

LEGISLATIVE LETTER[®]

LEAGUE OF WOMEN VOTERS OF COLORADO

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STRATEGIC PLANNING, MEASUREMENT AND REPORTING IN GOVERNMENT

Business enterprises routinely go through a process of strategic planning, asking “what should we be doing and how should our resources be allocated?” They then establish performance measures to ensure that they are doing those things well. The best enterprises make the strategic plan and performance measures known throughout the organization so that departments and employees in every function can work towards the enterprises goals. When the process works well, it is a powerful tool to motivate people to achieve goals effectively and efficiently. Should not government do the same thing? Much academic work is being done in Public Administration on how government can adapt the private enterprise models to its functions and challenges.

Two bills heard in House State Affairs Committee on February 9 address these organizational questions of “are we doing the right things?” and “are we doing them right?” and “do the citizens know this?” **HB 1126 Priority Based Budgeting For Colorado (Rep. Vaad; Sen. Brophy) (Support)** proposed a means of addressing the first question through a biennial budgeting process that included review of each department’s plan and budget priorities by legislative committee of reference, and also getting input on the priorities from citizens all over the state. The need for some method like this is clear, since, quite simply, Colorado’s budget leaves the state unable to do all the things that citizens have asked for at the level they have requested. The bill also requires reporting of performance measures, similar to HB 1119.

NEW HB 1119 SMART Government Act (Rep. Ferrandino; Sen. Shaffer) (support) proposes to require each state agency to present, on an annual basis, the department's strategic plan to the relevant committee of reference of the General Assembly. The presentation is to include a discussion of the department's goals and performance measures. The departments' strategic plans are required to be posted on both the departments' web sites and the Office of State Planning and Budgeting's (OSPB) web site. The OSPB is required to prepare and publish an annual performance report. The bill also specifies that the state auditor is to conduct performance audits for at least 2 departments annually so that each department is audited on a 9-year cycle. The auditor will present the findings from the audits to the Legislative Audit Committee and to the appropriate committee of reference.

Both bills were heard in House State Affairs Committee on February 9, with supporting testimony from advocates with the Bell Policy Center and experts from the National Conference of State Legislatures. HB 1119 provides the more detailed performance measurement and evaluation processes that, ostensibly, can be done within the current budgets of the state operating departments, although it lacks the charge to departments to prioritize their programs and spending proposals (key element of HB 1126).

Unfortunately, HB 1126 was PI'd (vote of 6-4-1). Voting to kill the bill: Casso, Court, Hullinghorst, Miklosi, Labuda, Todd. Voting to move the bill forward: McCann, Nikkel, Waller. Excused: Murray. HB 1119 was approved unanimously and goes to second reading. The committee expressed desire for the program prioritization and budgeting con-

cepts of HB 1126 to be incorporated into HB 1119. We agree that would make an even smarter bill and government management system, and hope to see such amendments on second reading.

Christine Watson 303.250.1796

GOVERNMENT

LOBBYING, LOBBYISTS AND DISCLOSURE

NEW SB 87 SOS Authority to Regulate Lobbyists (Sen. Steadman; Rep. Liston) (Support in Part) comes forward, unfortunately, as a result of probable violations of the spirit – and perhaps the letter – of the laws regarding disclosures by registered professional lobbyists. Some situations of significantly delayed disclosures of clients and payment to lobbyists have caused the Secretary of State’s office to propose higher fees for tardy reporting. If disclosure reporting is late for 1-10 days, a fee of \$10 per day remains in place. The bill proposes that the fee rise to \$100 per day for day 11 and every day thereafter that monthly disclosure is late. The bill also gives the Secretary of State the obligation to revoke the certificate of registration of any lobbyist whose lobbying privileges have been suspended by the General Assembly following sanctions that result from a written complaint against the lobbyist. In light of the US Supreme Court’s decision regarding campaign finance, League believes that timely, full and accurate disclosure of financial arrangements for influencing legislation (and elections) is more critical than ever, and we support these portions of the bill.

More problematic and also murkier is a section of the bill requiring volunteer lobbyists to register with the Secretary of State, to file disclosures covering reimbursement of expenses in lobbying (parking, gas/mileage and the like), and subjecting volunteer lobbyists to the same penalties as registered professional lobbyists if monthly disclosure is late. This is problematic for many volunteer advocates, because, it can be argued, they are simply exercising their speech rights under the First Amendment. Indeed, the statutory definition of lobbying would seem to include all communication from a citizen to a “covered official” about legislation, regulations, etc. There is a generally accepted notion that volunteer lobbyists are specifically those who represent organizations (mostly non-profit) in a

volunteer capacity. Although that is probably who most volunteer lobbyists are, the statutes do not include that relationship in the definitions.

