

2011

LEGISLATIVE WRAP-UP

Legislative Action Committee League of Women Voters of Colorado

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Jeannette Hillery, Legislative Director
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Angie Layton, Education
Barbara Mattison, Mental Health
Barbara Whinery, Higher Education
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Catherine Felknor, Education
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STAFF LOBBYIST WRAP-UP
Christine Watson

We were pleased to have several new members of the Legislative Action Committee this year and sorry to lose one whose knowledge of fiscal matters and institutional memory are prodigious. Phyllis Horney finally moved to Oregon to be close to her children. Her knowledge of TABOR, in particular, rivaled that of anybody except the author himself. There were other “retirements” as well. Marilyn Shuey decided to observe the legislature from afar. Catherine Felknor, who came to understand school finance, also retired but consulted. New members whose knowledge and enthusiasm we welcome are Marion Katz, Carol Pace, Shirley Jin, Jim Cope, Julie Leonard, and Karen Knutson. They join longer serving members whose dedication and reputations continue to make League stand out in the legislature.

The Legislature has two constitutionally required duties: pass a balanced budget every year, and draw new Congressional District lines every 10 years. This was the year for both, and it did half the job. Fiscal Policy, below, addresses the first.

Redistricting seemed like the best of times when the Joint Select Committee on Redistricting was formed. It was the worst of times when members went off on their own to draw maps clearly intended to advance the interests of one party or the other. It was the age of wisdom as Rep. David Balmer, Co-Chair, tried to cajole committee members to work together. That was also the age of foolishness. I’m not sure there ever was an epoch of belief, or a season of light. There was some hope, as the Governor tried to bring the Senate President and Speaker of the House together. By May 10 (one day before the end), lawsuits and been filed, and redistricting will be done by the courts, all other things being equal. This will be the fourth time in a row the matter has gone to the courts. It is time to change the process.

For League, however, the redistricting process provided an opportunity to show knowledge and non-partisan attention to principles, as we testified in hearings on **HB 1319** and **SB 268** (the bills that represented the maps offered by Republicans and Democrats). We did not take positions on either map, but spoke about the process, calling on the General Assembly to be transparent and objective in drawing new districts.

The Legislative Action Committee followed 101 bills this year – fewer than in the past. We opposed 19. All were defeated but one, and the one, **HB 1183**, was changed before final passage so that it was not objectionable. We can’t claim a lot of credit for the defeats, since the split legislature meant that most bills would die. Bipartisanship was needed to succeed, and it was rare. However, our opposition to bills restricting access to voting was important reinforcement that those bills should **not** go forward. Our Legislative Letter has been cited by new legislators, especially, as helpful in understanding the bills that we cover.

We supported 46 bills and substantive resolutions; 28 passed. A small victory occurred in a bill repealing term limits for directors of water facility operators (**SB 21**). We were particularly disappointed that **SCR 1**, a referred ballot issue making it harder to amend constitution than statutes, failed when the House made a change that the Senate – and, indeed, original stakeholders – disagreed with. The change was to require only a 60% super majority vote

(instead of 2/3) of the House and Senate to change citizen initiated statutes during the first three years. As reported by the newspapers and several bill sponsors, labor interests insisted upon the change. We think it is shortsighted on their part.

It has been said the “your daughters and your wallets are safe only when the legislature is not in session.” The political split meant that there wasn’t much threat to the second this year during the session. And the substantial representation of women meant there wasn’t much threat of the former, either.

GOVERNMENT

FISCAL POLICY

Chris Watson

Alice Ramsey

Ironically, passing a balanced budget wasn’t as hard as one might think, or as the headlines and delays seemed to suggest. With tight revenues, no one questioned that cuts needed to be made, and that most would come from k-12 education, because that was all that was left to cut.

The General Fund is approximately \$7.6 billion. This is 26% higher than the budget passed in 2000 for the 2000-01 fiscal year. Since that time, the population has grown 17%, requiring more K-12 schooling, more higher education, more roads, and even more corrections services. At the same time, consumer prices have risen 28%. While the state does not buy the same mix of goods as households do, this is still an acceptable measure of cost increases over time because so much of the funds go to employ people. In addition, health care costs have risen faster than inflation overall, and the state buys a lot of health care through Medicaid and Children’s Health Insurance Plan. The allegations that the state has been spending money recklessly are simply unfounded.

