

# Rates the Legislature

The Taxpayer's Voice  
Since 1976



Sixty-eighth General Assembly, 2012 Report • Prepared by the Colorado Union of Taxpayers

## CONGRATULATIONS!

### 2012 Taxpayer Champions\*

Senate Champion  
**Shawn Mitchell 90%**  
R - Broomfield

House Champion  
**Don Beezley 96%**  
R - Broomfield

### 2012 Taxpayer Guardians\*

Senate Guardian  
**Timothy Neville 89%**  
R - Littleton

House Guardian  
**Randy Baumgardner 93%**  
R - Hot Sulphur Springs

\* Highest score in each house.  
(rounded)

## Colorado Union Of Taxpayers Rates the 2012 Legislature

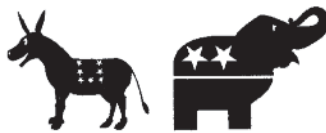
Here they go again! The Colorado Legislature earns an “F” failing grade from taxpayers. Any bills good for business, calling for spending restraint, or curtailing of subsidies met their demise in the liberal-controlled Senate. Killing the bill (HB1014) which would have reduced onerous vehicle registration fees and eliminated agency discretion was a vote against taxpayers. As if our liberty is not under attack enough, Colorado will now prohibit trans fats in public schools (SB068). So much for personal responsibility. One pro-business bill which classified certain ag products as wholesale sales (HB1037) became law. All bills to reform PERA which is woefully underfunded (HB1150) and will one day require taxpayer bailout were killed by the Senate. Defeating reinstatement of the six per cent spending limit (HB1075) further defied taxpayers who expect government spending restraint. Passing the largest budget, \$20+ Billion, (See HB1335) in the history of Colorado is disheartening when citizens are reeling from a depressed economy and their incomes have not kept pace with such increases! Legislators from both sides of the isle congratulated themselves on a “reasonable” budget; but, citizens ask “Where are the spending cuts?”

Key Bill Summaries  
Begin on Page 2

### Year to Year?

Overall the Senate scored 34%, down from 40% last year. The House scored 40%, up from 39% last year. See the CUT Grid on pages 6-7.

Governor's Score...  
See Page 4



### How Did the Parties Score?

<u>Senate</u>		<u>House</u>	
Democrats . . . . .	8%	Democrats . . . . .	10%
Republicans . . . . .	69%	Republicans . . . . .	68%

#### High Scoring Democrats

Senator Mary Hodge . . . . .	17%
Representative Wesley McKinley . . . . .	41%

#### Low Scoring Republicans

Senators Nancy Spence & Jean White . . . . .	27%
Representative Tom Massey . . . . .	30%

Complete Listing and Scores Inside

### Directory

- Party Scores .....1
- Year to Year Comparison .....1
- Senate Scores: High to Low .....2
- House Scores: High to Low .....3
- How did the Governor rate? .....4
- Taxpayer Champions & Guardians .....5
- Key Bill Summaries
- Senate Bills .....2 - 4
- House Bills .....4, 8 - 11
- CUT's Ratings Grid .....6 - 7
- How CUT ratings are determined .....8
- Legislator Phone Numbers .....8
- Candidate/Legislator Pledge Form .....9
- Coloradoans in US Congress .....11
- CUT President's Insights .....12



# KEY BILL SUMMARIES

**SB-001 Expansion of Contracting Preferences Colorado**

This bill expands preferences to employers where 90 % of their employees are Colorado residents (3% preference), offer employee health care and retirement benefits (1% added preference or 2% added preference if bidder is a services contract employer verses construction contractor), and provide access to a federally qualified apprenticeship training program (1% added preference). The bill effectively increases the current 80 % rule on the books to 90% rule. **POSTPONED INDEFINITELY.** Senate 19/16, House State Affairs 5/4. (Sen. Hudak/Rep. Duran). **CUT votes NO.** This bill makes it more restrictive on employers not able to provide certain benefits and training programs and reducing their ability to compete for state government contracts over \$1 million. This is a union-friendly government contract bill that reduces rather than expands competition for state government contracts including CDOT contracts. The bill further invites surrounding states to retaliate by further tightening their requirements to compete in their state thereby reducing the ability of Colorado companies to do business in surrounding states.

**SB-005 Concerning the Creation of the Colorado Business Retention and Expansion Program**

This Bill would have created an obligation in compliance with the "Colorado Blueprint" within the 'Colorado Office of Economic Development' to (among other things) establish suggestions for aligning public and private resources, develop business retention and extension programs, encourage public/private partnerships (illegal under the Colorado Constitution) for the common good, and gather information on the business climate, all with no additional appropriation. **LOST.** Senate 22/11/2, House 8/5. (Sen. Newell, Rep. Massey). **CUT votes NO.** Twenty-one years after the Evil Empire fell, its famous 'Five Year Plan' has returned. This version promises to be able to think ahead of businesses (with or without using a crystal ball), instruct them and local governments as to their proper roles, and support businesses *within their regions*. The last promise sounds like it could be used to encourage monopolies or designate winners. Businesses do better with less government management, not more.

