

LEGISLATIVE LETTER®

LEAGUE OF WOMEN VOTERS OF COLORADO

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April 11, 2011

LL#7:58

THE BUDGET

By this time in the session, we are usually publishing our analysis of the just passed **Long Bill (SB 209, Sen. Hodge, Rep. Gerou; watch)**. This year, political differences delayed introduction for over a week. As we go to press, the Senate has passed the budget on second reading, for the most part in the form that it was brought to the floor. Substantive changes amounted to restoring funding for some programs, if and as money becomes available from payments under a tax amnesty program, proposed by SB 184 (which the Senate approved on second reading also on April 8).

It is important to acknowledge, up front, the incredibly hard work and difficult choices made by the members of the Joint Budget Committee: Sen. Mary Hodge (chair); Rep. Cheri Gerou (co-chair); Sens. Pat Steadman and Kent Lambert; Reps. Mike Becker and Mark Ferrandino. Four of the six are new to the JBC, and one is a freshman legislator. They were aided by a staff whose expertise has immeasurably helped all residents of Colorado not suffer more from this budget than necessary. The staff is headed by John Ziegler.

The descriptions of the fiscal condition and the budget do not appear, at first glance, to jive with the actual numbers. So, let's look at how the notion of "cuts" is arrived at.

1. What is meant by "budget cuts"?

The GENERAL FUND budget is based on projections of revenues and projections of spending to do what is required by law or constitution. The largest single driver of increases in on-going spending is case load. That occurs primarily in Medicaid, K-12 and Higher Education (College Opportunity Fund), and Corrections.

When projected spending under those terms exceeds projected revenues, cuts must be made. The "cuts" do not necessarily mean that spending will be less than in the prior year. In unusually tough economic times, budget and/or actual spending may fall below the prior year. However, because the scope and elements of programs are prescribed by law, sometimes reducing budget and/or spending requires statutory changes so that the spending process and the spending amounts don't violate current law.

2. What is meant by “spending cuts”?

During the budget year, revenues may fail to reach what had been projected. In that case, spending cuts are necessary. These are reductions from what had been authorized in the budget. They may, or may not, represent reductions from prior year. During the months that the legislature is out of session, the Governor makes executive orders to departments to make cuts. These can include delaying programs, delaying eligibility for assistance, reducing transfers to school districts, and the like. This is done in consultation with the Joint Budget Committee, which begins meeting in about November (5 months into the budget year). When the General Assembly convenes in January, the Joint Budget Committee may recommend more actions than the Governor has proposed or implemented, and propose “supplementals” – official changes to the budget – to bring spending into line with revenues. Sometimes this requires statutory changes so that the spending isn’t against the law.

3. So, what is the budget for this year, and how does it compare to last year?

SPENDING SOURCE	2010-2011 as budgeted (\$ in millions)	2010-2011 as appropriated (\$ in millions)	2011-2012 proposed (\$ in millions)
General Fund	6,996.5	6,795.8	7,591.3
Cash Funds (like tuition)	5,791.5	6,065.7	5,729.1
Reappropriated Funds	1,510.2	1,596.7	1,464.3
Federal Funds (like Medicaid match)	5,269.5	5,494.5	5,004.6
Total	19,567.7	19,952.7	19,789.3

The General Fund is the fund that the General Assembly controls and budgets. The “reappropriated funds” trace movement from one appropriated place to another place for final spending in the budget. It is an effort in transparency. Cash funds, such as tuition, are paid by users and used to pay for the services. They are still reflected in the Long Bill. The largest item in Federal Funds is the Medicaid match, although in 2009 and 2010, there were substantial funds to support K-12 and higher education as part of the American Recovery and Reinvestment Act (ARRA) (stimulus bill).

Several items covered here were part of the negotiations among the parties, the House and Senate, and the Governor’s office, and are the deal made to get the budget approved.

