



2021 Legislative Scorecard

2021

thearcofco.org

July 28, 2021

A Letter from Our Executive Director:

Dear Members of The Arc Community,

What a fantastic legislative session 2021 proved to be for our communities. We certainly made up for any lack of progress during the 2020 legislative session with a fierce collaborative effort within our communities. We are so appreciative of all the effort that each one of you put in towards reaching our 100 percent success rate this year. That is correct, a 100 percent success rate! A special thanks is for all of those who actively testified and lobbied in support of our bills, far too numerous to mention here.

Key outcomes of the session include

1. The phasing out of sub-minimum wage for nearly 400 Coloradans.
2. Colorado now has a legally recognized and less restrictive alternative or supplement to guardianship for individuals with Intellectual and Developmental Disabilities (IDD).
3. The state has made a commitment to trained professionals to work with dual-diagnosed individuals so that people with IDD can remain in community settings rather than using the emergency department, inpatient psychiatric facilities, regional centers, and the State Mental Health Institutes for crisis services.
4. The system of case management for individuals with IDD will change to include more choice, easier access, and better accountability for individuals on all HCBS waivers.
5. A significant indent was made for the 3,000 individuals waiting to receive comprehensive services through the Developmental Disabilities waiver. 667 new enrollments were offered, reducing the list by 22%!
6. Voters with disabilities who receive a ballot through an electronic voting device can now return the ballot electronically.

Thank you again for all your hard work, dedication, passion, and mobilization this year. As you can see, it has paid off in droves and will impact the lives of those we serve for many years to come.


Fantastic work!



Christiano Sosa

Executive Director

As a human rights organization The Arc of Colorado promotes and protects the human rights of people with IDD and actively supports their full inclusion and participation in the community throughout their lifetime. We do this in part by influencing public policy, including legislation and work with state agencies. We focus our legislative and policy efforts on the highest impact efforts we have the capacity to support in the short and long term.

 Through our public policy efforts and successes this year we amplified the voices of individuals with I/DD and their families, strengthened self-advocacy, emphasized integration, and partnered to build awareness for those not connected in readily served areas.

 By Focusing our legislative and policy efforts on the highest impact efforts we built capacity to support legislation in the short and long term and enjoyed success in this year's session!

The 2021 Colorado legislative session began in a climate of uncertainty. Along with COVID protocols that required distancing and virtual testimony, the nation's economic concerns and fear that any bill with a fiscal note may not make it to the governor's desk, many organizations, advocates, and community members were unsure how far their efforts to promote legislation for the disability community would go. In the end there was cause for celebration as the session closed officially on June 8th and the state saw major legislation, some years, and decades in the making, passed to support and advance the rights of Coloradoans with disabilities.





In this year's The Arc of Colorado Legislative Scorecard 2021, we will highlight our five priority-bill wins as well as one of the budget wins that came out of the Joint Budget Committee, and the legislative champions that made them possible.

- SB21-075 Supported Decision-Making Agreement
- SB21-039 Elimination of Subminimum Wage Employment
- SB21-188 Ballot Access for Voters with Disabilities
- HB21-1166 Behavioral Health Crisis Response Training
- HB21-1187 Long Term Services and Support Case Management Redesign
- Joint Budget Committee: Developmental Disability Waiver

A QUICK NOTE ON PROCESS

We chose bills we felt most accurately represented the state of intellectual and developmental disability related legislation with regards to our policy agenda. The resulting 5 bills allow constituents to see how their legislators voted. From there, we calculated the percentage of votes that coincided with our position of support for each of the legislatures. If a legislator was absent, this did not count against their percentage score. Each legislator was then given an A-F rating, scoring them on how often they voted in accordance with the position of the Arc of Colorado. Each legislator was then given an A-F rating, scoring them on how often they voted in accordance with the position of The Arc of Colorado. However, as we have five bills on this scorecard, the grade has been “bumped up” to reflect the previous inability of anyone who had voted on all 5 bills to receive a “C” rating. Thus, those with a 60% rating receive a C, those with a 40% rating receive a D, and those with a 20% rating receive an F.

