

LEGISLATIVE LETTER®

LEAGUE OF WOMEN VOTERS OF COLORADO

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May 21, 2010

LL#9:77

PRINCIPAL AND TEACHER EVALUATION MEASURES BECOME LAW

SB 191 (Sens. Johnston and Spence; Reps. Scanlan and Murray) Principal and Teacher Effectiveness (EQUITEE) (oppose in current form), introduced in the Senate on April 12 and passed by the House and concurred with by the Senate on May 12, must hold some kind of record for speed of action on a 44 page bill with over 200 proposed amendments (around half were adopted). A version of a bill being floated throughout the country, Colorado's bill appears to involve the greatest change to teacher and principal evaluation of any considered in the U.S. Supporters throughout the country are touting victory. Florida's version was vetoed by Governor Charlie Christ.

The bill was heard in Senate Education on April 21 and 22 and passed out of committee 7/1 (Hudak). On April 30, the bill passed out of the Senate on a 21/14 vote.

In a marathon hearing on May 6, House education committee listened to nine hours of testimony. Four superintendents told the committee the evaluation process would cost the districts nothing. Teachers worried the costs they were convinced would be necessary to develop growth measures in all subject areas and to hire enough administrators to evaluate all teachers every year would deplete their already threadbare classroom resources. After an additional two hours of discussion the committee voted 7/6 at 1 a.m. to pass the bill to appropriations. Voting yes: Massey, McNulty, Middleton, Murray, Scanlan, Summers, Tipton. Voting no: Benefield, Peniston, Shafer, S., Todd, Solano, Merrifield. House appropriations sent it on to the House on another 7/6 vote. Voting yes: Gardner, B; Kerr, J; Lambert; Riesberg; Sonnenberg; Vaad; Ferrandino. No: Fischer, Hullinghorst, Judd, Kefalas, Pace, Pommer.

Amendments to the original bill extended the time period for developing and implementing the new standards from less than one year to establishing yearly deadlines for the Governor's Council for Educator Effectiveness. March 1, 2011 is the Council's deadline for the development of recommendations on teacher and principal quality standards; the involvement and support of parents; performance standards for each category of licensed personnel; definitions of principal and teacher effectiveness; guidelines for adequate implementation of the high-

quality educator evaluation system; a rubric for identifying multiple additional quality standards, in addition to student academic growth; policy changes in use of evaluation data; and policy changes relative to teacher and principal licensure. The Council is also required to report on March 1, 2011 a cost analysis of implementing the Council's recommendations. Teacher evaluation based on the quality standards will begin during the 2013-14 school year. Other amendments provided an appeal process for non-probationary teachers receiving an ineffective rating and the addition of two teachers as well as the principal in making hiring decisions.

The House passed the bill on second reading on May 11 on a voice vote shortly before it would have been dead at midnight. On the last day of the session, the bill passed in third reading on a vote of 36/29. The Senate voted to concur with the House version. The governor has signed the bill.

Previously reported LL#8, p. 71.

Sally Augden 303.455.5800

Senate Vote

YES	21	NO	14	EXCUSED	0	ABSENT	0
Bacon	N	Hodge	Y	Morse	N	Spence	Y
Boyd	N	Hudak	N	Newell	Y	Steadman	N
Brophy	Y	Johnston	Y	Penry	Y	Tapia	N
Cadman	Y	Keller	N	Renfroe	Y	Tochtrop	N
Carroll M.	N	Kester	Y	Romer	Y	White	Y
Foster	Y	King K.	Y	Sandoval	N	Whitehead	N
Gibbs	Y	Kopp	Y	Scheffel	Y	Williams	N
Harvey	Y	Lundberg	Y	Schultheis	Y	President	N
Heath	Y	Mitchell	Y	Schwartz	N		

House Vote

YES	36	NO	29	EXCUSED	0	ABSENT	0
Acree	Y	Gerou	Y	McFadyen	N	Ryden	N
Apuan	N	Hullinhorst	N	McKinley	N	Scanlan	Y
Balmer	Y	Judd	N	McNulty	Y	Schafer S.	N
Baumgardner	Y	Kagan	N	Merrifield	N	Solano	N
Benefield	N	Kefalas	N	Middleton	Y	Sonnenberg	Y
Bradford	Y	Kerr A.	N	Miklosi	N	Soper	N
Casso	N	Kerr J.	Y	Murray	Y	Stephens	Y
Court	Y	King S.	Y	Nikkel	Y	Summers	Y
Curry	Y	Labuda	Y	Pace	N	Swalm	Y
DelGrosso	Y	Lambert	Y	Peniston	N	Tipton	Y
Ferrandino	Y	Levy	N	Pommer	N	Todd	N
Fischer	N	Liston	Y	Primavera	N	Tyler	N
Frangas	N	Looper	Y	Priola	Y	Vaad	Y
Gagliardi	N	Massey	Y	Rice	Y	Vigil	N
Gardner B.	Y	May	Y	Riesberg	N	Waller	Y
Gardner C.	Y	McCann	Y	Roberts	Y	Weissmann	N
						Speaker	Y

GOVERNMENT

TRANSPARENCY FAILS TO BECOME CLEAR

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. 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. Numerous attempts to clarify language were unsuccessful. The House, having accepted the bill initially on a vote of 37-27-1, rejected it (22-40-3) when a conference committee made some changes to the House version. This occurred on the final day of session.

