

**LEGISLATIVE LETTER<sup>®</sup>**

**LEAGUE OF WOMEN VOTERS OF COLORADO**

1410 Grant St., B-204, Denver, CO, 80203 303.863.0437

e-mail: [info@lwvcolorado.org](mailto:info@lwvcolorado.org)

[www.lwvcolorado.org](http://www.lwvcolorado.org)



January 29, 2010

LL#2:9

**GOVERNOR'S REVENUE BILLS**

If the Colorado state budget had a “spending” problem, it does not have one now, after significant budget cuts for at least two years. It has a “revenue” problem. The Governor presented the following bills to eliminate certain exemptions and credits, thereby increasing revenue in the State. Revenue in Colorado is so low that hard choices must be made such as in these bills. The bills must be passed by March 1 (to help balance the 2009-2010 budget), and the revenue will go into the General Fund. In testimony it was clear that generally business is opposed to these bills. Specific program supporters are in favor. Each is adamant in their position. The LWV supports the concept of these bills.

The bills were heard in Appropriations on 1/27/10. All passed and were sent on to the House Finance Committee where a contentious debate lasted a total of 18 hours. Most were adopted on second reading in the House on Friday (also a late session) and were expected to face final House votes on Monday, Feb. 1.

The bills are listed with the amount of revenue they would bring in.

**HB 1189 Eliminate Sales Tax Exemptions for Direct Mail Rep. Pommer/Sen. Heath** The bill would eliminate the state sales and use tax exemption for direct mail advertising materials. \$1.45M.

**HB 1190 Suspend Industrial Fuel Sales and Use Tax Rep. Pommer/Sen. Heath** The bill suspends for two years the exemption from state sales and use taxes for the storage, use, or consumption of fuels used for industrial purposes. \$48 M. This bill was laid over for further debate on Feb. 1.

**HB 1191 Eliminate Candy & Soda Sales Tax Exemption Rep. Pommer/Sen. Heath** The bill narrows the existing exemption from the state sales and use taxes for food so that candy and soft drinks are not exempt. \$17.9 M

**HB 1192 Sales & Use Tax of Standardized Software Rep. Pommer/Sen. Heath** The bill narrows the types of software that are subject to the current tax exemption. \$15 M

**HB 1193 Sales Tax for On-line Purchases Rep. Pommer/Sen. Heath** The bill requires the collection of sales and use taxes on sales made from out-of-state retailers. \$5 M. Many local businesses spoke in support of this bill, because it would put their “bricks” businesses (which must collect sale tax) on an even footing with “clicks” businesses.

**HB 1194 Eliminate Sales Tax Exemption for Non-Essential Food Containers Rep. Ferrandino/Sen. Heath.** Permanently eliminates the sales tax exemption for non-essentials that are given to the customer without additional cost. \$2.1 M

**HB 1195 Suspend Tax Exempt Ag Sales and Use Tax Rep. Ferrandino/Sen. Heath** The bill suspends for three years the exemption from the state sales and use taxes for certain items used in agricultural production. \$4.4 M

**HB 1196 Eliminate Certain Cars Qualified for Vehicle Fuel Tax Credits Rep. Ferrandino/Sen. Heath** The bill disqualifies a tax credit for the purchase of vehicles using alternative fuels. \$2.5 M

**HB 1197 Reduce Conservation Easement Cap Rep. Ferrandino/Sen. Heath** The bill reduces the maximum amount of a state income tax credit that may be claimed for the donation of a conservation easement from \$374,000 to \$135,000. \$26 M This bill was referred back to Appropriations.

**HB 1198 Suspend Credit for Alternative Minimum Tax Rep. Ferrandino/Sen. Heath** The bill would suspend the credit against the state income tax of a portion of the credit allowed under the Federal Internal Revenue code for payment of the Alternative Minimum Tax. \$5 M. The Finance Committee P'd this bill.

**HB 1199 Temporarily Limit The Net Operating Loss For A Corporation Rep. Ferrandino/Sen. Heath** The bill would put a temporary limit on state income tax deduction for a net operating loss. \$33.5 M

**HB 1200 Enterprise Zone Investment Tax Credit Deferral Rep. Hullinghorst/Sen. Heath** The bill would make temporary the requirement that a taxpayer defer claiming any amount of an enterprise zone investment income tax credit that exceeds \$250,000 until the year 2014. \$8.9 M This bill still awaits hearing by the House Appropriations Committee.

