



The Opportunity News

Tracking the state of opportunity in Colorado and around the country

May 14, 2009

End-of-session special edition

The Bell Policy Center

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Recession puts pressure on budget, but legislature manages gains

In the midst of one of the worst recessions in memory, Colorado's legislature passed and the governor signed a number of key bills that protect and expand opportunity in Colorado by broadening health care coverage, expanding access to higher education for low-income students and strengthening our unemployment insurance system.

In perhaps the most significant action of the 2009 legislative session, lawmakers took a critical step in reforming Colorado's budget process by passing **SB 228** to repeal the Arveschoug-Bird formula

limiting growth in state general fund spending to 6 percent. This outdated formula prevented the state from responding to the ups and downs of the economy, and without **SB 228**, Colorado would have been limited in its ability to recover from the current recession.

"Maybe the plunging economy was the wake-up call, or maybe it was growing frustration among lawmakers, but with **SB 228**, we took a big step toward common sense in our budgeting process," said Wade Buchanan, president of the Bell. "Eliminating Arveschoug-Bird is like removing a straitjacket, and it will give lawmakers flexibility as they deal with the lasting impact of this recession. That is good for Colorado."

The budget was a primary focus of the session. In February, the Bell offered some guiding principles to consider as lawmakers contemplated budget cuts, and for the most part the legislature crafted a budget that met those principles.

"During this session, the legislature and governor recognized the need to look out for the most vulnerable Coloradans," said Rich Jones, the Bell's director of policy and research. "They continued funding for more than 20,000 preschool slots, expanded health care coverage for 100,000 uninsured Coloradans, avoided cuts in need-based financial aid and modernized and strengthened our unemployment insurance system. These would be good outcomes for any session, but they are even more impressive given the bleak economy facing Colorado."

In this issue

This *Opportunity News* is the Bell's annual summary of wins and losses from the legislative session, divided into these categories:

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- Gateway 3: Building a solid base for literacy
- Gateway 4: Establishing a healthy lifestyle in childhood and adolescence
- Gateway 5: Leaving high school with a diploma and the skills to succeed
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“However, the budget will likely be center stage next year as well. Depending on how quickly Colorado recovers from the recession, lawmakers could be faced with difficult decisions requiring major cuts in many of the programs they protected this year,” he said.

Bell staff members worked hard on a number of bills, but it was the combined effort of many coalition partners that led to success with **SB 228** and many bills that will expand opportunity for more Coloradans.

Overall, we give the legislature and governor high marks for advancing policies that promote opportunity for more Coloradans and strengthen our economy.

For all the gains, however, we are disappointed with several of the actions taken by lawmakers. Failing to pass legislation allowing qualified undocumented students to pay in-state tuition rates at Colorado colleges limits educational opportunity for deserving students and weakens our economy.

The lack of legislation to impose reasonable regulation on payday lenders was another disappointment. Although we worked throughout the session on potential legislation to limit the number of loans payday lenders could issue, and garnered enough support for the concept, we could not work out all the details to implement a database to track the loans and other regulatory requirements.

Several tax credits aimed at promoting economic development were passed. We are skeptical of the effect these tax credits have on economic growth and think it makes more sense to invest in things such as higher education, for example, that we know enhance our economy.

Following is a summary of major bills considered during the 2009 session grouped according to the Bell’s Gateways of Opportunity. Also attached is a chart of the major bills the Bell tracked during the legislative session. For a more comprehensive list of bills affecting the

Bell’s Gateways of Opportunity, see our *Legislative Status Report* at www.thebell.org.

TABOR, Ref C and state finance

By Rich Jones

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Director of Policy and Research

Fiscal reform

Probably the most significant achievement of the 2009 legislative session is **SB 228**. It repeals the statutory Arveschoug-Bird formula, which limited the growth in General Fund operating spending to 6 percent each year. We first recommended repealing the Arveschoug-Bird formula in our 2003 report *Ten Years of TABOR* and have long considered it a critical step in reforming our budget process. The outdated formula prevented Colorado from restoring the budget cuts made during past recessions.

Passed by the legislature April 30

HB 1363 establishes the Colorado Unemployment Insurance System as an “enterprise” under TABOR. As a consequence, the revenue that will flow into the Unemployment Trust fund as the economy recovers will be exempt from the TABOR excess state revenue cap and cannot trigger future TABOR rebates from the state General Fund.

Passed by the legislature May 6

Long Appropriations Bill

Lawmakers faced an extraordinarily weak economy, a budget not fully recovered from cuts made in the last recession and deep divisions over places to cut and how and where to find additional revenues. Given this backdrop, we think the legislature and governor have done a very good job crafting a budget – **SB 259** – that protects many state programs and services that promote opportunity for Coloradans and maintains funding for the public structures that underpin our



Gateways to Opportunity

The Bell Policy Center is focused on making Colorado a state of opportunity for all. Opportunity does not arise from a single action.