Business negotiated some “give backs” of tax credits or exemptions that had been rescinded in 2010. These included a return of a portion of the vendor fee, compensating retailers for collecting and remitting sales tax. The vendor fee was touted as a help to small businesses, but that benefit is not supported by the figures. The big winners were large retailers. The other “give back” was rescinding taxes on products that businesses buy for use in the business. The exemption was reinstated for agricultural products (not just bull semen), and for business software. The latter has been problematic because finding the transactions and valuing them for sales tax purposes is not as clear as a simple retail transaction. The Department of Revenue had not completed its rules, and so currently no tax is collected.

HB 1280 would have capped General Fund expenditure increase at 6% based on the previous year’s expenditures. Anything over that would have gone to a rainy day fund until it reached 8% of the total General Fund expenditure. After that, the excess would have gone 2/3 to the Highway Users fund and 1/3 to the Capital Construction Fund. League didn’t like this as it reinstated the ratchet affect to the General Fund expenditures and removed flexibility. Déjà vu anyone? After passing in the House, it died in Senate Local Government.

Two positive developments were the passage of **SB 184**, and an improving economy. If and as tax receipts exceed the projections used for the budget, the additional funds will go to K-12 education. **SB 184** institutes a tax amnesty period this summer, and many of the funds collected will also go towards K-12. In addition, **SB 184** includes an evaluation of some tax exemptions and credits granted in statute. That is a good step to controlling these tax expenditures. Undoubtedly, some of them are no longer helpful or needed to stimulate the economy in Colorado. Various spending and regulatory programs receive “sunset” reviews every few years, and so should tax expenditures.

IMMIGRATION

Jim Cope

The complex and thorny problem of what to do about illegal immigration, and what can be done at the state level, continues to vex lawmakers in a majority (30) of state capitols this year. The first Regular Session of Colorado’s 68th General Assembly was no exception.

Seven bills and four Resolutions that addressed various aspects of illegal immigration were introduced this year. None ended up passing, although one (**HB 1149**) was alive until, without movement, it died with the session on May 11. It was an innocuous “Peggy Lee” bill (“Is that all there is?”) that called for verification from state agencies and the private sector that ID requirements already in place had, in fact, been complied with. But because of a small fiscal note, the sponsor deleted government agencies from the bill’s requirements, leaving just the private sector.

On the other end of the spectrum was a hot-button Arizona-style clone (**SB 54**). **SB 54** which would have made violation of federal immigration law also a state offense and authorized law enforcement to arrest a person without a warrant if the officer had “probable cause” to suspect that the person is an alien who is in violation of three enumerated federal offenses. On the face of it, not too bad of an idea. However, there were several problems with the bill, including two major ones:

- A question as to the constitutionality of making illegal immigration, an area in the federal domain, also a state offense;
- The possibility of economic boycotts of Colorado, as is happening in Arizona.

The Arizona law on which **SB 54** was loosely based is at the Court of Appeals level -- 9th Circuit, San Francisco -- and is undoubtedly headed to the US Supreme Court. Around the country, court decisions on the constitutionality of such bills have found for both sides, with conservative benches favoring them and more liberal ones looking on them with disdain. Perhaps not surprisingly, the judiciary is mirroring the legislative political divide.

SB 54 was short-lived, being postponed indefinitely in its first committee hearing. The same fate awaited the other five illegal immigration bills (**HB 1088**, **HB 1107**, **HB 1140**, **HB 1252** and **SB 18**) and **SCR 002**, **003** and **004**, which dealt with voting rights, employment, bond, political office and law enforcement as they relate to immigration status.

The ball is in Washington’s court, where it should be. Let us hope that Congress and the White House at long last will break the deadlock and give the subject of immigration, legal and illegal, the attention it deserves and so desperately needs.

JUVENILE JUSTICE

Carla Bennett

We followed and supported two juvenile justice bills this session. The results were mixed.

HB 1032 Restorative Justice passed and awaits the governor's signature. It impacts the adult justice system and juvenile justice by promoting the use of restorative justice practices in both of these systems. The bill authorizes the Department of Corrections and the Division of Youth Correction to establish pilot programs to facilitate victim-initiated victim-offender conferences. It allows a DA to determine if a juvenile is suitable for restorative justice practices after charges are filed if it is the offender's first offense and the jurisdiction has those practices available. It also allows the court, prior to sentencing, to order the juvenile to be assessed to determine if he/she is suitable for a sentence that would involve restorative justice practices.

