

From: [Faye Barnhart](#)
To: [Cheryl Hammack](#); [Statewide Initiatives](#)
Cc: [angelaeicher4](#)
Subject: [EXTERNAL] Request Motion For Rehearing Fiscal Summary for 2023- 2024 Initiatives #81, #82, #84
Date: Wednesday, October 11, 2023 2:39:27 PM
Attachments: [Fiscal Impact #82.pdf](#)
[Fiscal Impact #81.pdf](#)
[Fiscal Impact #84.pdf](#)
[map of health shortages.pdf](#)
[Fiscal Impact 56.pdf](#)

Dear Title Board,

We respectfully request a rehearing of the Fiscal Summary prepared by Legislative Council on the basis that it appears prejudicial and could be misleading to the voter. The specific wording within the Fiscal Summary to be struck is highlighted with strike-throughs, and the corrected language is highlighted in the attached document for your convenience. Supporting documents from Fiscal Summary #56 and a map of healthcare shortages are also attached for your reference. Please confirm receipt and let us know if you need anything further from us.

Respectfully,
Angela Eicher and Faye Barnhart, Proponents and Designated Representatives

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Initiative #81

Fiscal Summary

Measure Summary. The initiative extends equal protection of every living child from conception to adulthood from intentional physical harm leading to disability or death.

Assumptions. The analysis should assume a high rate of compliance with the law as most law-abiding citizens will obey the law. State revenue and expenditures should reflect high compliance. (Fiscal Impact Statement Initiative 56, Legislative Council Staff, April 15, 2022.)

State Revenue. Of the estimated 12,000 children whose lives could be saved in 2025 in Colorado if this measure passes, if 9,000 children are created and allowed to live, the increase to the state in revenue would be as follows according to actuaries. Based on wage average earning in Colorado, an average annual income of \$36,400 per year, a person in their lifetime will create wealth of a little over \$2 million. With an income tax rate of 4.55%, there is a tax revenue of \$1,656.20 per year per person. (This does not include sales tax.) In one year of earning, the total tax revenue to Colorado of 9,000 children entering adulthood and the workforce would result in \$14,905,800 in income to Colorado for just one year. In the 2nd year with 9,000 children entering adulthood and the workforce added to the first year of 9,000, it is a total tax revenue of \$29,811,000. The 3rd 9,000 brings the total to \$44,717,400 in revenue. In 35 years, Colorado would increase revenue by \$256,079,694,083,867,200 (that is “quadrillion”). That is an average of \$7.3167 trillion dollars per year of revenue to Colorado. (Alexander Insurance Inc. 2021 Table 2. Morbidity and Mortality)

Passage of this measure will save the state in mental health costs and prescriptions, as 81% of women participating in the elective loss of a child experience psychological issues following, including depression, anxiety, and rage. The physical side-effects of losing a child can include hospitalization for complications, hemorrhage, infection, infertility, and death for women. (WHO, 2019)

~~The measure may reduce state licensing revenue if it results in the closure of licensed facilities.~~ State licensing revenue may be reduced minimally by the closure of facilities, or remain unaffected, as licenses for other facilities may compensate to meet the needs of the current health shortage. ~~The measure may increase state revenue from criminal fines and court fees if it leads to an increase in criminal convictions.~~ An increase in revenue from court fees and fines is expected to be minimal. (Shortage Designation Branch, HRSA, U.S. Department of Health and Human Services, September 2021)

Most pregnancies are covered by federal Medicare, including prenatal care, labor, delivery, and postnatal care, directing federal funds to the state on behalf of pregnant mothers.

State Expenditures. ~~The measure may increase state expenditures in several ways. If the measure leads to more persons being charged with criminal offenses,~~ It must be assumed that most law-abiding citizens will obey the law. As such, state expenditures should be minimal. This measure prevents state tax funds from being spent to take the lives of children prior to birth. eCosts may increase for

the Attorney General, state law enforcement agencies, and the courts for the investigation and prosecution of prosecuting facilities and dispensaries breaking the law. individuals charged with criminal offenses. The appointment of an attorney for those who cannot afford one will apply to those individuals who break the law. Costs may increase for the Department of Corrections to incarcerate individuals convicted and sentenced to prison under the measure if the District Attorney chooses to prosecute and no plea bargain is reached. There may be an increase in litigation of those caught in child trafficking, human trafficking, rape, and incest.