In addition, the definition of “lobbying” specifically “excludes persons who are not otherwise registered as lobbyists and who limit their activities to appearances to give testimony or provide information to committees of the general assembly or at public hearings of state agencies or who give testimony or provide information at the request of public officials or employees and who clearly identify themselves and the interest for whom they are testifying or providing information.” Often, the volunteer advocates for League (or other organizations) only provide testimony at hearings, depending upon the nature of bills they are following.

It is not known if specific abuses of the volunteer lobbyist statutes have been alleged.

In hearing before the Senate State Affairs Committee, the bill was amended to remove the application of penalties to volunteer lobbyists who fail to disclose reimbursements or activities, and to give volunteer lobbyists the choice to register with the Secretary of State or continue registering with the Clerk of the House of Representatives.

The amendment reduced our discomfort with the bill. We could see no public purpose in sanctioning a volunteer who was late or failed to file a disclosure statement that he had nothing to disclose. In the mean time, the League of Women Voters of Colorado remains committed to the spirit of lobbyist registration. The members of the volunteer lobby corps proudly register with the legislature’s clerk as they have for over a decade, and the League continues to inform members of the legislature, Legislative Council, the Governor’s Office, and the Capitol press corps of its advocacy agenda through biweekly publication and distribution of this Legislative Letter.

With the amendment, the bill passed out of the committee to Appropriations unanimously (Excused: Cadman).

TRANSPARENCY BILL MOVES FORWARD

SB 114 Colorado Taxpayer Transparency Act of 2010 (Sen. M. Carroll; Rep. Weissmann) (support) expands the Colorado Open Records Act to cover all entities – public or private – that expend state monies, such as in contracts for services. During hearing in Senate Judiciary Committee on February 2, the sponsor added some technical amendments and also language affirming that records were private under other sections of law were also considered private (and thus not subject to open records) under this measure. The bill passed on a vote of 6-1. Voting yes: Hudak, K. King, Lundberg, Newell, Steadman, M. Carroll. Voting no: Renfroe. It awaits second reading in the Senate.

Christine Watson 303.250.1796

FISCAL POLICY

In the 2009 Legislative session SB09 108 (passed and signed into law) established fees for late vehicle registration violations, as well as increasing registration fees for most vehicles. The funds generated were intended to pay for road and bridge repair and maintenance. These late fees are a mandatory \$25 per month fee capped at \$100 for not registering a vehicle by the deadline; and a supplemental \$25 per month fine, capped at \$100 for knowingly not registering vehicle within 90 days of becoming a state resident. In the current session five bills have been introduced that would repeal or modify late fees and, in some cases, reinstate the \$10 waivable late fee that was previously in effect prior to SB 09 108. Because LWV supported SB 108, the League will oppose the following bills:

NEW SB10 004 Repeal Late Registration Penalties of SB09 108 (Sen White) (Oppose)

NEW SB10 044 Repeal Late Registration Penalties of SB09 108 (Sen Lundbert; Rep Lambert) (Oppose)

NEW SB10 057 Non-motorized Vehicle Late Registration Fee (Sen Cadman) (Oppose)

NEW HB 1102 Mod Late Vehicle Registration Penalties (Rep Murry; Sen Kopp) (Oppose) PI'd 2/11/10

NEW HB 1211 Reduce Late Vehicle Registration Penalty (Rep Tyler; Sen Williams) (Oppose) This bill concerns a reduction in the amount of the penalty for late vehicle registration of a vehicle without motive power that weighs two thousand pounds or less.

NEW HB10 1212 Requires Rules for Late Vehicle Registration Fee Exemptions (Rep Rice; Sen Schwartz) (Oppose) This bill directs the Depart-

ment of Revenue (DOR) to promulgate rules, in consultation with count clerks and recorders, to establish circumstances in which late fees are exempted for late motor vehicle registration. Rules created will apply uniformly throughout the state and include: acts of God and weather-related delays; office closures and furloughs; medical hard-ships; out of state lien-holders; information technology system failures; and other circumstances. This fine tuning could be a reasonable compromise to the opposition to the fines and the revenue generated by having the registrations updated promptly (and from the late fees).

Anecdotal evidence suggested that the bill is having one positive effect: fewer late registrations. When annual vehicle registrations are done promptly, there is more reliable cash flow to pay for road and bridge maintenance and improvement, and those who do renew promptly are not carrying the burden for those who don't. However, with all the bills in the hopper, it is hard to tell what, if any change, might emerge, so we are opposing all. The funds generated are essential in maintaining safe roads and bridges in Colorado.