Phyllis Horney 303.771.6683

## GOVERNMENT

### FISCAL POLICY

#### COMPREHENSIVE TAX STUDY GOES TO GOVERNOR

**NEW SJR 002 Comprehensive Tax Study (Sen. Heath; Rep. Court) (Support)** This resolution comes out of the Interim Long Term Fiscal Stability Commission whose charge was "What kind of a State do we want to have?" It calls for a comprehensive tax study, including both State and local governments, to be performed by the University of Denver to be funded by the private sector. There have been such studies periodically in the past; the last one was in 1959. Studies will examine the ways in which revenue is derived to fund the business and programs of the State and local governments and the degree to which those are equitable and sufficient. As an example, road construction and maintenance has traditionally been funded from gas taxes, augmented by sales tax on auto parts. As cars get better mileage, the tax revenue per mile falls, but the wear and tear on roads does not. Thus, the obvious revenue streams for funding roads are insufficient. The GA requests a report be generated and provided to the GA by January 2011. This resolution has passed both houses and been sent to the Governor.

#### Senate Vote

YES	34	NO	1	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	Y	Johnston	Y	Penry	N	Tapia	Y
Cadman	Y	Keller	Y	Renfroe	Y	Tochtrop	Y
Carroll M.	Y	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	Y
Harvey	Y	Lundberg	Y	Schultheis	Y	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

#### House Vote

YES	40	NO	24	EXCUSED	1	ABSENT	0
Acree	N	Gerou	Y	McFadyen	Y	Ryden	Y
Apuan	Y	Hullinghorst	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	Y	Rice	Y	Vigil	Y
Gardner B.	N	May	N	Riesberg	Y	Waller	N
Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
						Speaker	Y

**NEW SCR 001 Fiscal Policy Commission (Sen. Heath; Rep. Ferrandino)** This concurrent resolution also comes out of the Interim Long Term Fiscal Stability Commission. Currently the State Constitution may be amended by a measure referred to the voters by the general assembly, a constitution convention, or referred through the initiative process. This concurrent resolution creates an additional way to amend the constitution through the creation of a temporary fiscal policy constitutional commission. The commission will be created for the purpose of reviewing the fiscal policy set forth in the state constitution and, if appropriate, submitting one or more measures to the amend the constitution

The commission must conduct at least one meeting in each congressional district in the state. The measure must be approved by at least 10 members of the 19 member commission. The measure must relate to fiscal policy. Assigned to Senate State, Veterans, and Military Affairs.

League has supported past efforts to untie the fiscal-policy making constraints that appear in the state Constitution. This is a new approach and we must review it carefully before making a recommendation. Advocacy positions on any issue that will be on the ballot require prior approval of League Board.

## TWO BILLS WOULD CREATE A RAINY-DAY FUND

**NEW** **HB 1072 Create Budget Stabilization Reserve Fund (Rainy Day Fund) (Rep. Court; Sen. Heath) (Support)** This bill also comes out of the Long Term Fiscal Stability Commission. It creates a state budget stabilization reserve fund and requires fund investment earning to be credited to the fund. It also requires increasing amounts of general fund money measured as a percentage of annual general fund appropriation to be credited to the fund at the end of each fiscal year until the fund balance can be maintained at 15% of general fund appropriations. Assigned to House Finance.

**NEW** **HB 1177 Create Colorado Economic Stability Fund (Rep. S. King) (Watch)** This is another effort to create a Rainy Day Fund and is a bit more complicated than HB 1072 (above). The bill allows the general assembly to transfer moneys to the fund, but will not allow the fund to exceed 15% of the amount of general fund revenues for the fiscal year. Moneys transferred or appropriated from the fund may be used only to provide funding for programs that were in existence and receiving state funding prior to the beginning of the fiscal year and that provide vital services determined by the joint budget committee to be necessary to help preserve the public peace, health, or safety. If more than half of the fund is needed, the transfer must be approved by a two-thirds majority vote of the members of both houses and the governor. Assigned to House Finance.

## ONLY VOLUNTARY WITHHOLDING?

**NEW** **HB 1087 End Automatic Employee Tax Withholding (Rep Swalm; Sen. Cadman) (Watch).** The bill eliminates the mandatory deduction and withholding for Colorado Income Tax. Instead an employer will only deduct and withhold Colorado income tax from an employee's wages if the employee and employer voluntarily agree to it. It might be harder for everyone be able to the pay their income taxes when the time comes than it is if withholding occurs regularly. Thus, while some taxpayers would receive interest on monies they reserve for payment of taxes, others would likely have to pay interest to borrow money to pay the tax bill. The state's cash flow may be adversely affected, causing more borrowing costs to the state, and thus less efficient use of taxes that are legitimately owed. Assigned to House Finance Committee.