Previously reported LL#2, p. 12; LL#4, p. 32; LL#6, p. 50.

Christine Watson 303.250.1796

LOBBYISTS REGULATED

SB 87 SOS Authority to Regulate Lobbyists (Sen. Steadman; Rep. Liston) (support) This bill began to address recommendations by the State Auditor to the Secretary of State's office. The auditor recommended that penalties assessed to professional lobbyists for tardiness in filing monthly disclosure information be increased. In addition, the Secretary of State needed authority to increase filing fees for professional lobbyists to cover costs of maintaining the lobbyist data base. The bill also gives the Secretary of State authority to revoke the registration of a professional lobbyist if he/she is sanctioned by the General Assembly under its rules. It was "enhanced" to require regular reporting by volunteer lobbyists. Then those requirements were reduced, and finally eliminated from the bill when the House stripped most on second reading, and the Senate adopted the House version unanimously (Lundberg excused) – on May 11.

Previously reported LL#3, p. 20; LL#6, p. 50.

Christine Watson 303.250.1796

House Vote

YES	58	NO	7	EXCUSED	0	ABSENT	0
Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
Balmer	Y	Judd	Y	McNulty	Y	Schafer S.	Y
Baungardner	N	Kagan	Y	Merrifield	Y	Solano	N
Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	Y
Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
Casso	Y	Kerr J.	Y	Murray	Y	Stephens	N
Court	Y	King S.	Y	Nikkel	N	Summers	Y
Curry	Y	Labuda	Y	Pace	Y	Swalm	Y
DeGrosso	Y	Lambert	Y	Peniston	Y	Tipton	N
Ferrandino	Y	Levy	N	Pommer	Y	Todd	Y
Fischer	Y	Liston	Y	Prunavera	Y	Tyler	Y
Frangas	Y	Looper	Y	Priola	Y	Vand	Y
Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
Gardner B	Y	May	Y	Riesberg	Y	Waller	Y
Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
				Speaker	Y		

ELECTIONS

BALLOT INITIATIVES UNCHANGED

SCR 3 Ballot Initiatives to Amend the Constitution (Sens. Tapia and White; Rep. Court) (watch) attempts once again to drive initiatives toward statutory, rather than constitutional, changes – a move League supports vehemently. This measure, however, did contain a requirement for geographical distribution of petition signatures that we believe is counterproductive (even for those who favor it), and did not contain a protection for in-

itiated statutes. The Senate approved the resolution with the required 24 votes, as a tribute to work of the term-limited sponsor, Sen. Tapia. However, approval came on May 11, too late for the House to take Action.

Previously reported: LL #8; p. 68.

Christine Watson 303.250.1796

DISCLOSURE REQUIRED

HB 1370 Ballot Measure Disclosure Requirements (Rep. Court & 18; Sen. Steadman) This bill defines an "issue committee" and when registration of one is required. Identification of issue committee for Blue Book submissions is required. It provides some transparency of proponents or opponents of ballot measures by requiring identification of an issue committee on most media communications or distributions concerning the ballot measure. Penalties can be imposed by the Office of Administrative Reports. League supported this bill based on our desire for "informed" voters.

This bill passed all committees with no opposition and passed 51-10-4E in House on 04/22/10 and 25-10 in Senate on 05/10/10.

Previously reported LL#6, p. 50; LL#7, p. 60; LL#8, p. 68.

Alice Ramsey 303-841-7839

House Vote

YES	51	NO	10	EXCUSED	4	ABSENT	0
Acree	Y	Gerou	Y	McFadyen	Y	Ryden	Y
Apuan	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
Balmer	N	Judd	Y	McNulty	N	Schafer S.	Y
Baungardner	N	Kagan	Y	Merrifield	Y	Solano	Y
Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	N
Bradford	Y	Kerr A.	Y	Miklosi	Y	Soper	Y
Casso	Y	Kerr J.	N	Murray	Y	Stephens	E
Court	Y	King S.	Y	Nikkel	Y	Summers	Y
Curry	Y	Labuda	Y	Pace	Y	Swalm	N
DeGrosso	Y	Lambert	N	Peniston	Y	Tipton	E
Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
Fischer	Y	Liston	Y	Prunavera	Y	Tyler	Y
Frangas	E	Looper	Y	Priola	Y	Vand	E
Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
Gardner B	N	May	N	Riesberg	Y	Waller	Y
Gardner C.	N	McCann	Y	Roberts	Y	Weissmann	Y
				Speaker	Y		

Senate Vote

YES	25	NO	10	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	Y
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Jolinston	Y	Peury	N	Tapia	Y
Cadman	N	Keller	Y	Reinfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	Y
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	Y	Lundberg	N	Schulthers	N	President	Y
Heath	Y	Mitchell	Y	Schwartz	Y		

FISCAL POLICY

TABOR REFUNDS SIMPLIFIED

NEW SB 212 Repeal Most TABOR Refund Mechanisms (Sen. Cadman; Rep. Weissmann) (support) is a matter of both efficiency in government and fairness. TABOR requires that, in any year when tax receipts exceed the amount of revenue the TABOR formula allows the state to retain, the excess be refunded. How to do that has been a dilemma, as it is hard to determine how much refund is appropriate for each taxpayer. In the few years when there were TABOR refunds (about 10 years ago), the General Assembly established a refund mechanism. TABOR excess revenues would be refunded through an Earned Income Tax Credit, various sales tax refunds, a temporary reduction of income tax rate, and a variety of refunds to special interests, from foster care families to businesses that installed air pollution control equipment.