It was a big disappointment when **HB 1287 Colorado Juveniles Equal Protection Act** failed to pass out of its first committee because of lack of final action. It would have repealed the life without parole sentence for those juvenile offenders who were charged as adults and were sentenced to life in prison without parole prior to the change in the law that occurred in 2006. In 2006, the legislature passed a bill that abolished the life sentence without parole for juveniles who are charged and sentenced as adults. The bill changed the sentence to life with the possibility of parole after 40 years. However, the change in the law was not retroactive and did not apply to those who had already been given that sentence. Currently there are 48 offenders serving that life without parole sentence in Colorado.

REPRODUCTIVE CHOICE

Carolyn Engelken

Groups interested in Reproductive Choice followed three bills in the first Regular Session of the 68th General Assembly. Two of them were full of surprises.

The first, **HB 1256**, Crimes Against An Unborn Child, enjoyed bipartisan support and sponsorship in both houses and was expected to go far. It was a bill designed to increase penalties against anyone causing harm to a pregnant woman and her unborn child – such as assault or vehicular damage. A mother's choice in treatment or doctor's performance in her behalf were not covered by the bill, thereby not infringing on a woman's right to privacy in reproductive health care. However, in House Judiciary committee, the bill received heated debate over one sentence, which caused the chief sponsor to kill his own bill. Anti-abortion members of the committee insisted that the sentence stating that nothing "shall be construed to confer the status of 'person' on an unborn child at any stage of development" be removed if the bill were truly about criminal justice. The chief sponsor, Rep. Mark Waller, killed the bill because he had not intended it to be a battle over abortion.

A second bill also brought about surprises. **HB 1183** proposed "A requirement that a death certificate indicate whether the decedent was pregnant at the time of or within twelve months before death". On the surface it appeared to be a gross violation of privacy and likely to die quickly. However, after passing the House, the Senate State Affairs Committee made major

amendments, making the bill less objectionable to us. One removed the requirement that pregnancy during the past twelve months be noted, and the other that pregnancy at the time of death be noted **only** if an autopsy was requested and performed. The House agreed with the changes, and the Governor signed the bill on March 31.

The third bill is **SB 177**, concerning the Teen Pregnancy and Dropout Prevention Program. This is a “sunset” review bill to evaluate a program and determine if it should continue to be funded. During the past five years, the program of educating and monitoring high-risk young men and women under Medicaid has produced favorable results in reducing unintended pregnancies. With emphasis on Pregnancy Prevention, Family Planning, and Sex Education the program has operated in two counties and resulted in dropping the pregnancy rates to half the level seen in other counties. Those counties, Mesa and Montrose, qualified through local grants and funds. It is funded with federal funds of 90%, local funds of 10%; the General Fund money may contribute administrative costs when state budget allows. In tight state times, these administrative duties may be picked up by other health agencies. On the next to last day of the session, the program was extended for another five years. All hope that more counties will qualify and participate in the well-monitored program during the next five years.

VOTING

Carol Tone

The League of Women Voters is dedicated to helping citizens to be informed and to vote. Accordingly, we were concerned with a *New York Times* editorial on April 26 titled “The Republican Threat To Voting.” (<http://www.nytimes.com/2011/04/27/opinion/27wed1.html>) The editorial noted that “spreading fear of a nonexistent flood of voter fraud, Republican legislatures and governors across the country are rewriting voting laws to make it harder for the young, the poor, and African-Americans to cast a ballot. Primarily they are demanding that citizens be required to show a government-issued ID before they are allowed to vote ... the largest legislative effort to scale back voting rights in a century.” When such legislation is proposed in the Colorado Legislature, our basic principles direct us to oppose them, **regardless of the party of the bill’s sponsors**. Sadly, we did encounter such proposals in the 2011 session.

Here in Colorado, the committees on State, Veterans and Military Affairs hear elections and voting bills. With the divided legislature this year, the Senate Committee had a majority of Democrats while the House had a majority of Republicans. Bills that suggested cutting back the ability of citizens to vote were passed in the House and defeated in the Senate. League positions were upheld, but only with considerable work on the part of voter advocates, as some of the issues kept reappearing in various forms (**SB 18, HB 1003, HB 1252, and even SCR 002**, which suggested proof of citizenship be an amendment brought to the electors). A bill (**HB 1096**), which would have allowed 16 yr. olds to preregister to vote, was also defeated in the House State Affairs Committee. In light of other issues about voter registration, it may be prudent to delay this policy while systems are updated.

