March 18, 2013

***Bill Tracking: http://www.coloradocapitolwatch.com/bill-tracker-votes/0/391/2013/0/***

*"Government exists to protect us from each other.  Where government has gone beyond its limits is in deciding to protect us from ourselves.” - Ronald Reagan*

***Days Until Sine Die:  53***

**State revenue forecast improves by $227.9 million for FY 2012-13**
The Governor’s Office of State Planning and Budgeting (OSPB) announced today (Mar. 18) state general fund revenue is projected to be $227.9 million higher in the current fiscal year than was forecast in December.

For FY 2013-14, the forecast is $256.1 million higher than the prior projection. The increase in the revenue forecast is due to continued better-than-expected growth in individual and corporate income tax revenue.

Under current law, the excess funds in the new revenue forecast for the current fiscal year will be transferred to the State Education Fund. This fund supports per-pupil funding in Colorado school districts.

The Governor’s Office will work with the Joint Budget Committee and the rest of the General Assembly to identify prudent increases to the existing budget request for next year. In addition to the recent request for improvements to the Child Welfare system, priorities include education and one-time uses of the funds for building maintenance and technology upgrades.

OSPB reports in the forecast that growth may slow next year.

“While economic activity at the national level continues to be modest and uneven, Colorado has many attributes necessary for success in the post-Great Recession economy, fostering its position among the top states in economic performance,” according to the forecast. “Economic growth is expected to moderate in 2013 due to recent federal tax rate increases and budget reductions, the heightened uncertainty surrounding the federal debt level, and headwinds from the European economic and financial crisis.”

**Legislators Visit TMCA for Mid-Term Report**

State legislators from throughout the Eastern Metro area are expected to be on hand for the Annual Mid-Term Legislator’s Breakfast on April 1. Hosted by Richard Hammett, President and CEO of The Medical Center of Aurora, the breakfast begins at 7:15 a.m. and concludes around 9 a.m. on TMCA’s South Campus at 1501 S. Potomac Ave.

Invited legislators include Sens. Hodge, Newell, Balmer, Todd, Carroll, and Steadman as well as Reps. May, Salazar, Moreno, Ryden, Swalm, Lawrence, Buckner, Melton, Fields and Priola. This will also serve as the first week of the month meeting, so for Government Affairs, Education and Energy Committee members, please plug this date in and drop the April 4 meeting from your calendar.

Since space is limited, please RSVP either by going to the Chamber web site or by giving George Peck or Linda Lillyblad a call at 303-344-1500.

***CCJL*:  Job Creation Doesn't 'Just Happen'**

*By Dale Charles and Ann Brown*

Just as money doesn't grow on trees, neither do jobs.  These are facts that business owners know well but a reality that sometimes seems unfamiliar to legislators who assume that businesses make money no matter what obstacles are thrown in their path.

For years, Colorado's business climate consistently ranked among the best in the nation.  From 2006 to 2011, Forbes' Best States for Business ranked Colorado among the six best states and especially strong for availability of skilled workers, growth prospects and economic climate.

Colorado employers and manufacturers weren't excessively burdened by the threat of frivolous lawsuits.  The U.S. Chamber of Commerce regularly ranked Colorado's civil justice system among the dozen or so best.

More recently, however, our standing has fallen in ways that should serve notice that something is awry.

Forbes rated Colorado fifth overall in 2012, but 32nd for the cost of doing business and 18th for regulatory costs.  When Forbes rated the "Best States for Jobs," our regional competitors dominated the top ten - Texas, Nevada, Arizona, New Mexico, Utah and Oklahoma - but Colorado was absent.

Likewise, the U.S. Chamber handed Colorado its lowest ranking in more than a decade, 23rd.  Nebraska, Wyoming and Kansas were in the top five.

These declines didn't happen overnight.  Instead, they represent the accumulation of numerous laws, policies and regulations that have added new burdens over the past few years.

Reversing the perception that our neighboring states are more welcoming to business is not a simple problem to correct, but it must not be ignored.  As lawmakers consider some 600 proposed new laws, their first priority must be to stop legislation that could do even more harm to business.

Several bills now under consideration present new threats that would further discourage job creators but none more so than House Bill 1136 which might be called, "New Opportunities to Sue Your Employer."

This bill is a trial lawyer's dream but an employer's nightmare.