A combination of recessions and Ref. C has meant that no TABOR refunds have been available since 2001. Legislative Council economists predict that none will be available until 2014-15. Thus, the listed beneficiaries, most of whom never received funds under the mechanism to begin with, would be without them for at least 15 years. It seemed sensible to eliminate the special interest refund mechanisms. SB 212 does just that. The measure passed out of Senate Finance on a vote of 6-1, with Sen. Sandoval voting against. The full Senate approved on a vote of 30-5 (voting no: Sandoval, Schwartz, Tochtrop, Whitehead, Williams).

The House Finance Committee approved it unanimously. The House passed it unanimously; with Senate agreement to minor House amendments, the bill awaits the Governor's signature.

Christine Watson 303.250.1796

PLANNING APPROVED

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. We were disappointed to see that few, if any, elements of **HB 1126 Priority Based Budgeting For Colorado (Rep. Vaad; Sen. Brophy) (Support)** were added to HB 1119, as had been discussed at one time, particularly because HB 1126 included a biennial budgeting process which League supports as being efficient. The Senate passed the bill on May 3 by a vote of 30-5. Voting no: Cadman, Kopp, Lundberg, Renfroe, Schultheis. The House accepted Senate amendments, and the bill awaits the Governor's approval.

Previously reported LL#3, p. 19 and LL#6, p. 51.

Christine Watson 303.250.1796

GUN CONTROL

FIREARM BACKGROUND CHECK SURVIVES

HB 1391 Intracheck Firearm Transfer (Rep. Rice; Sen. Boyd) (Support). The Intracheck screening process prohibits people arrested for felonies and violent crimes from purchasing firearms. People with restraining orders against them are also denied. The Senate approved the bill on May 12 by a vote of 20-15.

Previously reported LL#7, p. 60, LL#8, p. 69.

Senate Vote

YES	20	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Steadman	Y
Brophy	N	Johnston	Y	Peury	N	Tapia	Y
Cadman	N	Keller	Y	Renfroe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

NEW A late bill, **HB 1411 National Instant Criminal Background Check (Rep. Waller; Sen. Tochtrop)** was introduced to require the CBI to investigate old felony arrests where disposition of the case is not indicated in any database. An amendment linked this bill to HB 1391 so that if HB 1391 did not pass, then HB 1411 would not be approved.

The Legislature passed the both bills, which makes permanent Colorado's background check law, on the last day of the session. The Senate passed HB

1411 unanimously, and the House approved the Senate amendments.

Marilyn Shuey 303.863.0437

JUSTICE SYSTEM

**DUI/CONTROLLED SUBSTANCE BILLS
PASS HANDILY**

HB 1347 DUI Penalties (Rep. Levy; Sen. Morse) (support) This complicated bill defines new sentences and probations with the intent to help the offender change his/her behavior to reduce the risk of future violations. Technical amendments clarified how consecutive sentences would be served and where. The bill establishes uniformity across the state in DUI convictions and sentences. The House gave final approval of Senate Amendments on May 12 by a vote of 64-0-1 (excused: Benefield).

Previously reported LL#4, p. 32; LL#5, p. 40; LL#8, p. 69.

HB 1352 Controlled Substances Crime Changes (Rep. Waller; Sens. Steadman and Mitchell) (Support).

The bill covers some 23 sections of the law regulating controlled substances to reduce sentences where appropriate and provide community-based substance abuse treatment/education programs in conjunction with mental health treatment. Savings from reductions in incarceration will be directed toward funding treatment. The House accepted Senate amendments on May 12.

Previously reported LL#4, p. 32; LL#6, p. 52; LL#8, p. 69.

Marilyn Shuey 303.863.0437

VOTING RIGHTS

REDISTRICTING DISPUTE

HB 1408 Repeal Congressional Redistricting Criteria (Rep. Weissmann; Sen. Morse) (oppose as introduced). The history of this bill is important. On the heels of the Colorado Supreme Court's rejection of the new Congressional Districts passed by the General Assembly in the last three days of

the 2003 session, the GA passed HB 04-1043. (League took no position on HB 04-1043.)

