

LEGISLATIVE LETTER[®]

LEAGUE OF WOMEN VOTERS OF COLORADO

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February 14, 2011

LL#3:20

AN OPPORTUNITY FOR ALL STUDENTS TO ACCESS HIGHER EDUCATION

A new approach to legislation that was unsuccessful two years ago would enable undocumented students the opportunity to attend institutions of higher education in Colorado at in-state tuition rates. The new bill **SB 126 Unsubsidized In-State Tuition sponsored by Sens. Giron and Rep. Miklosi (support)** creates a new classification of student at state higher education institutions.

The new classification is called “unsubsidized in-state student for tuition purposes.”

Provisions allow a student meeting the following criteria to qualify for such a classification:

- Attended a high school in the state for at least 3 years.
- The student must be admitted to an institution of higher education within one academic year following graduation or earning a GED (General Education Equivalent degree).

A student who does not have to have lawful documents of immigration status must submit an affidavit that he/she has applied for lawful status or file an application as soon as possible.

Students who qualify for this status will **not** be eligible for stipends from the College Opportunity Funds or to receive state-funded, need-based financial aid. Passage of this initiative will enable eligible students who would not otherwise be able to afford post secondary education to have the opportunity to do so. Higher education institutions would also benefit from additional tuition.

The financial note indicates the difference in collecting outstate and instate tuition would be on average \$13,325 per student at 4-year research universities and \$10,525 per student at 4-year colleges. However, when students take advantage of this opportunity there is no increase in higher education expenses as the state revenue and state costs are offset. The revenue generated for tuition would be spent on instructional costs for the new students. Currently, it is estimated that only 737 students would be able to take advantage of this new classification.

The Higher Education Access Alliance (HEAA) is the primary advocate for SB 126. The LWVCO is a member and supporter of this coalition. Senator Giron has said, “This bill has always been the right thing to do, but now it is the economically smart thing to do. We must ensure that Colorado’s economy is built on the foundation of a talented, educated, innovative and diverse workforce.”

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LWVCO believes that **all** qualified students should have an opportunity to attend post secondary education. A college degree is out of reach for these achieving but low-income students. Making it easier for them to get one will pay off with educated citizens

Barbara Whinery 970-353-6731

GOVERNMENT

ELECTIONS

MULTIPLE BILLS ON ELECTIONS

HB 1003 Define ID For Voting (Rep. Summers and Szabo) (oppose) Once again the subject of a valid, government-issued photo ID was introduced. As several members of the Committee seemed most disturbed by the use of a utility bill as ID, might eliminating that particular proof suffice? Two amendments were added to the bill: reinstating the use of a valid Medicare or Medicaid card issued to an eligible elector who resides in a state-licensed facility and providing for the act to take effect September 1, 2011. The bill was sent to Appropriations on a 5 – 4 vote.

HB 1096 Voter Preregistration At Age Sixteen (Rep. D. Gardner) (support). Despite the fact that everyone who testified supported the bill, including students who indicated that preregistering would make them feel involved in the political process, the bill was laid over until the following day when the entire committee was present. The bill was then PI'd on a 5 – 4 vote.

NEW SB 57 Metro Dist Mail Elections (Sen. Harvey; Rep. McNulty) (watch). The League has no specific position on this issue, but did express concern in writing to each of the members of the Committee that to change from mailing to every eligible elector to only those who voted in the most recent district election would be confusing to the voters. It became apparent during the hearing that there was a lot of confusion surrounding implementation of the bill. Ultimately the committee voted to bring it back after further work. The bill is not rescheduled.

NEW HB 1131 Mail Ballot Elections (Rep. Murray and Johnston) (oppose in part). The League had several concerns about this bill and was prepared to mention them in testimony at the hearing. However, the sponsor laid the bill over until May 16, killing the bill.

NEW HB 1219 Uniform Military And Overseas Voters Act (Rep. Levy; Sen. Newell) (support) Since the UMOVA was approved by the Uniform Law Commission in July of 2010, it must be taken to the states for enactment. This bill requires the Secretary of State to establish an electronic transmission system for election

materials, establish methods of registering to vote and applying for ballots, and administer delivery and receipt of ballots and delivery of election notices.

NEW HB 1252 Proof of Citizenship For Voter Regis (Rep. Holbert; Sen. Harvey) (oppose). This bill requires the Secretary of State to periodically check the voter registration database against lists of federal and state agencies. If there is evidence that a registered elector is not a citizen, the SOS must notify the elector, who must provide proof of citizenship within 90 days. Addressing the cost of obtaining such documentation, the bill goes on to say the SOS will request a birth certificate from the state registrar for vital statistics or, if the elector was born in another state, request the registered certificate from the appropriate governmental entity. If no such proof is provided, the county C&R will mark the elector's record as "incomplete," and the elector will be given 6 years to be reinstated upon providing such proof.