Significant Budget Items, in general or relative to League advocacy issues:

- a. Capital construction for controlled maintenance – a bit of \$\$ for that. Had been declining as the budget got tighter. This doesn’t build new stuff, but maintains buildings, particularly college campus buildings. **SB 222**
- b. Vendor Fee (**SB 223**) - Businesses that collect sales taxes and remit them to the state are paid a fee to do so. The vendor fee was temporarily repealed in 2009 to help shore up revenue. We supported that. This bill reinstates some of the fee – 2/3 of what was previously allowed, or 2.2% of the taxes collected. For a small business with revenues subject to sales tax of \$1 million, this fee amounts to \$638. Many small businesses find it is hardly worth the calculation. On the other hand, it is a big number for larger – and more profitable – businesses.
- c. Sales tax exemption for agricultural products (and some other products) will be reinstated (**HB 1005**). We supported the repeal of the exemption. This will reduce revenue (all other things equal), like the Vendor Fee reinstatement. **HB 1293** proposes to reinstate another sales tax exemption.
- d. Cash Fund and Several Tax transfers - Most of the cash fund transfers that have been used in the last couple of years and in the budget crisis in early 2000’s were limited. However, severance tax funds have been tapped to help reduce other program cuts. **SB 226** is the vehicle for this.
- e. School Finance – the bill (**SB 230**) allows 1.9% increase in basic per pupil funding, but cuts everything else, amounting to almost \$800 million less than what is required by statute and constitution. Shortest school finance bill ever. Basically says “no money, get over it.”
- f. Statutory Reserve is left at 4%

- g. Higher Education will see a reduction of \$125 million (about \$96 of it from State General Fund and the balance from loss of federal funds under ARRA), to be partially made up for by tuition increases. Tuition increases of up to 9% are contemplated.
- h. Transportation is receiving no General Funds this year, and HUTF funds are a relatively meager \$32 million. Federal funds of \$35 million help (and help keep Colorado contractors and workers employed) as does the Bridge fund created in 2009 to repair failing bridges. But this is not enough to keep roads and highways safe and efficient.

Over the last 10 years (2001 to 2010) Colorado's population has increased by 17%. In the last 11 years, prices as measured by the consumer price index have risen more than 28% (inflation has been mild). The general fund was approximately \$6 billion for the 2000-2001 budget year. This year it is \$7.6 billion, an increase of 26%. In other words, we have not kept up with inflation, much less growth. Or, we have kept up with growth, but not inflation. Certainly, revenue will be an issue in recession years, and, with a requirement to balance the budget, it is fair to say that this is the least worst budget that could be developed, given that all Coloradans deserve to have their views and needs considered.

Many of the changes affecting League program areas came in Health Care, especially safety net programs. Those are addressed below. Why cuts each year, after year? We have a revenue problem.

Christine Watson 303-250-1796

GOVERNMENT

FISCAL POLICY

IMPACT OF BUDGET ON FINANCING OF HEALTH CARE

Several bills will affect funding for health care programs. These bills are part of the budget. In order to balance the budget, these bills must be passed. All are considered Joint Budget Committee (JBC) bills and are sponsored by all six members of the JBC.

The bills are:

SB 211 allows the use of Tobacco Tax revenue for health related purposes during the state fiscal emergency, declared for 2011-2012. Upon the adoption of Senate Joint Resolution 11-009 (declaring a fiscal emergency), tobacco tax moneys would be used to serve persons enrolled in Medicaid or the Children's Basic Health Plan (CBHP). These funds are currently used for community health and tobacco cessation programs. The bill also modifies the manner which limits for administration expenses for the Cancer, Cardiovascular Disease and Chronic Pulmonary Disease Prevention, Early Detection and Treatment Program are determined during a state fiscal emergency (limited to 5% of all appropriations). The "fiscal emergency" for use of these funds expires in 2013, unless, of course, it is extended by additional action.

SB 212 authorizes the Department of Health Care Policy and Financing (DHCPF) to use hospital provider fee

revenue (Bill 09-1293) to offset General Fund expenditures for the Medicaid program in fiscal years 2011-12 and 2012-13 only. The department is authorized to receive an appropriation for the Hospital Provider Fee Cash Fund of \$50 million in 2011-12 and \$25 million in 2012-13.

SB 213 would impose monthly premiums for some families whose children are enrolled in Child Health Plan Plus (CHP+) a public assistance insurance program. These families already pay enrollment fees and co-pays. This bill adds a monthly premium for families making a total income between \$44,700 and \$56,000 (205%-250% Federal Poverty Level). This fee would be assessed as \$20 per month for the first child and \$ 10 per month for each additional child, up to a maximum of \$50 per month per family. The fee is waived for families with incomes less than 150% of FPL. Colorado already tried charging monthly premiums and found it to be both an administrative nightmare for the State and a major obstacle for families trying to insure their children. Imposing monthly premiums will likely lead to reduced CHP+ enrollment for kids who need insurance, leading to increased use of costly visits to emergency rooms. The measure does not seem to be fiscally prudent, but it was part of the compromise to get the budget approved.