In House State Affairs Committee hearings on two separate days, the bill was amended to retain some direction to the Courts, if they must become involved in redistricting. The Court is directed to attain equal population (but without the specific limit on deviation that League prefers), and to comply with Voting Rights and Civil Rights Acts. The Court MAY (but not SHALL) use the other criteria that are also used by Reapportionment Commission to decide on congressional district lines. With that change, the bill passed out of House State Affairs on a vote of 7-3-1. Voting yes: Casso, Court, Hulinghorst, Miklosi, Murray, Labuda, Todd. Voting no: DelGrosso, Nikkel, Waller. Excused: McCann. After resisting many amendments, including one to direct that the Courts SHALL use specified criteria, he full house approved the bill by a vote of 35-28-2

The Senate State Affairs Committee resisted any amendments, passing HB 1408 in the form delivered from the House by a vote of 3-2. Voting yes: Boyd, Bacon, Heath. Voting no: Cadman, Schultheis. The full Senate passed the bill by a vote of 21-13-1, and it now awaits the Governor's approval.

Previously reported LL #8, p. 67

Christine Watson 303.250.1796

House Vote

	YES	35	NO	28	EXCUSED	2	ABSENT	0
Acree	N		Gerou	N	McFadyen	Y	Ryden	Y
Apuan	Y		Hullinghorst	Y	McKinley	E	Scamlin	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	Summets	N
Curry	N		Labuda	Y	Pace	Y	Swahn	N
DelGrosso	N		Lambert	N	Peniston	Y	Tipton	N
Ferrandino	Y		Levy	Y	Pommer	Y	Todd	E
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
							Spencer	Y

Senate Vote

	YES	21	NO	13	EXCUSED	1	ABSENT	0
Bacon	Y		Hodge	Y	Morse	Y	Spence	N
Boyd	Y		Hudak	Y	Newell	Y	Steadman	Y
Brophy	N		Johnston	Y	Penry	N	Tapia	Y
Cadman	N		Keller	Y	Reinfroe	N	Tochtrop	Y
Carroll M.	Y		Kester	N	Rotner	Y	White	N
Foster	Y		King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y		Kopp	E	Scheffel	N	Williams	Y
Harvey	N		Lundberg	N	Schultheis	N	President	Y
Heath	Y		Mitchell	N	Schwartz	Y		

PRISONER VOTING DENIED

SB 179 Voting Rights Persons in Criminal Justice System (Sen. Steadman; Rep. Weissmann) (support) opens interesting questions and opportunities for League. The bill requires that sheriffs/deputies/jailors facilitate the registration and voting by confined individuals pending trial for a misdemeanor or felony – in other words, for people accused but not convicted. In terms of those on probation, the officer assigned to the individual would advise and provide information as to how to register to vote and cast a ballot and provide information materials (packets) upon request. The bill also proposes to change the current law to allow individuals on parole for sentence after a felony conviction to vote. (In Colorado, convicted felons are able to vote after completing sentences. Current law defines parole as part of a sentence.) For individuals on parole, the parole officer assigned to an individual, the administrator of an 18 year old in the custody of Human Services, the institutional administrator for a prisoner awaiting trial must provide the above-mentioned information. After passing out of the Senate on a vote of 20-15, the bill was heard in House Judiciary and approved on a 6-4-1 vote. Voting yes: Court, Kagan, Pace, Ryden, McCann, Levy. Voting no: B. Gardner, S. King, Nikkel, Waller. Excused: Miklosi. The bill lost on second reading in the House.

Previously reported LL#5, p. 40; LL#7, p. 60.

Christine Watson 303.250.1796

Senate Vote

YES	20	NO	15	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Stedman	Y
Brophy	N	Johnston	Y	Perry	N	Tapia	Y
Cadman	N	Keller	Y	Renfro	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	N
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

NATURAL RESOURCES

ENERGY

REA GOVERNANCE

HB 1098 REA Elec Coop Bd Of Director Elections (Rep. Levy, Sen. Hodge) (support) will make REA elections and Board actions more open to members. The Senate passed the bill with amendments on April 5. After a Conference Committee considered the Senate amendment on voting procedures, the Senate voted to adhere to its position, and on May 6 the House receded and accepted the Senate amendment.

Previously reported LL#4, p. 33; LL#6, p. 53; LL#7, p. 63.

Sigrid Higdon 303.233.8111

SMART GRID TASK FORCE PASSES BOTH HOUSES

SB 180 Smart Grid Task Force (Sen. Williams, Rep. A. Kerr) (support) will set up a task force to prepare a report to recommend legislative and administrative measures to encourage the orderly implementation of a smart grid in Colorado. The House amended the bill to increase the number of task force members from 9 to 11 and to specify the inclusion of customers' issues in the report. The House passed the bill on May 7 on a vote of yes 38 and no 27. The Senate accepted the House amendments.

Sigrid Higdon 303.233.8111

House Vote

YES	38	NO	27	EXCUSED	0	ABSENT	0
Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
Apuan	Y	Hullinhorst	Y	McKinley	Y	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	Sunnierts	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	Vand	N
Gagliardi	Y	Massev	N	Race	Y	Vigil	Y
Gardner B.	N	May	N	Riesberg	Y	Waller	N
Gardner C.	N	McCann	Y	Roberts	N	Weissmann	Y
						Spencer	Y

RE-ENERGIZE COLORADO

HB 1349 Re-energize CO Renewable Elec For Parks (Rep. Fischer and Pace; Sen. Schwartz and Tapia) (support) sets a year 2020 goal of producing all electricity used by the Division to be from renewable energy sources located on Division land. The bill passed the Senate on May 11 with minor amendments on a vote of yes 24, no 10 and one excused. The House accepted the Senate amendments on May 12.