Phyllis Horney 303.771.6683

ELECTIONS

PROPOSERS CAN STILL WITHDRAW INITIATIVES

HB 1100 Withdrawal of Initiative Petitions (Rep. Stephens) (Oppose in part) sought to repeal portions of HB 09-1326 and prior laws concerning the withdrawal of initiative petitions. We supported prohibitions on bribing, but opposed restrictions on proponents being able to withdraw their own initiatives. During the hearing in House State Affairs Committee, testimony concentrated on a constitutional issue of whether the legislature could, in fact, regulate the withdrawal of an initiative petition, and also on the existence or appearance of corruption if one were withdrawn after signatures had been submitted to the Secretary of State. In the end, the bill was laid over until May 7 (long after the deadline for moving House bills to the Senate), effectively killing it. Voting to delay the bill: Casso, Court, Hullinghorst, Miklosi, Labuda, Todd. Voting against the delay: Delgrosso, Murray, Nikkel. Excused: McCann, Waller.

CLEAN-UP REAFFIRMS VOTERS RIGHTS

HB 1116 Revision to Colorado Election Laws (Rep. Todd) (Support) is an election clean-up bill that also reaffirms that a voter's registration

cannot be cancelled if he fails to vote in a general election. The bill passed 3rd reading in the House on February 8 on a vote of 63-0-2 (excused: J. Kerr and Tipton), and has been assigned to the Senate State Affairs Committee.

Christine Watson 303.250.1796

PUBLICLY FINANCED CAMPAIGNS

NEW HB1156 Public Financing of GA Campaigns (Rep. Court and Sen. M. Carroll) (Watch)

This bill provides for partial public financing of candidates for the General Assembly.

In short the bill:

- Creates a new system for partial public financing of campaigns for members of the general assembly by establishing a public election fund in the state treasury
- The fund is financed primarily by voluntary contributions from Colorado residents.
- Moneys in the fund are only to be used for financing the campaigns of certified candidates for the general assembly and for paying related administrative, implementation, and enforcement costs of the system.
- The candidate will continue to comply with the voluntary campaign spending limits and all other legal requirements for the remainder of the applicable election cycle.

The intent of the bill is undoubtedly to enable citizens to run for office without the influence of corporations or labor organizations via the public funding of campaigns. The League of Women Voters of the United States believes that the methods of financing political campaigns should ensure the public's right to know, enable candidates to compete more equitably for public office, and close the "soft money" loophole that allows, unregulated contributions to circumvent existing laws. Thus, the provisions of this bill are in line with League program positions. In light of the recent US Supreme Court ruling on campaign finance in *Citizens United v. Federal Election Commission*, and Governor Ritter's subsequent request for clarification of Colorado's campaign finance law from the Colorado Supreme Court, the sponsor has asked that action on the bill be delayed until some response comes from the Colorado Supreme Court. We expect the bill will change based on that response, and are thus giving it a "watch" designation rather than a "support" designation.

Shirley Francis-Fraser 303.949.0086

VOTING RIGHTS

NEW SB104, Adding New Requirements for Conducting Voter Registration Drives, (Sen. Lundberg; Rep. Murray) (Oppose).

This bill would have required that, prior to commencing a voter registration drive, an organizer must submit a list of circulators, along with an affidavit and photo ID from each circulator, to the Secretary of State, who would issue each circulator a unique identifying number to be used on every application form distributed by the circulator. The questions on the affidavit were fair enough. But the organizational requirements to have an "organizer," an "agent," and "circulators," and to submit to the secretary of state valid photo ID's of all involved in the registration drive before it begins, raises many questions and concerns, not the least is the question of what constitutes a "valid" photo ID. In addition, the timeframe necessary to submit said circulator lists puts an enormous burden on the organizers of volunteer groups such as the League of Women Voters, who are well respected for conducting effective, efficient, and lawful voter registration drives. If an organization did not comply fully with the requirements, the registrations it submitted would not be valid. Thus, the organization would not be sanctioned, but the voter would be disenfranchised.

The bill was heard in the Senate State Affairs late in the day (after 8 pm) on Wednesday, February 10th and was Pled by a 3 – 2 vote. Voting in favor of the bill: Cadman, Schultheis. Voting against the bill: Bacon, Boyd, Heath.

