



April 21, 2008

LL #8:63

PLENTY OF ACTION, SOME CONCERNS IN EDUCATION

Education has seen a very busy legislative session – more than Legislative Action Committee (LAC) could follow. The major areas covered this year included the Governor’s proposal for alignment of education from preschool through college (P-20), graduation requirements, charter school issues, modifications to the CSAP process and structure, capital construction, and financing for PreK-12.

The **Governor’s P-20 Education Coordination Council** was created in fall of 2007 to support Governor Ritter’s Colorado Promises for Education. Goals are to make policy recommendations, to provide dialogue between K-12 and postsecondary education, and to encourage educational reform.

Several of the Council’s recommendations were introduced in the 2008 legislative session: eliminate the pre-school wait-list, fund full day kindergarten, establish pilot counselor corps, develop a P-20 data center, and fund technical assistance for alternative educator compensation. The 2008-09 School Finance Act (see **HB 1388** under Education in this newsletter) makes substantial progress in funding pre-school and full-day kindergarten. Additional recommendations are contained in HB 1255 and HB 1370, addressed below. The report, recommendations, and other information can be found on the Governor’s website, www.colorado.gov/governor; select “P-20 Council.”

The **Governor’s Education Plan – CAP4K**, derived from reports by the P-20 Council, became the basis for a major legislative proposal (**SB 212**, discussed in this newsletter). The Colorado Achievement Plan for Kids (CAP4K), would overhaul the Colorado standards, curriculum, assessments, and graduation requirements – impacting kindergarten through the first year of post-secondary education. With a phase-in period of five years, it proposes to update the Colorado educational system by identifying school readiness standards and assessments, revising K-12 standards and assessments, and establishing postsecondary workforce readiness standards and assessments. While LWVCO is in favor of alignment and coordination from preschool through college, there is a serious concern about moving too quickly or without careful consideration of the implications of new requirements, since it takes time to reorient curriculum and teaching to new requirements, and more to see results.

The 2008 legislative session was fairly quiet on **charter school issues**. **HB 1159**, which moved rather smoothly through both houses, refines some of the processes involved in granting of institute charter status and emphasizes the intended mission of charter schools to provide innovative, high-quality choices aimed at closing the achievement gap. LWVCO supported the bill (essentially a rewrite of SB 07-61), especially provisions directing the Charter School Institute and its board to maintain open records and follow open meeting laws, to ensure that all information about the board and its meetings are posted and updated on its web site, and to collect and update specific data from institute charter schools.

CSAP (Colorado Student Assessment Program) received lots of attention this year, and the controversy continues. An important change in the procedure for calculating long-term growth on the CSAP was made by **HB 1024** (signed into law on February 14). It took specifics of the statistical model to be used out of statute, allowing a much simpler and more straightforward procedure for reporting academic growth across years. **HB 1186** (see report in this letter and in LL #6, page 46) proposed to resolve one of the serious concerns in the calculation of school performance ratings that are the basis of School Accountability Reports. When students don't take the test, their lack of score becomes a negative in the SAR calculation. After much debate, the calculation will continue as is. This lack of agreement is perhaps one of the biggest disappointments for 2008 education legislation, as the School Accountability Reports serve primarily a punitive function and are not well understood by parents or the community.

The third CSAP bill LAC followed proposed a major reduction in the current assessment program (**HB 1357**): eliminating writing at all grades, reading and math at grades 9 and 10, and the CSAP-A (alternative test that is more appropriate for students with disabilities). While these deletions would yield considerable financial savings, the educational impact of such major changes need to be carefully considered with input from the education community. Perhaps of greatest concern is the coordination of this bill with SB 212, which may explain why HB 1357 has been on hold for some time. In addition, these bills seem at cross-purposes: why approve a better way of reporting student progress on the CSAP over time (HB 1024), and then delete major portions of the testing?

Perhaps the most agreement on a single issue occurred regarding **capital construction** (**HB 1335**, Building Excellent Schools Today – BEST), which will consolidate several sources of revenue. More than 80% of

legislators voted for HB 1335. It establishes the Public School Capital Construction Assistance Fund. LWVCO strongly supports this new approach to resolving the backlog of schools in need of major repair or replacement. Especially important is that this legislation provides funds to settle *Giardino v. CO*, the lawsuit requiring the state to provide financial assistance to school districts without the resources to repair or replace unsafe or obsolete buildings.

