

LEGISLATIVE LETTER®

LEAGUE OF WOMEN VOTERS OF COLORADO

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LL #4:25

**HEALTH CARE FOR ALL COLORADANS
The 208 Commission Reports to the Legislature**

On January 31, 2008, Chairman William N. Lindsay and members of the 208 Commission presented their report to the legislature. The Commission had been charged with presenting a plan to expand health care coverage and to decrease health care costs for Colorado residents. The Commission chose four plans for outside evaluation and then developed a fifth plan. The Colorado Services Plan, a single payer plan supported by LWVCO, was one of the four selected. Three of the plans have individual mandates for insurance; one of these has an employer mandate. The proposal developed by the Commission is an optional continuous coverage portable plan. It is similar to the single payer plan but relies on multiple payers.

The Commission reports that total annual health care spending in Colorado is \$30.1 billion. This includes monies from public and private sources, individuals and employers. Each proposal is estimated to cost approximately the same amount (\$28.7B to \$31.1B). The estimated new state spending required for each of the five proposals runs from \$389M to \$1.1B. Depending upon the plan, a little or a lot of those funds would replace current private spending. Each plan is expected to generate savings through increased coverage and more efficient delivery of health care.

Among the Commission's findings is that "one size fits all" does not work in health care. Individual income levels, health care needs and access to affordable insurance vary greatly, as do the needs of communities. Any reform should allow individual choice, promote healthful lifestyles and preventative care and encourage personal responsibility. Because most Coloradans have insurance, the Commission recommends that we build on the strengths of the current system while protecting vulnerable populations. In order to accomplish the goals of the report, federal funding available to the state must be maximized through the expansions of public programs now in place and through applications for federal waivers that would enable the state to try new approaches to meet the needs of Colorado's vulnerable citizens.

Any adopted plan or plans would require all legal residents of Colorado to have minimum insurance coverage and all health carriers offering insurance to offer a Minimum Benefit Plan. This would be accomplished by expanding eligibility for public programs, providing sliding-scale subsidies for low-income workers to purchase private coverage, reforming the individual insurance market by making coverage more readily available and affordable for individuals with chronic conditions, and enforcing the mandate through the income tax system. Individuals and small employers would receive assistance to understand and choose among insurance options. The Commission proposes to reduce costs by streamlining processes, combining functions and improving coordination of care.

Bills supporting many of these recommendations have been introduced this session: **HB 1167** (which League supports) would expand health care for vulnerable populations. **HB 1150** would develop a pilot program for providing additional therapies for persons with disabilities who are eligible for Medicaid. **SB 68** would promote the use of telemedicine in providing mental health care services under the Medicaid program. **SB 90** would allow a Medicaid recipient to use a mail pharmacy for maintenance prescriptions, and **SB 3** (League also supports) raises the income level of people who are eligible for family planning services under Medicaid. **HB 1094** and **HB 1060** address the expanded role of advanced practice nurses (versus physicians) under health care benefit plans. Rep. Levy and Sen. Bacon intend to propose a bill to provide primary care access for all Coloradans—a start toward a universal health insurance system.

A major goal of the Governor for this session is to substantially decrease the number of children who are not covered by some form of health insurance. **SB 160**, the Children's Health Care bill (discussed on page 33 of this issue) addresses that goal by expanding the eligibility for Medicaid and Child Health Plan Plus (CHP+) to cover an additional 180,000 children by 2010. A key component is outreach to make sure that eligible children are enrolled. Through the provisions of **SB 161**, by Sen. Boyd and Rep. Merrifield, the application process for these two programs would become more efficient. Governor Ritter has proposed additional steps to improve health care for children. The Health Department would work with a wide range of community-based organizations to enroll all eligible children. All children in Medicaid would be linked to a primary-care doctor or a health clinic in order to keep them out of expensive emergency rooms. The bill would also increase the number of doctors who would provide care for Medicaid-covered children by raising reimbursement rates. Funds would come from the General Fund and from matching federal funds—a \$65 million increase in coverage for uninsured Coloradans, mostly children.

Although the Commission did not choose only one plan from the many introduced, the recommendations and steps for implementation may be able to accomplish the goal of health care for all state residents through carefully implemented changes throughout the health care system. One challenge will be enforcing the mandates for insurance coverage. Any major changes in financing or mandates may be challenged under ERISA (Employee Retirement Income Security Act of 1974), which applies to pensions and employee fringe benefit programs such as health coverage sponsored by private sector employees. Many legal experts believe that the mechanisms states are using to fund expanded health care coverage run afoul of this federal statute, and thus, a federal solution may be the only one that is viable.