Carol Tone 303.377.3746

NEW Rep. Curry (No Senate sponsor) (Support) has brought forward **HB 1271** that would make standard the period of time a candidate seeking nomination for a partisan office must be shown on the registration books of the county clerk and recorder. All candidates must be shown as affiliated with a major or minor party, or unaffiliated, no later than the first of January immediately preceding the election. The bill would eliminate the requirement that the person be affiliated with a major or minor party or registered as unaffiliated for a period of at least twelve months immediately preceding the date of assembly, filing of a petition, or date of nomination. This act would apply to the 2012 general election and each subsequent general or congressional vacancy election.

Carol Tone 303.377.3746

NATURAL RESOURCES

ENERGY

EXPANSION OF RENEWABLE ENERGY

NEW **HB 1001 Renewable Energy Stds Solar Certif (Rep. Tyler; Sens. Schwartz & Whitehead) (Support)** will increase and modify the renewable portfolio standard (RPS) originally enacted by Amendment 37 in 2004 and expanded by legislation in in 2007. The first witness at the Transportation and Energy Committee hearing on the bill was Gov. Ritter who stated that this legislation will attract new businesses to the state, will create good, new jobs and will stabilize utility bills. The complexity of the negotiations on the bill was demonstrated by the late night work the evening before the hearing resulting in a strike below and drafting of new language. Numerous amendments to the revised bill were offered in Committee and on the floor but all were defeated.

Major provisions:

- Increases the RPS from 20% to 30% of retail electric sales by 2020 for investor owned utilities (Xcel and Black Hills).

Years	Current	HB 1001
2011-2014	10%	12%
2015-2019	15%	20%
2020 and beyond	20%	30%

- Repeals the requirement that 4% of the RPS be met by solar and replaces it with a requirement that a portion of the RPS be met with distributed generation (DG). DG is an on site renewable resource designed to meet the customer's electrical needs. The percentage of electric sales derived from DG will rise from 1% in 2011-2012 to 3% in 2020.
- Allows the Public Utilities Commission (PUC) to change the DG requirements starting in year 2015 if it is determined to no longer be in the public interest.
- Maintains the 2% cap on customer's annual electric bill that the utility may bill for the program. An exception was added for customers with on site DG systems who may be required by the PUC to contribute their fair share to the renewable energy program fund.
- Requires installers of DG photovoltaic systems funded by rate payer financed incentives or with State or Federal grants meet cer-

tain certification standards and minimum qualifications.

- Requires the PUC to include factors that affect long term viability of Colorado Communities when evaluating resource acquisitions for new energy technologies.
- Does not apply to municipal utilities or Rural Electric Cooperatives.

The House passed the bill on February 12 by a vote

	YES	37	NO	27	EXCUSED	1	ABSENT	0
Acree	N		Gerout	N	McFadyen	Y	Ryden	Y
Apuan	Y		Hullingerhorst	Y	McKinley	E	Scanlan	Y
Balmer	N		Judd	Y	McNulty	N	Schafer S.	Y
Baumgardner	N		Kagan	Y	Merrifield	Y	Solano	Y
Benefield	Y		Kefalas	Y	Middleton	Y	Sonnenberg	N
Bradford	N		Kerr A.	Y	Miklosi	Y	Soper	Y
Casso	Y		Kerr J.	N	Murray	N	Stephens	N
Court	Y		King S.	N	Nikkel	N	Summers	N
Curry	Y		Labuda	Y	Pace	Y	Swalm	N
DelGrosso	N		Lambert	N	Peniston	Y	Tipton	N
Ferrandino	Y		Levy	Y	Pommer	Y	Todd	Y
Fischer	Y		Liston	N	Primavera	Y	Tyler	Y
Frangas	Y		Looper	N	Priola	N	Vaad	N
Gagliardi	Y		Massey	N	Rice	Y	Vigil	Y
Gardner B.	N		May	N	Riesberg	Y	Waller	N
Gardner C.	N		McCann	Y	Roberts	N	Weissmann	Y
							Speaker	Y

of 37-27-1.

Sigrid Higdon 303.233.8111

SOCIAL POLICY

CHILDREN'S ISSUES

ABUSE AND NEGLECT

NEW **Senate Bill 66 Reporting of Child Abuse or Neglect (Sen. Hudak; Rep. Levy) (support)** was introduced by the Colorado Coalition Against Sexual Assault to relieve therapists and other mandatory reporters named in the Children's Code from the responsibility of reporting when victims, over the age of 18, share an abuse incident in their past. The action is recommended in order to preserve the therapeutic relationship. Many experts expressed the concern that if the perpetrator had victimized or was victimizing others who were juveniles, this abuse would remain unreported. The crime, according to interested parties, is currently under-reported. On the other hand, the requirement for therapists to report the information could compromise the treatment of the individual. In order to address this concern an amendment was proposed that would further delineate the responsibility of the reporter and would raise the age to 19. The proposed amendment would allow the support of LWV. The bill will be heard in the Senate Judiciary Committee on Feb. 15.