Two education bills not yet reported on by LAC deal with very important issues: HB 1255, Loan Forgiveness Pilot Program and HB 1370, Counselor Corps Grant Program. The loan forgiveness bill would expand the current program to include more teachers in rural, high poverty school districts. The retention rate for teachers participating in the current program is very strong. The counselor corps program would put more counselors into secondary schools with high dropout rates. Currently, the student-counselor ratio in Colorado is *one-half* the ratio recommended by the American School Counselors Association.

As is true every year, the **Financing of Public Schools** (HB 1388) contains major implications for education in Colorado. If all funding provisions currently in the bill are retained, per-pupil base funding will increase 3.4%, only slightly more than the 3.2% required by Amendment 23 (inflation of 2.2% plus 1%). The additional funding for preschool and full-day kindergarten will provide a sound foundation for many of the proposals in the Governor's Education Plan. HB 1388 is still moving, and thus subject to change. However, if most of the components remain intact, it will mean a huge step in moving toward the goals contained in the Governor's plan.

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GOVERNMENT

FISCAL POLICY

FEDERAL MINERAL LEASE REVENUE EXTENDED TO HIGHER ED

NEW **SB 218 Allocation of Federal Mineral Lease Revenue (Sens. Schwartz & Penry; Reps. Buescher & Balmer) (support)**. This bill, with bipartisan sponsors, modifies the allocation of the state's portion of federal mineral lease (FML) revenue. It

creates a new Higher Education FML Revenues Fund and a new Higher Education Maintenance and Reserve Fund and specifies the uses of monies in these funds. It also creates a Local Government Permanent Fund. Local government grants are to be made by priority and are based on a weighted formula that accounts for the number of mineral industry employees living in the county, the number of mine and well permits, and the prior year's mineral production.

Bonus payments are up-front payments from contractors to the federal government for granting an FML. The state receives one-half of the federal bonus payments to be used as part of its FML program. The bill requires that this money be divided equally between the newly created Local Government Permanent Fund and the Higher Education Maintenance and Reserve Fund, a sort of rainy day fund for higher education. These bonus payments are anticipated to be much higher in the future.

Public Education (K-12) and water projects will continue to receive funding consistent with past years. The current formula by which they receive FML monies specifies that the money is to be used by state agencies, public schools and local governments for the planning, construction, and maintenance of public facilities and public services. Priority is given to public schools and local governments socially or economically impacted by the mineral extraction industry on federal lands.

FML revenue is projected to double over the next ten years. The Roan Plateau will be auctioned this summer or fall for mineral leasing and production. Only after that might the additional revenue to flow back to Colorado. *The fiscal note assumes that this bonus payment will constitute 10 percent of total state FML revenues.* Monies in this same bill may rescue the unfinished science building on the Auraria campus.

Both Senate Education and Finance Committees passed the bill unanimously, and it awaits hearing in Appropriations.

Phyllis Horney, 303.771.6683

JUSTICE SYSTEM

DNA BILLS MOVE FORWARD

SB 205 New Trial For Destroying Evidence (Sens. Gordon & S. Mitchell; Reps. King & Jahn (support)) was heard in House Judiciary April 16 and passed to the committee of the whole on a vote of 9-2,

with B. Gardner and Stephens voting No. The bill originally required a judge to order a new trial for a defendant when DNA evidence was lost or destroyed. The committee amended the bill to allow, not require, a judge to grant a new trial. When authorities lose or destroy evidence that was ordered to be tested, a judge must now hold a hearing to find whether a remedy is needed (which might include a new trial).

Opponents argued that a new trial would inflict renewed suffering on victims. Supporters rejected that argument, saying it would work to restore faith in our justice system by proving whether a person belongs in prison or the real perpetrator is still at large. Previously reported in LL #7, p. 56.

NEW **HB 1397 Disposition of Evidence in Criminal Cases (Reps. Jahn & King; Sens. Kopp & Gordon (support))** is the replacement for HB 1351, first reported in LL #5, page 37. The House Judiciary Committee unanimously approved the bill, which requires police to keep DNA evidence on first-degree murder and sexual assault cases. It sets standards for the preservation of DNA evidence and requires new peace officer cadets to receive training on proper DNA evidence collection and preservation. The bill goes to House Appropriations with a fiscal note of \$81,207.

Mailyn Shuey, 303.863.0437

GUN CONTROL

LIMITING MINORS' ACCESS TO FIREARMS

SB 49 Access to Firearms by Minors (Sen. Windels (support)) held an adult accountable by making it a misdemeanor to leave a firearm easily accessible to a minor. Senate Appropriations PI'd the bill on April 11 on a vote of 9-1, with Morse voting not to PI. Previously reported in LL #2, p. 8.