SB 216 changes the distribution of Tobacco Master Settlement moneys (from the tobacco law suits of the late 1990's) to decrease moneys to various cash-funded programs. Beginning in 2011 these moneys are redirected to the Children's Basic Health Plan (CBHP) Trust Fund to make up for other reductions.

The bill reallocates an additional 3 percent of the Tier 1 distribution of tobacco settlement moneys to the CBHP program instead of the Comprehensive Primary and Prevention Care Grant program (CPPCG). Other funds would go to the CBHP program instead of the Pediatric Specialty Hospital Fund. The CPPCG Fund and the Pediatric Specialty Hospital Fund would be eliminated.

SB 219 would allow certain Tobacco Tax Cash Funds to be used in 2011-12 to offset expenditures in the Department of Health Care Policy and Financing (DHCPF). The bill's provisions are contingent upon the adoption of Senate Joint Resolution 11-009 (covered elsewhere in this Legislative Letter). For 2011-12, the bill appropriates \$10,755,000 from the Primary Care Fund to the Colorado Health Care Service Fund for distribution to Denver Health and Hospitals and community health clinics under the Colorado Indigent Care Program (CICP). Additionally \$1,722,330 would be redistributed to certain primary care providers that do not receive moneys under CICP. A distribution formula would be developed. It would take into account prior use and to the extent possible would mitigate the impact of reduced moneys available for distribution from the Primary Care Fund. The bill allows up to \$15,775,670 to be used for any health-related purpose and to serve patients enrolled in Medicaid or CBHP, based on the enrollments as of January, 2005.

No position is taken by LAC on these bills. We are aware of the financial constraints of this year's budget. We have great concerns about the many children who may no longer be enrolled in the CBHP or CHP+ and the difficulty of families obtaining health care. We also have great concern for the cuts taken in K-12 funding and higher education. We know that not making these cuts would have harmed something else that is important to League under our advocacy program.

It appears that the JBC has worked toward the greatest coverage for all participants in these health care programs possible under current fiscal restraints, especially by accessing federal matching funds. We hope that future planning will continue to consider federal match when allocating funds to various programs.

Marion Colliander 303-322-3926

HOW TO FIND MORE REVENUE

SB 184 Tax Reporting (Sen. Steadman; Rep. Ferrandino) (support) includes a tax amnesty program and a proposal to require reporting about the effects of tax expenditures (tax credits, exemptions or other special tax reduction treatments). Although it is difficult to estimate what might be collected in taxes through the amnesty,

for planning purposes \$11.1 million has been used. Most will go into a Tax Amnesty Fund, and most of that is proposed to be credited to the State Education Fund. About \$1.6 million will go the General Fund, some of which will pay expenses of conducting the program. Although the bill has not yet been introduced in the House, much less passed, amendments to the Long Bill already proposed to use some of the funds to restore small amounts of spending in one place or another.

The tax reporting portion of the bill is the subject of much controversy. The reporting requirements were amended in Senate Appropriations to conform to agreements made with the Department of Revenue. Some of the requirements were simply not feasible, or prohibitively expensive to carry out. Nonetheless, it is a start at evaluating tax expenditures with the same spirit of fiscal prudence used to sunset spending and regulatory programs, and we heartily endorse any efforts to do this. The bill passed out of Senate Appropriations on a vote of 6-4. Voting yes: Bacon, Giron, Heath, Nicholson, Hodge, Steadman. Voting no: Grantham, Harvey, K. King, Lambert. It has passed second reading in the Senate along with the rest of the budget package.

Previously reported LL#6, p. 40.

Christine Watson 303-250-1796

MOVING FUNDS TO BALANCE THE BUDGET

NEW SJR 9 Declare Fiscal Emergency Tobacco Tax (Sen. Lambert; Rep. Gerou) (support) The constitutional amendment 35, which significantly increased tobacco taxes, specified that revenues be used to cover health care needs resulting from tobacco use (and other programs), but that this health care use supplement and not supplant other health care funding. The measure did allow for emergency use of the tobacco tax revenue for health care if there were a "state of emergency." A finding of state of emergency so that tobacco tax money could supplant state funds for Medicaid and other health care for low income residents requires a 2/3rds vote of the General Assembly.