## TRANSPARENCY BILL SEEKS CLARITY

**NEW** **HB 1078 Changes to Transparency Online Project (Rep. Nikkel; Sen. Kopp) (Support)** In 2009 the governor issued an executive order to create a web-based system that allows public access to government revenue and expenditures data. The system is commonly known as the "Transparency Online Project". In that first phase, the Chief Information Officer was allowed to aggregate information into various categories. This bill requires that the information available to the public not be aggregated, but be at the most specific level that exists that can be read by a machine. Assigned to State, Veterans, and Military Affairs Committee.

All these fiscal policy bills were reviewed by Phyllis Horney 303.771 .6683

## STATE PUBLIC-PRIVATE AGREEMENTS WITH NONPROFITS

**NEW** **HB 1010 Expand Public-private Initiatives (Rep. Ferrandino; Sens. Morse, Brophy and Heath) (Support)** This bill resulted from the Long-term Fiscal Stability Commission. It authorizes state agencies to enter into public-private initiative agreements with nonprofit entities. It specifies evaluative criteria to be used and procedures to be followed by, these agencies in considering, evaluating, and accepting or rejecting unsolicited proposals for public-private initiatives. It also provides an incentive for state agencies to enter into these initiatives through amending an existing statutory definition of "cost savings" in order to allow an agency to retain a portion of any cost savings realized from a personal services contract entered into within these agreements.

The bill recommends using as a model the existing public-private initiative program for the department of transportation. The proposal is supported by the Colorado Behavioral HealthCare Council (representing behavioral health organizations and community mental health centers), and most of the examples of agreements that were discussed in the hearing concerned mental health services.

This bill passed the House Committee on State, Veterans & Military Affairs with a clarification of "cost savings" and has now passed third reading in the House and been sent to the Senate.

Barbara Mattison 303.322.4878

## **ADMINISTRATION**

### **EXPANSION OF OPEN RECORDS**

**NEW** SB 114 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. The records to be opened are limited to those related to the project or contract. The intent of this bill is consistent with League principles calling for open records to facilitate informed citizen participation in government. When non-governmental entities are contracted with to do jobs for the state or receive support from the state for their mission, the public is entitled to know how the funds are spent. However, we are concerned that the language of the bill does not make clear enough that the records subject to public access exclude personnel files and lists of clients or patients and their files, if that is the nature of the organization’s work for the state.

Christine Watson 303.250.1796

## **ELECTIONS**

### **U.S. SENATOR VACANCY ELECTION**

**NEW** SB 30 Special Election for Vacant US Senate Seat (Sen. Kopp) (Watch) came before the Senate State, Veterans, & Military Affairs Committee on January 27. The bill proposed that a vacancy election would be held in the event of a vacancy of a United States senator between 75 and 90 days after the vacancy occurs but not within the 90 days prior to a general election. After discussion among the committee members, the vote was 3-2 against the bill. Cost of the election was a prime concern of the committee members who voted against the bill. League had not yet taken a position on the bill. We share concern about cost of a special election in today’s environment, but also believe that the people deserve to have their voices heard through an election.

Voting for the bill: Schultheis, Cadman. Voting against: Bacon, Boyd, Heath.

Vicki Harimon 303-770-8738

## **CLEANING UP ELECTION LAWS**

**NEW** HB 1116 Revision to Colorado Election Laws (Rep. Todd) (Support) is an election clean-up bill. It deletes some references to dates past, and conforms various sections of statutes to changes made last year. There are, however, two provisions worth noting:

- Addition of language to confirm that a voter’s registration will not be cancelled for failure to vote in an election.
- Requirement of signature verification for all mail and mail-in ballots.

Overall, the bill improves accuracy of the statutes and efficiency of the voting process and provides additional assurance of the right to vote. The House State Affairs Committee approved the bill and sent it to the floor for second reading on a vote of 10-0-1 (Casso excused).

