Colorado is only a governor's signature away from becoming the 14th state to allow illegal immigrants to obtain in-state college tuition rates.

The Colorado House of Representatives voted 40 to 21 last Friday, March 8, to pass Senate Bill 13-033, also known as ASSET. The bill, which was not amended during its trip through the House, now goes to Governor John Hickenlooper, who has said he will sign it.

Friday's vote included 37 Democrats, joined by three of the body's 28 Republicans. Four legislators were absent.

Under ASSET, or Advancing Students for a Stronger Economy Tomorrow, illegal immigrants who want in-state tuition rates must attend a Colorado high school for three years. They also must graduate from a Colorado high school or obtain a General Education Development diploma and must declare their intention to pursue legal immigration status.

ASSET also bypasses legislation approved in a 2006 special legislative session that requires higher education institutions to verify the legal residency status of all students. SB 33 puts into state law an exception to that residency requirement by stating that educational services offered by higher education institutions are exempt from verification.

Under SB 33, illegal immigrants are eligible for the College Opportunity Stipend, a taxpayer-funded voucher that helps pay for college. The stipend in the 2012-13 year is $31 per credit hour, with a maximum of $930 for 30 credit hours per academic year.

SB 33 went through the House Education and Appropriations committees last week with bipartisan support, and the full House debated SB 33 on March 5.

"We cannot continue to tell these students to get an education, better your lot in life, and then take it away from them with tuition very few can afford," said co-sponsor Rep. Angela Williams (D-Denver). "I want to be on the side of history that educates our children … I don't want to be

on the side of history that punishes a child for their parents' desire for a better life and seek the American dream," she said.

The bill's other co-sponsor, Rep. Crisanta Duran (D-Denver), cited the support for ASSET from business and labor groups, faith-based organizations and some of the state's higher education institutions. One of these students could find the cure for cancer or be the next Steve Jobs, Duran said.

While ASSET picked up three Republican votes in the House committees, the majority of the Republican House caucus is still opposed to the bill.

"This bill is not the vehicle for granting these students opportunity," said Rep. Brian DelGrosso (R-Loveland). He discussed the executive order signed by President Obama last year that applies to illegal immigrants who are under 31 years of age and came to the United States before the age of 16. Under the Deferred Action for Childhood Arrivals order, those who have been in the U.S. since June 15, 2007, and are in high school or the military would not be subject to deportation. Those immigrants also would be able to apply for jobs without having to prove lawful immigration status.

"By the time these students graduate [from college], there will be a new president in the White House, and that executive order is not law," DelGrosso said.

Colorado needs workers, said Rep. Jerry Sonnenberg (R-Sterling) during the March 5 debate. "Are we creating a special group discount? The answer is yes. Let's not do that. Let's create affordable college education for everybody." Sonnenberg attempted to amend SB 33 with language that would create one tuition rate for anyone who attends a Colorado public college or university and stays in the state to work after graduation. It would not apply to students on foreign visas. That amendment was rejected; Duran said it could create substantial costs for the state and the higher ed institutions.

In other action at the capitol:

On Thursday, March 7, the House Health, Insurance and Environment Committee heard five hours of testimony but postponed action on a bill to ban tail docking of dairy cattle. House Bill 13-1231 is sponsored by Rep. Steve Lebsock (D-Thornton) and is part of the national agenda of the Humane Society of the United States.

The bill would ban the already-rare practice of tail docking, the partial amputation of a dairy cow's tail, unless done by a licensed veterinarian and for therapeutic purposes. The March 7 hearing became a classic animal rights versus agriculture battle, pitting some of the state's livestock and agricultural organizations against animal welfare groups.

Lebsock previously has said that he was aware of only one farm in the state, in Morgan County, where tail docking is still performed. He admitted during the hearing that he and his wife had traveled to that farm, Empire Dairy, and taken photos of cows that he used in his presentation. "She cried all the way home," Lebsock said of the experience.

Lebsock also noted that the National Milk Producers Association has recommended ending tail docking by no later than 2022. But legislation is needed now, he said. Thousands of dairy cows will come to this state in the next nine years. If that dairy cow is providing milk for five years, "why would we want to dock their tails for nine years if it's unnecessary? Nine years is unreasonable to wait."

The hearing lasted throughout the afternoon and into the evening and was often contentious, especially during the testimony of Empire Dairy owner Norm Dinis.

Dinis' operation, which employs 70 full-time workers, milks 5,500 cows three times a day. The farm has been in Colorado since 1982.

Dinis told the committee that his farm is the largest producer of milk in the state, and his cows' milk is the highest quality in the state, backed by somatic cell counts. Somatic cells are white blood cells in the cow's milk and are an indicator of infections or bacteria. Federal standards set a maximum of 350,000 cells per milliliter of raw milk; Dinis testified that his cows' somatic cell counts are generally around 80,000 cells per milliliter.

“If you ask any producer, that’s an extremely ridiculously low count,” Dinis said. Another Morgan County farmer, Mary Kraft, said her farm, with 5,300 milking cows, trims the tails. She said she does not do tail docking simply because she’s never done it in 30 years of milking cows, although she indicated that she was impressed by Dinis’ results. She also said her cows have higher somatic cell counts when their tails aren’t trimmed.

To comply with federal standards, dairies in Colorado trim the “switch” of the tail, which Dinis said raises safety issues for workers. Switches, the end of the tail, must be trimmed four to five times per year per cow, and can accumulate manure and other debris. Dinis’ employees, who are trained by licensed veterinarians in the practice, perform tail docking when the cow is in its infancy, a procedure he likened to circumcision.

