

## Colorado transparency bills cause contention

Written by K.C. Mason

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Among the almost 600 bills that have been introduced in the Colorado Legislature this year, a handful are so-called transparency bills to make government records from school boards to state agencies more accessible to the public.

Most are being pushed by the Golden-based Independence Institute with varying degrees of success.

Senate Bill 57, which would have required school districts to basically post their district checkbook on line once a month, passed the Senate on Feb. 19 but was killed in the House Education Committee a month later after encountering strong opposition from the education lobby.

Rep. Cory Gardner, R-Yuma, said the measure, introduced by Sen. Ted Harvey, R-Highlands Ranch, only made it as far as it did because of public activism.

“Sen. Harvey walked into that (Senate Education) committee dead bill walking but then all the activists showed up,” Gardner said.

After several amendments, it won the unanimous endorsement of the Senate committee and passed the Senate on a 26-8 vote, with Sen. Mary Hodge, D-Brighton, among the “yes” votes.

“You can’t vote against public transparency,” Hodge said. “I haven’t had any of my constituents come up and said they wanted this, but there was a strong advocacy group behind it. The public has a right to know where money is going and it needs to be presented in a way that is meaningful to them.”

By the time SB 57 reached the House Education Committee, however, all the major education groups, including those representing school boards and superintendents, were lined up to testify against it. They argued the larger districts already make financial information available, but the bill would be an unfunded mandate on smaller districts that are struggling to make ends meet.

The bill died on an 8-5 straight party line vote.

“I don’t understand why they fought so hard against it,” said Rep. Randy Baumgardner, R-Hot Sulphur Springs. “I’m for local control of schools, but this didn’t over-impose anything. It’s something most are doing and others should be because the taxpayers should be able to know where their money is going.”

Still hung up in the House Appropriations Committee is House Bill 1288, which would require the Governor’s Office of Information Technology to create and maintain a searchable database that would allow the public to obtain information from the state’s accounting system.

The bill’s primary sponsor, Rep. B.J. Nikkel, R-Loveland, believes she has found a way around a \$72,500 fiscal note, which could mean a death penalty for any bill requiring a state expenditure when the budget is being cut to the bone.

“I do believe we have found a gift to pay for the basic setup of the website,” Nikkel said. “I’m cautiously optimistic, but you never know with appropriations.”

The bill, which was endorsed unanimously by the House Finance Committee, is one of 47 bills on the House Appropriators Committee calendar for early Friday morning.

“Any bills that cost money are held up at the gate until the long bill comes out that sets the amount of money available for the next fiscal year,” Gardner said. “This year, most of those bills will get killed because there isn’t any money.”

Nikkel said she also is working with the governor’s office to make sure the concept stays alive.

The governor’s office wants to do this through executive order, but it really needs to be permanently implemented in statute to keep it going,” she said. “I believe it’s very important for

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taxpayers to have access to the state's expenditures."

Gov. Bill Ritter already has signed another transparency bill that requires district school boards to record their meetings and keep the audio tapes available for public scrutiny for a minimum of 90 days.

District 1 Sen. Greg Brophy tried and failed to amend House Bill 1082 to require the audio tapes be saved for a full year, but also helped defeat another amendment that would have exempted the smaller districts from the requirement of recorded meetings.

"I have 42 small school districts in my district and the parents who send their children to those schools expect transparency in government," Brophy said during the flood debate.

Also still alive is Senate Bill 87, another of the bills backed by the Independence Institute to provide additional accountability for special districts. It unanimously passed the Senate on March 5 and is awaiting a final vote in the House Local Government Committee.

During a committee hearing, Rep. Cherylin Peniston, D-Westminster, said Colorado laws regarding special districts need updated because the public knows very little about the administration of special districts and their ability to levy property taxes.

Under SB 87, metropolitan districts with more than \$25,000 of annual revenue or authorized debt of more than \$1,000 per elector have more reporting requirements. The measure is supported by a wide diversity of groups, including the Libertarian Party and Colorado Common Cause.

The measure is opposed, however, by the Colorado Farm Bureau because of the impact on smaller special districts with limited resources.