Christine Watson 303.250.1796

## **CAMPAIGN FINANCE CORRECTIONS**

**NEW** SB 41 Campaign Finance Clean-up (Sen. Bacon; None) (Support) makes technical changes to state campaign finance laws, including:

- conforming the registration requirements for issue committees involved in recall elections to the same requirements for other types of issue committees;
- allowing the Secretary of State to require electronic filing of campaign finance reports;
- extending the amount of time allowed to correct an incomplete campaign finance filing from 7 business days to 15 business days;
- requiring new candidates to file a statement, under penalty of perjury, attesting that they are familiar with the Fair Campaign Practices Act, a change from current law which requires the filing of a certified affidavit;
- clarifying the procedure for notifying a candidate that he or she has been disqualified as a candidate for office if the required statement attesting knowledge of campaign finance law is not filed; and
- lengthening the deadline for certain elected officials to file a financial disclosure statement from 30 days to Jan 10<sup>th</sup> post election.

Section 4 of the bill changes the requirement that a candidate certify familiarity with Fair Campaign Finance Act (FCFA) to a statement attesting to such knowledge under penalty of perjury. New candidates, in particular, may

not have a working knowledge of FCFA, and the training offered by the Secretary of State's office might occur many weeks after a candidate has filed in accordance with candidate filing deadlines. A penalty of perjury could needlessly dissuade candidates from running for office. The Senate State Affairs Committee amended the bill to return relevant portions to existing language. As amended, the bill was passed unanimously to the floor for second reading, on the consent calendar. Bills on the consent calendar pass unanimously as a group.

Shirley Francis-Fraser 303.949.0086

## **WITHDRAWAL OF INITIATIVE PETITION, REVISITED**

**NEW** **HB 1100 Withdrawal of Initiative Petitions (Rep. Stephens) (Oppose in part)** seeks to repeal portions of HB 09-1326 and prior laws concerning the withdrawal of initiative petitions. The bill specifies that proponents cannot withdraw an initiative from the process of reaching the ballot once the petitions have been submitted to the Secretary of State. It further proposes that misdemeanor charges be made if it is found that a proponent withdrew an initiative after receiving some consideration of value.

It is hard to oppose prohibition of a quid pro quo for withdrawing an initiative, although it would seem hard to prove that such a transaction took place.

On the other hand, there are a number of reasons that it makes sense to allow withdrawal of initiatives until the deadline set by HB 09-1326 (60 days before the election):

- Legislature acts on the issue, negating the reason for the initiative
- Other circumstances change
- Despite the early review process, proponents do not find until later that language doesn't mean what was intended.
- Despite the early review process, proponents do not find until later that provisions are unworkable or end up being counter to their intent.

Those who believe an initiative should not be withdrawn frequently cite the "rights" of those who sign petitions. However, petition signers have no guarantee that an initiative will garner sufficient support, nor withstand other challenges before the ballot. Further, common practice has been to identify an initiative with the group or groups that launched it and are responsible for the language and impacts. This sug-

gests that the initiative is not a "public" right at least until it is printed on the ballot, or until passed by the voters.

Given the proclivity for constitutional amendments, it seems only sensible to allow originators of an initiative to save the rest of us from unnecessary or ill-drafted measures if they choose.

Christine Watson 303.250.1796

## **WHEN SPENDING RESTRICTIONS COST MORE**

**NEW** **SB 105 Prohibited Ads for Elected State Officials (Sen. Cadman; None) (Oppose)** could, at first, sound like a "clean campaign" advocate's dream: prohibiting the use of state monies to "disseminate information in the mass media that features specified elected officials." Indeed, in supporting publicly funded campaigns (in order to reduce the effect of special interest money), the League supports use of public monies to disseminate information about all **candidates** for certain elected offices.

On closer inspection, however, the language of SB 105 would prohibit use of state monies to identify elected officials at all: certainly prohibiting names on government web sites, in information disseminated from the offices of those officials, and in information about the work of the department or agency. In other words, it would be extremely difficult for citizens to find out who is serving in these offices and how to contact officials if citizens had not retained records from elections or from the once yearly list allowed by the bill. This unworkable proposal would result in extremely inefficient use of government funds (fielding requests for information and responding to allegations of violation) and constitutes LACK of transparency.

Christine Watson 303.250.1796

## **GUN CONTROL**

### **FIREARMS EXEMPT FROM LAWS**

Anti-gun control advocates are trolling for gun laws everywhere to find any restrictions on guns and wipe them out—allowing guns anywhere and putting the public at risk. Colorado legislators have introduced two bills to that end.