Marilyn Shuey, 303.863.0437

JUVENILE JUSTICE

FELONY MURDER BILL PASSES SENATE

SB 66 Felony Murder Penalty For Juveniles (Sen. Williams; Rep. Marshall) (support) passed 3rd reading in the Senate on April 16 on a vote of 22-12-1. As amended in the Senate, the bill makes a juvenile who is charged as an adult with first degree murder and

pleads guilty to a class 2 felony eligible for sentencing to the Youthful Offender System. On April 18, House Judiciary passed the bill to House Appropriations on a vote of 6-3-2. Voting Yes: M. Carroll, A. Kerr, Levy, Marshall, Stafford, T. Carroll. Voting No: B. Gardner, King, Stephens. Excused: Jahn and Roberts. Previously reported: LL #2, p. 9; #4, p. 28.

Carla Bennett, 303.757.2930

Senate 3rd reading vote, SB 66

YES	22	NO	12	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	E	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	N	Spence	N	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	N	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	Y		

**JUVENILE DIRECT FILE BILL
PASSES SENATE JUDICIARY**

HB 1208 Limitations On Direct File Juvenile Case (Rep. Levy; Sen. Shaffer) (support) passed out of Senate Judiciary to Appropriations on April 16 by a vote of 4-2. Voting Yes: Bacon, Boyd, Gibbs, Shaffer. Voting No: Penry and Renfroe. Excused: Ward.

In committee, Sen. Shaffer offered a strike below. As amended, the bill no longer raises the age at which DA’s can direct file on juveniles to 16 from 14. However, the amended bill retains the most critical provision of the original bill—the reverse transfer hearing provision. That provision allows a juvenile who has been direct filed on to request a hearing before a judge to ask that the juvenile’s case be sent back to juvenile court. The amended bill also retains the provision that requires the district court judge to sentence a direct filed juvenile to a juvenile sentence if the juvenile is convicted of a lesser offense that is not eligible for direct file. In addition, it requires that any direct filed juvenile who is being held prior to trial be housed in a juvenile facility or, if in adult facility, be separated by sight and sound from the adult prisoners.

It is disappointing that the bill retains current law allowing direct filing against a juvenile as young as 14. However, the reverse transfer hearing provision is critical. Removing children from the juvenile system deprives them of significant rights and protections and should require a measure of due process. Direct filing by DA’s with no opportunity for a hearing before a judge does not provide due process. Previously reported: LL #4, p. 28; #5, p. 37.

Carla Bennett, 303.757.2930

REPRODUCTIVE RIGHTS

SB 125 LIVED, DIED, WAS RESUSCITATED, EXPIRED

SB 125 Sexual Material Harmful to Children (Sen. Harvey; Rep. Stephens) (oppose) rolled around the Senate for two months before finally coming to closure in Senate Appropriations on April 11 (see LL #4, page 29). On 2nd reading opponents argued that it was overly broad and might interfere with the teaching of scientifically correct sex education. An amendment to address the *stated* reason for the bill would make the use of pornography in the commission of a crime against a minor a felony. The amendment passed, BUT...with it came a fiscal note (death by price tag). It was sent on to Senate Appropriations. During commentary in that hearing, supporters reiterated that we were one of a few states without a law protecting minors from harmful sexual material. On the other side, Sen. Morse noted that in 27 years in police work he had never found pornography to cause a crime. Appropriations allowed the sponsor time to find money to fund the \$125,000 price tag, but none was available without dipping into the General Fund. SB 125 was defeated on a 6-4 vote. Voting Yes: Brophy, Harvey, Johnson and Kopp. Voting No: Morse, Keller, Romer, Takis, Veiga, and Windels>

Carolyn Engelken, 303.750.0949

VOTING RIGHTS

VOTER NOTIFICATION—AGAIN

NEW **HB 1401 Voter Info Card to Each Eligible Voter (Rep. Marshall) (support)** would require that county clerks send voter information cards to each registered eligible voter unless communication previously sent to that voter was returned as undeliverable. This bill, therefore, eliminates the designation of active or inactive voters for the purposes of receiving information about upcoming elections and ensures that *all* registered eligible voters receive a mailing containing their precinct number and polling place at least 25 days before a general or special legislative election.