Two different bills were brought forward because of the passage last July of the Federal UMOVA (Uniform Military and Overseas Voters Act). Drafted by the National Conference of Commissioners on Uniform State Laws, the bills should have been approved for enactment in all

the states. **HB 1219** sought to do this in Colorado. The bill provided for the establishment of an electronic transmission system for election materials (registration, application for ballots, delivery and receipt of ballots and delivery of election notices). However, some sections of the bill caused much consternation: exactly who would be considered as overseas voters and the use of electronic means to return a cast ballot? League positions call for transparency and voter verifiable paper trail, so we were unable to support the bill, which passed on the last day of the session. Again necessitated by the MOVE act, **SB 189** changes the date of the primary election to the last Tuesday in June and adjusts dates on the election calendar to accommodate adjustment of mail-in ballot delivery dates to overseas citizens.

HB 1252, a bill that enabled the new Secretary of State to appear and testify at length, focused on an issue of non-citizens who may be registered to vote. There is no evidence that these people have voted. HB 1252 proposed having the Secretary of State's office request proof of citizenship from people on this list. The problem, however, appears to be an administrative one, and NOT an intentional violation of the laws by documented immigrants (much less by undocumented immigrants). The League would like to work with the Secretary of State's office to address the administrative problems so that non-citizens are removed from voting rolls efficiently, and without the chilling effect of a proof-of-citizenship witch hunt.

One of the most surprising events this year was the withdrawal of the All-Mail Voting bill (**HB 1131**) by its sponsor. Despite the apparent desire of Clerks & Recorders to have the state go to this form of elections, the bill apparently did not have the required votes to pass and was postponed until after the session ended. Be assured, this will return in the future.

ELECTIONS

Alice Ramsey

HB 1035 Blue Book Information was a no brainer and zipped through both houses with only a small, and humorous, amendment. The Blue Book will now explain to voters the origins of an initiative, either as the result of a petition with sufficient signatures or as a referendum coming from the legislature with a super majority of votes. The Senate thought that proposed referenda were not always "thoroughly debated by the General Assembly" when referring to the referendum process and deleted that phrase. The House later agreed and the bill was signed by the Governor on March 17. League likes voter information.

HB 1276 Court Criteria for Redistricting This bill began as an attempt to restructure the way the courts would look at redistricting if the issue came to them. New wording proposed at the first committee hearing struck the more controversial part of the bill and simply added some specific "communities of interest" – the Western Slope and Eastern Plains – to the criteria currently in statute. Additional specific communities of interest – Denver and El Paso County – were incorporated before the bill passed out of the House on the second to last day of the session. The bill was aimed particularly at keeping these communities whole. We "watched" this bill not knowing exactly where it was going. In the end, it didn't matter. It died with the end of the session.

NATURAL RESOURCES

ENERGY

Sigrid Higdon

Shirley Jin

After a number of years where energy legislation was prominent on the Legislative agenda, the 2011 Colorado General Assembly considered a few energy issues, but did not find consensus on much. There were attempts to roll back some of the policies promoting energy efficiency and renewable energy that had passed in previous years. As an example, **SB 71** that would have reduced the Renewable Portfolio Standard from 30% to 10% died quickly. An attempt to help middle income homeowners finance energy efficiency measures sat without action from January to the last days of the session when on May 9 it was laid over until May 12 thus killing it. These two bills seem to typify a year of status quo.

WATER

Jeannette Hillery

Here, and in fiscal matters, attempts were made to undo legislation passed previously. There were also some gains. A bill to end term limits for the Water and Wastewater Facility Operators Certification Boards, which oversees all the training and testing of water and wastewater operators in the state, breezed through and was signed early.

An attempt to undo the 2007 Oil and Gas Commission composition was defeated in the final hours of the session. Also defeated was legislation to update regulations for On-Site Wastewater Systems. League supported this bill. There was difficulty on understanding how important this type of updating of the regulations is and that it does not infringe on individual rights.