**SB-015 Concerning Creating An Optional Category Of Tuition At State Institutions Of Higher Learning.**

This bill would create a new tuition classification of students/illegal immigrants at state supported

## Senate Scores: Friend or Foe?

Highest to Lowest - Who is representing your best interest as a taxpayer? Here's what Members of Colorado's Senate earned on CUT's 2012 Ratings Scorecard:

Score	Senator	Pledge	Party	District	Home
90.00	Mitchell, Shawn	P	R	23	Broomfield
88.89	Neville, Timothy	P	R	22	Littleton
86.96	Brophy, Greg	P	R	1	Wray
82.61	Harvey, Ted	P	R	30	Highlands Ranch
81.82	Lundberg, Kevin	P	R	15	Berthoud
79.31	Grantham, Kevin	P	R	2	Canyon City
78.26	Cadman, Bill	P	R	10	Colorado Springs
78.26	Lambert, Kent	P	R	9	Colorado Springs
78.26	Renfro, Scott	P	R	13	Greeley
75.00	Scheffel, Mark		R	4	Parker
60.87	King, Keith	P	R	12	Colorado Springs
54.55	Roberts, Ellen		R	6	Durango
45.00	King, Steve		R	7	Grand Junction
27.27	Spence, Nancy		R	27	Centennial
27.27	White, Jean		R	8	Hayden
16.67	Hodge, Mary		D	25	Brighton
13.64	Jahn, Cheri		D	20	Wheat Ridge
13.04	Schwartz, Gail		D	5	Snowmass Village
12.50	Giron, Angela		D	3	Pueblo
10.71	Bacon, Bob		D	14	Fort Collins
10.71	Heath, Rollie		D	18	Boulder
10.53	Aguilar, Irene		D	32	Denver
9.09	Carroll, Morgan		D	29	Aurora
8.70	Nicholson, Jeanne		D	16	Black Hawk
8.70	Steadman, Pat		D	31	Denver
7.14	Boyd, Betty		D	21	Lakewood
4.55	Foster, Joyce		D	35	Denver
4.55	Tochtrop, Lois		D	24	Westminster
4.35	Guzman, Lucia		D	34	Denver
4.35	Hudak, Evie		D	19	Westminster
4.35	Johnson, Michael		D	33	Denver
4.35	Morse, John		D	11	Colorado Springs
4.35	Newell, Linda		D	26	Littleton
4.35	Shaffer, Brandon		D	17	Longmont
4.35	Williams, Suzanne		D	28	Aurora

P = Taxpayer Pledge Signer

**Overall Senate Score ..... 34%**

institutions of higher learning. One of the main features of this bill is "Verification of lawful presence in the United States is not required"! We are often told by the supporters of illegal immigration that the "undocumented workers" come to the United States in order to do the jobs that Americans would not do. Apparently, being a college student is now one of these "jobs" that Americans do not want. **POSTPONED INDEFINITELY.** Senate 20/14/1, House Finance 7/6. (Sen. Giron/Rep. Johnston). **CUT votes NO.** On the other hand the authors of this legislation may think they are helping to educate another Obama - a man whose "lawful presence in the United States" is by no means certain. The state expects 500 of such "students" in the FY 2012 - 2013 and 250 additional "students" each year thereafter until FY 2015 - 2016. In order to pay

for these "undocumented students" the state of Colorado would spend up to \$2.8 million in FY 2012 - 2013 and up to \$4.2 million in the FY 2013 - 2014.

**SB-022 Maintain Child Care Assistance**

The bill, as amended by the Senate Health and Human Services Committee, creates a pilot program in the Department of Human Services (DHS) to allow up to 10 counties to modify their Child Care Assistance Program to mitigate the "cliff effect." **PASSED.** Senate 23/11/1, House 43/19/3. (Sen. S Williams/Rep. Massey). Governor **SIGNED.** **CUT votes NO.** In spite of the "pilot" and "optional" nature of the legislation, it establishes a new entitlement and creates a less flexible environment for

*Key Bill Summaries continue on page 3*

participating counties. Converting the option of assisting a family to an entitlement removes the necessity of the supporting entity (agency) to engage the family on any level beyond paperwork. There is no need to create a new entitlement that would only benefit the ability of a taxpayer supported entity to increase its caseload. When welfare reform was enacted, the legislature wisely decided to let local agencies use discretion in applying benefits. This mandates higher welfare spending by taking away the discretion and forcing transition of two years.

**SB-068 No Trans Fats In Public School Foods**

This bill prohibits public schools from offering students foods containing trans fats. The prohibition applies on school grounds and during school days. These nanny state measures are justified on the grounds that the "dietary intake of trans fats raises the risk of cardiovascular disease" and "(T)here is an important need to reduce cardiovascular disease risk in the United States". PASSED. Senate 18/17, House 36/29. (Sen. Guzman, Boyd/Rep.Massey, Duran). Governor SIGNED. **CUT votes NO.** Apparently; however, the trans fats do not cause cardiovascular diseases when the meals are provided by the Federal government! The bill specifically excludes "foods and beverages provided as part of the federal meal program". Among other things, CUT would like to know, how long it would be before the Food Police will start confiscating the "contraband food" from students backpacks. The cost of this blatantly unnecessary scheme to the General Fund in 2012-2013 is estimated to be \$10,125.00, bon appétit.

**SB-108 Medicaid Dental Services Pregnant Women**

This bill requires the Department of Health Care Policy and Financing (DHCPF) to provide limited dental benefits to pregnant women enrolled in Medicaid by January 1, 2014. DEEMED LOST. Senate 21/14, House Appropriations 7/6. (Sen.