The scoring interval breaks down as follows:

0-20%: F

21-40%: D

41-60%: C

61-80%: B

81-100%: A

THIS YEAR'S REPORT CARD IS FANTASTIC!

- ★ A+ 100% of the Senate received an A grade on our priority bills!
- ★ A+ 100% of the House Democrats received an A grade!
- ★ 73% of the House Republicans received a C grade or better!

Now Let's Get to the Legislation!

Senate Bill 21-075: Supported Decision-making Agreement



Colorado joins 10 other states and the District of Columbia that legally recognize supported decision-making agreements and outline their implementation as a less-restrictive alternative (or supplement) to guardianship. People with disabilities and older adults may voluntarily enter into an agreement with chosen supports who the individual trust to assist with understanding options and consequences, answering questions, communicating the individual's decisions, and ensuring the execution of those decisions. The act includes protections and limitations such as:

- Agreements will not override existing authority by a court-appointed guardian, conservator, or power of attorney, and do not create a fiduciary relationship.
- Members of the supportive community are not entitled to compensation for their role.
- Agreements may not be used as evidence of incapacity of the individual.

With this new option, adults can retain their independence and authority over decisions while also receiving the support they need to lead healthy, safe, and self-determined lives.

Representative Kerry Tipper (D) – “We had a lot of work to do this session and I am particularly proud of this bill. Supported Decision-Making gives people with disabilities the help they need to make choices about their own lives, such as where they want to live; the services, supports, and medical care they want to receive; whom they want to live with; and where they want to work.”

Senator Bob Gardner (R) – “As a legislative advocate people with intellectual and developmental disabilities (I/DD) and a supporter of their rights, I was happy to lead on the voluntary agreement to advance independence and self-determination for people with I/DD. This bill creates a less restrictive approach, which is required to be considered before rights are removed through other legal arrangements. I am happy that older adults and people with disabilities in my district and across the state, have another tool to remain in charge of their own lives.”

Senate Bill 21-039: Elimination of Subminimum Wage Employment



Federal law has long allowed employers to pay people with disabilities substantially less than the minimum wage if their disability impacts their earning or productivity capacity. Now, 10 employers in Colorado who retain special certificates to pay subminimum wage must develop plans to phase out these models by 2025. The bill also allocates dollars and development toward Medicaid waiver supported employment options to ensure successful transitions and reduce barriers to competitive integrated employment. Under this act, Colorado affirms its position as an Employment First state dedicated to the advancement and economic justice of workers with disabilities across the state.

Senator Rachel Zenzinger (D) – “Today is a different day. Sub-minimum wage was the standard for people with disabilities beginning in 1938. The bill, which I was proud to carry, aligns Colorado with state and national policy efforts as well as leadership among employers, families, advocates, and individuals who want to earn fair, competitive wages. Once signed by the Governor, disabled Coloradans will have the same opportunities as their “typical” peers, including supports to be successful in their careers.”

Senator Dennis Hisey (R) – “I was honored to continue the work. Colorado has declared itself an Employment First state, and this bill promotes competitive, integrated employment for people with disabilities. Research shows that 85% of people with intellectual and developmental disabilities are not employed. Employment opportunities should be available to all people with who wish to explore opportunities to work, regardless of the nature and extent of their disabilities.”



House Bill 21-1166: Behavioral Health Crisis Response Training



A 2014 statewide study revealed significant gaps and barriers for Coloradoans that are dually diagnosed with both an intellectual/developmental disability and a mental health diagnoses, especially in obtaining timely, highquality, and effective care. This bill directs the Department of Health Care Policy and Financing (HCPF) to obtain a training vendor to provide statewide, teleconferenced training on behavioral health crisis response management to case management agencies, mental health centers, and program-approved support providers. The training will reach 20 providers, including 10 additional providers from underserved areas of the state.