SJR 9 sets that process in motion. Tobacco tax revenues are scheduled to be used to fund Medicaid programs in the 2011-2012 budget. Use of these funds for Medicaid will enable federal drawdowns, so that cutting state funds for Medicaid does not also cause the loss of federal funds.

We agree that the state's fiscal situation is dire enough to be considered "state of emergency" and support use of the tobacco tax revenue to provide health care to the neediest Coloradans. The Senate Finance Committee

approved the resolution unanimously on February 22, and the full Senate passed it on April 8. The measure must be passed as part of the Long Bill process to enable the official inclusion of the money in funding state needs, and the Senate approved it on a vote of 31-4.

Christine Watson 303-250-1796

Senate Vote

YES	31	NO	4	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	Y	Scheffel	Y
Bacon	Y	Harvey	Y	Lambert	Y	Schwartz	Y
Boyd	N	Heath	Y	Lundberg	N	Spence	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Steadman	Y
Cadman	Y	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	Y
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	N	King K.	Y	Renfro	Y	President	Y
Grantham	N	King S.	Y	Roberts	Y		

ELECTIONS

NEW ELECTION DATES

SB 189 Election Dates To Comply With MOVE Act (Sen. Heath; Rep. Murray (support)) The Senate State Affairs Committee passed this bill to the whole Senate on a vote of 3-0 (Bacon, Grantham, Heath voting Yes; Boyd and Cadman Excused). Amendments provided a few time frame changes to better coordinate with national Democratic and Republican Parties' nominating activities. Further amendments were passed describing the procedure and timeline for nomination of unaffiliated candidates for President and Vice President as well as procedures and timelines for nomination of unaffiliated candidates for Congressional vacancy elections. There was also an amendment to modify petition and timeline to qualify as a minor political party.

Previously reported LL#5, p. 39

Marian Katz 720-218-2906

VOTING RIGHTS

ARE PEOPLE VOTING ILLEGALLY?

HB 1252 Proof of Citizenship for Voter Registration (Rep. Holbert; Sen. Harvey) (oppose) was the subject of a rousing floor debate in the House. Opponents noted that it was a solution in search of a problem. The comments of supporters focused on the fact that in other countries, people show proof of citizenship to vote, and that should be the case in the US as well. Amendments adopted as part of committee reports or floor proposals included:

- a statement in the Legislative Declaration that the measure is presumed to comply with the Na-

tional Voter Registration Act of 1993, a provision that is highly questionable;

- a provision that people deemed ineligible to be registered according the Secretary of State's belief should not be contacted and questioned about citizenship within 90 days before an election;
- expansion of identification deemed sufficient for proof of citizenship to include anything that is sufficient for I-9 employment identification;
- appropriation of funds to carry this out from both the Secretary of State's cash fund and the Department of Health.

The bill passed third reading on April 8 on a vote of 35-28, with two excused and one absent. It now goes to the Senate.

The nature of the debate on the House floor further supported our belief that the authorities granted to the Secretary of State in this bill go too far and invite abuse. The Secretary of State already has the authority to address problems in voter registration rolls, and this bill is not needed.

Carol Tone 303.377.3746

Christine Watson 303-250-1796

House Vote

YES	34	NO	28	EXCUSED	2	ABSENT	1
Acree	Y	Fischer	N	Liston	Y	Scott	Y
Balmer	Y	Gardner B.	Y	Looper	Y	Solano	N
Barker	Y	Gardner D.	N	Massey	Y	Sonnenberg	Y
Baumgardner	Y	Gerou	Y	McCann	N	Soper	Y
Becker	Y	Hamner	N	McKinley	E	Stephens	Y
Beezley	Y	Holbert	Y	Miklosi	N	Summers	Y
Bradford	Y	Hullinghorst	N	Murray	Y	Swalm	Y
Brown	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
Casso	-	Joshi	Y	Pabon	N	Szabo	Y
Conti	Y	Kagan	E	Pace	N	Todd	N
Coram	Y	Kefalas	N	Peniston	N	Tyler	N
Court	N	Kerr A.	N	Priola	Y	Vaad	Y
DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	N
Duran	N	Labuda	N	Riesberg	N	Waller	Y
Ferrandino	N	Lee	N	Ryden	N	Williams A.	N
Fields	N	Levy	N	Schafer S.	N	Wilson	N
						Speaker	Y

NATURAL RESOURCES

ENERGY

MODIFYING OIL AND GAS COMMISSION

HB 1223 Colorado Oil & Gas Conservation Commission (Rep. Scott, Sen. S. King) (oppose) which is asking for the composition of the Oil & Gas Commission to be reverted back to the pre-2007 format was heard in