To succeed in life, people must pass through a series of gateways.

They are:

1. A healthy birth
2. A safe and stimulating childhood
3. Building a solid base for literacy
4. Establishing a healthy lifestyle in childhood and adolescence
5. Graduating from high school with a diploma and the skills to succeed
6. Access to education and training for adults
7. A healthy adult life
8. Earning a decent living and building wealth
9. A financially secure and healthy retirement

These gateways are like steps on a long staircase. Missing one

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Gateways: From page 2

doesn't mean you cannot succeed, but it makes getting to the next step harder. Miss too many steps and the climb may become impossible.

Together, these gateways constitute the Cycle of Opportunity, the mix of experiences and events that make it possible to realize our economic, social and personal potential.

Each month in *Opportunity News*, Bell Policy Center reports on the latest research, public policies, legislation and events that promote or undermine opportunity for Colorado residents, gateway by gateway.

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state's economy. It is a budget that passed with bipartisan support.

Signed by the governor May 1

More detailed descriptions of budget actions are contained in our reports on Gateways 3, 6 and 7.

Transportation funding

SB 108, known as the "FASTER" bill, is expected to generate approximately \$252 million annually for transportation improvements. Although funding comes primarily from vehicle registration and car rental fee increases, the money will help the state address a backlog of needed projects and should save or create thousands of jobs.

Signed by the governor March 2

Tax credits

By George Awuor
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Public Policy Analyst

The legislature passed a number of measures, primarily aimed at promoting economic development, that created almost \$10 million in new tax credits for fiscal year 2009-10. Lawmakers also considered measures to close existing tax credits as part of the efforts to balance the budget.

HB 1001 allows companies to apply for a state income tax credit for creating at least 20 new jobs in urban areas or five new jobs in rural areas that pay wages above the local average. For each new job, firms can receive credits each year the job is retained for up to five years, but no later than tax year 2018.

Signed by the governor May 4

HB 1010 creates the office of Film, Television and Media in the Colorado Office of Economic Development. It authorizes the new office to review and approve applications from production companies for a 10 percent cash rebate for certain film production costs, including qualified payroll expenditures.

Passed by the legislature May 5

HB 1105, the Innovation Investment Tax Credit, provides credits equaling 15 percent, up to a maximum of \$20,000, for qualified investments in businesses involved in research and development or manufacturing of new products, processes or technologies. The credit will be funded through gifts, grants and donations, although the Economic Development Commission could provide funding up to \$750,000.

Passed by the legislature May 5

Local governments in Colorado can pursue tourism-related capital improvement projects using state sales tax increment financing under **SB 173**. The bill requires local governments to designate a specific zone in which the tax increment will be collected and gain approval from the state's Economic Development Commission. Among the projects proposed to be funded through this mechanism is a NASCAR race track.

Passed by the legislature May 1

SB 234 directs the Economic Development Commission to study enterprise zones, including criteria for creation of a statewide enterprise zone. This review is a welcome development because our [recent brief on zones](#) recommends caution and a review of existing zones.

Passed by the legislature April 29

HB 1366 eliminates the current deduction for capital gains on the sale of stock or ownership interest in Colorado businesses beginning in tax year 2010. It also limits, to the first \$100,000 in capital gains, the deduction on Colorado real and tangible property and out-of-state tangible property purchased after bill's effective date.

Passed by the legislature May 6

Gateway 1: A healthy birth

A healthy pregnancy and healthy birth are the first steps to a life of opportunity. While a healthy first three months is crit-

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ical for both mom and infant, stable and ongoing health care coverage is important – especially for growing children.

By Robin Baker
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Senior Policy Analyst and Director, Health Project

Keeping legal immigrant moms and kids healthy benefits all Coloradans. **HB 1353** provides benefits under Medicaid and the Children’s Basic Health Plan to pregnant women and children who are legal immigrants. They will not have to wait for five years following their date of entry into the U.S. to be eligible, as under current law. This bill is subject to sufficient appropriations and the receipt of federal financial participation.

Passed by the legislature May 5

Making sure that kids have continuous health coverage is essential to a life of opportunity. This year, the legislature passed **HB 1020**, which establishes a process for telephone and online re-enrollment into Medicaid and the Child Health Plan Plus. This process better ensures that the estimated 25 percent of kids who were “lost” at renewal time and another 17 percent that were denied coverage for failure to comply with re-determination procedures will not lose health coverage.