Representative Perry Will (R) – “It was a tremendous honor to bring the challenges faced in rural communities to the forefront with this bill. When cross-system responses have been implemented, they have proven to support key outcomes, such as reduced jail admission, access to supportive services, and less system fragmentation. This bill allows individuals to remain in community settings with their friends, family, and loved ones, rather than using the emergency department, inpatient psychiatric facilities, regional centers, and the State Mental Health Institutes far from home.”

Representative Mary Young (D) – “All of us have navigated a difficult world in the last year and people with intellectual and developmental disabilities are no different. This bill will remove significant barriers and bring needed training to communities to help people with I/DD access crisis response services. The need for quality care for individuals in crisis is a statewide issue and thus demands a statewide solution. It was a tremendous pleasure to work with the state, families, advocates, mental health providers, school personnel, and individuals to enhance the safety-net for people with I/DD.”

House Bill 21-1187 Long Term Services and Support Case Management Redesign

At least ten years in the making, this bill addresses the case management for individuals with IDD and will change case management to include more choice, easier access, and better accountability for individuals on all HCBS (Home and Community Based Service) waivers. The bill will bring Colorado in line with federal Medicaid conflict-free case management. The bill ensures the establishment of conflict free case management for persons 18 years of age or older in need of long-term care under Medicaid to access long term care. Sponsored by Representatives Pelton and Young and Senators Rankin and Winter this bill enjoyed a unanimous Yes vote on both floors.

Senate Bill 21-188 Ballot Access for Voters with Disabilities

This bill, Sponsored by Representatives Duran and Ortiz and Senator Danielson, allows voters with disabilities who receive a ballot through an electronic voting device, to return the ballot electronically. Historically, voters with disabilities who received their ballots online would be required to print out the completed ballot to sign the paper ballot and submit it. This requirement limited their voting right privacy for which they are entitled as United States citizens. Allowing a voter with a disability to sign and submit their ballot online if physical return is not feasible gives them the ability to vote independently and in private bringing them in line with our constitutional right to privacy in voting.

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Joint Budget Committee: Developmental Disability Waiver Slots



A significant indent was made to the list of over 3000 individuals across the state on the waitlist for the comprehensive Developmental Disabilities waiver. The Joint Budget Committee allocated enough money to open 522 slots, allowing for individuals and families—some who have waited decades, to finally access vital supports in their community.

Senator Dominick Moreno (D)— “In a difficult budget year with so many unknowns, I was happy to advance more support and resources for people with I/DD. Unfortunately, despite the intensive level of care needed by people on the waiting list, it continues to grow each year. Many of these individuals have been waiting for more than a decade for the critical supports they need to fully participate in their communities. Each year we chip away at the list, and I am honored to support the most vulnerable in our communities yet again this session.”

Senator Bob Rankin (R)— “I have worked for several years to provide resources and supports in the person’s home and community to help with activities of daily living like bathing, getting dressed, finding, and getting to work, and participating in community life. Especially in rural Colorado, these supports are critical to ensuring that people with I/DD can access the services they need to fully participate in the communities of their choice.”