House Agriculture on April 5, and there was a strike-below amendment with the replacement calling for 11 members (presently 9) and making the Directors of Natural Resources and Health ex-officio, non-voting members and increasing the number of industry people from 3 to 5. After all the negotiating in 2007 to correct inadequacies in the process and procedures of this commission, it is premature to ask for a change at this time. It passed out of House Ag to Appropriations, where it is awaiting a hearing. (Voting Yes: Brown, Coram, Lopper, Scott, Vaad, Sonnenberg. Voting No: Fischer, Jones, Ryden, Vigil, Wilson. Excused: McKinley, Baumgardner.) There is a small fiscal note.

Previously reported LL#3, p. 23.

Jeannette Hillery 303-494-7718

CLARIFY STATE ENGINEER'S AUTHORITY

NEW **HB 1286 Clarify St Engr Nontributary Rule Auth (Rep. Sonnenberg, Sen. Schwartz) (support)** is related to the issue of dewatering of geologic formations to facilitate mining and addressing whether the water in certain formations or basins is nontributary water. It would also establish procedures for such determinations relating to rule-making and adjudicatory aspects of the determinations. The bill also specifies that the courts must presume that any applicable nontributary determination made by the state engineer is valid, subject to rebuttal. This bill is continuing to clarify rules in dealing with nontributary ground water to facilitate oil and gas development. It has passed through the House and will be heard in Senate Agriculture on April 13.

Jeannette Hillery 303-494-7718

SOCIAL POLICY

CHILDREN'S ISSUES

BACKGROUND CHECK BILL AMENDED IN SENATE

HB 1145 Availability Background Check Child Care (Rep. McCann; Sen. Tochtrop) (support) passed out of Senate Education to Appropriations on March 31. The vote was 7 to 0 with Sen. Johnston excused. It was amended to clarify that the new FBI background check requirement applies to those child care employees hired on or after August 10, 2011.

Previously reported LL # 3, p. 24; LL #5, p. 43, LL #6, p. 51

Carla Bennett 303.757.2930

FAMILY SERVICES BILL GOES TO SENATE

HB 1196 Flexibility in Funding Family Services (Rep. Summers; Sen. Foster) (support) increases the county departments of human services' flexibility in funding family services. It passed House Appropriations on April 1 by a vote of 10-0-1 with Rep. McCann excused. It unanimously passed 3rd reading in the House on April 6 and has been assigned to Senate Local Government.

Previously reported LL# 3, p. 24; LL #4, p. 33

Carla Bennett 303.757.2930

EDUCATION

SCHOOL FUNDING 2011-12

NEW LWVCO agreed with a heavy heart to support the 2011 School Finance Act, **SB 230 (Sen. Bacon; Rep. Massey) Financing Public Schools (support)**. It is clear that the state's coffers will tolerate no more. The reduction this year is \$250 million less than last year, but the actual reduction from what the Colorado Constitution (Amendment 23) actually requires is closer to \$800 million. The calculated total program funding amount for the 2011-12 budget, without the reduction strategies of the last two years, but including increases for inflation, predicted growth in pupil enrollment, predicted growth in the at-risk population, predicted changes in assessed valuations, and the specific ownership tax from the prior year, would be approximately \$5,987,109,016. The actual amount, using the required reduction to stabilize the state's budget, is \$5,188,295,823. It could be alleged that this level of spending violates the Constitution, although pursuing that legally would be risky in many, many ways.

In addition, the bill changes the term used last year to make reduction, "the budget stabilization factor," to "the negative factor." In committee (the committee of reference this year was Senate Appropriations, since no new public policy was made), the sponsor noted that using the term "negative factor" more honestly described what was happening to schools. It extends the negative factor **each year** following 2011-2012 without specifying the amount of total program funding for those years. It changes the rule for debt limit for bonded indebtedness of school districts to the requirement that the assessed value used must be that of the December 10 assessment prior to the date on which the bonds are issued. SB 230 also transfers, for the years 2011-12 and 2012-13, to the state public school fund instead of the permanent school fund moneys from several sources (proceeds from the sale of timber on public school lands, etc).

The bill passed out of Senate education on a 9-1 (Heath voting No) vote on April 7. It passed second reading in the senate on April 8 without substantive changes.