Finally, The Department of Health Care Policy and Financing, in order to remain compliant with federal law, may have increased costs to transport a person who is pregnant as a result of rape or incest to another state to obtain an abortion, or the state may provide humane and compassionate non-violent services to the mother based on her individual needs, including the free adoption services and emotional support already available to her, without causing her additional trauma or causing the intentional death to her child. Finally, The Department of Public Health and Environment may have an increase in workload to ensure regulated facilities are in compliance with the new law. Increase in workload for the Department of Public Health and Environment is expected to be minimal. (Fiscal Impact Statement Initiative 56, Legislative Council Staff, April 15, 2022.)

Local Government Impact. Local law enforcement agencies and district attorneys may have increased workload to investigate and prosecute more cases, as well as to receive reporting on illegal activity under the measure. Persons charged with criminal offenses under the measure may be held in a county jail while awaiting trial, which would increase costs for counties. Finally, local public health agencies may have an increase in workload to ensure regulated facilities are in compliance with the new law. Similar to the state, it is expected that any workload or cost increase for district attorneys to prosecute offenses under the measure is expected to be minimal. Once facilities that were in business to take the lives of children are closed, there should be minimal local government impact. (Fiscal Impact Statement Initiative 56, Legislative Council Staff, April 15, 2022.)

Economic Impacts. The measure prohibits abortion services provided by medical providers, which reduces income and jobs in this sector of the economy but jobs and income are readily available in the Healthcare setting where medical professionals and support staff can use their skills to promote the health and well-being of every individual. (Shortage Designation Branch, HRSA, U.S. Department of Health and Human Services, September 2021)

To the extent that additional persons are incarcerated for violating the measure, these individuals will not participate in the labor force, which may reduce income and spending in their households and communities. Only those breaking the law may see a decrease in income and spending. The typical household income will not be affected by this measure.

Of all children killed in the United States, 36% are black. In the nearest state reporting (New Mexico) children tortured to death by dismemberment, scalding, poisoning, or starvation by demographic are 56% Hispanic, 10% black, 28% white, and 6% other races. (CDC, November 26, 2021) This causes a disproportionate economic deficit for minorities in the workplace. When children are not killed, they may grow to become productive members of society. Since minorities are disproportionately targeted by those causing deaths to children prior to birth, once these children enter adulthood, we will see more minority workers entering the workplace.

To the extent that the measure results in more children being born in the state, child-related spending will increase, ~~potentially shifting spending from other areas of the economy.~~
~~Additionally,~~ Labor market participation may decrease for parents or other caretakers temporarily, as investments are made in future generations of wage earners. Protecting children who may be productive in society if allowed to live, the state of Colorado will protect our most valuable natural resource, our people. Protecting and saving children will save the lives of future taxpayers, military, teachers, doctors, and other professionals and contributors in the workforce. Over the long term, population growth will increase economic activity and output within the state.

Initiative #82

Fiscal Summary

Measure Summary. The measure protects children from intentional physical harm intended to cause disability or death without discrimination for the child's birth status.

Assumptions. The analysis should assume a high rate of compliance with the law as most law-abiding citizens will obey the law. State revenue and expenditures should reflect high compliance. (Fiscal Impact Statement Initiative 56, Legislative Council Staff, April 15, 2022.)

State Revenue. Of the estimated 12,000 children whose lives could be saved in 2025 in Colorado if this measure passes, if 9,000 children are created and allowed to live, the increase to the state in revenue would be as follows according to Actuaries. Based on wage average earning in Colorado, an average annual income of \$36,400 per year, a person in their lifetime will create wealth of a little over \$2 million. With an income tax rate of 4.55%, there is a tax revenue of \$1,656.20 per year per person. (This does not include sales tax.) In one year of earning, the total tax revenue to Colorado of 9,000 children entering adulthood and the workforce would result in \$14,905,800 in income to Colorado for just one year. In the 2nd year with 9,000 children entering adulthood and the workforce added to the first year of 9,000, it is a total tax revenue of \$29,811,000. The 3rd 9,000 brings the total to \$44,717,400 in revenue. In 35 years of children entering adulthood and the workforce, Colorado would increase revenue by \$256,079,694,083,867,200 (that is "quadrillion"). That is an average of \$7.3167 trillion dollars per year of revenue to Colorado. (Alexander Insurance Inc. 2021 Table 2. Morbidity and Mortality)