SB 208, to merge the Divisions of Wildlife and Parks and Recreation for fiscal efficiency, was recommended by the Governor. This passed quickly but deserves continued monitoring to ensure that the merger is done well and does not cause issues with federal dollars coming into the program.

SOCIAL POLICY

CHILDREN'S SUPPORT SERVICES

Carla Bennett

Roberta Long-Twyman

We followed and supported a number of good bills in the area of Children's Support Services, and they all passed and have been signed by the governor. Most children's legislation was shaped by the lack of funds for new programming in the state's budget.

SB 120 Protections for Youth in Foster Care (Sen. Newell; Rep. Kefalas) was brought forward by a group of older foster youth. It puts into one place in the Children's Code the guidelines for how foster children should be treated in foster care. Currently these guidelines are scattered throughout the Code and the Department of Human Services rules and regulations Volume 7 and can be difficult to find. The bill also has provisions that protect foster children from identity theft, and it allows fingerprint based background checks to be waived in certain circumstances. The latter will remove a barrier that has prevented many foster youth from participating in age appropriate social activities, enrichment programs, and other activities to help them successfully transition to independent living.

HB 1145 Availability Background Check Child Care (Rep. McCann; Sen. Tochtrop) closes a loophole in the law regarding fingerprint based background checks for childcare employees. It requires that **all** new childcare employees have both the CBI and FBI fingerprint-based background checks regardless of how long they have resided in Colorado.

HB 1196 Flexibility in Funding Family Services (Rep. Summers; Sen. Foster) will help meet the increasing need for child welfare services by allowing county departments to provide family preservation services to families who are at risk of becoming involved in the child welfare, mental health or juvenile justice system. It also allows the departments to offer alternative services to families in order to prevent their continued need for child welfare services. In addition, the bill helps the county departments draw down more federal funds by allowing more of their expenditures to qualify as matching funds for federal purposes.

HB 1144 Fetal Alcohol Spectrum Disorders (Rep. Solano; Sen. Tochtrop) considers the area of fetal alcohol spectrum disorders. A woman consuming large amounts of alcohol during her pregnancy places her fetus in danger of developing severe developmental disorders, including mental retardation, that continue into adulthood. Governor Ritter appointed a commission to look into ways for the community to decrease the occurrence of this disorder. Those provisions that have been implemented include increasing the commission to include a person from the department of education and a person from the alcoholic beverage industry. Another provision would increase the signage drawing attention to the dangers of alcohol for the pregnant woman. An attempt was made to mandate private insurance to provide multidisciplinary evaluations for FAS children. Instead, the bill directed attention to existing resources for such evaluations.

HB 1079 Reduce Youth Homelessness (Rep. Casso; Sen. Jahn) concerned the explosion of homeless youth caused in part by the inability of the department of human services to provide

group placement resources to teens. It changed the current state statute to bring it into compliance with the federal “Runaway and Homeless Youth Act.” By doing this, it allows Colorado to draw down IV-E funds for services for youth. The bill set up a new category of placement resources called host homes. Lutheran Social Services agreed to administer the new category and to set up standards and processes for families to qualify to be a home for youth.

HB 1181 Human Service Child Fatality Review Team (Rep. Kefalas; Sen. Newell) places the process of child fatality reviews into statute. Currently some counties have a process to review the death of a child who received services from the Human Services Department within the last two years. This piece of legislation standardizes the procedure across all sixty-four counties and ensures that such a review takes place.

EDUCATION

Sally Augden

Barb Whinery

Angie Layton

Catherine Felknor

LWVCO Legislative Action Committee followed 12 education bills this year. It’s been a mixed bag for the bills introduced and another bitter pill for funding for our public schools. The legislature approved allowing charter schools to by-pass their chartering district to apply for federal grants (**HB 1089**), but did not require districts and government agencies to allow charter schools to occupy buildings not in use (**HB 1055**). Rep. Swalm promises to bring back next year a proposal he killed himself: tuition tax credits for non-public schools (**HB 1048**). Legislators passed on requiring school districts to obtain bids with the goal of privatizing non-instructional support services (**SB 79**), and the requirement that Educational Management Organizations be certified by the State Department of Education (**SB 69**) was PI’d. **SB 80** sought to “expand strategies” in school improvement plans for turnarounds. Most were stripped so that bill simply required plans be sent to the Colorado Department of Education, recommendations of school accountability committees be included, and public hearings be held. Then the House killed it. School districts are now “encouraged” to include parental involvement in their plans and hold public hearings when schools are to be involved in a “turnaround” (**HB 1126**). Districts “may” include incarceration as a last resort for truancy and contempt rather than have that punishment as one of their first options (**HB 1053**).