This "revised" bill still does not take into account the fact that some citizens cannot obtain such a certificate. Apparently voters who can obtain their birth certificates easily, as well as some legislators, are unaware that there are qualified citizens whose birth was never recorded, whose records have been lost, etc. – circumstances beyond their control. The requirement for proof of citizenship will disenfranchise these eligible voters.

Carol Tone 303.377.3746

ENCOURAGING STATUTORY CHANGES

NEW Many people comprise prime and co-sponsors for **SCR 1 Ballot Measures (Sens. Shaffer and Spence; Reps. Murray and Court) (support).** They have come from both sides of the aisle. The proposed referred ballot measure would make it harder to amend the constitution than to amend the statutes, and, we hope, push citizen initiatives toward statutory measures.

The provisions of the resolution and League position are:

- 60% super majority to pass constitutional amendments (both initiated and referred)
 - Consistent with League Position
- Super majority not required to amend or remove amendments to the constitution adopted before 2013
 - Addresses our concern with being able to efficiently remove obsolete provisions

- Geographic distribution of petition signatures for initiatives – 70% of signatures equally distributed across all existing congressional districts
 - Oppose geographic distribution as being unfair to groups in low population density areas of the state, and less effective than desired
- Protection of initiated statutes, by requiring a 2/3 majority of both houses of legislature to change within the first 3 years (simple majority thereafter)
 - Consistent with League position
- Amendments to this addition to the constitution would have to pass by 60%, but this will be on the 2012 ballot
 - This seems inequitable.

As noted above, League has two difficulties with the details of this measure: the requirement for geographic distribution of petition signatures for an initiated constitutional amendment, and the requirement that changes to this amendment (if adopted in 2012) be subject to the 60% supermajority vote applicable to all measures passed after that time.

Our objection to the geographic distribution of petition signatures rests on our own experience as proponents of initiatives and as an interest group with outposts in low population density areas. For groups like the League, working mostly with volunteers, getting the required number of petition signatures from the physically larger (but low density) congressional districts would be a herculean undertaking. Thus, we believe volunteer, grass roots groups would be penalized. However, this provision is favored by so many people – legislators and some of the interest groups about whom we are concerned – that the provision will stay in the measure. To open the process a bit, we believe the requirement should be reduced to 35% rather than 70% of the required signatures.

The right to petition government through initiatives is a valued one in Colorado. The proliferation of initiated constitutional amendments of issues that should be part of the statutes threatens the very strength of the right.

CLARIFYING THE BALLOT

HB 1090 Readability Of Statewide Ballot Titles (Rep. Court; Sen. Roberts) (support) has passed House State Affairs Committee unanimously (Miklosi excused), after an amendment was adopted. The amendment specified that the Secretary of State would pay counties two cents per ballot issue per ballot cast for having state-wide issues on the ballot. It also added some specifications for formatting of the “bullet points” in the title of the bill as

it appears on the ballot. Both changes were supported by the Clerks and the Secretary of State.

The bill now awaits approval by the Appropriations Committee. Previously reported: LL #2, p. 13.

Christine Watson 303-250-1796

BLUE BOOK MARCHES ON

HB 1035 Blue Book Information Statement (Rep. Court; Sen. Carroll) (support) This bill explains to voters, in the Blue Book, the origins of an initiative as a result of a petition with sufficient signatures or a referendum as a coming from the legislature with a super majority of votes. The League supports as voter education. The bill passed 2nd Reading on Jan. 28 and passed on 3rd Reading Jan. 31 on a 54-10 vote. Numerous co-sponsors were added. It has been assigned to Senate State, Veterans and Military Affairs and is scheduled to be heard on February 21.

Previously reported LL#1, p. 7; LL#2, p. 13.

Alice Ramsey 303-841-7839

House Vote

	YES	54	NO	10	EXCUSED	1	ABSENT	0
Acree	N		Fischer	Y	Liston	Y	Scott	Y
Balmer	N		Gardner B.	Y	Looper	Y	Solano	Y
Barker	Y		Gardner D.	Y	Massey	Y	Sonnenberg	N
Baumgardner	Y		Geron	Y	McCann	Y	Soper	Y
Becker	N		Hammer	Y	McKinley	Y	Stephens	Y
Beezley	N		Holbert	N	Miklosi	Y	Summers	Y
Bradford	E		Hullinchoest	Y	Murray	Y	Swalm	Y
Brown	N		Jones	Y	Nikkel	N	Swerdfeger	Y
Casso	Y		Joslin	Y	Pabon	Y	Szabo	Y
Conti	N		Kagan	Y	Pace	Y	Todd	Y
Coram	Y		Kefalas	Y	Peniston	Y	Tyler	Y
Court	Y		Kerr A.	Y	Priola	Y	Vaad	Y
DelGrosso	Y		Kerr J.	N	Ramirez	Y	Vigil	Y
Duran	Y		Labuda	Y	Riesberg	Y	Waller	Y
Ferrandino	Y		Lee	Y	Ryden	Y	Williams A.	Y
Fields	Y		Levy	Y	Schafer S.	Y	Wilson	Y
							Spencer	Y