Passage of this measure will save the state in mental health costs and prescriptions, as 81% of women participating in the elective loss of a child experience psychological issues following, including depression, anxiety, and rage. The physical side-effects of losing a child can include hospitalization for complications, hemorrhage, infection, infertility, and death for women. (WHO, 2019)

~~The measure may reduce state licensing revenue if it results in the closure of licensed facilities.~~ State licensing revenue may be reduced minimally by the closure of facilities, or remain unaffected, as licenses for other facilities may compensate to meet the needs of the current health shortage. ~~The measure may increase state revenue from criminal fines and court fees if it leads to an increase in criminal convictions.~~ An increase in revenue from court fees and fines is expected to be minimal. (Shortage Designation Branch, HRSA, U.S. Department of Health and Human Services, September 2021)

Most pregnancies are covered by federal Medicare, including prenatal care, labor, delivery, and postnatal care, directing federal funds to the state on behalf of pregnant mothers.

State Expenditures. ~~The measure may increase state expenditures in several ways. If the measure leads to more persons being charged with criminal offenses,~~ Most law-abiding citizens will obey the law so that state expenditures can be expected to be minimal. This measure prevents state tax funds

from being spent to take the lives of children prior to birth. Costs may increase for the Attorney General, state law enforcement agencies, and the courts for the investigation and prosecution of prosecuting facilities and dispensaries breaking the law. Individuals charged with criminal offenses. There may be an increase in litigation of those caught in child trafficking, human trafficking, rape, and incest. The appointment of an attorney for those who cannot afford one will apply to individuals breaking the law. Costs may increase for the Department of Corrections to incarcerate individuals convicted and sentenced to prison under the measure if the District Attorney chooses to prosecute offenders and no plea bargain is reached.

Finally, The Department of Health Care Policy and Financing, in order to remain compliant with federal law, may have increased costs to transport a person who is pregnant as a result of rape or incest to another state to obtain an abortion, or the state may provide humane and compassionate non-violent services to the mother based on her individual needs, including the free adoption services and emotional support already available to her, without causing her additional trauma or causing intentional death to her child. Finally, The Department of Public Health and Environment may have an increase in workload to ensure regulated facilities are in compliance with the new law. Increase in workload for the Department of Public Health and Environment is expected to be minimal. (Fiscal Impact Statement Initiative 56, Legislative Council Staff, April 15, 2022.)

Local Government Impact. Local law enforcement agencies and district attorneys may have increased workload to investigate and prosecute more cases, as well as to receive reporting on illegal activity under the measure. Persons charged with criminal offenses under the measure may be held in a county jail while awaiting trial, which would increase costs for counties. Finally, local public health agencies may have an increase in workload to ensure regulated facilities are in compliance with the new law. Similar to the state, it is expected that any workload or cost increase for district attorneys to prosecute offenses under the measure is expected to be minimal. Once facilities that were in business to take the lives of children are closed, there should be minimal local government impact. (Fiscal Impact Statement Initiative 56, Legislative Council Staff, April 15, 2022.)

Economic Impacts. The measure prohibits abortion services provided by medical providers, which reduces income and jobs in this sector of the economy, but jobs and income are readily available in the Healthcare setting where medical professionals and support staff can use their skills to promote the health and well-being of every person. (Shortage Designation Branch, HRSA, U.S. Department of Health and Human Services, September 2021)

To the extent that additional persons are incarcerated for violating the measure, these individuals will not participate in the labor force, which may reduce income and spending in their households and communities. Only those breaking the law may see a decrease in income and spending. The typical household income will not be affected by this measure.

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minorities are disproportionately targeted by those causing deaths to children prior to birth, once these children enter adulthood, we will see more minority workers entering the workplace.