Roberta Long-Twyman 303.377.9193

COMPLIANCE WITH FEDERAL STATUTES

NEW HB 1106 Child Welfare Adoption Multi-ethnic Placement Act (Rep. Casso; Sen. Sandoval) (support) passed out of House Health and Human Services on Feb. 4 and was sent to Appropriations. The vote was unanimous.

The bill brings the state into compliance with the child welfare portion of the federal Adam Walsh Act by requiring that specialized group home parents and any person working in a residential child care facility have an FBI fingerprint-based criminal history records check. It also brings us into compliance with the federal Multiethnic Placement Act of 1994 whose purpose is to decrease the length of time that children wait to be adopted by forbidding discrimination in foster and adoptive placements based on race, color or national origin, and requiring agencies who place children out of the home to recruit and retain foster and adoptive parents who reflect the racial, ethnic, cultural, and linguistic background of children in the care of county departments of human services. When MEPA was first passed, Colorado updated the Children's Code to comply with the federal act. However, language was later added that put us out of compliance with the act. This bill fixes that problem. If this bill were to fail, the state would be subject to significant fiscal sanctions.

The bill was sent to Appropriations because there is a small fiscal impact to the state because of the difference between the revenue generated from fees for the fingerprint checks and the cost to the Dept. of Public Safety for handling the increase in fingerprint checks.

Carla Bennett 303.757.2930

EDUCATION

FUNDING SMALL DISTRICTS

NEW HB 1015 Stable Funding For Small Districts (Reps. Massey and Middleton; Sen. K. King) (watch) would create a pilot program in the Colorado Department of Education (CDE) to fund small school districts (less than 2,000 students) at a consistent level over a 5 year period. Such funding would allow more predictability in setting up district budgets. Small districts could join the pilot program in either FY 2010-11 or FY 2011-12 and would receive funding at the same level as they received in FY 2009-10. Participating districts would be required to join with other districts provide services and to share costs for

agreed upon programs/services. Share programs could relate to administrative services, food, transportation, health insurance, instruction for special needs students, and personal services, including teachers as well as maintenance and janitorial workers.

While the basic idea is fairly straight forward, the proposal becomes very complicated when the bill presents the conditions which could lead to recalculating the amount provided to a small district. Naturally, recalculations would occur if there is any statewide increase, but they would also occur if there is an increase or decrease in a district's student count that exceeded a "to be determined" percentage of the 2009-10 student count. HB 1015 is written with a blank for the percent which will be filled in by amendment during the legislative process. In addition, there is no way to predict the number of small districts that might choose to participate, thus, it is difficult to estimate costs associated with program administration – both issues would have a fiscal impact.

The fiscal note, prepared Jan. 11 (possibly the first of several fiscal notes), estimates that the cost of the program could be \$0.5 to \$5.1 million in FY 2010-11 and \$0.6 to \$7.8 million in FY 2011-12 to serve between 19 and 91 districts. CDE has not yet provided an estimate of administrative costs. The fiscal note acknowledges that entering into cooperative agreements with other small districts or BOCES may result in lower costs for participating districts. The note also points out that reductions in state funding which have occurred or may occur for FY 2009-10 and/or FY 2010-11 may influence a district's decision to participate in the program. This reasonable idea may have faced insurmountable funding challenges. It was PI'd at the sponsor's request.

Catherine Felknor 303.494.7199

SIMPLIFY DATA REPORTING

Introduced on Jan. 22, HB 1171 Repeal Of School Reporting Requirements (Rep. Benefield; Sen. Steadman) (support) would make several changes in current law that will reduce or simplify record keeping and data reporting by school districts and/or public schools. Changes relate to several areas/aspects.

- Dropout Data: Repeals (1) requirement to track and report number of students who complete high school after age 21; (2) requirement that SBE collect data on number of students who drop out of school but are enrolled in an alternative non-district program/school; and (3) specific definition of "dropout" contained in earlier legislation.