Passed by the legislature May 5

Unfortunately, the economic downturn and the state’s budget crisis forced the legislature to eliminate the scheduled increase in eligibility for the Children’s Health Plan to 225 percent of the federal poverty level. When appropriations become available, eligibility may be increased up to 250 percent of federal poverty level for both children and pregnant women. **SB 211** keeps eligibility at the current level of 205 percent of the federal poverty level.

Signed by the governor Feb. 26

Gateway 2: A safe and stimulating early childhood

A child who is nurtured emotionally and stimulated intellectually during the first years of life is much more likely to have greater opportunities throughout life. But families in poverty have few choices about where they live, who their neighbors are, where their children attend school, and a lack of resources worsens the impact of poverty.

By Robin Baker
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Senior Policy Analyst and
Director, Health Project

In these turbulent economic times, the legislature passed **SB 55** to extend and enhance the Family Resource Center Program. Working with the Department of Public Health and Environment, these programs coordinate public and private efforts to connect families to services and supports.

Signed by the governor March 20

Autism is extremely expensive to treat. Costs extend to public education, public health care programs and social service systems. With appropriate early intervention treatments, up to two-thirds of these costs can be avoided. **SB 244** requires group health insurance policies to provide coverage for autism spectrum disorders. Because of budget constraints the bill specifically excludes the state employee health plans, health plans offered by Colorado institutions of higher education, and the Children's Basic Health Plan.

Passed by the legislature May 5

Gateway 3: Building a solid base for literacy

A child who masters literacy skills in elementary school will enjoy many more opportunities in life than a child who does not master these skills. A child who is literate at an early age is far more likely to succeed in other academic areas and to graduate from high school with the opportunity to succeed in college or the job market.

By Frank Waterous
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Senior Policy Analyst

Because increases in P-12 education program funding are constitutionally mandated in Colorado, this budget area generally fared well this year, despite the economic downturn. **SB 256**, the \$5.6 billion **School Finance Bill** (\$3.6 billion state; \$2 billion local), increased the statewide base per-pupil funding by the required inflation plus 1 percent, from \$5,250.41 to \$5,507.68. The bill also:

- Creates a “Centers of Excellence Awards Program” to provide \$250,000 annually to schools with large at-risk student populations demonstrating high rates of academic growth.



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- Appropriates \$1.75 million for the Closing the Achievement Gap Program that provides support and assistance for school districts participating in the pilot.
- Maintains current funding levels for full-day kindergarten

enrollment.

- Provides continuation funding for the full 20,160 students participating statewide in the Colorado Preschool Program.

In its final form, **SB 256** avoided a \$110 million proposed reduction in the overall increase to P-12 education by appropriating those funds, but holding them in reserve until January 29, 2010 – at which time the December 2009 economic forecasts will be available to show whether further cuts by the legislature are necessary.

Passed the legislature May 5

Beyond school finance, two important bills related to parental involvement in education also passed this session with strong support from the Bell, advocates for low-income Coloradans and education groups. Parental involvement in children’s education both at home and at school is consistently cited as one of the key elements associated with lower dropout rates and increased student achievement.

HB 1057 makes it possible for more parents to take leave from work to attend parent-teacher conferences and other specified academic activities. This is a particularly important policy change for low-income and minority parents, who are especially likely to work in jobs that do not provide the time off and flexible schedules needed to meet personal and family needs.

Passed by the legislature May 4

SB 90 creates a state-level advisory council and grant program to increase parental involvement in education. The council’s membership will represent a broad range of relevant groups, organizations, and agencies. Its duties will include informing public education entities on best practices and strategies for increasing parental involvement and promoting family and school partnerships.

Passed the legislature April 27

Finally, this year’s **Long Appropriations Bill, SB 259**, included both positive and negative education-related provisions. While the funding for school lunches and breakfasts for low-income

students was maintained at the previous year’s level, \$200,000 in state funding for family literacy programs was removed from the budget.

Signed by the governor May 1

On a hopeful note, however, **SJR 56** supporting Colorado’s efforts to win a portion of the \$4 billion federal “Race to the Top” education-related stimulus moneys, explicitly identifies family literacy programs for parents and their children as one of the areas where federal funds could be directed.

Passed by the legislature May 6

Gateway 4: Establishing a healthy lifestyle in childhood and adolescence

Kids who develop healthy habits early are more likely to enjoy good health throughout their adult lives and into their senior years.

By Robin Baker
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Senior Policy Analyst and Director, Health Project

Families with mentally ill children often need professional intervention and treatment. The Child Mental Health Treatment Act of 1999 made it possible for families to acquire services for a child without requiring parents to give up custody through a dependency and neglect action. **SB 30** continues the Child Mental Health Treatment Act through July 1, 2019. About 50 children received residential mental health treatment under the act in FY 2007-08.