HIGHER LIMITS FOR ISSUE COMMITTEES

NEW HB 1229 Issue Committees (Rep. Court; Sen. Carroll) (support) repairs a provision in campaign finance that the 10th Circuit Court of Appeals struck down. A 2002 initiative held that when supporters of a ballot measure had collected or spent \$200, they must formally establish an Issue Committee and make reports of sources and uses of the funds. In 2010, the Court of Appeals held in Sampson v. Buescher that the \$200 threshold was too low and thus denied citizens rights of association. The decision negates an element of a constitutional amendment without replacing it. The absence of a reporting threshold will likely lead to confusion about registering and reporting by issue committees. The General Assembly has power to correct the flaw by establishing a new, higher threshold for issue committees

to form and to begin reporting. HB 1229 proposes that \$1000 be the new threshold.

League believes this is a reasonable threshold, as it signifies serious initial fund raising. Disclosure of financial contributors and of expenditures for ballot measures helps the public to understand the issues that they may be asked to approve for the ballot through petitions and that they may vote on if the issue appears on the ballot.

Christine Watson 303-250-1796

FISCAL POLICY

PAY-AS-YOU-GO FAILS

HB 1052 Pay-as-you-Go Requirements (Rep. Hullinghorst; Sen. Morse) (support) required that any bill passed out of Appropriations before the Long Bill identify how the funds to pay for it will be obtained, either by cutting some other spending or by accessing discretionary funds that have been identified as available. To clarify some confusion, an amendment specified that the bill applied to all spending and tax expenditures, which was the sponsor's preference. The committee questioned whether the bill was needed, given the process by which spending is already scrutinized. The bill failed on a tie vote. Voting Yes: Duran, Labuda, Kagan, Kefalas, Hullinghorst, Pabon. Voting No: Acree, Beezley, Conti, Joshi, Swerdfeger, DelGrosso. Excused: Swalm.

Previously reported: LL #2, p. 14.

Christine Watson 303-250-1796

IMMIGRATION

IMMIGRATION BILL WITHDRAWN

NEW **HB 1107 State Illegal Immigration Enforcement (Rep. Baumgardner; Sen. Harvey) (oppose)** This bill would have made multiple changes to Colorado laws in an attempt to control illegal immigration into the U.S. It was withdrawn by its sponsor before it reached the committee hearing. The reasons given by Rep Baumgardner were that there were too many problems to continue, including the concern about constitutionality. Another bill to address immigration, SB 54 by Sen. Lambert (see LL #2, cover), is scheduled for committee hearing Wednesday, Feb. 16.

Marian Katz 720-218-2906

GUN CONTROL

LIMITS ON GUN CONTROL SHOT DOWN

SB 53 Governor Disaster Authority Firearms (Sen. Renfro; Rep. Sonnenberg) (oppose) proposed to remove firearms from the list of things the sale of which the Governor can suspend in an emergency. The bill was defeated in Senate State Affairs Committee on a vote of 3-2. Voting against the bill: Boyd, Bacon, Heath. Voting in favor of the bill: Cadman, Grantham.

Previously reported: LL #2, p. 14.

Christine Watson 303-250-1796

NATURAL RESOURCES

NEW OIL & GAS COMMISSION COMPOSITION

NEW **HB 1223 Colorado Oil & Gas Conservation Commn (Rep. Scott; Sen. S. King) (oppose)** In 2007 (though HB07-1341), the Oil and Gas conservation commission was re-formed so that the members represented a broader spectrum of affected interests than had been the case. With the drilling and drilling permits expanding rapidly, the legislature decided that there needed to be more input on environmental and health issues dealing with oil and gas permits and drilling. The size of the commission was increased from 7 to 9 and the number of industry people was decreased from 5 to 3. Also the directors of the health department and natural resources also became ex officio commission members. HB 1223 proposes that the composition of the Oil & Gas Commission be returned to the previous composition. League supported the 2007 bill. As the economy improves, permitting and drilling will return, and the issues that drove reformation of the Commission will return. Thus, we oppose returning to the old composition. The bill is to be heard in House Agriculture on February 23.

Jeannette Hillery 303.494.7718

WATER

NEW RULES FOR SEPTIC SYSTEMS

NEW **HB 1179 Onsite Wastewater Treatment Systems (Rep. Gerou) (support)** is a bill modifying and simplifying the laws on Individual Septic Disposal Systems. It not only changes the name to Onsite Wastewater Treatment Systems (OWS), but includes performance based approaches to deal with OWSs, addresses scientific

ic advances in the field, moves rule making to the Water Quality Control Commission rather than local health departments, condenses language regarding fees to local health departments. One of the greatest threats to water quality is septic systems that are not properly maintained and in many cases not accounted for by local health departments. This is a way for the industry to bring the standards up to meet the scientific advances made in this field.