If passed, it would put Colorado out of step with much of the country and at a competitive disadvantage compared to many of our neighboring states.

Colorado law already provides more criteria for employee claims of illegal discrimination than does federal law and allows those who were legitimately harmed to receive lost wages and reinstatement.

However, plaintiffs' lawyers don't think that's good enough, perhaps because they can't charge a contingency fee on "reinstatement."  They absurdly claim that exposing employers to more lawsuits will be good for business.  They want to be able to sue employers for as much as $300,000 more for such intangible damages as "emotional pain and suffering, inconvenience, mental anguish (and) loss of enjoyment of life" when intentional discrimination is proven.  (Yes, employers can already be sued for unintentional discrimination.)

By adding these subjective damages, litigation can be much more profitable for plaintiffs' lawyers, who typically receive 33 to 40 percent of their clients' monetary awards.

Know this:  when litigation becomes more profitable, more litigation will follow.

More than 90 percent of discrimination claims filed with the Colorado Civil Rights Division are dismissed for lack of merit.  Defending against frivolous claims can be just as expensive as defending legitimate claims.  In fact, employers are more likely to try to settle a claim that is legitimate.

Employers can expect to spend $25,000 to $50,000 on attorney's fees before going to trial or upwards of $100,000 in a trial.  Some unscrupulous workers and their attorneys know this and will offer to settle dubious claims, hoping the employer will pay them just to make the lawsuit go away.

Clearly, HB 1136 isn't just about fair treatment for actual victims; it's a tool to give greater leverage to those making dubious claims.

Business owners care about justice for those who may have been wronged, but we also care about fairness for those who may be wrongfully accused.

HB 1136 fails that test.

*Dale Charles is President of Prime Industries in Westminster and a member of the Colorado Civil Justice League.  Ann Brown is President of New Vista Image in Golden and a member of the Colorado Association of Commerce and Industry.*

**Medicaid Expansion Clears First Committee Hurdle**

The Senate Committee on Health and Human Services passed Senate Bill 200 on a vote of (5-2) after several hours of testimony, all in support of the measure.  Freshman Senator Larry Crowder (R-Alamosa) joined the four Democrats in support of the measure.

Sen. Irene Aguilar’s (D-Denver) SB 200 seeks to expand Medicaid eligibility from 100 percent of the federal poverty level (FPL) to 133 percent of FPL for parents and caretaker relatives with dependent children (parents) and adults without dependent children.  It also allows the state's share of costs for these eligibility groups, up to 133 percent of FPL, to be paid with Hospital Provider Fee Cash Fund moneys.

The legislation has the backing of the Governor and adds Colorado to the list of 23 other states who have already accepted the federal offer of 100 percent funding.  In Colorado the expansion will cover more than 100,000 new Medicaid enrollees.  The bill now awaits a hearing in the Senate Committee on Appropriations before heading to the full Senate for debate.

**Colorado Health Benefit Exchange Update**

On Monday, March 11th, the Colorado Health Benefit Exchange Board (COHBE) met for its monthly meeting.

The Board took action on items dealing with mechanisms for funding the Exchange and brokers.

COHBE staff recommended the Board support a balanced revenue approach through assessing administrative fees on carriers participating in the exchange, broad market sources, passing legislation, seeking gifts, grants, and donations, and any other reliable sources.  The idea is to spread the financial risk across different pools of money and different entities.  The Board approved the recommendation.

The staff recommended approval of a carrier administrative fee of 1.4% of premiums for 2014.  Over the next two months the Board will develop a plan to fully fund the Exchange for 2014-15.  The Exchange will need to generalte approximately $22 - 26 million annuallly to fund its operations.  The carrier administrative fee is expected to be a small portion of the overall funding needed.  The Board approved the recommendation.

The final area the Board took action on was around broker appointments.  On August 27, 2012, the Board approved four guiding principles to help define the broker's role and relationship within the Exchange.  These principles include:  1.) COHBE should partner with brokers and agents; 2.) broker and agent compensation should be comparable inside and outside of the Exchange 3.) brokers and agents will participate in both the individual and SHOP Exchanges; and 4.) individual and small businesses should NOT be required to use a broker or agent.  The Board agreed that all carriers doing business through the Exchange, except those who do not market products through brokers, be required to only appoint brokers certified by the Exchange.