Financing by raising taxes would likely require a vote of the people under Colorado's constitution. Governor Ritter has said that he will not ask voters for tax increases for health care this year. If and when tax increases for health care coverage for all Coloradans come to a vote, voters must be convinced that their health care costs would decrease in spite of a tax increase.

GOVERNMENT

YOUTH ADVISORY COUNCIL

NEW **HB 1157 Youth Advisory Council (Rep. Roberts; Sen. Windels) (support)** proposes that the General Assembly form a council made up of 40 young people (aged 14-19) for the purpose of advising on proposed legislation, especially that concerning young people, and to help find solutions for youth-related issues. There will be one person from each state Senate district, plus five appointed at large by the Speaker, with the specific intent to ensure diversity in the group. There will also be four legislators. The council will meet at least four times per year, twice during session and twice in the interim. Several other states have such councils, as do some municipalities in Colorado. The first statewide council was formed in 2002, according to NCSL, so there is not a lot of data on impact, except general satisfaction. Witnesses at hearing included students from area high schools as well as a member of Centennial's Youth Advisory Council. What a good way to start young people off as participants in government!

The measure, which has a long list of cosponsors, passed unanimously. With a fiscal note of just under \$8,500 to pay legislators and youth to attend meetings, and a need to also raise gifts, grants and donations for a web site and other expenses, the bill must still pass Appropriations before being heard by the full House.

Christine Watson, 303.250.1796
Barb Whinery, 970.353.6731

CAMPAIGN FINANCE

ENFORCING CAMPAIGN FINANCE

As previously covered in LL #2 (p. 8), **HB 1041 Campaign Finance Enforcement (Rep. M. Carroll; Sen. Gordon) (support)** seeks to close an enforcement loophole in the campaign finance laws regarding reports of violations that are made by citizens. Covering all bases has required amending several sections of the campaign finance statutes. Additions to the bill made on 2nd reading in the House included incorporating the violations reported by citizens into the provisions for attorney fees and the conditions under which attorney fees are not awarded. The bill passed 3rd reading on a vote of 63-1, with 1 vacancy. Voting No: Bruce.

Christine Watson, 303.250.1796

FISCAL POLICY

TAX EXEMPTION INCREASE GETS NOD FROM HOUSE APPROPRIATIONS

HB 1225 Business Personal Property Tax Exemptions (Reps. Rice & Buescher; Sens. Williams & Ward) (support) increases the exemption from the present \$2,500 incrementally to \$7,000 by 2011, with a fiscal impact of \$638,000 yearly when fully implemented. The bill passed from House Finance to Appropriations on Feb. 19 unanimously.

Because this is a local tax administered by the state, as are all property taxes, the state is required to backfill for the money lost by local schools. Local schools receive 54.5% of the BPPT. Of the rest, 25.3% goes to counties, 5.7% to cities, and 15.5% to special districts.

Rep. Buescher noted that the cost of administering eats up the tax collected from small businesses with assets under \$7,000. With the passage of this bill at least 30,000 small businesses will no longer have to pay the BPPT. Rep. Rice stated that this bill will not solve all the problems with the BPPT, but it is a start in the right direction. Before allowing testimony in favor of the bill, the chairman jokingly said, "We have the votes; please don't mess it up." There was no testimony against. Previously reported in LL # 3, p. 17.

Phyllis Horney, 303.771.6683

BILL TO CUT RAFT OF TAXES PI'D

HB 1245 Net Revenue Reductions (Rep. Bruce; no Senate sponsor) (oppose) was PI'd in House Finance Committee on Feb. 20. The huge bill (26 pages long, with a fiscal note of 18 pages) would have required the reduction or elimination of ten specified taxes &/or fees. It also would have deleted most income tax credits with the exception of voter-approved tax credits related to child care and child care facilities.

Committee members noted issues of unintended consequences in this all-encompassing bill. Two examples: 1) it repeals the \$4 surcharge on motorcycle and motor scooter registration that is used to provide state-certified training in the safe operation of a motorcycle; and 2) it repeals the emergency medical services fee of \$1 per vehicle that is deposited in the Emergency Medical Services Cash Fund.