This is scheduled for hearing in House Health and Environment on February 17.

Jeannette Hillery 303.494.7718

SOCIAL POLICY

BEHAVIORAL HEALTH

FAMILY ADVOCACY PROGRAMS

NEW **HB 1193 Family Advocacy Juvenile Mental Health (Rep. Labuda; Sen. Boyd)** In 2007, the Colorado Legislature established three Family Advocacy pilot programs to focus support on youth with behavioral health issues who are involved with, or are at risk for involvement with, the juvenile justice system. The goal of the 2007 legislation was to ensure that families and youth involved in complex systems could access necessary services and supports. The three pilot programs are: a Jefferson County partnership through the 1st Judicial District Juvenile Assessment Center and the Federation of Families – Colorado Chapter; a collaboration among Mental Health Center of Denver and Family Agency Collaboration and other service providers; and Hilltop Community Resources and Montrose School District RE-1J. The Division of Behavioral Health (DBH) has been in charge of implementation and monitoring. The programs have recorded continuing success. The pilot programs are set to expire July 1, 2011.

HB 1193 reauthorizes the Family Advocacy Mental Health Juvenile Justice programs, acknowledging that the programs are no longer pilots and have been completely implemented. Each program will be sustained through private funding. The DBH will manage and coordinate the programs, compile data, and promulgate rules and standards in collaboration with stakeholders. The repeal date for HB 1193 is July 1, 2021. The bill will be heard Feb. 24 in the House Health and Environment Committee.

Barbara Mattison 303-322-4878

CHILDREN'S ISSUES

FLEXIBLE FUNDING IN CHILD WELFARE

NEW **HB 1196 Flexibility in Funding Family Services (Rep. Summers; Sen. Foster) (support)** is proposed to help meet the increasing need for child welfare services by allowing departments of human services to be flexible in providing these services. It is supported by the county commissioners from around the state, and the Colorado Human Services Directors Association.

The bill allows county departments to provide family preservation services to families who are not involved in the child welfare, mental health, or juvenile justice systems, but who may enter these systems if they are unable to receive these services preventively. It adjusts the allocation of funds by the Child Welfare Allocations Committee and allows more of the county expenditures qualify as matching funds for federal purposes, allowing counties to receive more federal dollars.

In these tough fiscal times, it is important allow creativity and flexibility so that services can be provided more efficiently and cost effectively. Offering preventive services often costs less than providing more extensive services after the families experience abuse, neglect, severe mental illness, or criminal behavior.

The bill has been assigned to House Local Government.

Carla Bennett 303.757.2930

CLOSE LOOPHOLE IN BACKGROUND CHECKS

NEW **HB 1145 Availability Background Check Child Care (Rep. McCann; Sen. Tochtrop) (support in part)** closes a loophole in the requirements for fingerprint-based background checks for all potential child-care employees by requiring them to submit to both a CBI fingerprint background check and an FBI fingerprint-based background check. Under current law, employees at guest child care facilities (such as those at ski areas), public services short-term child care facilities, and employees and volunteers at neighborhood youth organizations are exempt from the FBI check.

We support this section of the bill because it enhances the safety of children who are cared for in those centers.

However, we have significant concerns about the second part of the bill because of privacy issues. It would require a child care facility to provide to a parent, upon their request, access to the clearance letter provided by the department of human services regarding an employee's background check. Testimony from opponents of this section of the bill indicated that facilities don't get a simple clearance letter. What they get ranges from

a letter saying that the person doesn't have a criminal record to a complete list offenses for which they were arrested but not necessarily charged and/or convicted including those that do not preclude them from working with children. We do not support that section of the bill.

The bill was heard in House Education on February 9 with significant opposition to the second part of the bill. The bill was laid over to give the sponsor time to work amendments and will be heard on February 16.

Carla Bennett 303-757-2930

EMANCIPATING FOSTER YOUTH PUSH BILL

NEW **SB 120 Protections for Youth in Foster Care (Sen. Newell; Rep. Kefalas) (watch)** is a youth-driven bill. It is being brought forward by the sponsors and co-sponsors in response to concerns expressed by older youth who are emancipating from the foster care system. Kudos to those youth who are taking responsibility for trying to make things better for the children in the system and those who will follow them into the system.

There are 3 parts to the bill. The first is the legislative declaration that creates a bill of rights for youth in foster care except for those in the custody of youth corrections or a state mental hospital. The second part consists of provisions to protect youth in foster care (except those in youth corrections or a state mental hospital) from identity theft. This is not an uncommon occurrence within this population. The third part addresses the importance of youth in foster care (except those in youth corrections or a state mental hospital) participating in age-appropriate extracurricular activities to help prepare them for independent living. It Human Services to create rules regarding policies, including the waiver of any fingerprint-based criminal records checks on providers and guidelines for determining when a waiver would be appropriate so that foster youth ages 12 and older can participate in activities to assist in the transition to independence, to build life skills, and to help them form positive connections. Apparently, the finger-print based criminal records check can be a barrier that keeps some providers from offering to work with these youth. The checks can be expensive for the provider.