**NEW SB 51 Firearms Disaster Emergency (Sen. Renfroe; Rep. Sonnenberg) (Oppose)** eliminates the authority of the governor to suspend or limit the sale, dispensing or transportation of firearms during a state of disaster emergency. The statute regarding the governor's power in disaster emergencies states: "the governor may suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, or combustibles..." It should be left to the discretion of the governor, as the law stands in the event of disaster emergencies. Eliminating firearms from the statute serves no public good. Scheduled for hearing, Monday, February 1, 1:30 P.M.

**NEW SB 92 Exempt CO Firearms from Federal Regs (Sen. Schultheis; Rep. S. King) (Oppose).** This bill exempts from federal laws and regulations all firearms, firearm accessories, and ammunition that are manufactured in Colorado by persons who are not federally licensed and that are sold and remain in Colorado. Interestingly, the gun lobby, led by the NRA, claims that we just need to "fully enforce federal gun laws" rather than pass more gun control laws. Such exemptions from the law are a substantial problem in trafficking of guns from the legal to the illegal market and make it easier for dangerous people to get dangerous weapons.

Both bills are assigned to State Affairs.

Marilyn Shuey 303.863.0437

## **JUVENILE JUSTICE**

### **EDUCATION SERVICES FOR JUVENILES APPROVED BY SENATE JUDICIARY**

**NEW SB 54 Educ Services For Juv Charged As Adult (Sen. Hudak; Rep. Levy) (Support)** requires a school district to provide educational services during the school year to a juvenile who has been charged as an adult and is being held pending trial. It also requires the school district to comply with the federal "Individuals with Disabilities Act" if the juvenile has a disability. These services are not required if the student refuses them or if there is no safe and appropriate environment in which to provide them.

To pay for these services the school district may:

- Include the juvenile in its pupil enrollment if the district is providing the services as of Oct. 1

- Seek reimbursement from another district or charter school if the juvenile was included in their pupil enrollment
- Seek reimbursement from the department of education if the juvenile was not included in the state's pupil enrollment

The official who receives a juvenile for holding pending trial is required to request educational services from the school district in which the jail is located and must cooperate in providing a safe and appropriate environment in which to provide the services.

Juveniles who are charged as adults are held in adult jails pending trial and are not able to receive educational services to which they are entitled. If they were being held in a juvenile facility, they would receive those services.

The bill was supported by many witnesses including lawyers who represent juveniles in court, the DA's, and the county sheriffs. The DA's support the bill because juveniles who are detained in jail pending trial stay an average of 7½ months. Most of the youths who are found guilty are sentenced to Youthful Offender System (YOS) where they receive educational services. That education is critical to reducing the recidivism rate, and YOS has a very good recidivism rate. The DA's worry that the break from education services while juveniles are in jail makes it harder for them to do well academically when they get to YOS. Opposition came from the Colorado Association of School Boards which was concerned about the cost to the school districts in these difficult financial times.

The bill passed House Judiciary on Jan. 27 on a party-line vote. Voting YES: Sen. Hudak, Newell, Steadman, and M. Carroll. Voting NO: Sen. K. King and Renfroe. It was sent to Appropriations. There is a fiscal impact to the state of \$113,378 and 0.1 FTE for FY 2010-2011 and for FY 2011-2012. The fiscal note assumes that approximately 15 juveniles each school year who were not already receiving services from a school district or charter school will need services under this bill each school year.

Carla Bennett 303-757-2930

## VOTING RIGHTS

### READABILITY PROMOTED

**HB 1047 Readability of Statewide Ballot Titles (Reps. Court and Murray; Sen. White) (Support)**  
The House State, Veterans, & Military Affairs Committee amended the bill, changing phrasing to “yes/for” and “no/against” to address ballot space concerns raised by the Clerks. Although some additional work must be done with ballot vendors to assure that the formatting required in the bill will not add cost in and of itself, the committee approved the bill on a vote of 9-2, sending to the floor for second reading. Voting in favor: Casso, Court, Hullinghorst, McCann, Miklosi, Murray, Waller, Labuda, Todd. Voting against: Nikkel; DelGrosso.

Previously reported: LL#1, Pg. 7

Vicki Harimon 303-770-8738

## **NATURAL RESOURCES**

### ROCKY FLATS SIGNAGE

**NEW Rep. McKinley** has introduced **HB 1127 Rocky Flats Plutonium Visitor Signs Info (Oppose)** for the fourth time. This bill would require the posting of signs and supplementary brochures at entrances to the Rocky Flats national wildlife refuge. The League is in favor of signage. However, this bill would take the responsibility away from the federal government, who owns the land, and put signs under the Colorado Department of Transportation, who has never had any regulatory responsibility for this site. The federal government should have the role in environmental protection and the USFWS, who owns the wildlife refuge, should be the provider of this information. To date there has been no money appropriated at the federal level for the wildlife refuge to be opened and operated.