Voting for the bill: Bruce, J. Kerr, Lambert, Lundberg. Voting against: Borodkin, Ferrandino, Frangas, Kefalas, Labuda, Benefield, Judd. See LL #3, p. 16 for a complete description.

Phyllis Horney, 303.771.6683

JUVENILE JUSTICE

BILL ADDRESSES JUVENILES CHARGED AS ADULTS

NEW **HB 1208 Limitations On Direct File Juvenile Case (Rep. Levy; Sen. Shaffer) (support)** was heard in House Judiciary on Feb. 20. The hearing was lengthy, with strong feelings on both sides of the issue. Speaking in support of the bill were researchers who study juvenile delinquency, defense attorneys, a Guardian Ad Litem, a former judge, the Colorado Criminal Justice Reform Coalition, and LWVCO. Speaking in opposition were the Attorney General, many DA's, and victims. The bill passed unamended to the House floor, where it awaits 2nd reading. The vote was 6-5. Voting Yes were Reps. M. Carroll, Jahn, A. Kerr, Levy, Marshall, and T. Carroll. Voting No: Reps. B.Gardner, King, Roberts, Stephens, and Stafford.

As it is currently written, the bill:

- § Raises the age at which a DA can direct file (charge as an adult) on a juvenile from 14 to 16 years.
- § Narrows the crimes that are eligible for direct file by removing vehicular homicide and vehicular assault.
- § Allows a judge to sentence a direct filed juvenile to the Youthful Offender System (in the Dept. of Corrections) if the juvenile pleads to a Class 2 felony and the DA agrees or the court finds that there is no likelihood of a conviction on a Class 1 felony.
- § Permits the district court judge to sentence a juvenile to a juvenile sentence if he/she finds that the interests of the juvenile and the community would be better served by a juvenile sentence.
- § Requires the district court judge to sentence a juvenile to a juvenile sentence if the juvenile is convicted of a lesser offense that is not eligible for direct filing. (Sometimes a DA will direct file on a juvenile for an offense that is eligible for direct file and also file on lesser offenses that are not eligible.)
- § Requires that the conviction be treated as a juvenile delinquency when a direct filed juvenile is sentenced to a juvenile sentence.
- § Creates a reverse transfer process whereby a juvenile who has been direct filed on can request a hearing before a judge to request that his/her case be transferred to juvenile court.

We support this bill because it moves us back in a more rehabilitative direction regarding juveniles who

have committed very serious crimes by offering them the possibility of being placed in or remaining in the juvenile system, which offers more opportunity for rehabilitation than the adult system does (with the exception of the Youthful Offender System). The bill would expand the category of direct filed juveniles who would be eligible for YOS. By raising the age for direct files, the decision to transfer younger juveniles to adult court would be more appropriately made by a judge who would have to consider a variety of factors that are listed in the Children's Code. This more deliberative process that would allow the judge to weigh the benefits of juvenile court jurisdiction against public safety and accountability for the juvenile. Finally, the reverse transfer process would provide due process for those juveniles who are direct filed on.

Carla Bennett, 303.757.2930

FELONY MURDER BILL AMENDED

SB 66 Felony Murder Penalty For Juveniles (Sen. Williams; Rep. Marshall) (support) passed out of Senate Judiciary to Appropriations on Feb. 11 by a vote of 4-3 with Senators Bacon, Boyd, Gibbs, and Shaffer voting Yes and Penry, Renfroe, and Ward voting No.

The bill had been heard in committee for testimony on Jan. 30, but was laid over so that Sen. Williams could work on amendments. During the testimony, it became clear that the District Attorneys were strongly opposed to the bill, particularly the section that reduced the penalty for felony murder to a Class 2 felony if the defendant was under 18 years of age at the time the crime was committed, had been convicted as an adult, and had not committed the homicidal act.

Sen. Williams came back with an amendment on Feb. 11 that the DA's were okay with. Unfortunately, the amendment struck all of the section of the bill that reduced the penalty for felony murder under the above special circumstances and changed the section that made a juvenile convicted of a Class 2 felony murder eligible to be sentenced to the Youthful Offender System. All the bill does now is make a juvenile who is charged with first degree felony murder and pleads guilty to a Class 2 felony as a result of a plea bargain eligible for sentencing to YOS. Under current law such a juvenile would not be eligible for YOS where he/she would have a better opportunity for rehabilitation. So the bill is an improvement over current law, but it is not the significant change we would have liked to see. Previously reported in LL #2, p. 9.