Sally Augden 303.455.5800

GETTING PARENTS IN THE GAME

League has been watching **HB 1126 (Rep. Duran; Sen. Hudak) Improving Parent Involvement in Public Schools**. The bill moved quite easily through the process with school districts and the charter school institute now encouraged rather than required to develop a parent involvement plan. Public meetings must be held within thirty days of notification by the board or institute of a school’s need to adopt a school improvement plan, a priority improvement plan or a school turnaround plan. Parents must be informed of the required plan and the issues identified requiring the development of such a plan. The bill passed in the Senate on April 4, and on April 5, the House concurred with Senate amendments; so the bill will be sent to the Governor.

Previously reported: LL#3, p. 26; LL#4, p. 34; LL#5, p. 44; LL#6, p. 52.

Sally Augden 303.455.5800

Senate Vote

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kopp	N	Scheffel	N
Bacon	Y	Harvey	N	Lambert	N	Schwartz	Y
Boyd	Y	Heath	Y	Lundberg	N	Spence	N
Brophy	N	Hodge	Y	Mitchell	N	Steadman	Y
Cadman	N	Hudak	Y	Morse	Y	Tochtrop	Y
Carroll	Y	Jahn	Y	Newell	Y	White	N
Foster	Y	Johnston	Y	Nicholson	Y	Williams S.	Y
Giron	Y	King K.	Y	Renfroe	N	President	Y
Grantham	N	King S.	Y	Roberts	N		

EQUALITY OF OPPORTUNITY

CIVIL RIGHTS IMPROVEMENT DEFEATED

SB 72 Civil Rights Enforcement Act (Sen. Carroll; Rep. Levy) (support) extends civil rights protections in the cases of sexual harassment or discrimination to employees of very small businesses. Had it passed, the bill would have caused Colorado to join more than 40 other states that have extended this protection under state civil rights laws to employees of very small businesses. The House State Affairs Committee defeated the bill on a vote of 5-4. Voting against the bill: Baumgartner, Liston, Waller, Coram, Kerr. Voting for the bill: Court, Levy, Miklosi, Todd.

Previously reported LL#2, p. 16; LL#4 p. 35, LL #6, p. 53

Christine Watson 303-250-1796

CIVIL UNIONS DEFEATED

SB 172 Civil Unions (Sen. Steadman; Rep. Ferrandino) (support) would have allowed couples of same and opposite genders to register a civil union and access many rights afforded now only to married persons of opposite genders. The House Judiciary Committee defeated the bill on a vote of 6-5. Voting against the bill: DelGrosso, Nikkel, Sonnenberg, Waller, Barker, B. Gardner. Voting for the bill: Duran, Kagan, Lee, Levy, Ryden.

Previously reported LL. #4, p. 35, LL #5, p. 45, LL #6, p. 53

Christine Watson 303-250-1796

HEALTH CARE

SB 8 SENT TO THE GOVERNOR

SB 8 Aligning Children’s Medicaid Eligibility (Sen. Boyd, & Rep. Gerou) (support) passed 3rd reading in the House on March 23. The bill increases the current Medicaid income eligibility threshold of 100% of the Federal Poverty Level (FPL) for children who are between 6 and 19 years of age to equal the threshold of children from birth to 5 years of age, currently 133% of the FPL.

The bill amends the Health Care Expansion Fund and the Children’s Basic Health Plan (CBHP) Trust to allow funds to be used for costs associated with children enrolled in the Medicaid program who would have been eligible for enrollment in the CHBP prior to September 1, 2011. This increases the number of children in the state covered by health insurance.

Marion Colliander 303-322-3926

House Vote

	YES	61	NO	4	EXCUSED	0	ABSENT	0
Acree	Y	Fischer	Y	Liston	N	Scott	Y	
Balmer	Y	Gardner B.	Y	Looper	N	Solano	Y	
Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y	
Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y	
Becker	Y	Hammer	Y	McKinley	Y	Stephens	Y	
Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y	
Bradford	Y	Hullinghorst	Y	Murray	N	Swalm	Y	
Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y	
Casso	Y	Joshi	N	Pabon	Y	Szabo	Y	
Conti	Y	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.	Y	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	
						Speaker	Y	

HEALTH BENEFIT EXCHANGE

SB 200 Colorado Health Benefit Exchange (Sen. Boyd; Rep. Stephens) (support) The bill was heard in the Senate Health & Human Services Committee on March 31. Supporters included businesses, health care providers, and consumers. Opponents included the Elbert County Commissioners and Liberty Watch. The bill was referred with minor amendments to the Legislative Council Committee on a 5-4 vote. However, an amendment was proposed (and defeated) that have re-

quired Colorado to set up the exchanges without accepting federal funds from PPACA. This provision will likely be proposed again in the House. (Voting Yes: Aguilar, Carroll, Foster, Newell, Boyd. Voting No: Lundberg, Mitchell, Roberts, White.) Legislative Council is scheduled to hear the bill on Wednesday, April 13.