LWV is taking a watch position on the bill. While we can support the section about identity theft because it is very problematic for a youth to emancipate and then find out his identity has been stolen and he has a terrible credit record, we are concerned about the two other parts of the bill. The first concern is the legislative declaration that seems to create for youth in foster care four pages of very specific rights. We question whether it is appropriate to use the legislative declaration to create rights. The drafting guidelines state that neither the legislative intent

statement nor the legislative declaration statement should create any kind of right. Also, the third part of the bill is of concern. While we support assuring that foster children are prepared for successful independent living when they leave foster care, we are concerned about compromising their safety if finger-print based background checks were to be waived in certain cases. We will continue to monitor the bill as it moves along.

It is scheduled to be heard in Senate Health and Human Services on February 17.

Carla Bennett 303.757.2930

MANDATORY REPORTING BILL MOVES FORWARD

SB 34 Required Reporting of Abuse and Neglect (Sen. Nicholson; Rep. Summers) (support) passed out of Senate Health and Human Services on February 3 by a vote of 7 to 2 and awaits 2nd reading. Voting Yes: Sens. Aguilar, Carroll, Foster, Roberts, White, Newell, and Boyd. Voting No: Sens. Lundberg and Mitchell. The bill adds educators who provide services through WIC to the list of mandatory reporters of child abuse and neglect. During the course of the hearing both Senator Lundberg and Mitchell voiced their concerns about the mandatory reporting requirements. The supporters of the bill focused on the important role that the WIC educators can play in promoting the safety of the children they see in the program. Many of the families that the WIC educators see do not have a regular doctor who would monitor their child's development and detect signs of abuse or neglect.

Previously reported: LL #1, p. 8.

Carla Bennett 303.757.2930

CHILD FATALITY REVIEW

NEW Within the Department of Human Services, there is a child fatality review team. **House Bill 1181 Human Service Child Fatality Review Team (Rep. Kefalas) (watch)** is a legislative attempt to place into statute the parameters of this team. When a child dies who has been provided services by a human services department within the last two years, the team investigates in order to look at processes and procedures that could be changed to prevent deaths in the future. There is no intent to place blame. This team is separate from the review team associated with the Department of Public Health and Environment. The bill is assigned to the Committee on Health and Environment, but no hearings have been scheduled.

Roberta Long-Twyman 303-377-9193

EDUCATION

ON WATCH: EDUCATION BILLS

NEW LWVCO will be watching many of education bills this session. Most deal with modifying or expanding policies that have been enacted previously. **HB 1126 Improving Parent Involvement In Schools (Rep. Duran)** would require boards of education and the Charter School Institute (CSI) to adopt a parent involvement policy. If schools are required to adopt an improvement, priority improvement, or turnaround plan, the district or CSI must hold a public hearing and then an annual public meeting on progress. **SB 69 Educational Management Organizations (Sen. Hudak)** would develop a certification process for EMOs that contract to run a public school. **HB 1089 Charter Schools Grant Applications (Rep. Conti; Sen. K. King)** removes a restriction for grant application from district or CSI charters that use the CSI as local education agency. Charter schools would be permitted to apply for these grants without consent from their authorizing district. **SB 79 (Sen. Spence; Rep. Massey) Educational Non-instructional Support Services** requires school districts with more than 10,000 students to obtain bids in competitive bidding process from independent sources for non-instructional services (custodial, transportation, food services, etc.). Incarcerating minors for truancy would not be allowed under **HB 1053 Incarceration For Truancy And Contempt (Rep. Solano; Rep. Steadman)**. **SB 157 Modifications To The School Finance Act (Sen. Steadman; Rep. Ferrandino)** is definitely on our watch list.

Sally Augden 303.455.5800

TUITION TAX CREDITS STALLED

There are times when saving public funds (as appealing an idea as it may be) interferes with the mission of all citizens contributing to the common good. **HB 1048 Income Tax Credits for Non-public Education (Rep. Swalm; Sen. Lundberg) (oppose)** raises concerns among many groups (Anti-Defamation League, teachers, school executives, school boards) about potential consequences for our public schools. LWVCO concerns center on equity for students, districts and taxpayers and on accountability for education quality. The bill was passed from the House Education Committee to House Finance where testimony was heard on February 9. As of this writing, no vote has been taken in the Finance Committee.

Previously reported LL#1, p. 8.