SCORECARD: HOUSE

REPRESENTATIVE	DISTRICT	PARTY	LEADERSHIP ROLE	HB21-1166 Behavioral Health Crisis Response Training	HB21-1187 Support Case Management Redesign	SB21-039 Elimination of Subminimum Wage	SB21-075 Supported Decision Making	SB21-188 Ballot Access Voters w Disabilities	SCORECARD GRADE ON 5 PRIORITY BILLS
Amabile, Judy	13	Democrat		Yes	Yes	Yes	Yes	Yes	A
Arndt, Jeni James	53	Democrat		?	Yes	?	Yes	?	A
Bacon, Jennifer	7	Democrat		Yes	Yes	Yes	Yes	Yes	A
Baisley, Mark	39	Republican		No	Yes	Excused	Yes	Excused	B
Benavidez, Adrienne	32	Democrat	Speaker Pro Tempore	Yes	Yes	Yes	Yes	Yes	A
Bennett, Tracey	12	Democrat		Yes	Yes	Yes	Yes	Yes	A
Bird, Shannon	35	Democrat	Finance Chair	Yes	Yes	Yes	Yes	Yes	A
Bockenfeld, Rod	56	Republican		Yes	Yes	Yes	Yes	No	B
Boesenecker, Andrew	53	Democrat		Yes	Yes	Yes	Yes	Yes	A
Bradfield, Mary	21	Republican		Excused	Yes	Yes	Yes	No	B
Caraveo, Yadira	31	Democrat	Health & Insurance Vice Chair	Yes	Yes	Yes	Yes	Yes	A
Carver, Terri	20	Republican		Yes	Yes	No	Yes	No	C
Catlin, Marc	38	Republican	Agriculture Vice Chair	Yes	Yes	Yes	Yes	No	B
Cutter, Lisa	25	Democrat	Majority Caucus Co-Chair	Yes	Yes	Yes	Yes	Yes	A
Daugherty, Lindsey	29	Democrat		Yes	Yes	Yes	Yes	Yes	A
Duran, Monica	24	Democrat	Majority Co-Whip	Yes	Yes	Yes	Yes	Yes	A
Esgar, Daneva	46	Democrat	Majority Leader	Yes	Yes	Yes	Yes	Yes	A
Exum, Tony	17	Democrat	Transportation & Local Government Chair	Yes	Yes	Yes	Yes	Yes	A
Froelich, Meg	3	Democrat	Majority Caucus Co-Chair	Yes	Yes	Yes	Yes	Yes	A
Garnett, Alec	2	Democrat	Speaker of the House	Yes	Yes	Yes	Yes	Yes	A
Geitner, Tim	19	Republican	Assistant Minority Leader	Yes	Yes	No	Yes	No	C
Gonzales-Gutierrez, Serena	4	Democrat	Assistant Majority leader	Yes	Yes	Yes	Yes	Yes	A
Gray, Matt	33	Democrat	Transportation & Local Government Vice Chair	Yes	Yes	Excused	Yes	Yes	A
Hanks, Ron	60	Republican		No	Yes	No	No	No	F
Herod, Leslie	8	Democrat	Appropriations Chair	Excused	Yes	Yes	Yes	Yes	A
Holtorf, Richard	64	Republican		Yes	Yes	No	Yes	No	C
Hooton, Edie	10	Democrat	Energy & Environment Vice Chair	Yes	Yes	Yes	Yes	Yes	A
Jackson, Dominique	42	Democrat		Yes	Yes	Excused	Yes	Yes	A
Jodeh, Iman	41	Democrat		Yes	Yes	Yes	Yes	Yes	A
Kennedy, Chris	23	Democrat	State, Civic, Military, & veterans Affairs Chair	Yes	Yes	Yes	Yes	Yes	A
Kipp, Cathy	52	Democrat		Yes	Yes	Yes	Yes	Yes	A
Larson, Colin	22	Republican		Yes	Yes	Yes	Yes	No	B

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Lontine, Susan	1	Democrat	Health & Insurance Chair	Yes	Yes	Yes	Yes	Yes	A
Luck, Stephanie	47	Republican		No	Yes	No	No	No	F
Lynch, Mike	49	Republican		Yes	Yes	No	Yes	No	C

