' Pension Reform Commission. The bill modifies the social security supplemental plan by repealing provisions related to optional affiliation by any employer that covers members under the federal "Social Security Act", as amended, or any county that covers salaried employees whose duties are directly involved with the provision of law enforcement or fire protection, as certified by the county under the federal "Social Security Act", as amended (social security employer). With one exception, any social security employer is limited to electing affiliation with the fire and police pension association (association) only as to coverage under the statewide defined benefit plan. A social security employer is allowed to elect coverage under the statewide death and disability plan if the social security employer files with the board of directors of the association a resolution to that effect by the governing body of that social security employer.	1/11/12 Introduced in House and assigned to Finance

HB12-1028	<p>CONCERNING THE CONTINUATION OF ENERGY-RELATED ASSISTANCE TO LOW-INCOME HOUSEHOLDS FROM THE OPERATIONAL ACCOUNT OF THE SEVERANCE TAX TRUST FUND.</p>	<p>The bill extends the funding from the operational account of the severance tax trust fund used for providing energy-related assistance to low-income households through direct bill payment assistance and home energy-efficiency improvements from only state fiscal year 2012-13 to state fiscal years 2012-13 through 2018-19.</p>	<p>1/18/12 Passed House Finance Committee</p>
HB12-1046	<p>CONCERNING REQUIRING DRUG TESTING AS A CONDITION OF ELIGIBILITY FOR THE COLORADO WORKS PROGRAM.</p>	<p>The bill requires a person applying for assistance through the Colorado works program (works program) to take a drug test for the presence of controlled substances as a condition of eligibility for assistance. If an applicant fails the drug test, the applicant may reapply for assistance 1 year after the date of the drug test. However, a person may reapply after 6 months if the person successfully completes a substance abuse treatment program. The applicant is required to pay the cost of the drug test. If the applicant passes the drug test, the applicant's initial assistance will be increased by the cost of the drug test. The dependent child of an applicant who fails the drug test shall still be eligible to receive assistance, but the county department of human services will be required to approve a protective payee to receive the assistance on behalf of the dependent child. The protective payee will also need to pass the drug test.</p>	<p>1/11/12 Introduced in House and assigned to Health & Environment</p>

Senate Bills 2012	Long Title	Additional Information	Status
SB12-018	<p>CONCERNING THE DEVELOPMENT OF AN ALTERNATIVE MEDICAL ASSISTANCE PROGRAM FOR THE ELDERLY.</p>	<p>The bill creates a voluntary alternative medical assistance program (program) for the medicaid-eligible elderly. An eligible participant agrees to receive an amount equal to 70% of the medical assistance benefits that he or she would have received if the participant were enrolled in the state's traditional medicaid program in exchange for 2 features currently not allowed under the traditional medicaid program: The participant can choose any provider; and The state waives the right to pursue all estate recovery methods from the participant's family after the participant dies. The participant's physician assesses the level of care the participant needs. The department of health care policy and financing (department) then determines the expected costs to provide that level of care if the participant were enrolled in and were receiving services under the traditional medicaid program and allocates 70% of that amount annually to reimburse providers for the participant's care. The department issues a debit card to the participant that is funded monthly with one-twelfth of the annual amount so allocated to the participant, which the participant uses to pay for medical services while enrolled in the alternative</p>	<p>1/11/12 Introduced in Senate and assigned to Health & Human Services</p>

		<p>program. The eligible participant purchases long-term care services, assisted living services, home- and community-based services, home health services, prescribed drugs, or any health or dental care service at rates set by the provider, and the participant agrees to provide all additional resources needed for his or her care beyond the 70% medicaid benefit amount provided through the program. The participant is responsible for researching and selecting the services. Each year, the department conducts a redetermination of the participant's eligibility for services and the participant's physician reassesses the level of care that the participant needs. The department must seek a federal waiver for the program.</p>	
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