**House Scores: Friend or Foe?**

Highest to Lowest - Who is representing your best interest as a taxpayer? Here's what Members of Colorado's House earned on CUT's 2012 Rating Scorecard:

Score	Representative	Pledge	Party	District	Home
95.83	Beezley, Don	P	R	33	Broomfield
92.59	Baumgardner, Randy	P	R	57	Hot Sulfur Spgs
92.31	Joshi, Janak	P	R	14	Colorado Springs
92.00	Holbert, Chris	P	R	44	Parker
87.50	Szabo, Libby	P	R	27	Arvada
85.71	Looper, Marsha	P	R	19	Calhan
85.71	Sonnenberg, Jerry		R	65	Sterling
76.00	Swalm, Spencer	P	R	37	Centennial
75.00	Balmer, David	P	R	39	Centennial
75.00	Murray, Carole		R	45	Castle Rock
75.00	Stephens, Amy		R	20	Monument
75.00	Waller, Mark		R	15	Colorado Springs
74.07	Gardner, Bob		R	21	Colorado Springs
73.08	Becker, Jon		R	63	Fort Morgan
72.00	Liston, Larry	P	R	16	Colorado Springs
70.37	DeGrosso, Brian		R	51	Loveland
69.57	Barker, Mark		R	17	Colorado Springs
67.86	Vaad, Glenn		R	48	Mead
66.67	Priola, Kevin	P	R	30	Henderson
64.00	Brown, J. Paul		R	59	Ignacio
64.00	Conti, Kathleen	P	R	38	Littleton
62.96	Coram, Don		R	58	Montrose
62.50	Nikkel, B.J.	P	R	49	Loveland
57.69	Kerr, Jim		R	28	Littleton
56.52	Bradford, Laura	P	R	55	Collbran
56.00	Acree, Cindy	P	R	40	Aurora
56.00	Scott, Ray		R	54	Grand Junction
52.17	McNulty, Frank		R	43	Highlands Ranch
50.00	Ramirez, Robert	P	R	29	Westminster
48.00	Swerdfeger, Keith		R	47	Pueblo West
45.83	Summers, Ken		R	22	Lakewood
40.91	McKinley, Wesley		D	64	Walsh
37.04	Gerou, Cheri		R	25	Evergreen
30.43	Massey, Tom		R	60	Poncha Springs
24.00	Levy, Claire		D	13	Boulder
24.00	Vigil, Edward		D	62	Alamosa
20.00	Wilson, Roger		D	61	Glenwood Springs
16.67	Pace, Sal		D	46	Pueblo
16.67	Young, David		D	50	Greeley
16.00	Jones, Matt		D	12	Louisville
12.00	Fischer, Randy		D	53	Fort Collins
12.00	Kefalas, John		D	52	Fort Collins
12.00	Ryden, Su		D	36	Aurora
11.11	Solano, Judy		D	31	Brighton
9.52	Miklosi, Joe		D	9	Denver
9.09	Schafer, Sue		D	24	Wheat Ridge
8.33	Lee, Pete		D	18	Colorado Springs
8.33	Singer, Jonathan		D	11	Longmont
8.00	Kagan, Daniel		D	3	Denver
7.69	Court, Lois		D	6	Denver
7.69	Todd, Nancy		D	41	Aurora
7.14	Hullinghorst, Dickey Lee		D	10	Boulder
4.35	Fields, Ronda		D	42	Aurora
4.17	Hamner, Millie		D	56	Dillon
4.17	Peniston, Cheryl		D	35	Westminster
4.17	Tyler, Max		D	23	Lakewood
4.17	Williams, Angela		D	7	Denver
4.00	Duran, Crisanta		D	5	Denver
4.00	Labuda, Jeanne		D	1	Denver
4.00	McCann, Elizabeth		D	8	Denver
3.85	Casso, Edward		D	32	Thornton
3.85	Kerr, Andy		D	26	Lakewood
3.70	Ferrandino, Mark		D	2	Denver
3.57	Pabon, Don		D	4	Denver
0.00	Soper, John		D	34	Thornton

P = Taxpayers Pledge Signer

**Overall House Score .....40%**

**A SPECIAL BREED**

**A special breed of legislators is demonstrating election year campaign pledges are not simply political rhetoric. In 1998, CUT established a ten-point Candidate/Legislator Pledge for legislative candidates. See Page 9. CUT's pledge signers are shown with a "P" on pages 2-3. CUT Champions and Guardians are almost always pledge signers. Be sure to congratulate them for their high scores and integrity in following through on their campaign promise to be fiscally conservative.**

Nicholson/Rep. Summers). **CUT votes NO.** Had this bill passed, it would have created a new Medicaid entitlement, creating still more dependency on the federal and state governments by citizens. This bill also fosters redistribution of wealth and erodes states' rights by creating further entanglement between Colorado and the Federal government. Finally the bill allows for some funding through gifts, grants, and donations, which means that organizations that would benefit financially will be allowed to step up to help fund the transition.