- Colorado Basic Literacy Act -- 3rd grade reading: Repeals reporting of (1) percent of students enrolled in 3rd grade who read at or above 3rd grade level; (2) percent of students who have an individual literacy plan or are enrolled in an intensive literacy program funded by Read-to-Achieve; and (3) percent of students who have increased their literacy and reading comprehension by two or more grade levels during one year of instruction.
- Budget Filing: HB 1171 (as written) would repeal the requirement for each school district to submit its adopted annual budget to CDE by Jan. 31 of each year. However, the repeal of this requirement was amended out of the bill by House Education on Feb. 8.
- Education Data Advisory Committee (EDAC): (1) Directs this committee to review each data reporting request made to districts/schools and identify if the request is (a) mandatory, (b) necessary to seek or receive a specified governmental benefit, or (c) voluntary. (2) Charges the committee with reviewing processes and timing for collecting student demographic data and making recommendations to SBE.
- Commission on Higher Education and Specific Institutions (an addition to statute): Requires institutions of higher education that provide basic skills courses and report student remediation to begin using each student's unique student identifier as soon as practicable.

LWVCO supports this bill as it relates to school districts and public schools because it will reduce work load and thus reduce administrative time/costs for collecting, recording, and reporting these data. HB 1171 was passed by House Ed, Feb. 8, on a 12-0 vote with one person excused. After being scheduled for 2nd reading in the House on Feb. 12, the bill was laid over until Feb. 17.

Catherine Felknor 303.494.7199

HEALTH CARE

HEALTH CARE UPDATES:

SB 020 CoverColorado Financial Viability (Sen. Boyd; Rep. Massey) (Support) The bill passed out of the Health & Human Services committee amended on a 7-0 vote.

Amendments: A fee schedule based on various reimbursement schedules commonly used in the health care industry would be established including

discounted billing charges, case rates, fee schedules established for services provided by physicians for injured workers under "Workers Comp" as well as Medicare reimbursement. This last amount will exceed the reimbursement generally paid to any category of provider of Medicare and the state medical assistance program. Any savings from paying fees based on the schedule will reduce premiums from insureds, fees from insurers, and interest from unclaimed property trust fund. There are concerns about the impact of the fee schedule may have on access to providers.

It now awaits hearing in Appropriations.

Marion Colliander 303.322.3926

HB 1008 No Gender Individual health Insurance Rates (Rep. S. Schafer, Rep. McCann; Sen. Carroll, Sen. Schwartz) (Support)

This bill, which would prohibit health insurance rates being gender based, passed out of House Health and Human Services Committee on a vote of 8-2-1. Voting yes: Acree, Apuan, Kefalas, Primavera, Roberts, Tyler, Gagliardi, Riesberg. Voting no: Gerou,, Swalm. Excused: J Kerr. An amendment clarified what kinds of policies, including individual policies, would be subject to the provisions of the bill. It is now calendared for second reading on February 17.

Marion Colliander 303.322.3926

NEW HB 1103 Catastrophic Illness Fund for Children ((Rep. Todd; Sen. Steadman) (Support)

The bill creates a relief fund for children with a catastrophic medical condition and the commission to administer the relief fund. It defines a catastrophic medical condition as an illness, a condition, or chronic care needs where the medical expenses are not covered by any state or federal program or any insurance contract and exceed 10% of the first \$100,000 of annual income of a family plus 15 % of the excess income over \$100,000. The bill outlines basic eligibility for receiving financial assistance from the fund and lists medical and related expenses towards which the financial assistance may be applied. State agencies are authorized to seek public and private moneys for this fund.

Membership for the commission as well as powers and duties of the commission are listed. To provide moneys necessary to establish the fund and meet the purposes of the bill, health coverage carriers shall charge a one dollar annual surcharge on the premium for each covered resident. This will be deposited into the fund by the state treasurer.

The bill requires the commission to submit an annual report to the Health and Human Services committees of the House and Senate.

Marion Colliander 303.322.3926

REPRODUCTIVE HEALTH

MATERNITY CARE AND BIRTH CONTROL

Required Insurance Coverage for Reproductive Health HB1021 (Reps. Frangas and McCann; Sen. Foster) (support)

It's up, it's down, it's rising we hope. In our first Legislative Letter we reported on this bill that would require ALL small group and individual sickness and accident insurance policies to offer insurance against the expense of pregnancy, childbirth, and contraceptive services (all forms of birth control) in the same way that most group plans now cover these medical needs of women.