Carol Tone, 303.377.3746

RANKED VOTING BILL AMENDED

HB 1378 (Rep. Kefalas; Sen. Gordon) (support in part) initially created a pilot project on the use of **ranked voting methods** (see LL #7, p. 56). On April

10 the House State, Veterans and Military Committee amended the bill to eliminate the pilot program. That change also eliminated the requirement that all voting equipment certified after July 1, 2009, be able to accommodate ranked voting. The current version is permissive, and the bill passed to Appropriations. With these costs removed, Appropriations sent the bill to the floor, where it awaits 2nd reading.

Carol Tone, 303.377.3746

SOCIAL POLICY

CHILDREN AND FAMILIES

BENEFITS OF SHARING INFORMATION

NEW Thirteen children died in Colorado last year as a result of neglect or abuse. One of the factors inhibiting the agencies functioning to prevent such fatalities was the inability to access information about their families. Last year in SB 07-262 district attorneys and public defenders were given read-only electronic access to court records, including juvenile and probate records. **HB 1264 Electronic Access to Court Records (Rep. Roberts; Sen. Shaffer) (support)** would broaden this electronic access to attorneys providing services to various relevant state departments, the Guardians ad Litem, who represent the interests of the child in a court action, the state Office of the Child's Representative, and the attorneys representing the respondent parents in a court action.

Efficient and timely electronic access will allow attorneys in rural areas access to records without requiring them to travel long distances to review the hardback volumes stored at the county courthouse. Colorado's children will benefit from access to information granted equally to all parties of a dependency and neglect action or to a juvenile delinquency action.

Roberta Long-Twyman, 303.377.9193

MENTAL HEALTH PILOT PROGRAM FOR ABUSED CHILDREN PASSES

NEW **HB 1391 Mental Health Services Child Abuse Pilot (Reps. Romanoff and Buescher; Sens. Keller and Morse) (support)** creates the Child Welfare and Mental Health Services Pilot Program. It passed out of House Health and Human Services to

Appropriations unanimously. The purpose of this pilot program is to provide mental health screenings, evaluations and mental health services to a child ages 4-10 who is the subject of a substantiated case of abuse or neglect. The services will also be provided to the child's siblings (ages 4-10) and will be provided regardless of whether the child remains at home, in foster care, or under court supervision.

The pilot will begin on or before July 1, 2009, and end on June 30, 2012. It will be implemented in three counties or regions. The sponsors have successfully worked with the JBC to come up with the money to fund this program; funds will come out of the Controlled Maintenance Trust fund.

This bill will benefit children who are abused and neglected and need treatment for mental health or behavioral issues. Without treatment these children are at risk for a host of behavioral, emotional, educational, and physical health problems throughout childhood and into their adult years. Sadly, these services are not already standard practice and this program will only serve a few of the children who need it. However, every step forward is important even if it is small.

Carla and Frank Bennett, 303.757.2930

EDUCATION/HIGHER EDUCATION

SCHOOL FINANCE BILL ATTEMPTS TO RESOLVE SEVERAL ISSUES

NEW **HB 1388 Financing of Public Schools (Rep. Pommer; Sen. Windels) (support)** As introduced, HB 1388 would provide for the following:

- Per-pupil base funding increase of 3.2% from \$5,087.61 to \$5,250.41 (Amendment 23 requires inflation of 2.2% + 1%)
- Supplemental funding for full-day kindergarten and grants to construct facilities
- Retain funding for full day kindergarten
- Add 300 preschool positions for 2008-09. This, along with shifting some funds, should allow every at-risk 4-year-old will be able to attend preschool, eliminating the waiting list
- \$2M in grant money for high-cost special education students, upholding commitment made in 2006 to provide more assistance for these students

House Education Committee added several amendments, including: (1) add \$10M to base per-pupil funding (addition of \$9.86/pupil, making the total in-

crease over 2007-08 \$172.66 rather than \$162.80/pupil); (2) commission a study of all aspects of declining enrollment and identify possible long-term solutions; (3) allocate \$135K additional capital construction funding to the Rocky Mountain School for the Deaf (a charter school) from charter school capital construction funds; (4) add \$200K to fund an after-school education pilot grant program; and (5) encourage districts to prioritize homeless children in full-day kindergarten programs; (6) change the distribution of funds to charter schools so that funding would be based on each charter school's at-risk population; (7) put in statute the requirements of Amendment 23, which will sunset in 2011. The bill went to Appropriations on a 9-3 vote (C. Gardner, Summers & Witwer voting No; Rose excused).

As a result of these amendments, the estimated increase in state expenditures for 2008-09 rose to \$63M compared to the requirements of current law, from the \$48 million noted above. On April 18, House Appropriations passed the bill to the floor on a vote of 10-3 after adding amendments to specify that sources of funds for some programs would be the State Education Fund. Voting Yes: Butcher, Ferrandino, Judd, Massey, Riesberg, Vaad, Weissmann, White, Pommer, Buescher. Voting No: J. Kerr, McGihon, McNulty.