The bill specifies language for the signage. The League does not believe that such language should be codified. The bill proposes that the state attempt to obtain reimbursement of costs from the U.S. Department of Energy. Also they may accept private gifts, grants and donations. The bill is to be heard in House State Affairs, but it has not been calendared at this time.

Jeannette Hillery, 303-494-7718

## WATER

### USE OF REUSABLE EFFLUENT

**NEW Sen. Hodge (No House sponsor)** has introduced **SB 78, Facilitate Use of Reusable Effluent (Support)**. This bill would allow an appropriator to use, reuse and make a succession of uses of reusable effluent. The state engineer would review any uses of the return flows of reusable effluent to ensure that there is adequate measuring, it is a reusable source and that it has been passed through a domestic wastewater facility. The recycling of water seems the most acceptable way of stretching and augmenting Colorado's water supply. The bill has not yet been calendared for hearing in Senate Agriculture Committee.

### WATER EFFICIENCY GRANT PROGRAM

**NEW Sen. Whitehead and Rep. Baumgardner** have introduced **SB 25 Extend Funding Water Efficiency Grants (Support)**. The bill proposes to extend the existing program to July 1, 2020 and authorizes up to \$550,000 of the annual appropriations to the fund the program. The money would come from tier 2 of the operational account of the severance tax fund to the water efficiency grant program cash fund beginning in 2012. The League supports efforts of water efficiency and conservation. The bill is to be heard in Senate Agriculture, but has not been calendared at this time.

Both bills reviewed by Jeannette Hillery  
303-494-7718

## **SOCIAL POLICY**

### CHILDREN'S ISSUES

#### **BILL TO CONTINUE THE OFFICE OF THE CHILD'S REPRESENTATIVE PASSES 3<sup>rd</sup> READING IN THE SENATE**

**SB 43 Extend Repeal Office Child Rep (Sen. White; Rep. Pommer) (Support)** passed out of Senate Judiciary by a unanimous vote on January 1. In committee, the bill was amended to remove the repeal date. The bill went straight to the committee of the whole and passed 3<sup>rd</sup> reading unanimously on January 28. It has been assigned to House Judiciary.

The Office of the Child's Representative began in 2000. A 2007 performance audit noted a significant improvement in the quality of the representation by the Guardians Ad Litem. The bulk of the GALs' work is with children in the child welfare system. In addition to the creation of practice standards and provision of oversight and training for the GALs, the OCR also has a complaint service and has created an evaluation tool for feedback on the attorneys it contracts with.

Previously reported LL #1, p. 7.

Carla Bennett 303.757.2930

## **HIGHER EDUCATION**

### **FEWER RULES PROPOSED FOR HIGHER ED**

**NEW SB 03 Higher Education Flexibility (Sen. Morse; Rep. Ferrandino) (Support)** This bill is a result of discussions held during summer, 2009, by the Long-term Fiscal Stability Commission in a effort to address budgetary issues in higher education and give state institutions more flexibility in financial matters. Provisions include:

1. Developing a common course numbering system in conjunction with articulation agreements for 5 degree programs for state institutions of higher education before January 1, 2011;
2. Exempting institutions from including foreign students in the out-of-state calculations for in- and out-of-state student ratio (under the current law no less than two-thirds of the students enrolled are in-state students and foreign students are counted as out-of-state students.);
3. Removing the requirement, if an institution is an enterprise, that a certain percentage of its revenues go to need-based financial aid if tuition is increased;
4. Allowing institutions to adopt their own fiscal and technology rules;
5. Relaxing rules on what fiscal data needs to be provided to various state entities; and
- 6.) With capital construction projects, state institutions will need only to notify CCHE and its development committee of projects. Currently state institutions must apply and comply with a variety of state statutes regarding capital construction projects.

Our higher education position supports providing state institutions with latitude and flexibility with state oversight. Assigned to the Senate Education Committee.

Barbara Whinery 970.353.6731

## **HEALTH CARE**

### **HEALTH CARE ACCESS**

Two current bills fall under the LWVUS's position that all residents should have access to a basic level of quality health care at an affordable cost.