Carla Bennett, 303.757.2930

RESTORATIVE JUSTICE BILL MOVES TO SENATE

HB 1117 Juvenile Restorative Justice Program (Rep. Merrifield; Sen. Morse) (support) passed House Judiciary unanimously on Feb. 12 and passed 3rd reading in the House on Feb. 18 by a vote of 63-1, with Rep. Bruce voting No. It has been assigned to Senate Judiciary.

The bill was amended in committee to *allow* rather than *require* restorative justice practices. The amendment also replaces the restorative justice intake conference at sentencing and when placing a juvenile on probation with an evaluation to determine if the juvenile would be suitable for restorative justice practices. It makes the victim-offender conference an option rather than a requirement. In addition, it forbids the court from ordering participation in restorative justice practices when a juvenile has been adjudicated a delinquent for unlawful sexual behavior or domestic violence. One result of the amendment was the elimination of the fiscal note, so the bill avoided Appropriations. Fortunately, the amendment did not change the intent of the bill, which is to put restorative justice into the Children's Code. Previously reported: LL #2, p. 9.

Carla Bennett, 303.757.2930

SOME CHANGES DOWN AT THE OLD STATE HOUSE

Rep. Karen Middleton (HD 42) was sworn in on Feb. 13. She replaces Mike Garcia.

Rep. Terrance Carroll is the new Assistant Majority Leader.

Please note the following House committee shifts:

APPROPRIATIONS: Rep. Ferrandino replaced Garcia

BUSINESS AFFAIRS & LABOR: Rep. Casso replaced Rep. Ferrandino

EDUCATION: Rep. Middleton replaced Rep. Casso; Rep. Scanlan replaced Rep. Fischer

FINANCE: Rep. Ferrandino replaced Rep. Garcia

STATE, VETERANS & MILITARY AFFAIRS: Rep. Middleton replaced Rep. T. Carroll

TRANSPORTATION & ENERGY: Rep. Fischer replaced Rep. Scanlan

REPRODUCTIVE RIGHTS

REPRODUCTIVE HEALTH BILL HELPS RURAL COLORADO

More low-income Colorado citizens over the age of 18 will be able to get reproductive health information and family planning from their local health care provider as soon as **SB 3 Medicaid Family Planning Pilot Program (Sen. Boyd; Rep. Riesberg) (support)** becomes law. The bill passed the House on Feb. 18 with a vote of 41-23-1, with Republican Reps. Garza-Hicks and Roberts joining the entire Democratic House to pass this bill. It is expected to be signed by Governor Ritter. Speaking in support of the bill, Rep. Roberts noted that this measure is critically important in rural areas where access to health care for women is extremely limited. Previously reported in LL #2, p. 10; #3, p. 18.

Carolyn Engelken, 303.750.0949

BILL WOULD CRIMINALIZE SEXUALLY EXPLICIT MATERIALS

NEW SB 125 Sexual Material Harmful to Children (Sen. Harvey; Rep. Stephens) (oppose) would impose a Class 2 misdemeanor charge on anyone disseminating material that could be construed as sexually explicit and therefore harmful to minors (anyone under 18). The bill passed Senate Judiciary on Feb. 13 on a 4-2 vote, with Penry, Renfroe, Ward and Gibbs voting Yes; Shaffer and Boyd voting No; and Bacon excused.

The sponsor presented the bill as a protection of children against various kinds of pornography. Debate centered around the dangers of sexual predators using materials such as pictures, videos, films, books and magazines to bring harm to young people, versus the right (and necessity) of using accurate and appropriate materials in the teaching of sex education. Because the bill specifies that what is "sexually explicit" would be determined by "any reasonable adult," the interpretations could be wide and could impinge upon dissemination of health information. Indeed, those arguing against the bill pointed out that health professionals must use detailed and correct words and pictures to give information that would prevent STDs and unintended pregnancies. The vague wording and standards of the bill could result in charges against curious teens, and could undo the hard work that went into the passage of the comprehensive Sex Education bill passed in the legislature last year.

After floor amendments on 2nd reading, the bill was referred to Appropriations. We urge its defeat. This is the wrong way to try to do a good thing.