Signed by the governor April 16

In an effort to balance the budget, **HB 1342** was passed to temporarily eliminate the state sales and use tax exemption on the sale of cigarettes for fiscal years 2009-10 and 2010-11 (counties, statutory municipalities and special districts remain exempt). While the bill will increase General Fund revenue by more than \$30 million, it also has the additional benefit – due to a per-pack increase of about 15¢ – of discouraging tobacco use among price-sensitive teens.

Passed by the legislature May 6

HB 1111 creates the Primary Care Office within the Department of Public Health and Environment (DPHE) to assess and address unmet health care needs across the state. It will help agencies in rural or underserved areas receive more federal Medicaid

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funding and recruit foreign-trained physicians who participate in a visa waiver program. DPHE estimates that physician placements in underserved areas alone will add more than \$45.5 million to the Colorado economy. It also helps improve health care workforce recruitment and retention efforts in rural and underserved areas of Colorado.

Sent to the governor May 11

Gateway 5: Leaving high school with a diploma and the skills to succeed

Graduating from high school not only marks the beginning of one's passage to adulthood, it is an increasingly critical milestone on the road to opportunity. A high school diploma represents the successful acquisition of the knowledge and skills needed to function in the working world and to pursue further education and training.

By Frank Waterous
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Senior Policy Analyst

Perhaps the most significant opportunity-related education bill of the session was the landmark, bipartisan **HB 1319**, which creates a statewide system of “concurrent enrollment” through which high school students can simultaneously complete their diplomas and also earn college credits, certificates or associate degrees.

Passed by the legislature May 5

A companion bill, **SB 285**, ensuring that career and technical education courses are part of the concurrent enrollment system, also passed.

Passed by the legislature May 6

The Bell has consistently advocated for expanded concurrent enrollment opportunities, especially for low-income, minority and at-risk students, and strongly supported **HB 1319**. Research shows that concurrent enrollment programs have the potential to lower dropout rates, improve high school performance and increase the number of students going on to postsecondary studies.

HB 1319 was based on a recommendation from Gov. Ritter's P-20 Education Coordinating Council. The Bell staff served as a member of one of the subgroups that helped to develop the recommendation, and the Bell was among the key education stakeholders who provided input and advice on the

draft legislation.

Gateway 6. Access to education and training for adults

High school graduates who have access to affordable colleges or technical schools can get the knowledge and skills to become productive members of the workforce with financially successful careers. Older workers or immigrants who have access to training – either to update their skills or to learn English – will also enjoy more productive careers.

By Frank Waterous
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Senior Policy Analyst

In one of the major disappointments of the session, the Senate killed legislation that would have improved educational opportunities for Colorado's qualified undocumented high school graduates. Under **SB 170**, any student, regardless of immigration status, would have qualified for in-state tuition at Colorado public colleges and universities if he or she attended a state high school for three years, graduated from a Colorado high school or obtained a GED in the state, and met other criteria.

The bill would have strengthened Colorado's workforce and, according to the Colorado Legislative Council, generated as much as \$3.3 million annually in new revenue for higher education. It also would have improved opportunities for students who were brought to the state as children and cannot afford the prohibitively high cost of out-of-state tuition.

– Matt Sundeen

Defeated in the Senate April 6

Perhaps the best news related to higher education opportunity during this legislative session, though, is what didn't happen to the budget. Although massive cuts of about \$450 million in higher education's General Fund budget (more than half the total) were initially contemplated they were ultimately avoided through a complex set of budget-balancing actions and adjustments.

In the end, higher education absorbed about \$150 million in cuts – taking it to a funding level equivalent to that of FY 2005-06, but sufficient to allow Colorado to qualify for the full amount of federal stimulus moneys set aside for both P-12 and postsecondary education. The \$150 million reduction



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will be backfilled using the federal stimulus dollars, so higher education's funding is actually being held steady at FY 2008-09 levels for the coming year.

Specific provisions of **SB 259**, the Long Appropriations Bill

included both good news and bad news related to higher education access and affordability. For example, the bill:

- Maintains previous funding levels for state need-based financial aid (\$74.3 million) and work-study aid (\$16.6 million).
- Eliminates aid funding for pre-collegiate programs (\$1.6 million) and merit-based awards (\$1.5 million).
- Reduces the College Opportunity Fund stipend for a full-time student at a public higher education institution from \$2,760 to \$2,040—the first time since the program was started that the stipend's value has been reduced.