The Board also discussed the repeal of Cover Colorado and how that piece of legislation, HB 1115 by Rep. Beth McCann (D-Denver) and Sen. Pat Steadman (D-Denver), is moving through the legislative process.  When final, COHBE will be the beneficiary of 25% of what is left when Cover Colorado is completely shut down.

House Bill 1245 by Rep. McCann and Sen. Steadman has also been introduced.  This measure seeks to help fund the exchange by allowing:

1. The health benefit exchange board of directors to assess against small group and individual health insurers in an amount necessary to provide for the sustainability of the exchange; and
2. A credit against the tax imposed against insurance companies to any insurance company that becomes a qualified taxpayer by making a contribution to the exchange.

The bill has been introduced and assigned to the House Committee on Health, Insurance and Environment but has yet to have a hearing.

The Board does not anticipate having another meeting in March.

Also, the COHBE Board on Monday announced the new make-up of the Legislative Health Benefit Exchange Implementation Review Committee, the members of which are appointed by the President of the Senate and the Speaker of the House.  The committee members are:

Senator Irene Aguilar (D-Denver), Chair

Rep. Beth McCann (D-Denver), Vice-Chair

Senator Kevin Lundberg (R-Berthoud)

Senator Jeanne Nicholson (D-Blackhawk)

Senator Ellen Roberts (R-Durango)

Senator Jessie Ulibarri (D-Commerce City)

Rep. Bob Gardner (R-Colorado Springs)

Rep. Dianne Primavera (D-Broomfield)

Rep. Amy Stephens (R-Monument)

Rep. Max Tyler (D-Lakewood)

**House Passes ‘Breakfast After the Bell’**

The House of Representatives on Thursday passed on third reading House Bill 1006, aka Breakfast After the Bell, by Reps. Dominick Moreno (D-Commerce City) and Tony Exum Sr. (D-Colorado Springs).  The bill passed 49-16.  The legislation would phase in a requirement that schools where at least 70 percent of the students qualify for federal free or reduced-cost lunch will serve breakfast to all students after the official start of school.

Hungry children don’t learn as well as their better-fed peers, but many students who qualify for before-school breakfasts don’t get to school in time to eat, some of them because they are ashamed to acknowledge that their families are too poor to feed them.

Rep. Moreno said breakfast after the bell gives students from low-income families an equal chance to learn and succeed.  During floor debate on Wednesday, he noted that in 2010, when the Adams 14 School District went from school breakfast before the bell to an after-the-bell meal, the participation rate went from 30 percent to 98 percent.

“What they’ve seen is behavior problems reduced,” he told the House.  “They’ve seen nursing visits go down.”

The sponsors said that breakfast could be served during attendance-taking and announcements, and that schools that have already initiated Breakfast After the Bell had been able to do it with no reduction in instruction time.

The vast majority of the cost of Breakfast After the Bell is covered by an existing federal program.

Rep. Moreno recalled that state Republicans axed a school breakfast appropriation in 2011, only to relent after intense criticism.

***CACI*:  Broad Business Coalition Opposes Colorado Expansion of Federal Family and Medical Leave Act**

On Wednesday a broad, statewide coalition of 41 companies and business organizations announced their strong opposition to House Bill 1222, which would drastically expand the eligibility for those for whom a worker could take leave under the 1993 Federal Family and Medical Leave Act (FMLA).

The legislation creates a Colorado-specific expansion of leave under the Federal FMLA, allowing a worker to take up to 12 weeks annually to care for an individual if the person:

·      Is the worker's "partner in a civil union";

·      Is the "parent, child, grandparent, grandchild, sibling, first cousin, aunt, uncle, niece, or nephew of the employee or employee's spouse or partner in a civil union";

·      Has entered into a "designated beneficiary agreement" as defined by state law with the employee; or

·      Is the employee's "domestic partner" and both have registered their partnership with a city (only Denver and Boulder allow such a registration) or is recognized by the employer as the worker's domestic partner.

The business groups say HB 1222 would allow workers to "double dip."  For example, a worker could first receive 12 weeks of leave in a calendar year to take care of someone in the Colorado-expanded definition of eligibility and then take an additional 12 weeks of leave to take care of someone in the definition of eligibility under the Federal FMLA.

In other words, a worker could theoretically take 24 weeks of leave in a calendar year, which would impose a major hardship and cost on the employer.

The business groups also say that if an employer denied leave requested under the Federal FMLA on the basis that the employee had already taken 12 weeks under Colorado law, then the employer would be in violation of the Federal FMLA.