#### **SB-124 Eliminate Regional Tourism Project Limit**

This bill eliminates the limit on the number of regional tourism projects that the Colorado Economic Development Commission may approve in any one year. Under the 2009 Regional Tourism Act and the 2011 HB 11-1311, the commission is allowed to approve two new projects per year but no more than six projects in total over 3 years. Up to \$50 million of state sales taxes could be diverted to regional tourism financing entities for these projects. Since 2009 the EDC has not approved any projects but has 6 projects that have been proposed. If the EDC were to approve all 6 of these projects, between \$30 million and \$35 million would be diverted from the General fund. **PASSED.** Senate 26/8/1, House 37/28. (Sen. Harvey/ Rep. Nikkel). Governor **VETOED.** **CUT votes NO.** It is CUT's position that tax dollars should not be spent to benefit only specific entities or industries. Furthermore, the original Regional Tourism Act states that these would be projects not reasonably anticipated to occur in the absence of government financing. If these projects are not viable enough for private financing, why should taxpayers foot the bill and take the economic risk?

#### **SB-129 Rural Broadband Jobs Act**

This bill would require the Governor's Office of Information Technology (OIT) and the Public Utilities Commission (PUC) to create a geographic database that identifies areas of the state without access to broadband services. The OIT may make recommendations concerning the need for subsidies to develop broadband access in unserved areas of the state. **DEEMED LOST.** Senate 24/11, House 11/1. (Sen. Schwartz/Rep. Coram) **CUT votes NO.** This bill would require additional FTE to complete. It would also create the data for future grant requests of the PUC from certain telecommunication-related litigation. Such grants would necessarily result in redistribution of wealth.

#### **SB-134 Hospital Payment Assistance Program**

The bill places requirements on hospitals regarding financial aid to qualified patients who are uninsured, have a family income of less than 250 percent of the federal poverty income guidelines, and who do not qualify for the Colorado Indigent Care Program. **PASSED.** Senate 28/6/1, House 45/20. (Sen. Aguilar/ Rep. Acree). Governor **SIGNED.** **CUT votes NO.** While the bill increases transparency the result promotes redistribution of wealth; places additional mandates on private hospitals.

#### **SB-139 Coordination of Work Support Assistance**

Concerning the "Colorado Job Support Act" and in connection therewith, requiring a post-enactment review of its implementation, this bill would have established yet another unpaid commission, funded with private donations, to investigate the feasibility of gradually transitioning those on public support to lower income jobs. Some of its defined work activities would have been: financial education classes, participation in micro-enterprise training and self employment, time spent on Agency appointments, and travel time to-and-from said appointments. **FAILED.** Senate 21/12/2, House 4/5. (Sen. Boyd/Rep's Fields & Summers) **CUT votes NO.** While the concept sounds worthy, its implementation would have been one more 'camel's nose' into the tent (Gold Dome) and one more possibility for the financiers of this effort to get in line for future largess at taxpayer expense. **CUT asks if this concept has been tried in another state. Too many camels spoil the soup.**

#### **SB-144 Office of Econ Strategy Grow and Retain Key Industries**

The bill empowers the Governor's Office of Economic Development and International Trade (OEDIT), as a key component of the state economic development plan, to develop a strategy to grow key industries located in the state. Passage makes this empowerment "conditional." **POSTPONED INDEFINITELY.** Senate 24/9/2, House Appropriations 8/5, (Sen. Heath and Scheffel/ Rep. Summers and Ryden). **CUT votes NO.** Government should not be attempting to pick winners and losers. How is an industry to be deemed "critical" to Colorado? All businesses are critical. Such effort will undoubtedly focus on large industries when in fact it is the small business that drives the economies of every state. Government has no track record in developing strategies to grow key industries. Central Planning should be left to the Soviets. One has only to look at recent federal government efforts to develop strategies for the "green" industry.

#### **HB-1014 Modify Late Vehicle Registration Fee**

As noted by the Colorado Legislative Council Staff Fiscal Note State and Local Fiscal Impact Summary of Legislation: "This bill replaces the fee for late vehicle registration from \$25 for each month late (capping at \$100) to a flat fee of \$20. This bill also removes the late fee for vehicles that have expired temporary registration number plates, tags or certificates. Finally, this bill removes the authority of the Department of Revenue (DOR) and its agents to reduce or waive fees for idle commercial trailers. Fees will continue to be paid when the vehicle is ultimately registered." **POSTPONED INDEFINITELY.** House 39/25/1, Senate Transportation 4/2/1. (Rep. Baumgardner/Sen. Neville). **CUT votes YES.** This existing late registration fee is a component of the infamous 67 page **FASTER** bill (SB09-108). The 2009 bill imposed all kinds of vehicle taxes, disguised as fees. Included in the 2009 bill was the

additional onerous "late fee" charge for late registration. The original \$10 fee was increased to the above maximum \$100. **CUT** supports efforts that will reduce intrusive government meddling in the minutia of regulating punitive fees charged to motorists for late registration. Many working taxpayers have a plethora of daily financial issues to deal with in supporting their families. Having the state add to the financial burden of excessive late vehicle fees, is not necessary. This bill, was a modest attempt to modify one component of the monstrosity called SB09-108.

#### **HB-1034 Waste Tire Processor End User Fund**

This bill extends, for eight years, the Fund which encourages processors and end users to recycle used tires and makes an appropriation therefore. **PASSED.** House 47/17/1, Senate 31/3/1. (Rep. Looper/Sen. Spence). Governor **SIGNED.** **CUT votes NO.** Having plundered the existing tire fund some years ago without refilling it, the Legislature should not now be creating another edition of 'low hanging fruit', especially one that does not significantly reduce the tire mountains which grace our 'fruited plains'. A better approach would be to create an award for the investor who builds a facility which significantly does so with new technology (which now does exist), rather than merely identifying new technologies as stated in this bill.