Along with likely tuition increases of up to 9 percent, the decrease in state support through the smaller COF stipends means that many students and families will bear an even greater share of their total higher education costs in the future.

Signed by the governor May 1

Two bills introduced very late in the legislative session would have made dramatic changes to the system of higher education financing in our state. Both bills were ultimately defeated.

HB 1362 would have created a process through which local taxes could be collected and used to support community colleges and state colleges (Adams, Western, Mesa, Metro, Fort Lewis), as well as to help defray costs of tuition for local residents.

Postponed indefinitely May 1

SB 295, as introduced, would have permitted public higher education institutions to set their own tuition rates, administer their own financial aid programs, and be accountable for ensuring access and affordability under this new authority. It also expanded institutional flexibility related to capital construction projects and fiscal rules. The sections related to tuition and financial aid were removed from the bill prior to its defeat.

Failed in legislature May 6

The Bell believes that the removal of **SB 295's**

tuition and financial aid provisions, as well as its defeat, were prudent decisions. Because of the potential effects on college access and affordability for middle-income, low-income and minority students – as well as on the creation of a coordinated P-20 education system in our state – the long-term implications and impacts of such sweeping tuition and financial aid changes require more extensive and thoughtful discussion before any new state policy direction is pursued.

Gateway 7: A Healthy adult life

Those who enjoy sound physical and mental health or are able to get adequate treatment when they need it are likely to be more productive, advance faster in their careers, earn higher incomes and enjoy a better quality of life throughout their adult years.

By Robin Baker

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Senior Policy Analyst and Director, Health Project

With the severe economic downturn, the legislature took many steps to support health coverage for families and adults.

HB 1293, the Health Care Affordability Act, does the most to keep health care reform moving forward. This bill allows the state to generate an additional \$600 million a year in hospital fees and draw down \$600 million in federal Medicaid matching funds. The combined \$1.2 billion will expand Medicaid and the Child Health Plan Plus coverage to over 100,000 uninsured citizens.

Signed by the governor April 21

The budget was the major focus of the session, and several bills affected funding for health care as the legislature and governor worked to protect Colorado's most vulnerable citizens.

SB 264 allows the state to use federal stimulus moneys related to Medicaid to reduce General Fund obligations. It does not affect the amount paid to providers

Signed by the governor May 1

The American Recovery and Reinvestment Act (ARRA) of 2009, also known as the federal stimulus bill, increases the amount the federal government pays toward Medicaid. Prior to the ARRA, the federal government and Colorado each paid 50 percent of the cost of Medicaid. Under ARRA, as unemployment in Colorado increased, this match rate was adjusted to a little over 60 percent federal payment and about 40 percent Colorado payment.

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This increased federal contribution to Medicaid, referred to as Federal Medical Assistance Percentages, or FMAP, freed up more than \$300 million in the General Fund savings for fiscal year 2009-10.

The legislature also tapped other cash funds to help balance the budget and avoid making further cuts in General Fund appropriations to health care. **SB 261** uses Supplemental Old Age Pension Health and Medical Care Fund moneys instead of General Fund monies in fiscal years 2008-09 and 2009-10 to provide Medicaid coverage for seniors.

Signed by governor May 1

SB 262 temporarily changes the funding formula for the Medicaid Breast and Cervical Cancer Prevention and Treatment (BCCPT) Program. From fiscal year 2009-10 through 2011-12, all funding will come from the BCCPT Fund. In fiscal years 2012-13 and 2013-14, the funding formula returns to 50 percent General Fund and 50 percent BCCPT fund.

Signed by the governor May 1

Much of Colorado's health care is paid for through tobacco master settlement money and Amendment 35, tobacco tax money. **SB 269** transfers monies from the tobacco Master Settlement Agreement to the General Fund. Among other factors, the bill caps the amount of money allocated to tobacco settlement programs at \$100 million.

Passed by the legislature May 4

SB 270 allows interest earnings from Amendment 35 Tobacco Tax revenue to be transferred to the General Fund in FY 2008-09 through FY 2011-12.

Signed by the governor May 1

Once the legislature declared a fiscal emergency (SJR 34), **SB 271** allows money from the Tobacco Education Programs Fund and the Prevention, Early Detection, and Treatment Fund to be used to backfill the reduction in Amendment 35 moneys to any health-related purpose and to serve persons enrolled in both the Children's Basic Health Plan and Medicaid. This transfer protected some of Colorado's Community Health Centers from sharper cuts.

Passed by the legislature May 4

Two bills provide General Fund savings by changing Medicaid nursing facility reimbursement rates (**SB 263**) or by delaying the last weekly payment cycle of Medicaid and Children's Basic Health Plan provider payments (**SB 265**).