HB 1222 applies to private employers with 50 or more workers, government agencies and elementary and secondary schools.

The measure passed the House Committee on Health, Insurance, and the Environment late last month and is now waiting to be heard by the full House on second reading.

The bill’s sponsor, Cherylin Peniston (D-Westminster) has agreed to amend the measure on second reading to limit the Colorado-specific expansion of the definition of a family member to those in a "civil union" or "domestic partnership" that are registered with a municipality.

**Amendment 64 Task Force Issues Formal Recommendations**

Following the passage of Amendment 64 in November 2012, Governor John Hickenlooper established a 24-member Task Force to identify legal, policy, and procedural issues concerning the Amendment.  The Task Force completed its work on February 28, 2013, and has posted a final report of its recommendation.

Hickenlooper on Wednesday released this statement about the Amendment 64 Implementation Task Force report:

“The commendable work by the task force sets the stage for sensible regulation and enforcement in Colorado.  We want to thank Barbara Brohl and Jack Finlaw for their leadership on the task force.  The entire group carefully and thoughtfully worked through dozens of issues and ideas.  We look forward to now working with the General Assembly to follow through on the task force’s recommendations.”

The Amendment 64 Implementation Task Force report is available at [www.Colorado.gov/revenue/amendment64](http://www.Colorado.gov/revenue/amendment64).

The Task Force recommendations seek to establish a robust regulatory scheme with adequate funding for industry oversight and enforcement, consumer protection, and prevention and treatment programs for youth.  The Task Force Report contains a plethora of suggestions for safely growing and processing marijuana, as well as packaging and labeling it.  The Task Force proposals also are designed to limit the distribution and consumption of marijuana to persons over 21 years of age within the State of Colorado.  The recommendations strike an appropriate balance between state and local regulation and contain suggestions about updates to Colorado’s criminal law statutes.  The Task Force endorsed the Driving Under Influence of Drugs (DUID) bill that is already making its way through the Colorado General Assembly and a bill to authorize the cultivation of industrial hemp.

All of the Task Force recommendations stem from one or more of these Guiding Principles:

·      Promote the health, safety, and well-being of Colorado’s youth

·      Be responsive to consumer needs and issues

·      Propose efficient and effective regulation that is clear and reasonable and not unduly burdensome

·      Create sufficient and predictable funding mechanisms to support the regulatory and enforcement scheme

·      Create a balanced regulatory scheme that is complementary, not duplicative, and clearly defined between state and local licensing authorities

·      Establish tools that are clear and practical, so that interactions between law enforcement, consumers, and licensees are predictable and understandable

·      Ensure that our streets, schools, and communities remain safe

·      Develop clear and transparent rules and guidance for certain relationships, such as between employers and employees, landlords and tenants, and students and educational institutions

·      Take action that is faithful to the text of Amendment 64

The Task Force recommends that the adult-use marijuana industry be required to have common ownership from seed to sale.  This “Vertical Integration” model means that cultivation, processing and manufacturing, and retail sales must be a common enterprise under common ownership.  The medical marijuana industry, law enforcement, and state and local regulators all advocated for the Vertical Integration model, to ease implementation and enforcement and to demonstrate to the federal government that Colorado is sticking with a regulatory model that has worked.  In embracing the Vertical Integration model, the Task Force attempted to strike a balance between those urging state-owned and operated retail stores to sell marijuana and those endorsing a more entrepreneurial, free market model.  The Task Force also recommends that for the first year of licensing, only entities with valid medical marijuana licenses, and those who applied for medical marijuana licenses before December 10, 2012 when Amendment 64 was proclaimed as law, should able to obtain licenses to grow, process and sell adult-use marijuana.  The Task Force further recommends that this regulatory framework be revisited after three years to determine if it is the appropriate model for the continued regulation of adult-use marijuana.

Tax and funding recommendations are faithful to the language of Amendment 64 by endorsing a TABOR-referred measure to approve a 15% excise tax, with the first $40 million raised annually dedicated to the state’s school capital construction fund.  And yet the Task Force, cognizant of Washington State’s 75% excise tax scheme and the need here in Colorado for an additional funding source to cover the costs of regulating this new industry, implementing consumer safeguards, and establishing youth prevention and treatment programs, also recommends that the Colorado General Assembly consider sending a marijuana sales tax to the ballot for voter approval.  In endorsing these two taxes on adult- use marijuana, Task Force members acknowledge the need to keep taxes low enough so as not to encourage a persistent black market in marijuana.