Previously reported LL#7, p. 62.

Sigrid Higdon 303.233.8111

AUTHORITY REGARDING RADIOACTIVE MATERIALS

Rep. McFadyen, Sen. Kester and Bacon introduced HB 1348, Increase Oversight Radioactive Materials (support) This bill will require uranium mills and processing facilities licensed for disposal of radioactive waste from outside of Colorado to have a procedure to follow should there be a release to groundwater. During the process through both houses, amendments were made to make a clearer definition which department would be responsible – the Colorado Department of Public Health and Environment – and that the basic standards for groundwater would be from the Water Quality Control division (CDPHE). It set tighter time lines for reporting any releases and also requires better informing of local and county officials when materials are being transported, stored, processed and disposed of.

This bill passed third reading in the Senate on May 10 on a 24-9-2 vote.

Previously reported LL #6, p 52.

Jeannette Hillery, 303-494-7718

SOCIAL POLICY

CHILDREN'S ISSUES

CHILD PROTECTION OMBUDSMAN BILL SIGNED BY GOVERNOR

SB 171 Create Child Protection Ombudsman Program (Sen. Newell; Rep. Gagliardi) (support) passed 3rd reading in the House on May 4. The vote was 64 to 0 with Rep. Miklosi excused. On May 14, Governor Ritter signed the bill at a celebratory bill signing at the Denver Children's Advocacy Center. The passage of this bill is a significant victory for child advocates who have worked for years to create a child protection ombudsman program in Colorado.

Previously reported LL#5, p. 42; LL#6, p. 54; LL#7, p. 62; LL#8, p. 71

Carla Bennett 303-757-2930

MANDATORY REPORTING CHANGES

Senate Bill 66 Reporting Of Child Abuse Or Neglect (Sen. Hudak; Rep. Levy) (support) provided for a change in the mandatory reporting provision of the child abuse and neglect law. The bill passed both chambers unanimously and went to the desk of the Governor on 5-10-10. The major provision of this law was to free reporters from the reporting mandate when the victim was an adult (over 18 years of age) unless the perpetrator continued to be a danger to young children. The bill was amended to clarify that if any child were still in danger the incident had to be reported.

Previously reported LL#3, p. 23.

Roberta Long-Twyman 303-377-9193

CHANGE OF VENUE

House Bill 1359 sponsored by Rep. McCann and Sen. Steadman (support) moved through both bodies of the legislature unopposed and unamended. It was signed by the governor on May 14. It creates a uniform process for the courts in all 64 counties to accomplish a change of venue. If the case has been

adjudicated, the county of origin can petition the court to change venue to the county where the family has moved. The receiving county will then conduct a court hearing within 30 days of receiving the case in order to delineate the duties for following the case. Prior to that hearing, the county of origin is responsible for the safety of the child. This bill came out as a recommendation of the governor's commission on child welfare. The recommendation was in response to the death of Chandler Grafner. There was a great deal of confusion about which county was responsible for monitoring the case.

Previously reported LL#6, p. 54.

Roberta Long-Twyman 303-377-9193

MULTIETHNIC ADOPTION BILL GOES TO THE GOVERNOR

HB 1106 Child Welfare Adoption Multiethnic Act (Rep. Casso; Sen. Sandoval) (support) passed 3rd reading in the Senate on May 3. The vote was 33 to 2 with Sen. Cadman and Sen. Schultheis voting NO. There were two amendments added in the Senate so the bill had to go back to the House for concurrence. The amendments did not change the intent of the bill. On May 5, the House concurred with the Senate amendments and re-passed the bill. It now awaits the governor's signature.

Previously reported LL #3, p. 24; LL #5, p. 42; LL #8, p. 71

Carla Bennett 303.757.2930

EQUALITY OF OPPORTUNITY

Rep. Peniston and Sen. Williams have introduced HB 1417 (support) calling for creation of a Pay Equity Commission within the Department of Labor and Employment. The purpose of the commission is to undertake research, education and outreach so that Colorado might be a model of how to achieve pay equity. The bill passed committee and floor votes largely by party line and awaits the Governor's approval.

Previously reported LL#8, p. 71.

Christine Watson 303.250.1796

House Vote

YES	35	NO	28	EXCUSED	2	ABSENT	0
Acree	N	Gerou	N	McFadyen	Y	Ryden	Y
Apostol	Y	Hullinghorst	Y	McKinley	Y	Scanlan	E
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	E	Soper	Y
Casso	Y	Kerr J.	N	Murray	N	Stephens	N
Coutt	Y	King S.	N	Nikkel	N	Summers	N
Curry	N	Labada	Y	Pace	Y	Swalm	N
DelGrosso	N	Lambert	N	Peniston	Y	Tipton	N
Feraudino	Y	Levy	Y	Pouamer	Y	Todd	Y
Fischer	Y	Liston	N	Primavera	Y	Tyler	Y
Fragas	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	McCaun	Y	Roberts	N	Weissmann	Y
						Speaker	Y