The bill was heard in House Business Affairs committee on Feb.9. Testimony of five medical specialists supported the concept of this bill, as they stated convincingly that medical care for all pregnant women in Colorado would save many dollars, prevent many diseases, and reduce the number of serious childhood conditions that arise from premature birth. Despite this testimony, representing 700 doctors in various medical groups across Colorado, an amendment to the bill was offered which obliterated the main aspects of the bill as it took out all reference to birth control, and required only that an insurance company must offer at least one policy that included coverage for maternity care and childbirth. It is possible that such a policy could be so expensive as to eliminate the possibility of coverage for many Colorado women. The amendment and the bill passed on a committee vote of 11-0. Now, the bill is in stage 3 - that is, it is on hold from going to the floor for 2nd reading while Representatives Frangas and McCann work on different amendments that could reinstate the important parts of the original bill.

At this time it is calendared for second reading in the House on Feb. 19.

Carolyn Engelken 303.750.0949

MENTAL HEALTH

BEHAVIORAL HEALTH TRANSFORMATION

SB153 Concerning Behavioral Health System Transformation (Sen. Boyd; none in House)

This bill 1) puts forth a legislative declaration about the importance of creating a comprehensive approach to behavioral health (mental health and substance use disorders) issues; 2) establishes the behavioral health transformation council, appointed by the Governor, to put forth strategies to implement a systematic transformation of the behavioral healthcare system; and 3) establishes a criminal justice system planning group to work toward an efficient and standardized method of data-sharing concerning individuals in the criminal justice system who have behavioral health issues. This bill derives from the SAMHSA-funded, Division of Behavioral Health-sponsored Transformation Transfer Initiative of 2009 where citizens and governmental departments and divisions, including DHS, Corrections, DYS, Vocational Rehabilitation, Education, etc. came together to gather input and formulate a plan for transformation of behavioral health services across state departments and divisions. This plan has been reviewed and approved by the Governor's Behavioral Health Council, consisting of the heads of the various departments. The bill was introduced in the Senate Feb. 4, 2010 and has been assigned to Health and Human Services.

Barbara Mattison 303.322.4878

HB 1032 Concerning Behavioral Health Crisis Response Services (Rep. Frangas; Sen. Boyd)

This bill requires the Department of Human Services to enter into a contract with a nonprofit entity for provision of initial triage services through a coordinated and integrated crisis response system for persons experiencing mental health or substance use crises. Services contracted for may include, but are not limited to, services for a telephone line operating 24 hours/day, 7 days a week; services provided through an integrated technology system; and services provided through community-based crisis centers that provide short-term mental health services to persons in crisis. Under this bill, the Department of Human Services would be responsible for 1) specifying goals to be achieved by contracting and specific performance goals for provision of the services; 2) maintaining policy-making authority over the services; 3) monitoring contract compliance, evaluating performance, and reporting annually to the Health and

Human Services Committees of the general assembly. The contracting entity would 1) comply with Federal regulations and reporting requirements; 2) provide DHS with information about persons receiving services in compliance with Federal and state laws and with data necessary for DHS to successfully monitor and evaluate. The bill provides that DHS is not required to contract if it is not cost-effective for the state, if

system services are not appropriate to address the needs of persons in crisis, or if system services can be provided in a different manner. The bill was introduced in the House Jan. 13, 2010 and is assigned to Health and Human Services. A fiscal note is now attached listing state expenditures from the General Fund for 2010-11 of \$577,591 and for 2011-12 of \$580,364.

Barbara Mattison 303.322.487

STATUS SHEET

The Status Sheet is a constantly 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	43	Extend Repeal Office Child Rep	S	7,15	H-JUD
Children's Issues	SB	66	Reporting of Child Abuse or Neglect	S	24	S-JUD
Children's Issues	HB	1106	Child Welfare Adoption Multiethnic Act	S	24	H-2nd Rdg
Education	SB	3	Higher Education Flexibility	S	16	S-ED
Education	SB	36	Program Results For Educator Preparation	S	7	Signed
Education	HB	1015	Stable Funding For Small Districts	W	24	PI
Education	HB	1171	Repeal of School Reporting Requirements	S	25	H-2nd Rdg
Elections	SB	30	Spec Election For Vacant US Senate Seat	W	12	PI
Elections	SB	41	Campaign Finance Clean-up	S	12	H-SA
Elections	HB	1100	Withdrawal Of Initiative Petitions	OIP	13,22	PI
Elections	HB	1116	Revision To Colorado Election Laws	S	12,22	S-SA
Elections	HB	1156	Public Financing GA Campaigns	W	22	H-SA
Fiscal Policy	SCR	1	Fiscal Policy Constitutional Commission	S	10	S-SA
Fiscal Policy	SJR	2	Request For Comprehensive Tax Study	W	10	signed
Fiscal Policy	SB	4	Repeal Late Registration Penalties of SB09 108	O	21	
Fiscal Policy	SB	44	Repeal Late Registration Penalties of SB09 108	O	21	S-SA
Fiscal Policy	SB	57	Non-Motorized Veh Registration Fee	O	21	S-SA
Fiscal Policy	HB	1010	Expand Public-Private Initiatives	S	11	S-SA
Fiscal Policy	HB	1072	Create Budget Stabilization Reserve Fund	S	11	H-FIN
Fiscal Policy	HB	1078	Changes to Transparency Online Project	S	11	H-SA
Fiscal Policy	HB	1087	End Automatic Employee Tax Withholding	W	11	PI
Fiscal Policy	HB	1102	Mod Vehicle Late Reg Penalties	O	21	PI
Fiscal Policy	HB	1177	Create Colorado Economic Stability Fund	W	11	PI
Fiscal Policy	HB	1189	Elim Sales Tax Exemption for Direct Mail	S	9	Conc
Fiscal Policy	HB	1190	Suspend Indus Fuel Sales & Use Tax Ex-emp	S	9	Conc