Catherine Felknor, 303.494.7199

**CSAPS: DISAPPOINTMENT
IN CONFERENCE COMMITTEE**

HB 1186 No Penalty For Students Missing CSAPs (Rep. Solano; Sen Windels) (watch) passed 3rd reading in the Senate on Mar. 27 by a vote of 20-14-1 (see vote at end of article). The House disagreed, and the bill went to a conference committee. The version passed by the House called for deleting students with scores of zero (due to absence or inadvertent error in CSAP administration) from calculations related to school district accreditation and to School Accountability Reports. The Senate version kept these calculations as they currently exist in statute, but required CDE to *also* calculate the results with students who received zero scores excluded. The Senate version allowed schools to report results of the second calculation in their School Accountability Reports (SAR). Presenting the calculations both ways would allow educators, parents, and community to see how school performance ratings were impacted by missing students, and LWVCO supported this compromise. Unfortunately, the conference committee eliminated a lot from the bill including Senate provisions specifying two sets of calculations. All that remains prohibits

a school or school district from penalizing a student who is absent during administration of the CSAP.

Thus, the calculation of school performance ratings will continue to use the formula (in statute since 2000) that gives a negative weight to missing students as well as students in classes where an inadvertent administration error occurred – an inaccurate representation of performance on the CSAP. The school performance rating included in the SAR serves primarily a punitive function and is not easily understood by parents or community. It is very unfortunate that a meaningful compromise could not be reached on the primary purpose of HB 1186, especially since 53 Representatives and 20 Senators voted to change the process for integrating missing students into school performance ratings. The Conference Committee report is waiting for review in each house.

Catherine Felknor, 303.494.7199

Senate 3rd reading vote, HB 1186

YES	20	NO	14	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	N	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	N	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	N
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	E	Spence	N	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	N	Tapia	Y	President	Y
Isgar	Y	Renfroe	N	Taylor	N		

**CAP4K—GOVERNOR’S COLORADO
EDUCATION PLAN**

NEW **SB 212** **Preschool to Postsecondary Education Alignment (Sens. Romer & Penry; Reps. Witwer & Scanlan) (support in part).** Colorado Achievement Plan for Kids (CAP4K) provides a framework for an “evolution” (not a “reform”) of the entire educational system of Colorado standards, curriculum, assessments, and graduation requirements for pre-kindergarten through the first year of postsecondary education. The purpose is to prepare *all* students for postsecondary education, the workforce and active citizenship. Well-reported statistics about dropout rates, students unprepared for college work, and changing demographics are driving the overhaul.

Components of the plan revise educational standards, but also encourage students to participate in activities that develop creativity, civic responsibility, technological expertise and other skills critical to the 21st century workforce. The three general components of the plan to update the Colorado educational system include identifying school readiness standards and assessments, revising K-12 standards and assessments,

and establishing postsecondary-workforce readiness standards and assessments. Implementation takes place over four years, with review every four years. In particular, the State Board of Education (SBE) would set new high school graduation standards and criteria according to the Postsecondary Work Readiness standards. The Colorado Commission on Higher Education (CCHE) will revise the minimum academic admission standards for first-time freshmen and transfer students, and graduation standards would be consistent. One important change will be the use of the ACT and related tests for assessing progress of high schools students, replacing the CSAP in high school.

League's support is based on our Higher Education program, which calls for every student to have the opportunity to participate in some kind of postsecondary education, and for consistent academic standards and rigorous high school graduation requirements.

We do have concerns:

- This may be an unfunded mandate, especially regarding teacher professional development around the new standards and assessments.
- English Language Learners (ELL) may have difficulty meeting the new standards quickly enough. There may not be enough ELL teachers to address this need.
- Assessments (ACT/EPAS) may be driving standards. Is this the right order?
- Implementing this unique program will require a federal waiver or risk losing funding under No Child Left Behind – no easy task.

The bill has solid support, passing Senate Education committee unanimously and 3rd reading in the Senate by a vote of 31-0, with Penry, Tupa, Wiens excused; Schwartz absent. Next: House Education Committee.