*Both signed by the governor
May 1*

Other legislation was aimed at maintaining health coverage or reducing increases in its costs.

HB 1012 allows insurance carriers that provide individual and group health insurance plans in Colorado, to offer incentives for participation in wellness and prevention programs. This bill not only encourages people to take control of their health regardless of their current status, it may also help to reduce premium costs for insurers, workers and employers.

Signed by the governor April 25

With health care coverage so closely linked to one's place of employment, changing or losing jobs can be an obstacle to continuous coverage. **HB 1102** will require the health care task force to study the portability of health insurance.

Signed by the governor April 3

HB 1338 modifies state insurance laws to comply with recent federal law enactments, and **HB 1349** will allow individuals of any size employer who were involuntarily terminated from employment to choose health insurance continuation coverage.

Both passed by the legislature May 5

Some bills began the difficult but necessary discussion of reining in high health care insurance premiums. For example **HB 1143** allows health maintenance organizations to offer enrollees basic health care services through a limited benefit plan. Premiums are lower and benefits cover certain health care needs. However, people have no economic protection in the event of a catastrophic health problem.

Signed by the governor April 16

HB 1224 directs the 2009 interim Health Care Task Force to examine and make recommendations regarding gender discrimination in the individual insurance market.

Sent to the governor May 5

While high premiums are a concern, the legislature made sure that consumer protections were maintained by ditching **HB 1256**, which would authorize multi-state agreements to enable the purchase of out-of-state health insurance products. If passed, the bill would have left consumers without



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state protection in the event of a medical claim problem.

Postponed indefinitely April 3

The legislature also addressed domestic partner benefits. **SB 88** makes a domestic partner of a state employee eligible for coverage under state employee group benefit plans.

Sent to the governor May 6

Gateway 8: Earning a decent living and building wealth

A job with benefits that pays at least enough for a family to be self-sufficient and to build assets is the surest path to increasing opportunity.

By Rich Jones

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Director of Policy and Research

Lawmakers took significant action to modernize, reform and strengthen Colorado's unemployment system. **SB 247** creates an alternative base period that helps mostly low-wage workers qualify for unemployment when they are laid off, rather than having to wait for up to three months. It also makes minor changes to expand the list of compelling family reasons for leaving a job for workers who qualify for unemployment insurance benefits and authorizes extended benefits for workers who remain unemployed. By making these changes Colorado will receive over \$127 million in federal funds to bolster our Unemployment Insurance Trust Fund.

Passed by the legislature May 6

HB 1276 delays foreclosure proceedings for 90 days to allow qualified homeowners and mortgage holders to work out an agreement to prevent foreclosure. To qualify, homeowners must contact a certified housing counselor within 20 days of receiving a notice of foreclosure, and the housing counselor must attest that the borrower meets the designated requirements to delay foreclosure.

Sent to the governor May 5

HB 1064 creates the Economic Opportunity and Poverty Reduction Task Force to thoroughly examine ways to cut poverty in half in Colorado by 2019. The task force will work over the interim and bring together a wide variety of perspectives on this critical issue.

Passed the legislature April 23

SB 110 extends the Colorado Civil Rights Commission and Division to July 1, 2018, as part of a sunset review. It also authorizes the commission to initiate civil rights violation charges on its own and expands the types of employment-discrimination cases that can be filed with the commission. A section that allowed plaintiffs to recover compensatory and punitive damages as well as attorney fees and costs was removed before final passage.

Signed by the governor May 11

HB 1260 expands the rights of Colorado's gay and lesbian population by allowing any two people, regardless of gender, to enter into a designated-beneficiary agreement. Such an agreement specifies legal rights for the beneficiary to receive state employment pension benefits, make medical decisions should a partner become incapacitated and receive inheritance should a partner not leave a will.

– Christen Lara

Signed by the governor April 9

Legislators failed to reach agreement on legislation to protect consumers from **predatory payday lending practices**. Current law allows lenders to offer payday loans with exorbitant fees, amounting to as much as a 520% APR, and engage in other practices that trap thousands of low-income Coloradans in a cycle of debt. Although there was much discussion and support for limiting the number of loans that lenders could issue to borrowers, legislators were unable to work through the details involved in setting up a database to track the loans and other regulatory requirements. Reasonable regulation is needed to prevent payday lenders from circumventing existing restrictions and exploiting vulnerable borrowers.

– Matt Sundeen

Gateway 9. A financially secure and healthy retirement

A secure and healthy retirement should be the reward for a life of hard work and contribution to family and community.