Carolyn Engelken, 303.750.0949

BILL TO RESTRICT REPRODUCTIVE HEALTH SERVICES PI'D

After long, emotional testimony, **SB 95 Abortion Informed Consent and Ultrasound (Sen. Schultheis; Rep. Lundberg) (oppose)** was PI'd in Senate State, Veterans and Military Affairs on Feb. 11. At least 10 post-abortive women testified in favor of the bill, stating that they had not had enough information or enough time to make that decision, and that they had had regrets throughout their lives. Doctors, clinic nurses and managers, and others opposing the bill testified that ultrasounds (and the chance to view them) were given to all and that a 24-hour wait was an imposition on many women, especially those from rural areas sometimes traveling long distances for the service. Voting in favor of the bill were Cadman and Schultheis; those opposed were Tapia, Romer, Windels. Senator Romer, while opposing the bill, gave an impassioned plea that we all work together to reduce the number of abortions in Colorado. Previously reported in LL #2, p. 10.

Carolyn Engelken, 303.750.0949

House vote, SB 3

	YES	41	NO	23	EXCUSED	01	ABSENT	00
Balmer	N		Gardner C	N	Madden	Y	Riesberg	Y
Benefield	Y		Garza-Hicks	Y	Marostica	N	Roberts	Y
Borodkin	Y		Green	Y	Marshall	Y	Rose	N
Bruce	N		Hodge	Y	Massey	N	Scanlan	Y
Buescher	Y		Jahn	Y	May	N	Solano	Y
Butcher	Y		Judd	Y	McFadyen	Y	Sonnenberg	N
Carroll M	Y		Kefalas	Y	McGihon	Y	Soper	Y
Carroll T	Y		Kerr A	Y	McKinley	Y	Stafford	Y
Casso	Y		Kerr J	N	McNulty	N	Stephens	N
Curry	Y		King	N	Merrifield	Y	Summers	N
Ferrandino	Y		Labuda	Y	Middleton	Y	Swalm	N
Fischer	Y		Lambert	N	Mitchell	N	Todd	E
Frangas	Y		Levy	Y	Peniston	Y	Vaad	N
Gagliardi	Y		Liston	N	Pommer	Y	Weissmann	Y
Gallegos	Y		Looper	N	Primavera	Y	White	N
Gardner B	N		Lundberg	N	Rice	Y	Witwer	N
							Speaker	Y

VOTING RIGHTS

PREPARING FOR A MAIL BALLOT – IN CASE

NEW **HB 1329 Inactive Registration and Mail Ballot Elections (Rep. Marshall; Sen. Gordon) (support)** is a precautionary measure that attempts to address a problem lingering from the 2006 election, when many voters, especially in Denver and Douglas counties, were not able to vote because of long lines at

vote centers caused by difficulties with poll books and machinery. Colorado law considers people who have missed one general election to be “inactive voters.” Inactive voters (all of whom are, by definition, registered to vote) who have not responded to communication from elections officials asking if they want to activate do not receive further communication from those officials, and in particular, they don’t receive mail ballots automatically. They can still cast ballots at polling places and request mail ballots.

If Colorado finds itself with an all-mail ballot in 2008, or a mail ballot at county option, many of those voters who could not vote in 2006 could be disenfranchised again because they will not receive a mail ballot unless they have done something to reactivate themselves. HB 1329 attempts to rectify the situation. It provides for additional communication to inactive voters in the form of non-forwardable post cards asking for activation. Postcards not returned for bad addresses would render voters active for purposes of receiving a mail ballot in an all-mail ballot election.

One amendment in House State Affairs Committee limited the bill’s application to 2008. Another amendment (added at the request of Common Cause, and supported by the League) would require a voter to miss *two* general elections before being deemed “inactive.” (Federal law requires removing a voter from the registration rolls after he/she has missed three general elections.) The county clerks found difficulties with implementation of this provision without other changes. We think this is an important enhancement of access to voting, but recognize that this may not be the right bill to make that policy.

Discussion in the hearing brought forth, again, concerns about all-mail ballots, even from those who supported the bill. It passed on a vote of 9-2. Voting Yes: Casso, Ferrandino, Gallegos, Looper, Massey, Middleton, Todd, Weissmann. Voting No: Lambert, Lundberg. Most legislators and observers are awaiting the bill to set forth the parameters for the 2008 polling place elections, which could make this issue moot.