To the extent that the measure results in more children being born in the state, child-related spending will increase, ~~potentially shifting spending from other areas of the economy.~~ Additionally, Labor market participation may decrease for parents or other caretakers temporarily, as investments are made in future generations of wage earners. Protecting children who may be productive in society if allowed to live, the state of Colorado will protect our most valuable natural resource, our people. Protecting and saving children will save the lives of future taxpayers, military, teachers, doctors, and other professionals and contributors in the workforce. Over the long term, population growth will increase economic activity and output within the state.

Initiative #84

Fiscal Summary

Measure Summary. The initiative extends equal protection of every living child from conception to adulthood from intentional physical harm leading to disability or death.

Assumptions. The analysis should assume a high rate of compliance with the law as most law-abiding citizens will obey the law. State revenue and expenditures should reflect high compliance. (Fiscal Impact Statement Initiative 56, Legislative Council Staff, April 15, 2022.)

State Revenue. Of the estimated 12,000 children whose lives could be saved in 2025 in Colorado if this measure passes, if 9,000 children are created and allowed to live, the increase to the state in revenue would be as follows according to actuaries. Based on wage average earning in Colorado, an average annual income of \$36,400 per year, a person in their lifetime will create wealth of a little over \$2 million. With an income tax rate of 4.55%, there is a tax revenue of \$1,656.20 per year per person. (This does not include sales tax.) In one year of earning, the total tax revenue to Colorado of 9,000 children entering adulthood and the workforce would result in \$14,905,800 in income to Colorado for just one year. In the 2nd year with 9,000 children entering adulthood and the workforce added to the first year of 9,000, it is a total tax revenue of \$29,811,000. The 3rd 9,000 brings the total to \$44,717,400 in revenue. In 35 years, Colorado would increase revenue by \$256,079,694,083,867,200 (that is “quadrillion”). That is an average of \$7.3167 trillion dollars per year of revenue to Colorado. (Alexander Insurance Inc. 2021 Table 2. Morbidity and Mortality)

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the Attorney General, state law enforcement agencies, and the courts for the investigation and prosecution of prosecuting facilities and dispensaries breaking the law. individuals charged with criminal offenses. There may be an increase in litigation of those caught in child trafficking, human trafficking, rape, and incest. The appointment of an attorney for those who cannot afford one will apply to individuals breaking the law. Costs may increase for the Department of Corrections to incarcerate individuals convicted and sentenced to prison under the measure if the District Attorney chooses to prosecute and no plea bargain is reached.

Finally, The Department of Health Care Policy and Financing, in order to remain compliant with federal law, may have increased costs to transport a person who is pregnant as a result of rape or incest to another state to obtain an abortion, or the state may provide humane and compassionate non-violent services to the mother based on her individual needs, including the free adoption services and emotional support already available to her, without causing her additional trauma or causing intentional death to her child. Finally, The Department of Public Health and Environment may have an increase in workload to ensure regulated facilities are in compliance with the new law. Increase in workload for the Department of Public Health and Environment is expected to be minimal. (Fiscal Impact Statement Initiative 56, Legislative Council Staff, April 15, 2022.)

Local Government Impact. Local law enforcement agencies and district attorneys may have increased workload to investigate and prosecute more cases, as well as to receive reporting on illegal activity under the measure. Persons charged with criminal offenses under the measure may be held in a county jail while awaiting trial, which would increase costs for counties. Finally, local public health agencies may have an increase in workload to ensure regulated facilities are in compliance with the new law. Similar to the state, it is expected that any workload or cost increase for district attorneys to prosecute offenses under the measure is expected to be minimal. Once facilities that were in business to take the lives of children are closed, there should be minimal local government impact. (Fiscal Impact Statement Initiative 56, Legislative Council Staff, April 15, 2022.)

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~~Additionally,~~ Labor market participation may decrease for parents or other caretakers temporarily, as investments are made in future generations of wage earners. Protecting children who may be productive in society if allowed to live, the state of Colorado will protect our most valuable natural resource, our people. Protecting and saving children will save the lives of future taxpayers, military, teachers, doctors, and other professionals and contributors in the workforce. Over the long term, population growth will increase economic activity and output within the state.