*Key Bill Summaries continue on page 8*



Governor John Hickenlooper

### **How did the Governor Rate?**

# 14%

Governor earns a failing 14% grade. Down from last year's 16%, the Governor continues to move toward tax and spend, nanny-state, government interference in free enterprise, and expanded entitlements policies. One good move by Governor Hickenlooper, the Legislature's attempt to expand subsidy to tourism business opposed by CUT was vetoed by Governor. The Governor also signed pro-business bill to classify certain ag products as wholesale. Unfortunately, most of his acts supported more spending, government picking winners and losers in business, and more entitlements. Two more years of left-leaning leadership will devastate Colorado and hurt taxpayers. Encourage the Governor to support business, spending restraint, and individual liberty.

# 2012 Taxpayer Champions



**Senate Champion  
Shawn Mitchell**

**House Champion  
Don Beezley**

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# 2012 Taxpayer Guardians



Senate Guardian Timothy Neville



House Guardian Randy Baumgardner





**HB-1037 Classify Certain Agriculture Products for Wholesale**

This bill modifies the definition of some products to wholesale status for purposes of deciding to impose a state sales tax, as ranchers and feedlots obtain animal pharmaceuticals, hormones, pesticides and herbicides for use in raising livestock. PASSED. House 45/20, Senate 35/0. (Rep. Becker / Sen. Tochtrop). Governor SIGNED. CUT votes YES. The principle in Colorado is to apply a sales tax only upon final sale and to avoid creating intermediate, and therefore, hidden taxes. This bill reasonably identifies a list of products that are consumed for raising livestock before the animals are sold. This change in fiscal policy leads to a net reduction in tax collection, so no TABOR vote is required.

**HB-1048 End CBI Instacheck Duty for Firearms Transfer**

This bill finally removes the requirement that the Colorado Bureau Of Investigations perform the background checks for the transfer of firearms. POSTPONED INDEFINITELY. House 37/28, Senate State Affairs 3/2. (Rep. Waller / Sen. Tochtrop). CUT Votes YES. The original legislation passed in the crazy days of Governor Owens Administration, using unconstitutional methods, had too many flaws to count. The original law helped to degrade the Second Amendment right to own firearms into a government sanctioned privilege, it duplicated what was already being done by the FBI on the Federal level, and it cost Colorado taxpayers nearly two million dollars annually. The savings to the State from abolishing this legislative fiat is estimated to be \$1,852,948.00 in 2012-2013 and in 2013-2014, \$1,903.335.00.

**HB-1069 Sales Tax Use Holiday for Back-to School Items**

Under the premise of saving people money, this bill would have created a 3 day 'sales tax exempt window', in financially 'good' years', for traditional school supplies, computers (costing up to \$1000), and clothing for all non commercial sales, and allowed local forms of government to do the same. POSTPONED INDEFINITELY. House 44/20/1, Senate Appropriations 9/0. (Rep. Miklosi, Pabon/Sen. Shaffer B., King S.). CUT votes NO. While the bill sounds attractive or utopian, it would skew purchase decisions, create unnecessary costs and programming headaches for many merchants, and create a channel for abuse with respect to computer purchases. (How many preschoolers need \$1000 computers?) Rather the Legislature should look for permanent and broad based tax reductions.

**HB-1075 Six Percent General Fund Appropriations Growth Limit**

The Taxpayer's Bill of Rights made permanent the Bird-Arveschoug limit that the General Assembly could not spend more than 106% of the prior year's General Fund. The Legislature

operates under the fiction that it overturned this now-constitutional provision with a statute. No one has challenged that in court. HB1075 attempted to restore language in statute, as well as set up a rainy-day fund and to determine in advance that additional funds go to highways and to buildings & maintenance. POSTPONED INDEFINITELY. House 34/30/1, Senate State Affairs 3/2. (Rep. Beezley / Sen. Brophy). CUT votes YES. At worst an unnecessary restoration, we see the 2012 effort as an important statement that a reasonable brake on rapidly increasing day-to-day costs is needed.

**HB-1103 Exclude Clean Counties From Enhanced Emission Area**

This bill would have concerned an authorization for a Board of County Commissioners to exclude a county from the Enhanced Automobile Inspection and Readjustment Program Area if that county does not violate national ambient air quality standards. POSTPONED INDEFINITELY. House 35/29/1, Senate State Affairs 3/2. (Rep. Vaad/Sen. Tochtrop). CUT votes YES. Contrary to the opinion of the previous Legislature, CUT does not feel that every affected vehicle owner should be equally miserable, poorer in fee money, and deprived of a portion of his valuable time. Why should needless tests be continued?

**HB-1110 Regulation of Appraisal Management Companies**

This bill redefines the legal meaning of appraisal management companies and establishes a licensure program. PASSED. House 35/29/1, Senate 22/13 (Rep. A. Williams/Sen. Carroll). Governor SIGNED. CUT votes NO. CUT considers this bill irrational and arbitrary. This licensing scheme is not rationally related to public health and safety concerns, is detrimental to the welfare of the consumer. Instead, this bill simply protects a well-organized industry, by placing barriers to competition. It protects competitors from further competition, while increasing costs to consumers. There are already third-party consumer organizations, such as the Better Business Bureau as well as voluntary certification through professional associations that are well positioned to provide consumers with comparative data.