SCORECARD: HOUSE CONTINUED

REPRESENTATIVE	DISTRICT	PARTY	LEADERSHIP ROLE	HB21-1166 Behavioral Health Crisis Response Training	HB21-1187 Support Case Management Redesign	SB21-039 Elimination of Subminimum Wage	SB21-075 Supported Decision Making	SB21-188 Ballot Access Voters w Disabilities	SCORECARD GRADE ON PRIORITY BILLS
McCluskie, Julie	61	Democrat	Appropriations Vice Chair	Yes	Yes	Yes	Yes	Yes	A
McCormick, Karen	11	Democrat	Agriculture Chair	Yes	Yes	Yes	Yes	Yes	A
McKean, Hugh	51	Republican	Minority Leader	Yes	Yes	Yes	Yes	No	B
McLachlan, Barbara	59	Democrat	Education Chair	Yes	Yes	Yes	Yes	Yes	A
Michaelson Jenet, Dafna	30	Democrat	PBHHS Chair	Yes	Yes	Yes	Yes	Yes	A
Mullica, Kyle	34	Democrat	Majority Co-Whip	Yes	Yes	Yes	Yes	Yes	A
Neville, Patrick	45	Republican		No	Yes	No	No	No	F
Ortiz, David	38	Democrat		Yes	Yes	Yes	Yes	Yes	A
Pelton, Rod	65	Republican	Minority Whip	Yes	Yes	Yes	Yes	No	B
Pico, Andres	16	Republican		Yes	Yes	No	No	Excused	C
Ransom, Kim	44	Republican		No	Yes	Yes	No	No	D
Rich, Janice	55	Republican	Minority Caucus Chair	Yes	Yes	Yes	Yes	No	B
Ricks, Naquetta	40	Democrat		Yes	Yes	Yes	Yes	Yes	A
Roberts, Dylan	26	Democrat	Business & Labor Chair	Yes	Yes	Yes	Yes	Yes	A
Sandridge, Shane	14	Republican		No	Yes	No	Yes	No	D
Sirota, Emily	9	Democrat	PBHHS Vice Chair	Yes	Yes	Yes	Yes	Yes	A
Snyder, Marc	18	Democrat	Finance Vice Chair	Yes	Yes	Yes	Yes	Yes	A
Soper, Matt	54	Republican		Yes	Yes	No	No	No	C
Sullivan, Tom	37	Democrat	Business & Labor Vice Chair	Yes	Yes	Yes	Yes	Yes	A
Tipper, Kerry	28	Democrat	Judiciary Vice Chair	Yes	Yes	Yes	Yes	Yes	A
Titone, Brianna	27	Democrat		Yes	Yes	Yes	Yes	Yes	A
Valdez, Donald	62	Democrat		Yes	Yes	Yes	Yes	Yes	A
Valdez, Alex	5	Democrat	Energy & Environment Chair	Yes	Yes	Yes	Yes	Yes	A
Van Beber, Tonya	48	Republican		Yes	Yes	No	Yes	No	C
Van Winkle, Kevin	43	Republican		No	Yes	Excused	Yes	No	C

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Weissman, Mike	36	Democrat	Judiciary Chair	Yes	Yes	Yes	Yes	Yes	A
Will, Perry	57	Republican		Yes	Yes	Yes	Yes	No	B
Williams, Dave	15	Republican		No	Yes	Excused	No	No	D
Woodrow, Steven	6	Democrat	State, Civic, Military, & veterans Affairs Vice Chair	Yes	Yes	Yes	Yes	Yes	A
Woog, Dan	63	Republican		Yes	Yes	No	No	No	D
Young, Mary	50	Democrat	Education Vice Chair	Yes	Yes	Yes	Yes	Yes	A