Fiscal Policy	HB	1191	Elim Candy & Soda Sales Tax Exemption	S	9	Conc
Fiscal Policy	HB	1192	Sales & Use Tax Of Standardized Software	S	9	Conc
Fiscal Policy	HB	1193	Sales Tax Out-of-state Retailers	S	9	Conc
Fiscal Policy	HB	1194	Elim Nonessent Articles Sales Tax Exemp	S	9	Conc
Fiscal Policy	HB	1195	Suspend Ag Sales & Use Tax Exemp	S	9	Conc
Fiscal Policy	HB	1196	Elim Certain Cars Qualified For Tax Cred	S	10	To Gov
Fiscal Policy	HB	1197	Reduce Conservation Easement Cap Amount	S	10	To Senate
Fiscal Policy	HB	1198	Susp Credit Alternative Minimum Tax	S	10	PI
Fiscal Policy	HB	1199	Net Operation Loss Deduction Temp Limit	S	10	Conc
Fiscal Policy	HB	1200	Enter Zone Inv Tax Credit Deferral	S	10	H-APP
Fiscal Policy	HB	1211	Reduce Late Vehicl Registration Penalty	O	21	H-APP
Fiscal Policy	HB	1212	Reg Rules for Late Veh Regis Fee Ex-emps	O	21	H-2nd Rdg
Government	SB	87	SOS Authority to Regulate Lobbyists	SIP	20	S-SA
Government	SB	105	Prohibited Ads For Elect State Officials	O	13	S-SA
Government	SB	114	Taxpayer Transparency Act of 2010	S	12	S-2nd rdg
Government	HB	1119	SMART Government Act	S	19	H-APP
Government	HB	1126	Priority Based Budgeting for CO	S	19	PI
Gun Control	SB	51	Gov Firearms Disaster Emergency	O	14	PI
Gun Control	SB	92	Exempt CO Firearms From Federal Regs	O	14	PI
Health Care	SB	14	Family System Navigators	S	17	H-HHS
Health Care	SB	20	CoverColorado Financial Ability	S	16, 25	S-APP
Health Care	SB	56	Immunization Information School Children	S	17	S-HHS
Health Care	SB	153	Behavioral Health Crisis Response	S	26	S-BLT
Health Care	HB	1004	Standardized Health Insurance Information	S	17	H-HHS
Health Care	HB	1008	No Gender Individual Health Ins Rates	S	16	H-2nd Rdg
Health Care	HB	1032	Behavioral Health Crisis Response	S	27	H-HHS
Health Care	HB	1103	Catastrophic Illness Fund for Children	S	26	H-HHS
Juvenile Justice	SB	54	Educ Services For Juv Charged As Adult	S	14	S-APP
Natural Resources	SB	25	Extend Funding Water Efficiency Grants	S	15	S-APP
Natural Resources	SB	78	Facilitate Use Of Reusable Effluent	S	15	PI
Natural Resources	HB	1001	Renewable Energy Stds Solar Certif	S	23	To Sen
Natural Resources	HB	1127	Rocky Flats Plutonium Visitor Signs Info	O	15	H-SA
Reproductive Rights	SB	113	First Degree Murder of a Fetus	O		S-SA
Reproductive Rights	HB	1021	Required Coverage Reproductive Services	S	7	H-2nd Rdg
Voting Rights	SB	104	Conduct of Voter Registration Drives		22	PI
Voting Rights	HB	1047	Readability Of Statewide Ballot Titles	S	7,15	To Senate
Voting Rights	HB	1271	Date of Registration for Nomination	S	23	H-JUD