**HB-1118 School Collective Bargaining Open To Public**

This bill would make collective bargaining meetings between a school board or school administrators and representatives of employees open to the public. When a written collective bargaining agreement is reached, any documents exchanged between parties must be made available to the public. POSTPONED INDEFINITELY. House 33/31/1. Senate State Affairs 3/2 (Rep. Conti/Sen. Harvey). CUT votes YES. Where public dollars and public schools are concerned, negotiations and negotiation documents should be open and readily available



## Legislative Phone Numbers Call Your Colorado Legislators

### Representatives

Democrats: (303) 866-2904  
Republicans: (303) 866-2904

### Senators

Democrats: (303) 866-2316  
Republicans: (303) 866-2316

## HOW OUR RATING IS DONE

Each state legislator is rated on his or her tax, spending, or government intrusion votes. For a bill to be chosen, it must relate to the CUT pledge (see page 9) or mission, it must have a split vote, with votes both for and against the bill. The bill must have a full vote in one chamber and at least a committee vote or full vote in the second chamber. Each legislator's percentage is calculated by the number of votes cast. Year-to-year comparisons indicate that CUT is accurately measuring whether a legislator favors lower taxes and less government, is a friend of the taxpayer, or continues with higher spending and creating more government intrusion in our lives.

CUT Board of Directors ruled that Taxpayer Champions must score 75% or better to be identified as a Taxpayer Champion.

*Key Bill Summaries continue on page 9*



to the public. Transparency encourages fairness, accountability, judicious use of funds, and discourages corruption. Eleven other states already have similar legislation. The taxpayers would have been able to monitor the creation of agreements which will spend too many of their tax dollars.

**HB-1146 Funding for Dropout Recovery Programs**

This bill allows a local education provider and a community college to enter into an agreement to establish a dropout recovery program allowing a student who has dropped out of high school or who is at risk of dropping out, to complete their high school requirements at a community college or district junior college. Any student so enrolled for at least 7 credit hours per semester is counted as a full-time student in the high school's funded pupil count. The school district pays the college a portion of the student's tuition as negotiated by the two schools. Beginning in FY 2013 - 2014, this bill increases costs for school finance by a total of \$2.25 million General Fund. This amount could increase if participation is greater. PASSED. House 62/2/1, Senate 35/0, (Rep Nikkel/ Sen. Giron). Governor SIGNED. **CUT votes NO.** It is CUT's position that this increases the total cost of education, perhaps quite substantially as potential participation has not been estimated. The public high school will continue to count the student in its per pupil funding, even if that student fails to

complete the required 7 hours of credit per semester at the Community College. This also increases the role of Community Colleges in remedial education that should be completed in high school.

**HB-1150 PERA Seven Year Highest Average Salary Calculation**

Among a number of PERA Reform bills introduced in 2012, this bill would make the calculation of the government member's retirement benefit more representative of their actual salary history by basing it on an average of seven years highest salary from the current average salary of only the highest three years. The change in the law would affect those first eligible to retire on or after January 1, 2013. POSTPONED INDEFINITELY. House 33/32, Senate Finance 4/3. (Sen. Lambert/Rep. Priola). **CUT votes YES.** Pension benefits should be based upon and reflect the government employee's actual earnings history rather than a distorted average of only the three highest earning years. Over time, the change in the law would help rein in over-generous pension benefits to government employees that threaten the financial viability of the PERA system long-term and overburden taxpayers.

**HB-1218 Early Childhood & School Readiness Commission**

The bill extends a commission which was set to expire in 2012 for another five years and now provides staff support and funding. The purpose of the commission is attempt to justify requiring and funding for pre-school public education. POSTPONED INDEFINITELY. House 38/27, Senate Legislative Council 5/4, (Rep. Peniston/Sen. Hudak). **CUT votes NO.** Pre-school children should be under the tutelage of their parents. CUT opposes taxpayer funded childcare.

**HB-1226 Surcharge on Persons Convicted of Crimes Against At-Risk Persons**

As noted by the Colorado Legislative Council Staff Fiscal Note Summary of Legislation: "As amended by the House Appropriations Committee, this bill adds a surcharge to persons who are convicted of statutorily defined crimes against an at-risk adult or at-risk juvenile (including neglect, assault, robbery, serious bodily injury or death, among others) or identity theft when the victim is an at-risk adult or at-risk juvenile. The surcharges vary and range from \$75 for class 3 misdemeanors to \$1,500 for a class 2 felony and may be waived by the court. Surcharge revenue is distributed 5 percent to the Judicial Stabilization Cash Fund for administrative costs in

*Key Bill Summaries continue on page 10*

**CANDIDATE / LEGISLATOR PLEDGE**

I \_\_\_\_\_, candidate / legislator for \_\_\_\_\_ do hereby pledge to the Citizens of Colorado:

- TABOR** to honor and uphold the spirit as well as the letter of TABOR.
- New Taxes** to oppose any new net tax increase.
- Spending Limit** to limit government spending to growth of Colorado population and inflation.
- Tax Surplus** to support the refund of surplus taxes to the citizens of Colorado proportional to their contributions.
- Prioritize Spending** to support prioritizing the budget by shifting spending from lower valued programs to higher priorities, and not fund spending with new taxes.
- Education** to support educational alternatives such as vouchers to create competition and improve student results at a lower cost.
- Privatize** to support privatization of government departments and functions to make them more efficient and less expensive.
- Property Rights** to defend property rights from "takings" by government or by regulation.
- Payroll Deductions** to oppose payroll deductions that are used for political purposes.
- Petition Rights** to support the citizen's right to petition with rules as non-restrictive as possible.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

the court and 95% to the newly created Crimes Against At-Risk Persons Surcharge Fund.”