SCORECARD: SENATORS

NAME	DISTRICT	PARTY	LEADERSHIP ROLE	HB21-1166 Behavioral Health Crisis Response Training	HB21-1187 Case Management Redesign	SB21-039 Elimination of Subminimum Wage	SB21-075 Supported Decision Making	SB21-188 Ballot Access Voters w Disabilities	SCORECARD GRADE ON 5 PRIORITY BILLS
Bridges, Jeff	26	Democrat	Majority Whip	Yes	Yes	Yes	Yes	Yes	A
Buckner, Janet	28	Democrat		Yes	Yes	Yes	Yes	Yes	A
Coleman, James	33	Democrat	State, Veterans, Military Affairs Vice Chair	Yes	Yes	Yes	Yes	Yes	A
Cooke, John	13	Republican	Assistant Minority Leader	Yes	Yes	Yes	Yes	Yes	A
Coram, Don	6	Republican		Yes	Yes	Yes	Yes	Excused	A
Danielson, Jessie	20	Democrat	Agriculture & Natural Resources Vice Chair	Yes	Yes	Yes	Yes	Yes	A
Donovan, Kerry	5	Democrat	President Pro Tempore	Yes	Yes	Yes	Yes	Yes	A
Fenberg, Stephen	18	Democrat	Majority Leader Health & Human Services	Yes	Yes	Yes	Yes	Yes	A
Fields, Rhonda	29	Democrat	Chair and Assistant Majority Leader	Yes	Yes	Yes	Excused	Yes	A
Garcia, Leroy	3	Democrat	President of the Senate	Yes	Yes	Yes	Yes	Yes	A
Gardner, Bob	12	Republican	Health & Human Services	Yes	Yes	Yes	Yes	Yes	A
Ginal, Joann	14	Democrat	Vice Chair and Local Government Chair	Yes	Yes	Yes	Yes	Yes	A
Gonzales, Julie	34	Democrat	Majority Caucus Chair and Judiciary Vice Chair	Yes	Yes	Yes	Yes	Yes	A
Hansen, Chris	31	Democrat	Appropriations Chair	Yes	Yes	Yes	Yes	Yes	A
Hisey, Dennis	2	Republican		Yes	Yes	Yes	Yes	Yes	A
Holbert, Chris	30	Republican	Minority Leader	Yes	Yes	Yes	Yes	Yes	A
Jaquez Lewis, Sonya	17	Democrat		Yes	Yes	Yes	Yes	Yes	A
Kirkmeyer, Barbara	23	Republican		Yes	Excused	Yes	Yes	Yes	A
Kolker, Chris	27	Democrat		Yes	Yes	Yes	Yes	Yes	A
Lee, Pete	11	Democrat	Judiciary Chair	Yes	Yes	Yes	Yes	Yes	A
Liston, Larry	10	Republican		Yes	Yes	Yes	Yes	Yes	A
Lundeen, Paul	9	Republican	Minority Whip	Yes	Yes	Yes	Yes	Yes	A

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Moreno, Dominick	21	Democrat	Appropriations Vice Chair Finance Chair and	Yes	Yes	Yes	Yes	Yes	A
Pettersen, Brittany	22	Democrat	Transportation & Energy Vice Chair	Yes	Yes	Yes	Yes	Yes	A
Priola, Kevin	25	Republican		Yes	Yes	Yes	Yes	Yes	A
Rankin, Bob	8	Republican		Yes	Yes	Yes	Yes	Yes	A
Rodriguez, Robert	32	Democrat	Business, Labor & Tech Chair	Yes	Yes	Yes	Yes	Yes	A
Scott, Ray	7	Republican		Yes	Excused	Yes	Yes	Yes	A
Simpson, Cleave	33	Republican		Yes	Yes	Yes	Yes	Yes	A
Smallwood, Jim	4	Republican	Minority Caucus Chair	Yes	Yes	Yes	Yes	Yes	A
Sonnenberg, Jerry	1	Republican	Education Vice Chair and	Yes	Yes	Yes	Yes	Yes	A
Story, Tammy	16	Democrat	Local Government Vice Chair	Yes	Yes	Yes	Yes	Yes	A
Winter, Faith	24	Democrat	Transportation & Energy Chair	Yes	Yes	Yes	Yes	Yes	A
Woodward, Rob	15	Republican		Yes	Yes	Yes	Yes	Yes	A
Zenzinger, Rachel	19	Democrat	Education Chair	Yes	Yes	Yes	Yes	Yes	A

[A Note on the Intended Use of this Scorecard](#)

This scorecard is not intended to manipulate votes or to provide a complete history of the work of these legislators. It is our intention that constituents be able to look at this s

scorecard to see how their legislators voted this session. With this information, constituents may contact their state senators and representatives and express their interests and needs. You can find your local legislator here: <https://leg.colorado.gov/findmylegislator>

The Arc of Colorado thanks you all so much again for your time, support, advocacy, and high spirits this session. Amazing work everyone!