SB 1, which would have required that any state moneys exceeding the amount anticipated for the 2011-2012 fiscal year go into a fund to be used for K-12 education, was PI’d at the request of the sponsor. The House found that it was impractical to require that the state fund any mandates to school districts, so **HB 1277** was stripped of that provision while maintaining changes to certain education requirements.

Funding of public schools was the focus of the two remaining bills we watched. **SB 157** (Modifications to the School Finance Act) essentially moved funds from one department to another. The major funding legislation **SB 230** (Financing of Public Schools) **reduced** funding an additional \$227.5 million from last year’s budget, but set aside \$67.5 million for schools in the event revenues are better than projected.

Overall, the legislature made suggestions to schools. With funding reduced, it was hard to justify new mandates.

HIGHER EDUCATION

Barbara Whinery

A Mixed Bag

Each legislative session starts out with hope that a funding stream will be found to support the financially strapped Colorado institutions of higher education. Unfortunately, again those hopes were dashed. Twenty-five bills related to higher education, covering appropriation, administration and governance, higher education employees, financial assistance, tuition and funding, matriculation and post secondary access and sunset reviews. We followed five; two failed and three were successful.

Early on in the session, the League supported **SB 100 Sunset Council on Higher Education** that proposed continuation of the Council. The Council consists of higher education representatives who support student success and learning by facilitating the transfer process between community colleges and four-year institutions. They resolve GT pathway issues with course numbers and additionally to reviewing transfer and articulation agreements between institutions. This bill was unanimously supported by the House and Senate.

The most controversial bill that the League followed and supported was **SB 126 Unsubsidized In-State Tuition**. This was similar to a bill proposed last year to give undocumented students a special status to obtain in-state tuition to colleges or universities if they met certain criteria. These criteria included attending a Colorado high school for three years, qualifying to be admitted to an institution of higher education within one year of graduation high school or obtaining a GED, and lastly, promising to submit an affidavit that he/she would apply for lawful status or file an application as soon as possible. Students who qualified for this status would **not** be eligible for College Opportunity Funds or to receive state-funded, need based financial aid. There were a long emotional debates and discussion of this bill in the Senate and the House Education Committee. The Senate passed the bill; however, the House Education Committee voted to postpone it indefinitely.

A committee to study funding of higher education and make recommendations to the General Assembly, **HB 1184**, was not given funding priority by the Legislative Council and was postponed indefinitely. The Council could only select five committees to fund over the summer and there were many other priorities, especially in health care. The League had a watch on this proposed committee because of the size of the committee and scope of what it proposed to do.

Two bills that proposed to make changes to performance contracts and improved efficiency in higher education passed easily near the end of the session. The League had watches on **SB 52 Goals for Higher Education** and **HB 1301 Efficiency in Higher Education**. **SB 52** overhauled the performance expectations for Colorado higher education institutions. The proposed goals will be collaboratively developed between the higher education institutions and the Colorado Commission on Higher Education and will focus on:

- increasing post-secondary student success (graduation rates);
- giving access to underrepresented populations;
- including more non-traditional students and working adults;
- making higher education more affordable for low and middle income families;
- preparing students to participate in Colorado workforce.

The intent of the bill is to make the state higher educational system more accountable and transparent. A small amount of extra funding will be available to those meeting or exceeding the performance goals in 2016-17. If state revenues don't improve sufficiently, the money may not be available. The League still questions how much time and effort will be put into this implementing this new system; much staff and instructional time will be devoted to accomplishing performance goals for very little money.

HB 1301 proposed to streamline bureaucratic red tape and save time and money for higher education institutions. Often, changes in laws are necessary to do this. The areas affected include student tuition and fees, administrative provisions that increased the institutions' operational flexibility, employee hiring and benefits, and capital construction and facilities. As a late bill, the League put an early watch on it because of concerns about some of the provisions in the bill. Amendments made by the House and Senate cleared up these concerns.