Sally Augden 303.455.5800

HIGHER EDUCATION

NEW FUNDING FORMULA PROPOSED

NEW **SB 52 Goals For Higher Education (Sens. Health, Bacon, King K. & Reps. Massey & Ferrandino) (Watch)** This bill repeals sections of the “Higher Education Quality Assurance Act.” Each public institution of higher education in Colorado will enter into “memorandums of expectations,” previously known as performance contracts, with the Colorado Commission of Higher Education (CCHE). Private higher education institutions receiving state moneys will be expected to do the same. These “memorandums of expectations” (MOEs) will articulate each institution’s expectations; goals and benchmarks toward meeting statewide goals established by the CCHE. This is proposed to take effect beginning in 2012-13.

CCHE will articulate goals for each public institution of higher education; develop MOEs for each institution and determine how those goals will be met; and collect data from governing boards demonstrating how those goals were met. By 2017-18, a portion of the funding for the statewide system will be allocated to schools based on the accomplishment of goals in the MOE.

The following goals should be met by the year 2019-20. CCHE will further articulate the goals and adapt them according to the unique role and mission of each institution:

- Increase access, affordability, and productivity to increase bachelors’ degrees, associate’s degrees, and career and technical education certificates by 30%. (Uses 2009-2010 data as a baseline)
- Decrease by 25% the difference in the number of bachelor’s degrees, associate’s degrees, career and technical certificates attained by: students of majority populations and students in minority populations; students of highest quartile and students of lowest quartile of the state’s population; students who graduate from school districts with the highest percentage of graduates who obtain post secondary credentials with students from school districts who have the lowest percentage. (Uses 2009-2010 data as a baseline.)
- Maintain post-secondary affordability and increase availability of financial aid.
- Increase contribution to statewide economy
- Increase research institutions’ competitiveness for research funding in areas that have the highest priority of the state.
- Educate a state workforce that aligns with need of employers for a highly skilled workforce.

Other provisions include stipulations that CCHE will hold meetings with stakeholders around the state for input on these goals, develop a system for tracking and analyzing progress toward goals, review and examine the role and mission of each state institution and recommend any changes, review teacher preparation programs for their effectiveness and study in collaboration with the Community College of Denver, Metro State College of Denver and the University of Colorado at Denver to determine how the Auraria Higher Education Center is meeting the needs of the Denver Metropolitan area.

Finally, according to the bill's summary and I quote, "Beginning with the 2013-14 budget-preparation process, the commission will submit to the joint budget committee recommendations for implementing the plan whereby, over the following 5 years, an increasing portion, eventually 25%, of the state funding for the state-wide system of higher education will be allocated to governing boards based on their respective institution's success in meeting expectations."

It appears that much of the bill is aligned with several of the LWVCO Higher Education positions but further information on the details of the bill and clarification of the impact on state institutions of higher education are needed before a final position is taken. The bill is assigned to the Senate Education Committee and scheduled for hearing on Thursday, February 17 at 1:30 p.m.

CONTINUATION OF HIGHER EDUCATION COUNCIL

NEW SB 100 Sunset Council On Higher Education (Sens. Hudak & K. King; Rep. Murray) (Support)

The Council of Higher Education Representatives supports student success and learning through facilitating students transition between two and four year institutions, resolves GT Pathway issues such as course numbering and transfers, reviews transfer and articulation agreements between institutions. Testimony at the Senate Education Committee indicated that this group has worked through issues by consensus, puts agreements in place at the student advisor level, and has been successful in its efforts to date. Introduced in the Senate on January 31 and assigned to Education Committee. The Senate Education Committee agreed on the importance of the Council's work and voted unanimously on February 10 to advance the bill to the Senate's Consent Agenda. Spence was absent.

Passage this of this bill would allow the Council to continue its important work. The LWVCO supports all efforts to facilitate a student's academic program and progress in post secondary education.

Both reviewed by Barbara Whinery 970-353-6731

HEALTH CARE

CONTINUE IN-HOME SERVICES

NEW SB 105 Sunset Medicaid In-home Support Services (Sens. Guzman, Aguilar, Boyd, Foster, Lundberg, Newell, Roberts; Rep. Levy) (support)

This bill extends the repeal date for the in-home support services program by three years to September 1, 2014. It requires the department of regulatory agencies to review the program prior to its repeal. The department of Health Care Policy and Financing (HCPF) would implement a system to monitor the number of persons receiving in-home services. Periodic training would be provided for single-entry-point agencies so that minimum information concerning eligibility for the program as well as contact information of the agency providing services would be established. HCPF would report annually to the Joint Budget Committee and to the HHS committees of the Senate and House on the implementation of in-home services. At a minimum the report would include the cost-effectiveness of providing in-home support services to the elderly, blind, disabled and disabled children as well as the number of persons receiving these services.

These services are essential to the well being of such individuals and should be continued. The bill appears to have wide support in the legislature. The Senate Health and Human Services Committee passed the bill unanimously on to Appropriations.