Other recommendation highlights include:

·      A new Marijuana Enforcement Division (MED) should be created in the Colorado Department of Revenue, funded by General Fund revenue for at least the next five years, to provide regulatory oversight of Colorado’s marijuana industries

·      Only Colorado residents should be allowed to hold licenses to grow, process, and sell adult-use marijuana, but sales to both residents and visitors should be permitted (with stricter quantity limits for out-of-state purchasers)

·      There should be limits on the number of licenses that can be owned by one individual or group, the size of licensed premises, and the size of cultivation facilities

·      All types of marijuana sold from adult-use marijuana retail facilities should be in child- proof packaging and have warning labels that disclose THC content and list all pesticides, herbicides, fungicides, and solvents used in cultivation and processing

This week legislative leadership appointed members to the "Joint Select Committee on the Implementation of the Amendment 64 Task Force."  The Joint Select Committee is directed to evaluate the work of Governor Hickenlooper's Task Force, to solicit public feedback regarding its recommendations, and to refer legislation to the General Assembly for consideration based on the Task Force's recommendations.  The committee is required to hold at least one public meeting.

Members of the Joint Select Committee include:

Representative Dan Pabon (D-Denver), Chair

Senator Cheri Jahn (D-Wheat Ridge), Vice Chair

Senator Randy Baumgardner (R-Cowdry)

Senator Vicki Marble (R-Fort Collins)

Senator Gail Schwartz (D-Snowmass Village)

Senator Jessie Ulibarri (D-Thornton)

Representative Brian DelGrosso (R-Loveland)

Representative Jenise May (D-Aurora)

Representative Dan Nordberg (R-Colorado Springs)

Representative Jonathan Singer (D-Longmont)

The Joint Select Committee must make recommendations for legislation to the full General Assembly by Friday, March 29.

*About Amendment 64*

Amendment 64 was initiated by the people of the State of Colorado at the biennial regular election held on November 6, 2012.  The proposed amendment to the Colorado Constitution sought to make the personal use, possession, and limited home-growing of marijuana legal under Colorado law for adults 21 years of age and older, provide for the regulation of marijuana like alcohol, and allow for the lawful operation of marijuana-related facilities.  The voters of the State of Colorado approved the Amendment by a vote of approximately 55% of the voting electorate, resulting in its proclamation as an amendment to Article XVIII of the Colorado Constitution on December 10, 2012.

**Hickenlooper Signs Bill Governing Certain Transfers**

Governor John Hickenlooper on Thursday signed into law House Bill 1155 concerning the revision of the condition precedent upon which the transfers authorized by House Bill 12-1268 are contingent.

House Bill 1268, passed in 2012, provided for the transfer from the Colorado Department of Public Health and Environment to the Division of Fire Prevention and Control (DFPC) in the Colorado Department of Public Safety the functions, personnel, and property directed principally for life safety code inspections of heath care facilities.  The transfer was scheduled to occur on July 1, 2013, and was expressly conditioned on the state receiving, prior to that date, a modification of its agreement with the United States Department of Health and Human Services (HHS) pursuant to section 1864 of the federal "Social Security Act" that would allow DFPC to perform those functions.  However, that agreement (as modified and as further set forth in the associated operations manual) does not require modification in order for such reassignment of functions to occur.  Instead, the Secretary of HHS must merely approve of the transfer.  The measure signed into law this week, House Bill 1155, therefore makes approval from the Secretary the operative event upon which the House Bill 12-1268 transfers occur.

**Gun Bill Coverage by *The Denver Post***

**Rep. Beth McCann to Unveil Bill that Addresses Mental Health and Guns**

In what’s been the most polarizing of issues this legislative session, some bipartisanship may soon come about from the gun debate, as a bill that addresses mental health and guns is set to be unveiled.

The measure is championed by state Rep. Beth McCann (D-Denver), and is scheduled to be presented either Thursday or Friday.  It’s the final gun measure from a far-reaching package of bills Democrats have labeled as comprehensive “gun safety” proposals.

“It’s been drafted and is in final editing,” said McCann earlier in the week.  “The bill is essentially designed to help keep guns out of the hands of people who shouldn’t have them.”