As the legislature continues to tweak program outcomes, assist students in completing degrees and improve system efficiencies, the struggle to provide a critical funding stream was left unresolved. Student tuition and fees are on the rise and higher education institutions face budget challenges to provide a quality education.

EQUALITY OF OPPORTUNITY

Chris Watson

League followed, and supported, the only two bills introduced in the session. Both failed. **SB 72** concerned employees of small companies (fewer than 15 people) who sued employers for discrimination, and won their suits. The bill would have enabled them to gain punitive damages as well as compensatory ones. The business community fought hard against the bill, which failed in the House State Affairs Committee.

Particularly disappointing to us was the failure of the Civil Unions bill, **SB 172**. After passing the Senate with bipartisan support, the bill failed in House Judiciary Committee. It is significant to note that ALL of the women in the Colorado State Senate voted for the bill.

HEALTH CARE

Marion Colliander

Lois Schafer

Carol Pace

The Health Care bills followed by the League addressed increased coverage for children and pregnant women as well as seniors and underserved areas. We followed several bills that would move various funds around within the budget in order to cover health care programs.

Three bills addressed health care reform for Colorado, some in line with the federal Patient Protection and Affordable Care Act (PPACA), and one in stark opposition to the national health care law that was passed in 2010.

Increasing Coverage

SB 008 expanded eligibility of children for care under Medicaid by increasing the eligibility threshold for the child's family income from 100% of federal poverty level (FPL) to 133% of FPL. The bill has been signed by the Governor. **SB 128** established Child-only Health Insurance Plans. This plan would cover children who have no other credible coverage available. The bill has been signed by the Governor. **SB 63** would have authorized counties, regions and municipalities to include plans for a community health element in master land use plans. The bill looks toward providing more people with health care especially in rural areas. The bill lost on 3rd reading in the House. **SB 105** continues the in-home support services program to September 1, 2014. A monitoring system would be developed to determine the cost effectiveness of providing in-home services to the elderly, blind, disabled and disabled children. The bill received final vote on May 9.

HB 1217 would have expanded access to health care in Colorado by expanding the school-based health center grant program; authorizing health care providers to use available space in government buildings located in health professional shortage areas; and expanding eligibility for participation in the state loan repayment program for health care providers (especially important for those who agree to serve in rural areas. The bill was a victim of "end of session chicken." After delaying hearings for two weeks, the Senate made changes that the House refused to accept, and the bill died on the last day.

SB 250 changes the eligibility for certain women from the Children's Basic Health Plan to Medicaid in order to comply with federal requirements to preserve prenatal coverage for the CHP+ program. The bill increases the income level for pregnant women in Medicaid from 133% to 185% of the FPL. The bill was introduced late in the session but passed and awaits governor signature.

Changes in Financing of Health Care

HB 1025 proposed to repeal a widely supported program to cover the costs of hospital care for the indigent: the fee on hospitals that is used to obtain matching federal dollars. In turn, this increased the reimbursements to hospitals under Medicaid and the Colorado Indigent Care Program. The bill was PI'd early in the session. We opposed.

SB 211, SB 212, SB 213, SB 216 and SB 219 are part of the greater budget bill. These bills address funding for health care programs under Medicaid or CBHP. These bills authorize transfers of funds from the Tobacco Tax Cash Funds as well as the Hospital Provider Fund to the department of Health Care Policy and Financing (HCPF) to offset health care expenditures. We opposed **SB 213, which** would add a monthly premium for families whose children are enrolled in Child Health Plan Plus (CHP+) a public assistance plan. These families already pay enrollment, fees and co-pays. This added fee would apply to families whose income falls in the

205% to 250% of the FPL. We have two concerns. First, this added fee will lead to reduced enrollment for kids who need insurance, leading to increased use of costly visits to emergency rooms. Second, the fee requires changes to the beleaguered CBMS system, which will be costly and will likely cause other problems in the system. All bills were passed.

Health Care Reform

HB 1273 Health Care Opportunity and Patient Empowerment would have authorized the state to negotiate with other states to develop an interstate compact and to opt out of the federal Patient Protection and Affordable Care Act (PPACA) passed in 2010, in order to regulate health care at the state level. Opposed by LWVCO, the bill passed through the House but met opposition in the Senate and was PI'd in Committee.