Marion Colliander 303-322-3926

INSURING ALL CHILDREN

NEW SB 128 Child-only Health Insurance Plans (Sen. Newell; Rep. McCann, Summers) (support)

This bill establishes two specified enrollment periods (six months apart) for child-only plan coverage which would cover individuals less than nineteen years of age. A carrier may accept an application outside of the open enrollment periods if the child does not have a preexisting condition. The plans must be issued on a guaranteed-issue basis without any limitations or riders based on health status. A carrier would be required to give notice of the open enrollment opportunities as well as enrollment instructions on its web site. A carrier may deny or drop individual coverage under specific circumstances. The carrier must report application information regarding child only plans to the commissioner of insurance.

Child-only plans do not include coverage provided to a dependent under an individual or group health plan. Children would qualify at birth, adoption, parents' marriage, or dissolution of marriage, loss of employer insurance, loss of eligibility in state plans including CBHP or

involuntary loss of coverage for any reason other than fraud, misrepresentation, or failure to pay a premium.

A carrier would be able to deny coverage to an applicant if other credible coverage is available. "Credible coverage" does not include eligibility for a high-risk pool insurance plan but does include current enrollment in such plans.

This legislature recognizes the importance of getting all children in Colorado covered by health insurance. This would bring more insurance providers into the market place. It would appear that children with pre-existing conditions could obtain coverage during the open enrollment period. It is critical that health insurance be available for these children.

The bill was introduced 1-31-11 and assigned to HHS.

Marion Colliander 303-322-3926

EXPANDING HEALTH CARE

NEW **HB 1217 Expand Access Health Care (Reps. Acree, Joshi, A. Kerr, Stephens, Summers; Sens. Boyd, Roberts) (support)** This bill enacts measures to expand access to health care in Colorado including:

- Expanding the school-based health center grant program.
- Expanding eligibility for participation in the state loan repayment program to health care providers practicing in underserved areas of the state
- Requests that the Center for Improving Value in Health Care study and recommend improvements to the system for reimbursement of health care providers who provide care for public medical assistance programs as well as insured individuals. This report would be due by October 1, 2012.
- 4) Requires the Dept. of Health Care Policy and Financing to reimburse providers of medical care for services and goods provided to Medicaid patients regardless of the location of the service delivery.
- Authorizes providers to use available space in government buildings which are located in health professional shortage areas. These providers must then accept Medicaid patients.
- Extends government immunity to the above health care practitioners who provide care to patients in available space in public buildings.

Priority for grants to school based clinics would be given to centers that serve a disproportionate number of uninsured children. Clinic services would be expanded. It is recognized that many areas of the state, particularly rural areas, suffer from a lack of access to health care services. Providers are unable to locate in such areas or provide services in these areas due to lack of financial

resources or adequate facilities in which to provide care. This bill provides help in accomplishing these goals.

The bill was introduced February 4, and assigned to House Health and Environment Committee.

Marion Colliander 303-322-3926

FETAL ALCOHOL SPECTRUM DISORDER

NEW **House Bill 1144 Fetal Alcohol Spectrum Disorders (Rep. Solano; Sen. Tochtrop) (support)** addresses the recommendations of the FASD Commission established by the legislature with representatives appointed by Governor Ritter. The bill would increase the number of members of the commission by two, one person from the schools and a second from the liquor industry. Warnings about the potential damage to the fetus from consuming alcohol during pregnancy would be more strategically used. The third provision of the bill would be to mandate insurance companies to provide coverage to families for the cost of a multidisciplinary evaluation for children suspected of or having FASD. Currently Medicaid and CHIP cover the cost of these evaluations. The House Health and Environment Committee approved the bill by a vote of 10-1, with 2 excused. Voting yes: Bradford, Brown, Kefalas, Kerr, McCann, Peniston, Riesberg, S. Schafer, Acree, Summers. Voting no: Joshi. Excused: Fields, Massey. It now awaits second reading in the House.

Roberta Long-Twyman 303-377-9193

INCOME ASSISTANCE

TAKING AWAY A LIFELINE

NEW **HB 1224 Repeal Low-income Telephone Program (Rep. Joshi) (oppose)** proposes to eliminate the Low-Income Telephone Program, which is being tightened up and cleaned up by SB 2 (LL#2, pg 18). SB 2 has already passed the Senate unanimously. Legal residents of Colorado who are already enrolled in one of six assistance programs are eligible to receive \$6.50 a month to help them pay for a phone line for their residence, on top of \$10 from the federal Lifeline program. The funds come from all other phone customers paying seven cents a month. Repealing the Low-income Telephone Assistance Program (LITAP) would hit the elderly particularly hard, since many of them still rely on landlines rather than cell phones, and need phone service to reach medical assistance.

Referred to the House Transportation Committee.