Senate Vote

YES	21	NO	13	EXCUSED	1	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Stendman	Y
Brophy	N	Johnston	Y	Peury	N	Tapia	Y
Cadman	N	Keller	Y	Reulfoe	N	Tochtrop	Y
Carroll M.	Y	Kester	N	Romer	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	E	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultheis	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

EDUCATION

STUDENT ASSESSMENT CHANGES DEFEATED

NEW Introduced at the end of April, **HB 1430 (Reps. Solano & Scanlan; Sen. Hudak) (oppose House version)** proposed to eliminate all CSAP tests at 9th grade for the 2010-11 year and replace them with one of the post-secondary and workforce assessments currently being piloted as part of the CAP4K implementation plan. Similar replacements were planned for 10th grade and then 11th grade in the following two years. The CSAP writing assessment would have been dropped at all grade levels (3 through 10) in 2010-11, but (in an amendment added by House Ed) school districts and charter schools would be required to assess student writing, a very costly mandate. All statutes related to CSAP would have been repealed effective July, 2013.

As introduced, HB 1430 proposed changes to the new statewide assessment system currently being developed by the State Board of Education and required that the whole system be in place no later than the 2013-14 academic year.

LWVCO opposed this bill for several reasons:

- Current piloting of assessments to be considered for post secondary and workforce readiness should be completed and reported before decisions are made and tests are ordered.
- Major changes in student assessments are already expected for the 2011-12 school year (steps in CAP4K implementation process; NCLB requirements are likely to change due to re-authorization in 2010; any savings from reduction in cost of assessments might be needed by the legislature for basic funding of PreK-12 education)
- Some provisions contradicted or duplicated other bills or the CAP4K planning that is in process.
- To make changes in the assessment plan for 2010-11 would require CDE to submit a new application to USDE by the end of June (time consuming task; diversion from other deadlines).

The bill was heard by House Ed May 3 and passed on a vote of 8 to 4 (1 excused) and, on May 5, passed House Appropriations, 11 Yes and 2 No. On May 6, it passed 3rd reading on the House floor with a vote of 47 to 16 (2 excused).

House Vote

YES	47	NO	16	EXCUSED	2	ABSENT	0
Acree	N	Geron	N	McFadyen	Y	Ryden	Y
Apostol	Y	Hullinghorst	Y	McKinley	Y	Scanlan	Y
Balmer	Y	Judd	Y	McNulty	N	Schafer S.	Y
Baumgardner	N	Kagan	Y	Merrifield	Y	Solano	Y
Benefield	Y	Kefalas	Y	Middleton	Y	Sonnenberg	E
Bradford	N	Kerr A.	Y	Miklosi	Y	Soper	Y
Casso	Y	Kerr J.	Y	Murray	N	Stephens	N
Court	Y	King S.	N	Nikkel	N	Summers	Y
Curry	Y	Laboda	Y	Pace	E	Swalm	N
DelGrosso	N	Lambert	N	Peniston	Y	Tipton	Y
Ferrandino	Y	Levy	Y	Pommer	Y	Todd	Y
Fischer	Y	Liston	Y	Primavera	Y	Tyler	Y
Frangas	Y	Looper	Y	Priola	Y	Vaad	N
Gagliardi	Y	Massey	Y	Rice	Y	Vigil	Y
Gardner B.	N	May	Y	Riesberg	Y	Waller	N
Gardner C.	N	McCaun	Y	Roberts	Y	Weissmann	Y
				Speaker			Y

The Senate sponsor had presented a completely rewritten the bill to the Senate Education Committee, returning to a version similar to the draft the sponsors had discussed in March. Several elements agreed with the bill introduced in the House (e.g., both included a discussion of formative, interim and

summative types of evaluation). This Senate version addressed most of our concerns. The new version was compatible with plans in process for piloting new assessment tools and for State Board of Education developing the statewide assessment system. Senate Ed approved this version with a 6 to 2 vote. The full Senate voted 21 to 14 in favor of the amended HB 1430 at 3rd reading on May 12.

Senate Vote

YES	21	NO	14	EXCUSED	0	ABSENT	0
Bacon	Y	Hodge	Y	Morse	Y	Spence	N
Boyd	Y	Hudak	Y	Newell	Y	Stedman	Y
Brophy	N	Johnston	Y	Penry	N	Tapia	Y
Cadman	N	Keller	Y	Renfro	N	Tochrop	Y
Carroll M.	Y	Kester	N	Ronier	Y	White	N
Foster	Y	King K.	N	Sandoval	Y	Whitehead	Y
Gibbs	Y	Kopp	N	Scheffel	N	Williams	Y
Harvey	N	Lundberg	N	Schultze	N	President	Y
Heath	Y	Mitchell	N	Schwartz	Y		

When the bill returned to the House floor late afternoon on May 12, the decision was to adhere to their position. The Senate also chose to adhere to their position, so HB 1430 was lost. All things considered, it is a good thing, as the results of CAP4K piloting are due next year.