On the other side of major health care reform bills, **SB 168 Colorado Health Care Cooperative** proposed creating an authority to design a health care cooperative for Colorado. Supported by LWVCO, the bill was held back as SB 200, the Exchange Bill, progressed. When that bill passed, the sponsor of SB 168 allowed it to “die on the calendar.”

SB 200 Colorado Health Benefit Exchange, supported by LWVCO, is Colorado's response to the federal mandate that states set up health care exchanges by 2014 or the federal government will do it for them. The legislation sets up a marketplace where businesses and individuals band together to pool risks and achieve greater buying power. The exchanges also allow low-income people to find out if they are eligible for subsidies. The bill had bipartisan support, with strong interest by small business and other groups, but still met with resistance at various points as it passed through both houses. It received final passage at the end of the session, and now awaits the governor's signature.

BEHAVIORAL HEALTH

Barbara Mattison

A small step here and there summarizes behavioral health legislation in Colorado's 2011 session. League's Legislative Action Committee (LAC) followed four behavioral health bills, all of which passed - one of which was amended to assure no fiscal impact, and another for clarification.

LAC supported **HB 1019**, which concerns the waiver of co-payments and deductibles by School-based Health Centers in Colorado. Sponsored by Rep. Kagan and Sen. Boyd, HB 1019 exempts school-based health centers from the crime of waiving a patient's deductible or copayment and seeking a payment from a third party payer (insurance abuse crime in Colorado). The bill also allows school-based health centers to provide care, bill an insurer and not charge a deductible or co-pay. The purpose of the bill is to remove barriers and assure that young people receive care that will forestall more serious problems. HB 1019 was signed into law March 17, 2011.

LAC also supported **HB 1193**, which reauthorizes the Family Advocacy Mental Health Juvenile Justice programs, three successful pilot projects supporting youth with behavioral health issues who are involved with, or are at risk for involvement with, the juvenile justice system. Each of

these pilots, originally established in 2007, will now be sustained with private funds. However, under **HB 1193**, the Division of Behavioral Health will manage and coordinate the programs, compile data and promulgate rules and standards in collaboration with stakeholders. The repeal date is July 1, 2021. **HB 1193** was signed into law March 29, 2011.

HB 1242 Medical Provider Integration of Service, appears to be a small step in the large behavioral health picture, but may have significant impact on the way health care is available and delivered in the future. In various forums in Colorado and nationally, behavioral health advocates have voiced the need for a health system where physical and mental health care is more integrated. **HB 1242** takes a first step, requiring the Department of Health Care Policy and Financing (HCPF) to review and report to the legislature issues that relate to the provision of both physical and mental health care services to a patient during the same appointment as part of an integrated system of patient care, and also to review, identify and report barriers to the integrated care. After amendments that assured no fiscal impact – this process will use HCPF and foundation funds – the bill was re-passed as amended on the last day of the 2011 session.

SB 102 adds the Families in Action for Mental Health Fund to the state’s voluntary income tax check-off on individual income tax forms. Mental Health America Colorado is acting as fiscal agent for the above coalition. After amendments were added to clarify that this may only put Families in Action into a queue of groups waiting to be added to the check-off, the bill was re-passed as amended on May 9, 2011.

INCOME ASSISTANCE

Julie Leonard

There weren’t any big Income Assistance bills this session, with the limited funds available for such things. Some that sounded like good ideas, such as Rep. Kefalas’ attempts to increase grants to help low-income seniors pay property tax (**HB 1086**) and to require bills to be evaluated for their impact on poverty as well as their fiscal impact (**HB 1078**), didn’t make it out of committee.

The Low-Income Telephone Assistance Program (LITAP) had faced some criticism during the past year over the way it was being administered. **HB 1224** would have dealt with the problems by eliminating the program entirely, but it was postponed indefinitely. Instead, **SB 002** was passed, enacting the reforms proposed by the audit committee.

Two other bills that passed, in much-amended forms, will both shift more federal funds to be administered at the county level instead of by state agencies. **SB 124** raises to 40% of the annual grant the amount of TANF block grant funds that can be retained by the counties in reserves. It also sets up a system for any excess reserves to be shared with counties that have run out, rather than return them to the state reserves. **HB 1230** is a consolidation that moves a housing voucher program in the Department of Human Services in with the one in the Department of Local Affairs. It is hoped that savings in administration costs will make more funds available to be distributed as vouchers, which will be administered largely by county housing authorities and local non-profits.