By Rich Jones

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Director of Policy and Research

SB 282 merges the Denver Public Schools pension plan with the Public Employees' Retirement Association in January 2010. Currently, all districts except DPS participate in PERA. DPS officials argue that having a separate pension plan hurts their

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ability to recruit and retain teachers because the DPS pensions are not portable to other districts.

Passed by the legislature May 4

Those who enjoy financial security and good health in their senior years remain active participants in their families and communities. But some people need long-term care in order to be cared for adequately – seniors as well as individuals with developmental disabilities. **HB 1103** allows people who are in need of long-term care to be presumed eligible for Medicaid, including home- and community-based service programs, thus helping them receive benefits sooner.

– Robin Baker

Signed by the governor April 22

Health of Democracy

By Matt Sundeen

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Senior Policy Analyst and General Counsel

Legislators considered numerous bills intended to address a variety of election-related concerns.

HB 1160 allows Colorado citizens who meet certain conditions to register to vote online through the Colorado Secretary of State's website. It also requires that the online system allow the voter to change his or her residence on the registration record, change or withdraw party affiliation or apply for permanent mail-in ballot status. The system must be implemented by April 1, 2010.

Passed by the legislature April 29

Several changes to the citizen initiative process are made by **HB 1326**, including requiring signature gathering firms to register with the Secretary of State and banning these firms from paying employees based on the number of signatures collected. It also adds new requirements for titles and numbering and lettering changes for amendments and propositions referred by the General Assembly.

Passed by the legislature May 5

HB 1335 moves Colorado towards an all-paper

voting system. It renews the statewide certification of existing electronic voting equipment to allow counties to use equipment that was in use for the 2008 election. However, it prohibits the purchase of new equipment without the prior approval of the Secretary of State and requires the Secretary of State to make rules concerning the use, purchase and modification of electronic voting equipment. The bill also permits political subdivisions that have not complied with the state paper trail requirement for voting by Jan. 1, 2009, to comply by Jan. 1, 2014, and specifies audit procedures for electronic voting equipment beginning with the 2014 election.



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Passed by the legislature May 6

HB 1336 implements several recommendations made by the state election commission defining “group residential facility” and increasing the minimum number of ballots for pick up and delivery at such a facility. It also allows county clerks to begin counting mail ballots 15 days before election instead of 10 days, extends the deadline for signature verification of overseas military voters, and allows a mail-in voter who does not provide a copy of identification to provide identification within eight days of Election Day.

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HB 1337 requires a county to notify an elector by mail of a signature or identification deficiency within three days of the problem being confirmed and not later than two days after an election.

Passed by the legislature May 6

The legislature rejected **HB 1115**, which would have required a voter to present government-issued photo identification at the polls in order to vote by eliminating other forms of identification.

Postponed indefinitely Jan. 22

HB 1299 would have allowed Colorado to enter into an agreement with other states to elect the president of the United States by national popular vote.

Postponed indefinitely April 1

The Opportunity News is compiled by the policy and research staff at the Bell Policy Center. If you have feedback on the items in the newsletter, please e-mail Rich Jones, director of policy and research: jones@thebell.org
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Bill
(sponsors)

The Bell's key bills

Status

| | | |
|--|--|---------------------------|
| SB 90 (Hudak; Benefield and Merrifield) | Parental involvement bill: Creates a state-level advisory council and grant program to increase parental involvement in education. Bell position: Support | Passed, going to governor |
| SB 170 (Romer; Miklosi) | In-state tuition, higher education access: Allows students, regardless of immigration status, who attended a Colorado high school for three years, graduated from a Colorado high school or obtained a GED in the state, and meet other criteria, to be classified as "in-state" students for tuition purposes at state colleges and universities. Bell position: Support | Failed |
| SB 228 (Morse; Marostica and Court) | Repeal of Arveschoug-Bird: Eliminates the "Arveschoug-Bird" 6% limit on the growth of General Fund appropriations. Bell position: Support | Passed, going to governor |
| SB 234 (Mitchell and Heath; Rice) | Enterprise zones: Directs the Economic Development Commission to make recommendations regarding enterprise zones. Bell position: Monitor | Passed, going to governor |
| SB 247 (Tochrop; Pace) | Unemployment insurance: Modernizes unemployment insurance system to allow Colorado to receive \$127 million in economic stimulus funding. Creates an alternative base period. Modifies eligibility for unemployment related to domestic violence. Allows benefits for people who leave a job to follow a spouse or quit work to care for ill or disabled family member. Bell position: Support | Passed, going to governor |
| SB 256 (Romer, Bacon; Pommer, Scanlan) | Public School Finance Act: Provides funding for public schools for fiscal year 2009-10. Bell position: Monitor | Passed, going to governor |
| SB 259 (Keller; Pommer) | The long bill: Contains budget allocations for fiscal year 2009-10. Bell position: Monitor | Signed by governor |
| SB 295 (Boyd; May and Middleton) | Higher education flexibility: As introduced, gave governing boards of higher education institutions the authority to set tuition rates, administer financial aid programs and ensure access and affordability. Bell position: Monitor/oppose | Failed |
| HB 1001 (Rice; Heath) | Job growth: Creates an income tax incentive for Colorado job growth. Provides tax credit to businesses that create 20 or more jobs. Bell position: Monitor | Signed by governor |
| HB 1012 (Rice, Stephens; Mitchell, Newell) | Wellness and prevention: This bill allows insurance carriers that provide individual and group health insurance plans in Colorado to offer incentives for participation in wellness and prevention programs. Bell position: Support | Signed by governor |
| HB 1020 (Acree; Spence) | Expedited process for reenrollment in publicly funded medical programs: Codifies a project currently in the Department of Health Care Policy and Financing to establish a process to allow for re-enrollment of Medicaid and the Children's Basic Health Plan either over the telephone or through the Internet. Bell position: Support | Passed, going to governor |
| HB 1057 (Kerr; Bacon) | Parental leave for academic activities: Makes it possible for more parents to take leave from work to attend parent-teacher conferences and other specified academic activities. Bell position: Support | Passed, going to governor |