“We found, on our farm, banding is a safe and humane alternative to trimming,” he told the committee. Proper and consistent banding negates blood flow, triggering a pain-blocking effect, Dinis said, citing HSUS Colorado Agriculture Council member Mike Callicrate, who not only supports the practice but developed a bander for it.

It’s also harder to keep milk machines and the milk “parlor” clean without banding, Dinis explained. Before they started banding, they would find manure all over the milking equipment from the tails. Trimmed tails, which build up with manure, can also cause injury to other cows from getting hit in the eye, or injury to the cow whose tail gets frostbite from frozen manure on the trimmed tail. Banding is a “silver bullet approach” for the health of the cows and safety of the workers, he said.

During her questions, Rep. Joann Ginal (D-Fort Collins) asked Dinis to compare the pain felt by cows during banding to how humans perceive pain. She also drew gasps from some in the audience when she asked Dinis whether he viewed his cows as “living, feeling, breathing animals” or as property. “I’m offended by that,” Dinis replied. “We treat them as our children. A happy cow is a healthy cow and a profitable cow.” He also said he was afraid to identify where his farm was located for fear of being harassed by animal rights groups.

Committee Chair Rep. Beth McCann (D-Denver) said she did not believe he would be targeted, although Lebsock had already noted he had been to Dinis’ farm to photograph his cows. Dinis later told this reporter that he felt targeted by HSUS. He said there are other farms that band, but they are afraid of coming forward because of the harassment. HSUS Colorado director Holly Tarry told this reporter that her group “would not under any circumstances” harass or intimidate

Dinis or his operation.

Republicans were furious with the way Dinis was treated by some of the committee Democrats, and later apologized to Dinis.

Dinis told this reporter after he testified that he blames himself and the dairy industry for not becoming more active on the issue.

“People in this industry have caved [to animal rights’ groups pressure] in hopes that these groups would go away and leave us alone. These groups are hell-bent on regulating our industry. They don’t trust us. We’ve done a poor job of educating consumers on this issue,” he said.

The bill is backed by national and local representatives of HSUS, the Colorado Veterinary Medical Association and the Colorado Federation of Animal Welfare Agencies. It was opposed by Colorado Farm Bureau, the Colorado Holstein Association, the Colorado Woolgrowers Association and the Colorado Cattlemen’s Association.

Supporters of HB 1231 also pointed out that a livestock welfare committee, once under the Commissioner of Agriculture, recommended against tail docking, although it did not state a position on the bill itself. The committee, made up of industry stakeholders, has since gone private.

Veterinarian Dr. Tom Parks of Yuma County, who runs Sun Prairie Beef, testified in favor of HB 1231 and on behalf of HSUS Colorado. He said a band takes four to eight weeks to remove the tail, and it causes the cow considerable pain. He also explained that cows use their tails to swat flies and to communicate with each other. Parks, who has worked in New Zealand where tail docking originated, said cows’ tails have nerve endings, but the animals “are good at hiding pain.” He noted that most of the European Union countries have banned the practice, although he said it is still legal in New Zealand.

Parks also responded to questions about other animal husbandry practices, such as branding,

which he said could be justified. “It’s not a popular subject with animal lovers, but it is an animal owner’s right of ownership.” The brand shows title to the animal, although he said it’s more common to tag the cow rather than to brand it, he said.

Other witnesses claimed that tail docking legislation is a slippery slope that could lead to more regulation. Garrett DeVries of Gill said he moved from California to Colorado to escape growing regulatory pressure for the dairy industry and fears that Colorado would head down that same path, one that could cost the state jobs and farms. Half the dairies in California would leave if they could, he said. California banned tail docking in 2009, but no witness could say for sure whether it had cost the state farms or jobs.

Tarry told this reporter she believes tail docking is on the rise in Colorado, rather than a dwindling practice. However, out of 125 dairy farms in the state, according to witnesses, less than a handful are believed to do tail docking. Tarry also told the committee that she had tried to involve the agriculture industry in dialogue, but they had refused. Some of the agriculture industry witnesses said much the same about HSUS and said they had not been informed about the bill until last December. Lebsock is a first-term legislator who was elected in November; HSUS has been working nationally to ban tail docking since at least 2009.

Tarry said she believed passage of HB 1231 would not further harm the relationship between the agriculture industry and HSUS. If the bill does not pass, Lebsock has said the proponents would seek a ballot initiative. Proponents testified that they believed it would pass, although admitting that there has not been any polling in the state that shows public opposition to tail docking.

Rep. Amy Stephens (R-Colorado Springs) told Tarry she did not believe the animal rights groups had a right to tell the dairy industry how to conduct their business and said she believed Tarry and others are “bullying” and targeting Dinis with the legislation.

Those who violate the law under HB 1231 could be assessed a $500 fine. The bill doesn’t make a violation a criminal charge, and that led to questions about who would enforce the law. Lebsock told the committee it would be up to local law enforcement to investigate alleged violations. He also said he did not believe any farmer would be fined as a result of HB 1231 because they would simply stop doing it once tail docking was banned in state law.

The bill doesn't specify how fines could be assessed: per cow or per dairy operation. McCann said the farmer would have to produce records "in court" to show when the tail was docked, leading an incredulous Rep. Kathleen Conti (R-Littleton) to ask if a farmer's records would be audited.

Following the testimony, McCann postponed action on the bill because two Republicans were absent and had previously stated they wanted to vote on it. The committee is made up of six Democrats and five Republicans. Sources told this reporter that Rep. Dave Young (D-Greeley) could be the swing vote.

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