Catherine Felknor 303.494.7199

WRAP-UP

DATES AND TERM LIMITS

The first regular session of the Sixty-Eighth General Assembly will convene on January 12, 2011, and adjourn no later than May 11, 2011. There will also be a special session shortly afterward to accomplish the redrawing of congressional districts that occurs after every census.

Representatives not returning due to term limits:

Carroll, Frangas, Judd, May, McFadyen, Merrifield, Pommer, Weissmann

Senators not returning due to term limits:

Kester, Keller, Sandoval (already resigned; Lucia Guzman appointed as replacement), Tapia.

STATUS SHEET

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

New bills are in **boldface**.

S=Support O=Oppose SIP=Support in Part OIP=Oppose in Part W=Watch or Monitor

POLICY AREA	S/H	BILL #	BILL TITLE	S/O	PAGE	STATUS
Children's Issues	HB	1106	Child Welfare Adoption Multiethnic Act	S	24,42,71,84	Signed
Children's Issues	HB	1226	Differential Response to Child Abuse	S	34,54	Signed
Children's Issues	HB	1359	Change Of Venue Dependency and Neglect	S	54, 83	Signed
Children's Issues	SB	43	Extend Repeal Office Child Rep	S	7,15,54,62	Signed
Children's Issues	SB	171	Create Child Protection Ombudsman Prog	S	42,54,62,71,83	Signed
Children's Issues	SB	66	Reporting of Child Abuse or Neglect	S	23,83	To Gov
Education	HB	1015	Stable Funding For Small Districts	W	24	PI
Education	HB	1171	Repeal of School Reporting Requirements	S	24,35,63,73	To Gov
Education	HB	1208	Higher Ed Statewide Transfer Agreements	S	35,55,72	Signed
Education	HB	1343	Charter Schools Governance Standards	W	34	Lost
Education	HB	1344	Authorizing Standards Charter Schools	W	34	Lost
Education	HB	1345	Emergency Powers Over Charter Schools	W	34	Signed
Education	HB	1369	Financing of Public Schools	O	48,63,72	Signed
Education	HB	1430	New K-12 Ed Assessment System	O	84	Lost
Education	SB	3	Higher Education Flexibility	S	16	To Gov
Education	SB	26	Duties Of College In Colorado	S	43,55	PI
Education	SB	36	Program Results For Educator Preparation	S	7	Signed
Education	SB	62	Categorical Ed Programs	W	38,55,64	Signed
Education	SB	161	Charter School Collaboratives	O	35	To Gov
Education	SB	191	Principal and Teacher Effectiveness	O	71,77	Signed
Elections	HB	1100	Withdrawal Of Initiative Petitions	OIP	13	PI
Elections	HB	1116	Revision To Colorado Election Laws	S	12	Signed
Elections	HB	1156	Public Financing GA Campaigns	W	22	PI
Elections	HB	1271	Date Of Registration For Nomination	S	39	To Gov
Elections	HB	1370	Ballot Measure Disclosure Requirements	S	50,60,68,79	Signed
Elections	SB	30	Spec Election For Vacant US Senate Seat	W	12	PI
Elections	SB	41	Campaign Finance Clean-up	S	12	Signed
Elections	SB	203	Indep Expenditures After Citizens United	S		To Gov
Elections	SCR	3	Ballot Initiatives To Amend Constitution	W	68, 79	Lost
Energy	HB	1098	REA Electric Coop Bd of Director Elections	S	33,53,62,82	To Gov
Energy	HB	1348	Increase Oversight Radioactive Materials	S	52,61,83	To Gov
Energy	HB	1349	Re-energize CO Renewable Elec For Parks	S	62, 83	To Gov
Energy	HB	1365	Incent Util Convert Coal To Natural Gas	S	53, 61	Signed
Energy	SB	180	Colo Smart Grid Task Force	S	53, 82	To Gov
Equality of Opportunity	HB	1269	Workplace Fairness Civil Remedies Act	S	34,63,71	Defeated
Equality of Opportunity	HB	1417	Pay Equity Commission	S	71,84	Signed
Fiscal Policy	HB	1010	Expand Public-Private Initiatives	S	11, 69	Signed
Fiscal Policy	HB	1072	Create Budget Stabilization Reserve Fund	S	11	PI
Fiscal Policy	HB	1078	Changes to Transparency Online Project	S	11	PI
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	1119	SMART Government Act	S	19,51,80	To Gov
Fiscal Policy	HB	1126	Priority Based Budgeting for CO	S	19	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	9,31	Signed
Fiscal Policy	HB	1190	Suspend Indus Fuel Sales & Use Tax Exemp	S	9,31	Signed
Fiscal Policy	HB	1191	Elim Candy & Soda Sales Tax Exemption	S	9,31	Signed
Fiscal Policy	HB	1192	Sales & Use Tax Of Standardized Software	S	9,31	Signed
Fiscal Policy	HB	1193	Sales Tax Out-of-state Retailers	S	9,31	Signed
Fiscal Policy	HB	1194	Elim Nonessent Articles Sales Tax Exemp	S	9,31	Signed