Julie Leonard 720-384-8421

STATUS SHEET

New bills are in **boldface**. S=Support O=Oppose SIP=Support in Part OIP=Oppose in Part W=Watch or Monitor

POLICY AREA	S/H	BILL #	BILL TITLE	S/O	PAGE	STATUS
Behavioral Health	HB	1193	Family Advocacy Juvenile Mental Health	S	24	H-HEA
Children's Issues	SB	34	Required Reporting Of Abuse & Neglect	S	8, 25	S-2 nd Rdg
Children's Issues	SB	120	Protections For Youth In Foster Care	W	25	S-HHS
Children's Issues	HB	1145	Availability Background Check Child Care	SIP	24	H-ED
Children's Issues	HB	1181	Human Service Child Fatality Review Team	W	26	H-HEA
Children's Issues	HB	1196	Flexibility In Funding Family Services	S	24	H-LG
Education	SB	1	Knowledge-based Economy Fund	W	8	S-ED
Education	SB	69	Educational Management Organizations	W	26	S-ED
Education	SB	79	Educational Non-instructional Support Services	W	26	S-SA
Education	SB	80	School Improvement Plans	S	16	S-ED
Education	SB	157	Modifications To The School Finance Act	W	26	H-APP
Education	HB	1048	Income Tax Credits For Nonpublic Ed	O	8, 26	H-FIN
Education	HB	1053	Incarceration For Truancy And Contempt	W	26	H-3rd Rdg
Education	HB	1055	Facilities For Charter Schools	O	9	H-APP
Education	HB	1089	Charter Schools Grant Applications	W	26	S-SA
Education	HB	1126	Improving Parent Involvement in Schools	W	26	H-2nd Rdg
Elections	SCR	1	Ballot Measures	S	21	S-SA
Elections	SB	57	Metro Dist Mail Elections	W	21	S-SA
Elections	HB	1035	Blue Book Information Statement	S	7,13,22	S-SA
Elections	HB	1072	Designated Rep Of Initiative Proponents	S	13	S-JUD
Elections	HB	1090	Readability Of Statewide Ballot Titles	S	13, 22	H-APP
Elections	HB	1131	Mail Ballot Elections	O	21	D-PI'd
Elections	HB	1219	Uniform Military And Overseas Voters Act	S	21	H-SA
Elections	HB	1229	Issue Committees	S	22	H-SA
Energy	SB	71	Reduce Energy Costs	O	15	PI'd
Equality Of Opportunity	SB	72	Civil Rights Enforcement Act	S	16	S-JUD
Fiscal Policy	SB	25	Colorado Taxpayer Empowerment Act 2011	S	12	S-2 nd Rdg
Fiscal Policy	HB	1052	Pay-as-you-go Requirements	S	14, 23	PI'd
Gun Control	SB	53	Governor Disaster Authority Firearms	O	14,23	PI'd
Health Care	SB	8	Aligning Children's Medicaid Eligibility	S	9	S-2 nd Rdg
Health Care	SB	63	Health Care In Local Gov Master Plans	S	17	S-LG
Health Care	SB	105	Sunset Medicaid In-home Support Services	S	27	S-APP
Health Care	SB	128	Child-only Health Insurance Plans	S	27	S-HHS
Health Care	HB	1019	Exempt School-based Clinics Copay	S	17	S-HHS
Health Care	HB	1025	Repeal Hospital Provider Fee	O	17	H-HEA
Health Care	HB	1144	Fetal Alcohol Spectrum Disorders	S	28	H-2nd Rdg
Health Care	HB	1217	Expand Access Health Care	S	28	H-HEA
Higher Ed	SB	126	Unsubsidized In-state Tuition	S	20	S-ED
Higher Ed	SB	52	Goals For Higher Ed System	W	26	S-ED
Higher Ed	SB	100	Sunset Council On Higher Ed	S	27	S-2nd Rdg
Immigration	SB	54	Authority To Arrest Unlawful Aliens	O	11	S-SA
Immigration	HB	1107	State Illegal Immigration Enforcement	O	23	PI'd
Income Assistance	SB	2	Low-Income Telephone Assistance Prog	W	18	To House
Income Assistance	HB	1058	No Public Assistance At Strip Club ATMs	O	18	H-3 rd Rdg
Income Assistance	HB	1224	Repeal Low-Income Telephone Program	O	28	H-TRA
Justice System	HB	1032	Restorative Justice	SIP	14	H-JUD
Natural Resources	HB	1223	Colorado Oil & Gas Conservation Commn	O	23	H-AGR
Voting Rights	SB	18	Proof of Citizenship for Voter Regis	O	7, 15	PI'd
Voting Rights	HB	1003	Define ID For Voting	O	7, 21	H-APP
Voting Rights	HB	1096	Voter Preregistration At Age Sixteen	S	13, 21	PI'd
Voting Rights	HB	1252	Proof Of Citizenship For Voter Regis	O	21	H-SA
Water	SB	21	Term Limits Water Facility Operators Bd	S	7, 16	To House
Water	HB	1179	On-site Wastewater Treatment Systems	S	23	H-HEA