Bill
(sponsors)

The Bell's key bills

Status

| | | |
|---|--|------------------------------------|
| HB 1061 (McGihon; Tochtrop) | Health care disclosures in business relationships: Requires intermediaries to comply with the same standards, guidelines, medical policies, and benefit terms as their contracting insurance carriers. Bell position: Support | Signed by governor |
| HB 1064 (Kefalas; Sandoval) | Economic Opportunity Poverty Task Force: Creates task force to advance economic opportunity while reducing child and family poverty. Bell position: Support | Passed, going to governor |
| HB 1102 (Acree, Scheffel) | Health insurance portability: Requires that the interim Health Care Task Force study and make recommendations concerning health insurance portability. Bell position: Support | Signed by governor |
| HB 1111 (Massey; Boyd, Schwartz) | Health care in underserved areas: Creates Primary Care Office in the Department of Public Health and Environment to improve health resources for underserved communities and to maximize state and federal resources. Bell position: Support | Passed, going to governor |
| HB 1143 (Swalm, Schwartz) | HMO basic health services: Gives HMO's the ability to offer basic health services through a limited benefit plan if they meet certain conditions. Bell position: Monitor/neutral | Signed by governor |
| HB 1252 (Roberts, Igar) | Access to health care: Allows the expansion of the Local Access to Health Care Pilot Program Act in the San Luis Valley. Bell position: Monitor/neutral | Passed, going to governor |
| HB 1269 (Ferranadino) | Rainy day fund: Creates a new rainy day account. Allows the General Assembly to order transfers from the account to the General Fund. Bell position: Support | Failed (SB 228 removed need) |
| HB 1276 (Ferrandino, Carroll, M.) | Delay foreclosures: Intended to delay foreclosures on residential property. To be eligible, it must be the borrower's first lien on the property and the borrower must be occupying the property. Requires the Division of Housing in the Department of Local Affairs to set qualifications for the training and retention of foreclosure counselors to assist eligible borrowers. Allows borrowers to defer on foreclosure sale for 90 days. Bell position: Support | Sent to governor |
| HB 1293 (Riesberg, Ferrandino; Keller) | Health Care Affordability Act of 2009: Authorizes the Department of Health Care Policy and Financing (DHCPF) to collect hospital provider fees for the purpose of obtaining federal financial participation for the state's medical assistance programs. Bell position: Support | Signed by governor |
| HB 1319 (Merrifield, Massey; Williams) | Concurrent enrollment: Creates a statewide concurrent enrollment system for public high school students through which they can simultaneously complete their diplomas and earn college credits, certificates or associate's degrees. Bell position: Support | Passed, going to governor |
| HB 1353 (Ferrandino; Veiga) | Legal immigrants eligibility for public medical benefits: authorizes the Department of Health Care Policy and Financing to provide medical benefits under Medicaid and the Children's Basic Health Plan to pregnant women and children who are legal immigrants without a five-year waiting period, so long as other eligibility criteria is met. Bell position: Support | Passed, going to governor |
| HB 1363 (Ferrandino; Veiga) | Unemployment insurance: Allows the Unemployment Compensation section in the Colorado Department of Labor to operate as an enterprise within the meaning of Section 20 Article X of the state constitution (TABOR). Bell position: Support | Passed, going to governor |