Barbara Whinery, 970.353.6731

HEALTH CARE

HEALTH CARE UPDATES

SB 161 Medicaid and CHP+ Enrollment (Sen. Boyd; Rep. Merrifield) (support) allows the Department of Health Care Policy and Financing to verify income eligibility for Medicaid and CHP+ through Dept. of Labor and Employment records. It has passed 3rd reading in the Senate by a vote of 34-0, with Kester excused. The bill was amended so the state department, rather than the county department, would

be responsible for recovering erroneous medical payments from an individual whose eligibility was disallowed. Funding for the bill would come from gifts, grants or donations to a fund within the Dept. of Health Care Policy and Financing as well as federal funds. Previously reported in LL #5, p. 40.

SB 160 Children's Health Care (Sen. Hagedorn; Rep. McGihon) (support) passed 3rd reading in the Senate on April 16 by a vote of 24-9-1. Along the way the bill has been amended considerably. (See LL #4, p. 33, and #5, p. 40.)

Coverage will be extended to pregnant women who are eligible for Medicaid and whose family income does not exceed 225% of the federal poverty level (FPL). If money is available, the level of income for eligibility could be extended to 250% of the FPL. Any pregnant woman enrolled will be covered throughout pregnancy and 60 days after, even if her income increases past the eligibility level during that time. At birth, a child born to an eligible woman would be eligible for the plan and would be automatically enrolled.

Mental health services comparable to those provided to Medicaid recipients would be covered. Funds would cover children's basic health plan dental costs for the fiscal year beginning July 1, 2008. Funding will come from the children's basic health plan trust, which is annually funded by the legislature, tobacco litigation settlement monies, and federal funds designated for the CHP program, as well as enrollment fees paid by families. Increases in funding for the years 2009-10, and 2010-11 are projected along with projected increases in the number of children enrolled in the plan.

Marion Colliander, 303.322.3926

Senate 3rd reading vote, SB 160

YES	25	NO	9	EXCUSED	1	ABSENT	0
Bacon	Y	Johnson	Y	Romer	Y	Tochtrop	Y
Boyd	Y	Keller	Y	Sandoval	Y	Tupa	Y
Brophy	N	Kester	E	Schultheis	N	Veiga	Y
Cadman	N	Kopp	N	Schwartz	Y	Ward	Y
Gibbs	Y	McElhany	N	Shaffer	Y	Wiens	N
Gordon	Y	Mitchell S.	Y	Spence	Y	Williams	Y
Hagedorn	Y	Morse	Y	Takis	Y	Windels	Y
Harvey	N	Penry	N	Tapia	Y	President	Y
Isgar	Y	Renfro	N	Taylor	Y		

BILL WOULD OVERSEE INSURANCE RATES

NEW **HB 1389 Fair Accountable Insurance Rates (Rep. M. Carroll; Sen. Sandoval) (support)** requires auto and health insurance companies to justify their premium rate increases. It gives the Insurance Commissioner authority to block unjustified rate hikes and apply penalties for violations. "Justifiable" rate

increases would be judged in relation to benefits provided; rate increases would be evaluated with regard to being too low as well as too high. The Commissioner would evaluate such conditions as cost increases; unforeseen catastrophic losses; reserves; returns on investments; administrative, lobbying and executive salary expenses; and dividends. The state insurance division is required to track the reasons for rate increases and to make this information available to the public. Similar regulations are in place in 38 states. The Business Affairs and Labor Committee heard the bill on April 17 and passed it with amendments to Appropriations on a vote of 7-4. Voting Yes: Butcher, M. Carroll, Casso, Jahn, Soper, Rice, Marshall. Voting No: Balmer, Liston, Mitchell, Stephens.

Marion Colliander, 303.322.3926

INCREASE HEALTH INSURANCE COVERAGE

NEW **SB 217 Centennial Care Choices Plan (Sen. Hagedorn; Reps. McGibon and Massey) (watch)** would create a program with the goal of reducing the state's uninsured population and improving access to affordable health care for state residents. By July 1, 2009, the state Dept. of Health Care and Financing (along with the Division of Insurance and a panel of advisors) would request that health insurance companies develop value benefit plans (VBPs): low cost, stripped-down medical policies. The above agencies would evaluate the proposals and make recommendations to the Governor regarding these proposals and any necessary regulations. The Governor then may submit recommendations for legislation to the General Assembly; if the General Assembly chooses to pursue such legislation, the proposed plan would be introduced during the 2010 regular session.

To create the program and implement the Governor's recommendations, parameters for the VBPs would include:

1. a premium subsidy program for low-income individuals.
2. a mandate that individuals obtain health insurance and a mechanism to enforce the mandate through the state code.
3. creation of a patient safety council to improve patient care and minimize medical errors.
4. a process to certify VBPs and a mechanism for pairing subsidy-eligible individuals with appropriate VBPs.
5. creation of a consumer advisory council.

