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John W. Hickenlooper
Governor

June 1, 2018

The Honorable Colorado House of Representatives
State Capitol
200 E. Colfax Ave.
Denver, CO 80203

Dear Members of the Colorado House of Representatives:

Today, I signed and filed with the Secretary of State House Bill 18-1306, "Concerning Ensuring Educational Stability for Students in Out-of-Home Placement." ("HB 18-1306").

Statistics from the Colorado Department of Education show a precipitous drop in the on-time graduation rate for Colorado foster kids - from 33 percent in 2016 to 23 percent in 2017. This is the lowest 4-year graduation rate of any population in the state. A chief reason that foster children do not graduate high school within four years is the frequency of changed placements or living arrangements.

House Bill 18-1306 offers a path to keep foster children in their school-of-origin, regardless of their placement. The bill provides transportation solutions to these foster children so they stay on grade level, participate in school activities, maintain relationships, and walk with their graduating class. On this issue, we wholeheartedly applaud the Department of Human Services and the sponsors championing HB 18-1306, and we are proud to sign it into law.

However, extraneous language was joined onto this bill by the Senate Committee on State, Veterans, and Military Affairs. This language added as Section 7 of the bill has no apparent nexus to foster children, and mirrors a different bill postponed indefinitely by the other chamber the immediate prior day. But, equally alarming, the language was added in the final days of session, with no knowledge by education stakeholders, with no explanation by the amendment's proponent, and with no discussion or debate by the Committee. We make no judgment today on whether this language is sound policy. However, we have serious concerns about the process in which this amendment was bolted onto such an important bill.

The Colorado Constitution expressly forbids any bill from containing more than one subject. That subject must be "clearly expressed" in the bill's title.¹ Any amendments made to a bill must fit within the bill's original purpose, and not address matters straying beyond the four corners of that purpose.² These requirements, known as the "Single-Subject Law," serve two absolutely critical purposes - ensuring Colorado's legislative process is transparent, and preventing the melding of unrelated measures

¹ Colo. Const. Art. V, § 21 ("No bill . . . shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.").

² Colo. Const. Art. V, § 17 ("No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.").

within a single bill to garner votes required for passage. This law prevents the dubious tactic of adding an unrelated less-popular or controversial provision onto a measure with far greater support, effectively log-rolling unrelated measures to garner approval. The Single-Subject Law protects against the false choice of either accepting extraneous and less supported public policy or rejecting the good public policy onto which the unrelated language was fused to. With the addition of Section 7 by the Senate Committee on State, Veterans, and Military Affairs, which so clearly strays beyond the HB 18-1306's single subject, we find ourselves in that very dilemma which Single-Subject Law is meant to prevent.

The Single-Subject Law, in combination with the GAVEL Amendment,³ are pillars of Colorado's legislative process to safeguard fairness, integrity, and transparency in law-making. The process in which this extraneous language was bolted onto HB 18-1306 does a disservice to those principles. We sign HB 18-1306 into law today because its benefit to Colorado foster children cannot be overstated - its enactment is crucial. But our support ends where Section 7 begins. Should potential Single-Subject Law violations be raised to the Judicial Branch, we expect a court of law will look unfavorably on the language treading beyond HB 18-1306's title, and rule such extraneous language void.

Sincerely,



John W. Hickenlooper
Governor

³ Colo. Const. Art. V, §§ 20, 22a, 22b.