**NEW SB 20 CoverColorado Financial Viability (Sen. Boyd; Rep. Massey) (Support)** CoverColorado (created in 1991) is the health insurance of last resort for Colorado citizens who are not covered by an employer's health insurance policy and are unable to secure an individual policy. Largely, it covers individuals with pre-existing conditions, for fairly steep premiums. Fifty percent of the funding comes from participant premiums, interest and federal grants. The balance comes from carrier assessments and transfers from the unclaimed property fund. Rocky Mountain Health Plans administers benefits.

This bill authorizes the establishment of a fee schedule for compensating health care providers that render health care services to CoverColorado participants. Providers would be prohibited from billing participants for costs in excess of the program's listed fees for service. The schedule of fees replaces language allowing providers to charge "reasonable and customary" fees for services to those covered by this entity. The bill authorizes the Board to maintain enrollment in the Cover Colorado program consistent with the program's financial resources, and strain on those resources while covering all who need it is the reason for making a change to the fee arrangement.

Assigned to Senate Health and Human Services.

**NEW HB 1008 No Gender Individual Health Ins Rates (Rep. S. Schafer, Rep. McCann; Sen. Carroll, Sen. Schwartz) (Support)** This bill prohibits carriers from using gender as a basis for varying premium rates for individual sickness, accident or health insurance policies.

Assigned to House Health and Human Services.

Marion Colliander 303.322.3926

## HEALTH CARE CLARIFICATION

### **NEW** HB 1004 Standardized Health Insurance Information (Rep. Massey; Sen. Foster) (Support)

As anyone who has needed to provide insurance documentation to a provider's office or has received documents from health insurers can attest, the wide variety of forms and of information required has become confusing, burdensome and costly. The use of standard insurance forms would increase the efficiency of managing health insurance claim process for providers and the insured. Standard benefit forms would make it easier to compare policies available to consumers.

**HB 1004** would require that health insurance companies adopt standard formats for policy forms and explanation of benefit forms provided by health insurance carriers to consumers. Dental insurance policies would be included. Carriers would be required to comply with these standard format requirements starting July 1, 2011. Both could lead to cost savings for the industry.

The bill awaits hearing in House Health and Human Services Committee.

Marion Colliander 303.322.3926

### **NEW** SB 56 Immunization Information School Children (Sen. Boyd; Rep. Riesberg) (Support)

This bill requires each school district as well as charter schools to provide parents with a paper or email copy of a standardized immunization document annually. The document, prepared by the Department of Public Health, would include a list of immunizations required for school enrollment and the age at which these immunizations are required, as well as a list of immunizations currently recommended for children by the Center of Disease Control Advisory Committee with the recommended age for each immunization to be given. This information is often posted on a central web site, and that notification

would no longer be sufficient. Making sure parents have this information, up to date, will ultimately improve efficiency in delivery of health care.

The bill will be heard by Senate Health and Human Services Committee on February 3.

Marion Colliander 303-322-3926

## **MENTAL HEALTH**

### **FAMILY SYSTEM NAVIGATORS PROPOSED**

**NEW** SB 14 Family System Navigators (Sen. Tochtrop; Rep. Solano) (Support) Three Family Advocacy demonstration projects were established in Colorado in 2007 with authorization of the legislature. This bill makes amendments to allow "family systems navigators" to provide the same services within the demonstration programs as "family advocates." The difference between a "family advocate" and a "family systems navigator" is that the navigator does not have to be a family member or caregiver for "a child with a mental health or co-occurring disorder." The bill cites research and input from families, youth, and state and local community agency representatives in support of use of family systems navigators as well as family advocates. It requires both to have training but does not delineate such training, other than that it must be a system of care approach.

The unamended bill has passed third reading un-animously and been sent to the House, assigned to Health and Human Services Committee.