6. a dedicated revenue source and if necessary a ballot question to seek voter approval for the revenue source.

The bill intends to incorporate the recommendations of the Blue Ribbon Commission for Health Care Reform in the VBPs. The sponsors recognize that while comprehensive health care reform is a laudable goal, this state lacks the financial resources to fully solve all the problems facing the state's health care system. This bill starts the process and lays the groundwork for establishing a secure, stable program that reduces the uninsured population by providing assistance to low-income residents. It also encourages employers to continue to offer health care coverage to their employees. Further, the bill recognizes the importance of working with the federal government to maximize the state's medical assistance programs to provide access to health care for the state's needy population. Covering more residents with insurance could ease the cost shifting that occurs when uninsured patients get treatment they cannot afford.

Although the LWVCO supports the goals of this bill, we have concerns that much of the control of costs will be in the hands of the for-profit insurance companies setting up the VBP plans and that these plans may increase the rates for health insurance. Even so, we realize that Colorado cannot wait to address the current problems related to the delivery of affordable health care. If federal efforts to expand health care coverage occur after the election, this plan could work in association with a federal plan.

Marion Colliander, 303.322.3926

COVERCOLORADO PROGRAM

NEW **HB 1390 CoverColorado Long-term Funding (Rep. McGihon; Sen. Isgar) (support)** establishes a long-term funding for CoverColorado, the health insurance for individuals with pre-existing medical conditions who are unable to obtain insurance through their employer or through private individual policy. Currently, funding is from the interest on unclaimed property, from individual premiums and from other sources. Special fees from insurance carriers are authorized in time of need, and have been assessed twice, the last being in 2004. The unclaimed property trust fund is being drained, however, and so a new structure relying more on the fees from insurance carriers is proposed in the bill. The new funding will be: 25% from the unclaimed property trust fund; up to 25% from special fees assessed against insurers; and

the balance from premiums, grants, donations and other available funds.

chell, Soper, Rice, Marshall. Voting No: Balmer, Liston, Stephens.

On April 16, the House Business Affairs Committee referred HB 1390 to Appropriations on a vote of 8-3. Voting Yes: Butcher, M. Carroll, Casso, Jahn, V. Mit-

Marion Colliander, 303.322.2926

Legislative Home Page:
www.leg.state.co.us/

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	Signed
Children & Families	HB	1019	Transfer Education Records for Foster Children	S	12, 21, 58	Signed
Children & Families	HB	1051	Core Services for Families	S	12	Signed
Children & Families	HB	1264	Access to Electronic Records	S	67	S-2nd rdg
Children & Families	HB	1391	Mental Health Services Child Abuse Pilot	S	67	H-APP
Education	SB	89	Early Intervening Services	W	31, 48, 58	To Gov
Education	SB	212	Alignment Pre-School to Postsecondary Ed	S	68	H-ED
Education	HB	1388	School Finance Act	S	67	H-2nd
Education	SB	18	Higher Education Clean-up	S	13, 48	To Gov
Education	SB	98	Graduation Requirement: English	O	21	S-3rd rdg
Education	HB	1024	CSAP Longitudinal Analysis Models	S	13, 21	Signed
Education	HB	1159	Institute Charter Schools	S	12,21,40,48,58	Signed
Education	HB	1186	No Penalty for Students Missing CSAP's	W	46, 68	Conf Com
Education	HB	1205	Increase Higher Ed CDC Exceptions	S	32, 48	Signed
Education	HB	1335	Building Excellent Schools Today Act	S	39, 47, 58	Concur
Education	HB	1357	Align State and Fed Ed Assessments	S	59	H-2nd rdg
Energy	HB	1025	Governor's Energy Office	S	11	Signed
Energy	HB	1107	Energy Efficiency- REA's	S	20	PI
Energy	HB	1160	Net Metering - REA's	S	20	Signed
Energy	HB	1270	CICs Allow Energy Efficiency	S	38	To Gov
Energy	HB	1350	Financing Renewable Energy	S	57	S-LG
Equality of Opp'y	SB	122	Wage Transparency Act	S	22, 32, 40, 48	Signed
Equality of Opp'y	SB	200	Expand Discrimination Prohibitions	S	48	S-2nd rdg
Fiscal Policy	SCR	1	Expand Existing Property Tax Exemptions	FYI	36	S-APP
Fiscal Policy	SB	13	Sev. Tax Trust Fund -Ops	S	15	H-FIN
Fiscal Policy	SB	128	Eliminate Sales Tax Cap	O	16	To Gov
Fiscal Policy	SB	218	Allocation of Federal Mineral Lease Revenue	S	64	S-APP
Fiscal Policy	HCR	1002	Senior Property Tax Exemption Eligibility	FYI	36	PI
Fiscal Policy	HCR	1003	Senior Property Tax Exemption Eligibility	FYI	36	PI
Fiscal Policy	HB	1083	Mineral Revenue Local Gov't Distr.	S	15	Conf Com
Fiscal Policy	HB	1225	Bus. Pers. Prop. Tax Exempt.	S	17, 27	S-FIN
Fiscal Policy	HB	1245	Net Revenue Reductions	O	16, 27	PI
Fiscal Policy	HB	1375	Long Bill (Budget)	W	53	To Gov