Christine Watson, 303.250.1796

NATURAL RESOURCES

WATER

WATER CONSERVATION PLANS

SB 36 Water Supply Reserve Account (Sen. Isgar; Rep. Curry) (support) would allow the Colorado Water Conservation Board to allocate monies from the

EDUCATION/HIGHER EDUCATION

ENGLISH COMPETENCY BILL MOVES TO HOUSE

SB 98 English Language Competency Graduation Requirement (Sen. S. Mitchell; Rep C. Gardner) (oppose) has passed from the Senate Education Committee to the House. Testimony in the committee hearing, while primarily in opposition to the bill, was countered by Senator Mitchell's promise to Senator Bacon that he would delay the bill and eventually pull it himself if the Governor's bill (yet to be officially introduced) requiring review and revision of high school graduation requirements addresses the issue of English language competency. Objection to the bill dovetailed with the League's concern about equity, given that each district must create its own criteria and the fact that no funds are attached to the bill to give strapped districts funds to support the requirement. Jane Urschel from Colorado Association of School Boards raised the concern that SB 98 was a piecemeal measure that would be handled more effectively in the Governor's bill. The measure passed on a 5-2 vote with Bacon, Kopp, Penry, Spence and Williams voting Yes and Tupa and Windels voting No. Previously reported: LL #3, p. 21.

Sally Augden, 303.455.5800

EARLY INTERVENTION FOR STRUGGLING STUDENTS

NEW **SB 89 Early Intervening Services For Students (Sen. Williams; Rep. C. Gardner) (watch)** would allow school districts, Boards of Cooperative Services, or the State Charter School Institute to use up to 15% (the maximum allowable under federal guidelines) of the funding received through the Exceptional Children's Educational Act for providing intervention services to students who have not been identified as having a disability, but whose classroom performance indicates a need for additional academic or behavioral support in order to succeed in the general education environment. The focus would be on grade three or below, although students in all grades would be eligible. The State Board of Education would oversee the program.

LWVCO agrees with the value of early intervention in preventing problems from becoming major obstacles to successful learning. LWVCO has selected

water supply reserve account of the Severance Tax trust fund to require water conservation plans in the distribution of monies for projects affected by mining activities. The bill was one result of Interim Committee on Severance Tax discussions of ways to better utilize tax funds. It was heard in House Agriculture on Feb. 20 and passed unanimously to the Committee of the Whole.

Jeannette Hillery, 303.494.7718

SUFFICIENT WATER FOR LAND USES

After significant objection to the original bill, **HB 1141 Require Sufficient Water Supply (Rep. Curry; Sen. Bacon) (support)** was heard in House Local Government Committee, where the sponsor presented essentially a new bill. There was much discussion with the Colorado Water Congress and other interested parties, and the amendments were satisfactory to most. Rather than "sufficient and sustainable water supply," there is now "adequate water supply." New definitions were added for "adequate." There was expanding language on estimated water supply requirements and identification of all water needs for proposed development. Rep. Curry considers this bill one that encourages good communication and information sharing. It would add authority to local governments in dealing with proposed development. The bill was heard on Feb. 19, and passed to House Appropriations. Voting Yes were Curry, Gagliardi, Liston, Peniston, Soper, McKinley, Hodge. Voting No were B. Gardner, King, Summers.

Jeannette Hillery, 303.494.7718

PROTECTING WATER RIGHTS

HB 1280 Protect Leased In-stream Flow Water Right (Rep. Fisher; Sen. Schwartz) (support) would allow water rights holders to lease or temporarily donate water rights to the Colorado Water Conservation Board for in-stream purposes without forfeiting the rights. This would be a revision to Colorado water law and would be beneficial to the ecosystem and the tourism industry, which likes more water in the streams for fishing purposes. It was heard in House Ag on Feb. 10 and passed on a 10-2 vote to the Committee of the Whole. Voting Yes: Fischer, Hodge, Looper, McFadyen, McKinley, McNulty, Scanlan, Solano, Gallegos, Curry. Voting No: C. Gardner, Sonnenberg. Excused: Rose.

Jeannette Hillery, 303.494.7718

to “watch” this bill (rather than “support”), however, because of concern about the number of details that are not specified or would depend on the rules established by the State Board for implementation. At this point, it is not clear how students would be identified to receive these services, who would provide the services, and how participation in this program would relate to the process for formal identification of students with disabilities. In most school districts, special education staff, as well as other staff members who serve on staffing teams, are stretched very thin and generally face major challenges in trying to meet the needs of identified students. Shifting 15% of the resources for the special education program to providing early intervention services to non-identified students could have a major impact on a special education program.