When Democrats held a news conference in early February, the bill was described as directing mental health professionals to notify the Colorado Bureau of Investigation if they conclude a person poses a danger of serious physical harm to themselves or others.  Moreover, the bill is said to provide an opportunity to have gun rights restored to individuals through the courts should they be taken away due to having mental health issues.

Throughout the contentious debate over guns that’s occurred in both the House and Senate, Republicans have forcefully denounced the majority of Democratic gun legislation and said mental health is key to combating mass shootings like the one at an Aurora movie theater last July.  Democratic Gov. John Hickenlooper has also stressed the need for gun legislation that addresses mental health.

“I’m hoping we have bipartisanship on this,” McCann said.

**Background Checks for Gun Purchases in Colorado Moves to Hickenlooper's Desk**

Whether it's a purchase from a big-box outdoor supply store or a swap between close friends, Coloradans should have to undergo a background check when they sell and transfer a firearm, the state House and Senate decided Friday.

The universal background checks measure now moves to Gov. John Hickenlooper, who has indicated he will sign it into law.  It would take effect July 1.

Prior to Friday's vote, House Bill 1229 had passed through both chambers, but because of minor amendments, each chamber had to recast votes.

All House and Senate Republicans voted against the bill, with Sen. Lois Tochtrop (D-Thornton), and Rep. Ed Vigil (D-Fort Garland) joining them.

Current law in Colorado requires background checks for the retail sale of guns, not private sales among individuals.

Democrats have said the measure will close a private sale loophole and prevent criminals from buying firearms.

Senate Democrats amended the House version of the bill to exempt immediate family from undergoing background checks in a gun transfer.  The bill also allows an individual to loan a gun for up to 72 hours without a background check — as long as no one legally barred from owning a gun is involved.

Republicans have assailed the measure as burdensome and an infringement on the rights of law-abiding citizens.  On Friday, several Republicans said they feared young people involved in Colorado 4-H programs could be targeted because some use loaned guns for longer than 72 hours.

"It leads to a system of regulation that violates the Second Amendment of the Constitution because of all the bureaucratic and expensive processes put in place to bear arms in Colorado," said Sen. Kevin Lundberg (R-Berthoud).  "This is one of the worst bills we've seen this year."

Since the start of 2013, the number of criminal background checks for gun purchases in Colorado jumped 112 percent over the same period last year.

Between January and February 2012, the Colorado Bureau of Investigation processed 48,780 background checks, compared with 103,381 this year.

Democratic-sponsored gun control measures that limit ammunition magazines and require Coloradans to pay a fee for background checks are awaiting Hickenlooper's approval.

The Governor on Thursday night tweeted that his office received 1,165 calls that day related to the gun bills.

**15-round Magazine Ammo Limit gets Final OK in Colorado House**

Now only the signature of Democratic Gov. John Hickenlooper is needed on a bill that bans Coloradans from purchasing ammunition magazines of more than 15 rounds, as lawmakers in the House on Wednesday gave final approval to the measure and shipped it to his desk.

Amid staunch opposition from Republicans who said the bill is futile and riddled with flaws, the Democrat-controlled House passed the measure on a 34-30 vote.

Reps. Leroy Garcia of Pueblo, Steve Lebsock of Thornton and Ed Vigil of Fort Garland were the only Democrats to join all Republican lawmakers in opposition.

Hickenlooper said he would sign the measure if it arrived on his desk.

"I'm just numb at this moment, to see a bill I've worked hard to pass now enter its final stage on the way to becoming law," said Rep. Rhonda Fields, D-Aurora, who sponsored the legislation. "It's good public policy, and it's going to keep Coloradans safe."

Fields said banning magazines of more than 15 rounds will help stop mass shootings like the Aurora theater killings.

"These magazines should be used in our theaters of war, not our movie theaters," Fields said.

Republicans, through much of the four-hour debate Wednesday, contested that assessment, arguing the measure will not keep citizens safe and calling it nothing more than feel-good legislation.

"It does zero to enhance public safety," said House Minority Leader Mark Waller, R-Colorado Springs . "We're saying Coloradans can't own these magazines, but they can still be manufactured here? We can sell these magazines to other states, but hold on, when it comes to owning one the answer is no. It's hypocritical."

Under House Bill 1224, manufacturers would be required to date each magazine produced in the state after the law goes into effect. Anyone who currently possesses a magazine that holds more than 15 rounds is able to keep it, though if they transfer or sell the magazine, the seller would face a Class 2 misdemeanor charge.