Fiscal Policy	HB	1195	Suspend Ag Sales & Use Tax Exemp	S	9,31	Signed
Fiscal Policy	HB	1196	Elim Certain Cars Qualified For Tax Cred	S	10, 31	Signed
Fiscal Policy	HB	1197	Reduce Conservation Easement Cap Amount	S	10, 31	Signed
Fiscal Policy	HB	1198	Susp Credit Alternative Minimum Tax	S	10, 31	PI
Fiscal Policy	HB	1199	Net Operation Loss Deduction Temp Limit	S	10, 31	Signed
Fiscal Policy	HB	1200	Enter Zone Inv Tax Credit Deferral	S	10, 31	To Gov
Fiscal Policy	HB	1211	Reduce Late Vhicl Registration Penalty	O	21,51	To Gov
Fiscal Policy	HB	1212	Reg Rules for Late Veh Regis Fee Exempts	O	21,51	Signed
Fiscal Policy	HCR	1002	GA Authority to Enact Addl Ed Funding		68	Lost
Fiscal Policy	SB	4	Repeal Late Registration Penalties of SB09-108	O	21	PI
Fiscal Policy	SB	44	Repeal Late Registration Penalties of SB09-108	O	21	PI
Fiscal Policy	SB	57	Non-Motorized Veh Registration Fee	O	21	PI
Fiscal Policy	SB	119	Payments To Members Of GA	O	31,51	Signed
Fiscal Policy	SB	212	Repeal Most TABOR Refund Mechanisms	S	80	To Gov
Fiscal Policy	SCR	1	Fiscal Policy Constitutional Commission	S	10	Lost
Fiscal Policy	SCR	2	GA Authority to Enact Addl Ed Funding		68	Lost
Fiscal Policy	SJR	2	Request For Comprehensive Tax Study	W	10	Adopted
Government	HCR	1004	Temp Location Seat of Gov			To ballot
Government	SB	87	SOS Authority to Regulate Lobbyists	S	20,50,79	To Gov
Government	SB	105	Prohibited Ads For Elect State Officials	O	13	PI
Government	SB	114	Taxpayer Transparency Act of 2010	S	12,32,50,78	Lost
Gun Control	HB	1391	Sunset Instacheck Firearm Transfer	S	60,69,80	To Gov
Gun Control	HB	1411	Natl Instant Crim Background Check Sys	S	80	To Gov
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	HB	1004	Standardized Health Insurance Information	S	17	Signed
Health Care	HB	1008	No Gender Individual Health Ins Rates	S	16	Signed
Health Care	HB	1032	Behavioral Health Crisis Response Servs	S	27,36,74	To Gov
Health Care	HB	1103	Catastrophic Illness Fund for Children	S	26	PI
Health Care	HB	1138	Colorado Health Services Corps	S	44,73	Signed
Health Care	HB	1166	Plain Language In Insurance Policies	S	64	Signed
Health Care	HB	1179	Primary Care Act	S	43,73	PI
Health Care	HB	1242	Uniform Individual Health Insurance App	S	30	Signed
Health Care	HB	1252	Breast Cancer Screening with Mammography	S	29	Signed
Health Care	HB	1332	Medical Clean Claims	S	45,74	Signed
Health Care	SB	14	Family System Navigators	S	17,74	Signed
Health Care	SB	20	CoverColorado Financial Viability	S	16,55	To Gov
Health Care	SB	56	Immunization Information School Children	S	17	Signed
Health Care	SB	153	Behavioral Health Screening and Efficiency	S	26,35,45,73	To Gov
Health Care	SB	167	Medicaid Efficiency & False Claims	S	29	To Gov
Health Care	SB	170	Limited Services Clinics Retail Outlets	S	44	PI
Justice System	HB	1347	DUI Penalties	S	32,40,69,81	Signed
Justice System	HB	1352	Controlled Substance Crime Changes	S	32,52,69,81	Signed
Juvenile Justice	HB	1413	Limitation on Juvenile Direct File	S	70	Signed
Juvenile Justice	SB	54	Educ Services For Juv Charged As Adult	S	14,70	To Gov
Natural Resources	HB	1001	Renewable Energy Stds Solar Certif	S	23, 41	Signed
Natural Resources	HB	1127	Rocky Flats Plutonium Visitor Signs Info	O	15, 41	PI
Natural Resources	SB	25	Extend Funding Water Efficiency Grants	S	15,33,52	To Gov
Natural Resources	SB	78	Facilitate Use Of Reusable Effluent	S	15, 33	PI
Reproductive Rights	HB	1021	Required Coverage Reproductive Services	S	7,30,40	Signed
Reproductive Rights	HB	1261	Unborn Victims Of Violence Act	O	41	PI
Reproductive Rights	SB	113	First Degree Murder of a Fetus	O	41	PI
Voting Rights	HB	1045	DOR Electronic Address Change	S	32	To Gov
Voting Rights	HB	1047	Readability Of Statewide Ballot Titles	S	7,15	PI
Voting Rights	HB	1408	Repeal Congressional District Criteria	O	67,81	To Gov
Voting Rights	SB	104	Conduct of Voter Registration Drives	O	22	PI
Voting Rights	SB	179	Voting Rights Persons in Crim Jus System	S	40,60,82	Lost

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