**PASSED.** House 48/17, Senate 21/14 (Rep. Barker/Sen. Aguilar). Governor **SIGNED**. **CUT votes NO.** Interestingly, the Legislature spent 3 months on this bill, going through various committees, readings, layovers, amendments, 14 steps in all, before finally passing the bill and referring it to the Governor on May 15th. All this expended effort on a bill that the Legislative Council notes: “Based on the current collection rates of approximately 25 percent of each year’s revenue received in the first year with 15 percent paid in each successive year, and assuming that 35 percent of offenders will be identified as indigent, cash fund revenue will increase by \$5,948 in FY 2012-13 and \$21,954 in FY 2013-14.” Given the very minor effect, this bill will be of limited consequence. This law creates another bureaucracy (The crimes against at-risk persons surcharge fund) for yet another distribution program. It creates a whole new set of requirements for groups seeking the funds, i.e. background checks, reporting requirements, etc. It codifies favoring one group over another.

#### **HB-1272 Enhanced Benefits Unemployed Workers in Training**

This bill extends until June 30, 2014, enhanced unemployment insurance compensation benefits for eligible unemployment insurance (UI) claimants engaged in an approved training program for entry into an occupation. **PASSED.** House 48/16/1, Senate 21/14. (Rep. Duran, Ramirez/Sen. Newell). Governor **SIGNED**. **CUT Votes NO.** While intended to expand the training programs to private sector organizations, this legislation amounts to government interference in the economy where a State agency determines what programs are worthy of taxpayer support. **CUT** believes government should not attempt to pick winners/losers. Having a legislator select a favored group (no matter the intention or justification) and sending funds to them is objectionable. It's better to reduce premiums or take some other general welfare measure, rather than divert \$3.9 million per year for two years to people who will consume these tax dollars.

#### **HB-1286 Film Production Activities in Colorado**

This bill provides state government loans to Colorado-based film, television, and media industries producing in Colorado. Out-of-state companies may receive loans if more than 50% of their employees are Coloradans. Loans are reviewed and approved by the Colorado Economic Development Commission. **PASSED.** House 42/23, Senate 24/11. (Rep. Massey, Ferrandino/Sen. Newell, White). Governor **SIGNED**. **CUT votes NO.** Article XI, Section 1 of the Colorado Constitution states that “Neither the state, nor any county, city . . . shall lend or pledge the credit or faith thereof, directly or indirectly, in any manner to, or in aid of, any person, company or corporation, public or private, for any amount, or for any purpose whatever.” The bill is simply corporate welfare—unfair government favoritism

to a particular type of business.

#### **HB-1303 DORA Certify Speech-Language Pathologists**

This bill establishes the regulation of Speech-Language Pathologists by the Department of Regulatory Agencies, sets standards for those operating in the field (except those in the employ of a public school), defines enforcement measures (including physical and mental evaluations), and creates an appropriation therefore. **PASSED.** House 42/23, Senate 24/11. (Rep. Schafer, Sen. Spence). Governor **SIGNED**. **CUT votes NO.** Having seen last year's Award winning film 'The King's Speech' where an unlicensed, but experienced and very effective, speech therapist enabled King George VI to address his Nation in wartime, our legislators resolved that such an occurrence would not be permitted here and created yet another complex regulatory edifice. What class will be next? Perhaps home based piano teachers lacking post doctoral work in Patagonian folk music?

#### **HB-1326 Assistance To The Elderly**

This bill "encourages" the State Board of Human Services to raise the standard allowance under the Old Age Pension Program from \$699.00 to \$725.00 per month. It also sets the family income limit for seniors to be eligible for dental assistance program administered by the State Department of Public Health and Environment at 135% of the Federal Poverty Level. While the "encouragement" offered to the State Board of Human Services seems superficial and feel good at best, the second part of the bill spells trouble in capital letters. The \$3,000,000 appropriated in FY 2012 - 2013 will first be applied to "personal service costs, rule making, and other duties" and only the "funds remaining after these administrative expenses will be used to make grants to dental providers and serve eligible seniors". **PASSED.** House 45/20, Senate 23/12. (Rep. Acree, Kefalas / Sen. Spence/Nicholson). Governor **SIGNED**. **CUT votes NO.** **CUT** is very concerned about the well being of our state's seniors and feels strongly that the appropriated funds should be spent to help the senior citizens and not to fill the pockets of the state's bloated bureaucracy.

#### **HB-1333 Public School Employees Labor Organizations**

This bill protects public school employees from involuntary union dues deductions from their wages. School administrations could only deduct union dues from a paycheck if the employee opted in to request such deductions. **POSTPONED INDEFINITELY.** House 33/32. Senate State Affairs 3/2. (Rep. Becker/Sen. Grantham). **CUT votes YES.** Currently, many school district administrations or boards collude with unions so that employees automatically have money taken from their paychecks, and given to a union. In order to stop such deductions, an employee must opt out every year, and the opt-out window is often short. It is unfair to take an employee's money, and give it to a private organization (such as a union) without the employee's consent.