Policy Area	S/H	Bill #	Bill Title	S/O	Page(s)	Status
Government	SCR	3	Changes to Initiatives	S	55	S-3rd rdg
Government	SB	198	Requirements for Campaign Redistricting	S	44, 55	S-2nd rdg
Government	HCR	1004	Redistricting Commission	S in part	55	PI
Government	HB	1157	Youth Advisory Council	S	27	S-APP
Gun Control	SB	49	Access to Firearms by Minors	S	8, 17, 65	PI
Gun Control	SB	115	Civil Action - Gun Free Zones	O	17	PI
Health Care	SB	99	Extend Medicaid: Foster Care	S	22	Concur
Health Care	SB	160	Children's Health Care	S	33, 40, 69	H-HHS
Health Care	SB	161	Medicaid and CHP+ Enrollment	S	40, 69	H-HHS
Health Care	SB	194	Public Health Reorganization	S	49	H-HHS
Health Care	SB	203	Repeal 208 Commission	FYI	50	To Gov
Health Care	SB	217	Centennial Care Choices	W	70	S-2nd rdg
Health Care	HB	1167	Health Care for Vulnerable Populations	S	22	S-HHS
Health Care	HB	1309	Sunset Review: CoverColorado Assess.	S	22	S-AG
Health Care	HB	1389	Fair Accountable Insurance Rates	S	69	H-APP
Health Care	HB	1390	CoverColorado Long Term Funding	S	70	H-2nd rdg
Income Assistance	SB	177	Colorado Works Program Omnibus	S	50, 60	H-HHS
Income Assistance	HB	1340	Colo Housing Investment Fund	S	40	PI
Justice System	SB	54	Judicial Performance Evaluation	S	8, 18, 44	H-2nd rdg
Justice System	SB	205	New Trial For Destroying Evidence	S	44, 56, 65	H-2nd rdg
Justice System	HB	1351	Retention of DNA Evidence	S	37, 44, 56	PI
Justice System	HB	1397	Disposition of Evidence in Criminal Cases	S	65	H-APP
Juvenile Justice	SB	66	Felony Murder Penalty for Juveniles	S	9, 28, 65	H-APP
Juvenile Justice	HB	1016	Juvenile Justice Mental Health Procedures	S	9, 45, 56	Signed
Juvenile Justice	HB	1117	Juvenile Restorative Justice Program	S	9, 29, 45	Signed
Juvenile Justice	HB	1208	Limits on Direct File Juvenile Case	S	28, 37, 66	S- APP
Reproductive Rights	SB	3	Medicaid Family Planning	S	10, 18, 29	Signed
Reproductive Rights	SB	95	Informed Consent for Abortion	O	10, 30	PI
Reproductive Rights	SB	125	Sexual Material Harmful to Children	O	29, 37, 66	PI
Transportation	HB	1312	Transportation Investment Efficiency	S in part	18	PI
Voting Rights	SB	40	Online Voter Registration	S	11, 38	S-3rd rdg
Voting Rights	SB	189	Paper Ballots in 2008 Elections	S	38, 45	PI
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, 37, 45, 56	S-2nd rdg
Voting Rights	HB	1378	Ranked Voting Methods	S in part	56, 66	H-2nd rdg
Voting Rights	HB	1401	Voting Info Card to Each Eligible Voter	S	66	H-SA
Water	SB	36	Water Supply Reserve Account	S	20, 30, 57	Lost
Water	HB	1141	Require Sufficient Water Supply	S	20, 31	S-LG
Water	HB	1241	Colo Watershed Protection Check-off	S	20, 46	S-2nd rdg
Water	HB	1280	Protect Leased Instream Flow Rights	S	20, 31, 46, 57	To Gov