Senate Education Committee heard the bill on Feb. 7. Opposition echoed our concern that special education is already under-funded and that diverting resources would make it even more difficult to meet the needs of identified students. In support, some witnesses, as well as Senators Williams and Spence, emphasized that the bill allows districts the flexibility to use some of the allotted funds for early intervention services, but does not require them to do so. They also stressed the value of providing early intervention before students are so far behind in their academic work and so frustrated that they are likely to fail.

Subsequently, Sen. Williams amended the bill to emphasize that the purpose was to help struggling students in general education before they develop serious problems, thus reducing or possibly eliminating the need for formal participation in special education. The vote for the amended bill was 5 in favor, 1 opposed (Tupa), and 1 excused (Bacon). As amended, SB 89 passed 3rd reading on Feb. 22 on a vote of 33-0-2 (S. Mitchell and Shwartz excused). It now awaits hearing by House Education Committee.

Catherine Felknor, 303.494.7199

BILL WOULD EASE HIGHER ED CAPITAL CONSTRUCTION PROJECTS

NEW **HB 1205 Increase Higher Ed CDC Exceptions (Rep. Riesberg; Sen. Windels) (support):** Recommended by the Capital Development Committee (CDC), this bill raises the dollar amount threshold to \$2.0 million under which state institutions of higher education are exempted from the planning and program review for capital development projects. Approval for projects up to \$2.0 million and paid for exclusively by state institutions would *not* require

planning review by the Colorado Commission on Higher Education, CDC and Joint Budget Committee before beginning construction. Projects funded by cash funds from the institution would not have to wait to establish service contracts until the Long Bill appropriations have been made. This exemption would enable institutions of higher education to begin capital construction projects sooner, thereby saving on inflated construction costs. A process for approving projects exceeding \$2 million is also outlined in the bill. In the House Education Committee the bill passed by a vote of 13-0 on Feb. 14. It passed the House on 3rd reading Feb. 22 by a vote of 63 Yes, 1 No (Bruce), and 1 Excused (Green).

Barbara Whinery, 970.353.6731

EQUALITY OF OPPORTUNITY

WAGE TRANSPARENCY BILL ADVANCES

SB 122 Wage Transparency Act (Sen. Windels; Rep. T. Carroll) (support) advanced to 2nd reading after a hearing by Senate Education Committee on Feb. 12. Many witnesses spoke about experiences with pay inequity that was hard to find out about and thus hard to address. Michigan, Illinois and California already have similar laws. A professor from the University of Denver noted that removing the prohibition against disclosing or discussing salary would not present competitive disadvantages, as salaries of top executives are often already published in SEC filings. Representatives of CACI noted that the bill, as written, might allow payroll clerks, HR employees, or others whose jobs give them access to salary information to be freed from their confidentiality obligation. The sponsor agreed to work on amendments to address that concern. The vote to approve the bill was 4-2-1. Voting Yes: Schwartz, Takis, Tochtrop, Veiga. Voting No: Kester, Taylor. Excused: Wiens. Previously reported: LL #3, p. 22.

Christine Watson, 303.250.1796

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HEALTH CARE

MORE CHILDREN ELIGIBLE FOR HEALTH CARE FUNDING

NEW **SB 160 Children's Health Care (Sen. Hagedorn; Rep. McGihon) (support)** would increase the income level determining eligibility for the Baby and Kid Care program under Medicaid to 133% of the federal poverty level (FPL). It would apply to children at least 6 and under 19 years of age, effective July 1, 2009. For the Children's Basic Health Plan (CHP+, for children not covered by Medicaid), the percentage level of the FPL would increase from 205% to 225%, effective July 1, 2008. If enough funds are available, CHP+ eligibility could increase to 250% of FPL.

Children whose family income increases above the limit and those who enroll in a commercial health insurance plan during the twelve-month period would no longer be eligible for coverage.

This bill would intensify efforts to enroll an estimated 70,000 children who are eligible for the state health plan or Medicaid but not currently enrolled. Increasing the income levels for eligibility increases the number of children who would have health care coverage. It is estimated that funds to cover the bill would come from the General Fund and federal funds. Senate Health and Human Services Committee will hear the bill on Feb. 28.