#### **HB-1335 Annual State Budget (Long Bill)**

(Preliminary) total General Fund appropriations and disbursements rose by over a half billion dollars, or 7.3 percent. Major changes include Medicaid-related spending up nearly 10%, state funding of K-12 education up over 6% and restoration of \$98 million to the citizen-approved property tax exemption, mostly for seniors. **PASSED.** House 56/3/5/1, Senate 30/5. (Rep. Gerou/Sen. Hodge). Governor **SIGNED**. **CUT votes NO.** Legislators on both sides of the aisle congratulated themselves on a “conservative” budget. If you believe that the recession unreasonably starved government and that it's best to spend every last dime as a modest economic recovery brings in significantly more tax revenues, then you'll disagree with **CUT**. If instead you observe that no significant reforms were made in spending on pension liabilities, education or other programs, and that not even a sideways glance was made to holding spending growth in check, then you should agree that the General Assembly took the easy way out.

#### **HB-1360 Surplus General Fund Transfer To Econ Dev Fund**

This bill, as recommended by the Joint Budget Committee, requires a General Fund transfer to the Colorado Economic Development Fund on June 20, 2012 of \$4.0 million, if the General Fund revenue forecast for FY 2011-12 prepared by the Office of State Planning and Budgeting (OSPB) in June exceeds its March 2012 forecast by at least \$4.0 million. **PASSED.** House 49/16, Senate 31/4. (Rep. Gerou, Levy/Sen. Steadman, Lambert). Governor **SIGNED**. **CUT votes NO.** In general, such funds are little more than corporate welfare. Economic development should be left to the free market with the role of government being limited to removing regulatory barriers and enforcing contracts as an arbitrator of last resort. There is little reason to redistribute additional taxpayer funds as a reward for poor planning and budgeting on the part of any agency

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TAXPAYERS  
REWARDS OUR STATE  
LEGISLATORS

Our Awards Event to honor  
2012 Taxpayer Champions  
and Guardians will be held  
in September, 2012. Notice  
will be sent via USPS, email,  
and posted at  
[www.coloradotaxpayer.org](http://www.coloradotaxpayer.org).



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Since 1976 CUT's awareness efforts have saved Colorado taxpayers hundreds of millions of dollars. Yet we have much to do. Please help by supporting CUT today. CUT is saving you money by reducing your taxes.

- Yes, I want to support CUT. \$20 Annual Dues/6 years \$100
- I want to do more! Here is my additional donation of \$ \_\_\_\_\_
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**How Coloradoans in  
US CONGRESS Scored\***

**Senate Results**

(D) Bennet, M	F	15%
(D) Udall, M	F	14%

**State Scoring Average 15%**

**House Results**

(R) Coffman	B+	83%
(D) DeGette, D	F	15%
(R) Gardner, C	B	76%
(R) Lamborn, D	A	85%
(D) Perlmutter, E	F	14%
(D) Polis, J	D	25%
(R) Tipton, S	B	75%

**State Scoring Average 54%**



*\* Source: National Taxpayers Union, Ratings for the 1st Session of the 112th Congress*

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## 2012 CUT Ratings

from the Colorado Union of Taxpayers

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### From CUT President Marty Neilson



The 2012 Legislative session was depressing. CUT delivered to both Chambers eighteen position reports with positions on ninety-six bills. Bills we supported originating in the Senate were killed in committee; thus, never saw a full Senate or House vote. Many bills originating in the Senate which we opposed fortunately were killed in House committee. So in some cases the deadlock between Senate and House prevented really egregious bills from moving forward. Bills we supported originating in the House which passed the House met a quick demise in Senate committee. What we ended up with was the largest budget ever in Colorado, \$20+ Billion. Most disheartening about this outrageous increase in spending is it received votes from eighty-six of the one hundred legislators. Tax and spend mentality is contagious. There is an epidemic of corporate welfare, entitlements, government interference in free enterprise, nannyism, and liberty erosion. Once again our right to petition was attacked via HCR-1003. CUT is part of a broad coalition dedicated to protecting petition rights which testified against the bill. The intent to attack TABOR was so evident that ultimately the bill was amended and then postponed indefinitely in Committee. But, they'll be back as they are every year. Most in the Legislature hate TABOR and they are relentless in their goal to repeal. Meanwhile, they chip away bit by bit, fee by fee, to take more of your hard-earned dollars to redistribute to others over whom they can maintain power. Taxpayer Champions, Guardians, and pledge signers for the most part are steadfast in their support of TABOR.

This November make sure you cast your ballot for those candidates who vote in favor of taxpayers. It is imperative we send men and women to the Legislature who understand and support TABOR, spending restraint, smaller government, individual responsibility, property rights, school choice, and liberty. Check their voting record. If there is no voting record, make sure they have signed the CUT pledge. We must prevail in November.

The Colorado Union of Taxpayers is a non-profit, all volunteer organization. We need your support both in numbers and dollars. Please join the CUT army and help us continue the fight for lower taxes and less spending. In 2012, the Colorado Union of Taxpayers Foundation received IRS 501 (c) 4 designation. Your contributions to the Foundation are tax deductible and can be made on the Foundation website via Paypal. The CUT Foundation mission is to educate and provide tools to Colorado citizens to promote on a state and local level, the principles of individual liberty, free enterprise, and small government. Contribute TODAY!

### President's Message