Barbara Mattison 303-322-4878

## 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	HB	1106	<b>Child Welfare Adoption Multiethnic Act</b>	S		H-HHS
Children's Issues	SB	43	Extend Repeal Office Child Rep	S	7, 15	H-JUD
Education	HB	1015	<b>Stable Funding For Small Districts</b>	W		H-ED
Education	SB	3	<b>Higher Education Flexibility</b>	S	16	S-ED
Education	SB	36	Program Results For Educator Preparation	S	7	Signed
Elections	HB	1100	<b>Withdrawal Of Initiative Petitions</b>	OIP	13	H-SA
Elections	HB	1116	<b>Revision To Colorado Election Laws</b>	S	12	H-2nd Rdg
Elections	SB	30	<b>Spec Election For Vacant US Senate Seat</b>	W	12	PI
Elections	SB	41	<b>Campaign Finance Clean-up</b>	S	12	S- 2nd rdg.
Fiscal Policy	HB	1072	<b>Create Budget Stabilization Reserve Fund</b>	S	11	H-FIN
Fiscal Policy	HB	1078	<b>Changes to Transparency Online Project</b>	S	11	H-SA
Fiscal Policy	HB	1087	<b>End Automatic Employee Tax Withholding</b>	W	11	H-FIN
Fiscal Policy	HB	1177	<b>Create Colorado Economic Stability Fund</b>	W	11	H-FIN
Fiscal Policy	HB	1189	<b>Elim Sales Tax Exemption for Direct Mail</b>	S	9	H-3rd Rdg
Fiscal Policy	HB	1190	<b>Suspend Indus Fuel Sales &amp; Use Tax Exemp</b>	S	9	H-3rd Rdg
Fiscal Policy	HB	1191	<b>Elim Candy &amp; Soda Sales Tax Exemption</b>	S	9	H-3rd Rdg
Fiscal Policy	HB	1192	<b>Sales &amp; Use Tax Of Standardized Software</b>	S	9	H-3rd Rdg
Fiscal Policy	HB	1193	<b>Sales Tax Out-of-state Retailers</b>	S	9	H-3rd Rdg
Fiscal Policy	HB	1194	<b>Elim Nonessent Articles Sales Tax Exemp</b>	S	9	H-3rd Rdg
Fiscal Policy	HB	1195	<b>Suspend Ag Sales &amp; Use Tax Exemp</b>	S	9	H-3rd Rdg
Fiscal Policy	HB	1196	<b>Elim Certain Cars Qualified For Tax Cred</b>	S	10	H-3rd Rdg
Fiscal Policy	HB	1197	<b>Reduce Conservation Easement Cap Amount</b>	S	10	H-APP
Fiscal Policy	HB	1198	<b>Susp Credit Alternative Minimum Tax</b>	S	10	PI
Fiscal Policy	HB	1199	<b>Net Operation Loss Deduction Temp Limit</b>	S	10	H-3rd Rdg
Fiscal Policy	HB	1200	<b>Enter Zone Inv Tax Credit Deferral</b>	S	10	H-APP
Fiscal Policy	SCR	1	<b>Fiscal Policy Constitutional Commission</b>	S	10	S-SA
Fiscal Policy	SJR	2	<b>Request For Comprehensive Tax Study</b>	W	10	To Gov
Fiscal Policy	HB	1010	<b>Expand Public-Private Initiatives</b>	S	11	To Senate
Government	SB	105	<b>Prohibited Ads For Elect State Officials</b>	O	13	S-SA
Government	SB	114	<b>Taxpayer Transparency Act of 2010</b>	S	12	S-JUD
Gun Control	SB	51	<b>Gov Firearms Disaster Emergency</b>	O	14	S-SA
Gun Control	SB	92	<b>Exempt CO Firearms From Federal Regs</b>	O	14	S-SA
Health Care	HB	1004	<b>Standardized Health Insurance Information</b>	S	17	H- HHS
Health Care	HB	1008	<b>No Gender Individual Health Ins Rates</b>	S	16	H-HHS
Health Care	SB	14	<b>Family System Navigators</b>	S	17	H-HHS
Health Care	SB	20	<b>CoverColorado Financial Ability</b>	S	16	S-HHS
Health Care	SB	56	<b>Immunization Information School Children</b>	S	17	S-HHS
Juvenile Justice	SB	54	<b>Educ Services For Juv Charged As Adult</b>	S	14	S- APP
Natural Resources	HB	1127	<b>Rocky Flats Plutonium Visitor Signs Info</b>	O	15	H-SA
Natural Resources	SB	25	<b>Extend Funding Water Efficiency Grants</b>	S	15	S-AGR
Natural Resources	SB	78	<b>Facilitate Use Of Reusable Effluent</b>	S	15	S-AGR
Reproductive Rights	HB	1021	<b>Required Coverage Reproductive Services</b>	S	7	H-BUS
Voting Rights	HB	1047	<b>Readability Of Statewide Ballot Titles</b>	S	7, 15	H-2nd Rdg
Voting Rights	HB	1091	<b>Use Of Certain Docs As ID For Voting</b>	O		PI