Marion Colliander, 303.322.3926

STATUS SHEET

The Status Sheet is a constantly updated list of bills being followed by Legislative Action Committee members.

New bills are in **boldface**.

Policy Area	S/H	Bill #	Bill Title	S/O	Page(s)	Status
Campaign Finance	HB	1041	Campaign Finance Enforcement	S	8, 27	S-SA
Children and Families	HB	1019	Transfer Education Records for Foster Children	S	12, 21	S-ED
Children and Families	HB	1051	Core Services for Families	S	12	Signed
Education	SB	18	Higher Education Clean-up	S	13	H-ED
Education	SB	89	Early Intervening Services	W	31	H-ED
Education	SB	98	Graduation Requirement: English	O	21, 31	S-2 nd rdg
Education	HB	1024	CSAP Longitudinal Analysis Models	S	13, 21	Signed
Education	HB	1159	Institute Charter Schools	S	12, 21	H-2 nd rdg
Education	HB	1205	Increase Higher Ed CDC Exceptions	S	32	To Senate
Energy	HB	1025	Governor's Energy Office	S	11	S-SA
Energy	HB	1107	Energy Efficiency- REA's	S	20	H-2 nd rdg
Energy	HB	1160	Net Metering - REA's	S	20	S-AG
Equality of Opp'y	SB	122	Wage Transparency Act	S	22, 32	S-2 nd rdg
Fiscal Policy	SB	13	Sev. Tax Trust Fund -Ops	S	15	S-APP
Fiscal Policy	SB	128	Eliminate Sales Tax Cap	O	16	S-3 rd rdg
Fiscal Policy	HB	1083	Mineral Revenue Local Gov't Distr.	S	15	S-LG
Fiscal Policy	HB	1225	Bus. Pers. Prop. Tax Exempt.	S	17, 27	H-APP
Fiscal Policy	HB	1245	Net Revenue Reductions	O	16, 27	PI
Government	HB	1157	Youth Advisory Council	S	27	H-APP
Gun Control	SB	49	Access to Firearms by Minors	S	8, 17	S-APP
Gun Control	SB	115	Civil Action - Gun Free Zones	O	17	PI
Health Care	SB	99	Extend Medicaid: Foster Care	S	22	S-APP
Health Care	SB	160	Children's Health Care	S	33	S-HHS

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Health Care	HB	1167	Health Care for Vulnerable Populations	S	22	H-HHS
Health Care	HB	1309	Sunset Review: CoverColorado Assess.	S	22	To Senate
Justice System	SB	54	Judicial Performance Evaluation	S	8, 18	S-APP
Juvenile Justice	SB	66	Felony Murder Penalty for Juveniles	S	9, 28	S- APP
Juvenile Justice	HB	1016	Juvenile Justice Mental Health Procedures	S	9	S-JUD
Juvenile Justice	HB	1117	Juvenile Restorative Justice Program	S	9, 29	S-JUD
Juvenile Justice	HB	1208	Limits on Direct File Juvenile Case	S	28	H-2nd rdg
Reproductive Rights	SB	3	Medicaid Family Planning	S	10, 18, 29	To Gov
Reproductive Rights	SB	95	Informed Consent for Abortion	O	10, 30	PI
Reproductive Rights	SB	125	Sexual Material Harmful to Children	O	29	S-APP
Transportation	HB	1312	Transportation Investment Efficiency	S in part	18	H-TRA
Voting Rights	SB	40	Online Voter Registration	W	11	S-SA
Voting Rights	HB	1039	Voter Photo ID in Elections	O	10, 19	PI
Voting Rights	HB	1155	Cert. of Voting Systems for 2008 Election	S	11, 19	Signed
Voting Rights	HB	1177	Citizenship Documents for Voting	O	11, 19	PI
Voting Rights	HB	1329	Inactive Registration & Mail Ballot Elections	S	30	H-2nd rdg
Water	SB	36	Water Supply Reserve Account	S	20, 30	H-2 nd rdg
Water	HB	1141	Require Sufficient Water Supply	S	20, 31	H-APP
Water	HB	1241	Colo Watershed Protection Check-off	S	20	H-APP
Water	HB	1280	Protect Leased Instream Flow Rights	S	20, 31	H-2 nd rdg