Previously reported LL#6, p. 53.

Carol Pace 303.751.4125 Lois Schafer 303-832-1667

STATUS SHEET

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

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
Children's Issues	SB	34	Required Reporting Of Abuse & Neglect	S	8,25,43,51	To Gov
Children's Issues	SB	120	Protections For Youth In Foster Care	SIP	25,33,43,51	To Gov
Children's Issues	HB	1145	Availability Background Check Child Care	S	24,43,51,63	S-APP
Children's Issues	HB	1181	Human Service Child Fatality Review Team	W	26	To Gov
Children's Issues	HB	1193	Family Advocacy Juvenile Mental Health	S	24,44	Signed
Children's Issues	HB	1196	Flexibility In Funding Family Services	S	24,33,63	S-LG
Education	SB	1	Knowledge-based Economy Fund	W	8	S-ED
Education	SB	69	Educational Management Organizations	W	26,34,44,52	PI'd
Education	SB	79	Educational Non-instructional Support Services	W	26,34	PI'd
Education	SB	80	School Improvement Plans	S	16	S-ED
Education	SB	157	Modifications To The School Finance Act	W	26	Signed
Education	SB	230	Financing Of Public Schools	S	63	S-3rd Rdg
Education	HB	1048	Income Tax Credits For Nonpublic Ed	O	8,26,44	H-APP
Education	HB	1053	Incarceration For Truancy And Contempt	W	26,34,44	Signed
Education	HB	1055	Facilities For Charter Schools	O	9,52	PI'd
Education	HB	1089	Charter Schools Grant Applications	W	26,34,44	Signed
Education	HB	1126	Improving Parent Involvement in Schools	W	26,34,44,52,64	To Gov
Education	HB	1277	Statutory Changes to K-12 Education	W	44,52	H-APP
Elections	SCR	1	Ballot Measures	S	21	Conc.
Elections	SB	57	Metro Dist Mail Elections	S	21,39	To Gov
Elections	SB	189	Election Dates To Comply With MOVE Act	S	39, 62	S-2nd Rdg
Elections	HB	1035	Blue Book Information Statement	S	7,13,22,33,40,50	Signed
Elections	HB	1072	Designated Rep Of Initiative Proponents	S	13	S-JUD
Elections	HB	1090	Readability Of Statewide Ballot Titles	S	13, 22, 31	PI'd
Elections	HB	1131	Mail Ballot Elections	O	21	D-PI'd
Elections	HB	1219	Uniform Military And Overseas Voters Act	W	21,39	S-SA