Initiative 56

Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Fiscal Impact Statement

Date: April 15, 2022

Fiscal Analyst: Aaron Carpenter (303-866-4918)

LCS TITLE: UNLAWFUL MURDER OF A CHILD

Fiscal Impact Summary		FY 2022-23	FY 2023-24
Revenue		-	-
Expenditures	General Fund	-	\$24,577
	Total	-	\$24,577

Disclaimer. This initial fiscal impact statement has been prepared for an initiative approved for petition circulation by the Secretary of State. If the initiative is placed on the ballot, Legislative Council Staff may revise this estimate for the ballot information booklet (Blue Book) if new information becomes available.

Summary of Measure

The initiative statutorily defines the crime of “murder of a child” as intentionally causing the death of a living human being at any time prior to, during, or after the child is born up to 18 years of age, through the use of any instrument, medicine, drug, or any other means. Under the initiative, it is not considered a crime if the act intends to or attempts to:

- save the life or preserve the health of both mother and living child;
- remove a child no longer living; or
- remove or attempt to relocate an ectopic pregnancy.

A person who commits murder of child must be sentenced to equal penalties of murder, which range from a class 1 felony to a class 3 felony. The initiative also gives the Attorney General, local law enforcement, and district attorneys jurisdiction to investigate, arrest, any violation of the law.

Assumptions

While this analysis assumes a high rate of compliance and therefore, it is assumed that at least one person every five years will be sentenced to the Department of Corrections (DOC) for an offense under the initiative. In addition, the analysis assumes that it takes one year before an individual is sentenced to the DOC.

State Revenue

Additional criminal cases will increase revenue from in criminal fines and court fees, which are subject to the state’s TABOR spending limit. This analysis assumes any increase will be minimal.

State Expenditures

Starting in FY 2022-23, state expenditures will increase to hear additional criminal cases. Expenditures are explained in more detail below.

Judicial Department. Starting in FY 2022-23, workload and costs for the Judicial Department, including the trial courts and agencies that provide representation to indigent persons, will increase to hear and defend additional criminal cases. The expected increase in workload is expected to be minimal.

Department of Law. Starting in FY 2022-23, the bill increases workload to the Department of Law to enforce the provisions of this initiative, should the Attorney General choose to exercise jurisdiction over this offense, rather than defer to local district attorneys. This analysis assumes that local agencies will enforce the majority of cases and therefore, increases in workload are assumed to be minimal.

Department of Corrections. Starting in FY 2023-24, expenditures in the DOC will increase to house additional offenders sentenced to the DOC. Currently, it costs an estimated \$24,577 per year for each additional bed in the DOC. The presumptive range for sentences to the DOC for murder is 8 years for a class 3 felony to life imprisonment for a class 1 felony.

Health Care Policy and Financing. In addition, Colorado's Medicaid and CHP+ programs are subject to federal requirements mandating that a state provide coverage for abortion services if the pregnancy results from rape or incest or if continuing the pregnancy would put the woman's life in danger. To remain compliant with federal law, the Department of Health Care Policy and Financing may be required to transport a woman who is pregnant as a result of rape or incest to another state to obtain an abortion which will increase costs. As it is unknown how often this will occur, the fiscal impact cannot be determined. This analysis assumes such instances are rare, and that the department will not require an increase in appropriations.

Local Government

Similar to the state, it is expected that any workload or cost increases for district attorneys to prosecute more offenses under the measure will be minimal. District attorney offices are funded by counties.

Effective Date

If approved by voters at the 2022 general election, this measure takes effect upon proclamation of the Governor, no later than 30 days after the official canvass of the vote is completed.

State and Local Government Contacts

District Attorneys

Health Care Policy and Financing

Judicial

Other Sources Considered

Legislative Council Staff did not receive information or estimates to consider from any other interested persons or organizations.

Revisions from Fiscal Summary

The fiscal summary stated that additional individuals may be incarcerated under the initiative but did not provide an exact number. The fiscal impact provides an estimate for incarcerating one individual every five years. Otherwise, this fiscal impact statement aligns with, and provides additional detail on, the estimates in the fiscal summary.



Medically Underserved Areas (MUAs) and Populations (MUPs)