Elections	HB	1229	Issue Committees	S	22	PI'd
Elections	HB	1276	Judicial Criteria Redistrict Congress	W	39	H-SA
Energy	SB	71	Reduce Energy Costs	O	15	PI'd
Energy	SB	131	Colo Smart Grid Task Force Recommend	S	50	PI'd
Energy	HB	1223	Colorado Oil & Gas Conservation Commn	O	23,62	H-APP
Energy	HB	1286	Clarify St Engr Nontributary Rule Auth	S	63	S-AGR
Equality Of Opportunity	SB	72	Civil Rights Enforcement Act	S	16,35,53,64	PI'd
Equality Of Opportunity	SB	172	Civil Unions	S	35,45,53,64	PI'd
Fiscal Policy	SJR	9	Declare Fiscal Emergency Tobacco Tax	S	61	To House
Fiscal Policy	SB	25	Colorado Taxpayer Empowerment Act 2011	S	12,32,50	To Gov
Fiscal Policy	SB	124	Transfers of County TANF Reserves	W	41,50	H-APP
Fiscal Policy	SB	184	Tax Reporting	S	40,61	S-3rd Rdg
Fiscal Policy	SB	209	Long Appropriations Bill	W	58	S-3rd Rdg
Fiscal Policy	SB	211	Tobacco Revenues Offset Medical Services	W	60	S-3rd Rdg
Fiscal Policy	SB	212	Use Provider Fee Offset GF Medical Services	W	60	S-3rd Rdg
Fiscal Policy	SB	213	CHP+ Assess Monthly Enrollment Fee	W	60	S-3rd Rdg
Fiscal Policy	SB	216	Children's Basic Health Gen Fund Approp	W	60	S-3rd Rdg
Fiscal Policy	SB	219	2011 Transfers For Health Care Services	W	61	S-3rd Rdg
Fiscal Policy	SB	222	Capital Construction Transfers	W	59	S-3rd Rdg
Fiscal Policy	SB	223	Sales Tax Vendor Fee	W	59	S-3rd Rdg
Fiscal Policy	SB	226	General Fund Transfers	W	59	S-3rd Rdg
Fiscal Policy	HB	1005	Reinstate Tax Exemption For Ag Products	W	59	S-FIN
Fiscal Policy	HB	1052	Pay-as-you-go Requirements	S	14, 23	PI'd
Fiscal Policy	HB	1104	Tax Expenditure Reports	S	32	PI'd
Fiscal Policy	HB	1280	Limit General Fund Approp Growth	O	40	H-FIN
Fiscal Policy	HB	1293	Repeal HB 10-1192 Related To Software	W	59	H-EBD
Government	SB	190	Citizen-centric Performance Reports	S	49	PI'd
Gun Control	SB	53	Governor Disaster Authority Firearms	O	14,23	PI'd
Gun Control	HB	1205	Concealed Handgun Exception	O	41	PI'd
Health Care	SB	8	Aligning Children's Medicaid Eligibility	S	9,64	To Gov
Health Care	SB	63	Health Care In Local Gov Master Plans	S	17	H-3rd Rdg
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	H-2nd Rdg
Health Care	SB	168	Colorado Health Care Cooperative	S	30,38	S-2nd Rdg
Health Care	SB	177	Sunset Teen Pregnancy & Dropout Program	S	45	S-APP
Health Care	SB	200	Health Benefit Exchange	S	53,65	LC
Health Care	HB	1019	Exempt School-based Clinics Copay	S	17,46	Signed
Health Care	HB	1025	Repeal Hospital Provider Fee	O	17	PI'd
Health Care	HB	1144	Fetal Alcohol Spectrum Disorders	S	28,45	Signed
Health Care	HB	1183	Death Certificate Indicate If Pregnant	O	54	To Gov
Health Care	HB	1217	Expand Access Health Care	S	28	H-3rd Rdg
Health Care	HB	1242	Medical Provider Integration Of Service	S	45	H-2nd Rdg

Health Care	HB	1273	Health Care Opportunity Patient Empower	O	38	H-HEA
Higher Ed	SB	126	Unsubsidized In-state Tuition	S	20	S-2nd Rdg
Higher Ed	SB	52	Goals For Higher Ed System	W	26,34	S-2nd Rdg
Higher Ed	SB	100	Sunset Council On Higher Ed	S	27,52	Signed
Higher Ed	HB	1184	Higher Ed Funding Committee	W	53	LC
Immigration	SB	54	Authority To Arrest Unlawful Aliens	O	11	PI'd
Immigration	HB	1107	State Illegal Immigration Enforcement	O	23	PI'd
Immigration	HB	1149	Identity Verification Of Lawful Presence	W	41	H-2nd Rdg
Income Assistance	SB	2	Low-Income Telephone Assistance Prog	W	18	Signed
Income Assistance	HB	1058	No Public Assistance At Strip Club ATMs	O	18	PI'd
Income Assistance	HB	1224	Repeal Low-Income Telephone Program	O	28	PI'd
Income Assistance	HB	1230	Coordinate Housing Assist Into DOLA	W	54	S-2nd Rdg
Justice System	HB	1032	Restorative Justice	SIP	14,42	H-3rd Rdg
Juvenile Justice	HB	1287	Colorado Juveniles Equal Protection Act	S	48	PI'd
Reproductive Rights	HB	1256	Crimes Against An Unborn Child	W	35,55	PI'd
Voting Rights	SB	18	Proof of Citizenship for Voter Regis	O	7, 15	PI'd
Voting Rights	HB	1003	Define ID For Voting	O	7,21,42	PI'd
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	21,42,62	To Senate
Water	SB	21	Term Limits Water Facility Operators Bd	S	7,16,43	Signed
Water	HB	1179	On-site Wastewater Treatment Systems	S	23,32,43	PI'd