"There's no confiscation involved," Fields said. "But if you're caught breaking the law, like with everything else, you're going to have to face consequences."

With House Bill 1224 headed to the governor's desk, Colorado joins New York as the first states to pass stricter gun laws after the shooting at an elementary school in Newtown, Conn., ignited the national debate over guns.

***9News*:  True Scope of Gun Control Bill Questioned**

A gun control bill waiting for Governor Hickenlooper's signature could be far more sweeping than supporters have ever acknowledged.

The bill banning ammunition magazines with more than 15 rounds also includes a line outlawing magazines that can be "readily converted" to that size.

Gun rights supporters say that could ban nearly all magazines, because most have a removable base plate for extenders.

Gun control advocates say they don't think that'll happen.  Gun rights supporters don't trust the government to narrowly interpret the bill and the words "readily converted."

Magazine extenders, sold at gun shops, allow 15-round magazines to hold more ammo.  A removable floor plate allows almost all magazines to be outfitted with the extenders.

Gun shop owners say the bill should have banned extenders if the aim of the legislation was to truly limit the capacity of ammunition magazines.

Bill sponsor Representative Rhonda Fields, an Aurora Democrat, says there was no discussion about the extenders while drafting the bill.

Existing magazines that are owned by Coloradans before July 1 are grandfathered in under the law.  Magazines subject to the ban will slowly be banned completely as owners die, because it would be illegal to pass them down to heirs.

**Colorado Ballot Proposal Aimed at Undoing Ammunition Magazine Limits**

Two Littleton men have filed a proposed ballot measure that seeks to undo proposed legislation that would limit ammunition magazines of more than 15 rounds.

The measure was filed Tuesday, one day after the Democratic-controlled Senate passed a bill limiting magazine rounds.

Tim LeVier and J.T. Davis want voters to decide the issue in the 2014 election.  Neither could be reached for comment.

House Bill 1224 is a part of a far-reaching package of Democratic gun control legislation that Republicans and Second Amendment activists have denounced as unworkable and unconstitutional.

The proposed ballot measure would amend the state's constitution so that only Colorado voters can decide whether to limit or restrict ammunition storage and devices.

The proposal was submitted to the nonpartisan Legislative Council, the first in a number of steps in getting an issue on the ballot.

House Bill 1224 — which is sponsored by Rep. Rhonda Fields (D-Aurora) — is going back to the House, so lawmakers there can consider amendments to the bill made in the Senate.

It originally passed through the House in February and Gov. John Hickenlooper has indicated he will sign the bill into law if it arrives at his desk.

If HB 1224 becomes law, anyone who currently possesses a magazine that holds more than 15 rounds is able to keep it, though if they transfer or sell the magazine, that individual would face a class 2 misdemeanor charge.

"People can do a ballot measure" Fields said.  "That's something they have a right to do."

On Monday, a pair of Republican Senators said they would not abide by the law.

"I will willfully and purposefully and civilly disobey this law," said Sen. Greg Brophy (R-Wray).

***Pueblo Chieftain*:  Death Penalty Repeal Bill Introduced in the House**

Repealing the death penalty in Colorado will be under review with a bill introduced in the state Legislature.

House Bill 1264 to abolish capital punishment was introduced in the House on Friday.

There are currently three men on Colorado’s death row.  But if the bill becomes law it would not apply to current cases, including the man charged in last summer’s Aurora theater shootings.  Prosecutors are weighing whether to seek the death penalty in that case.

One of the three men on death row, Nathan Dunlap, has exhausted his appeals and an execution date could be set soon.  He was convicted in the shooting deaths of four people at an Aurora Chuck E. Cheese in 1993.

Puebloan Robert Autobee, whose son Eric was a correctional officer and killed by an inmate, said it’s time for repeal in a statement released Friday by the Coloradans for Alternatives to the Death Penalty Foundation.

Autobee was a correctional officer himself and strongly supported capital punishment before his son’s murder.  The capital punishment proceedings changed his mind, according to the statement.

“We spent more than 10 years and the state has spent millions trying to get death,” Autobee said in the statement.  “We have decades of proceedings and appeals to go, so it gives my wife and I no time to focus on healing or working to stop violence in prisons.”

The last time Colorado executed someone was 1997.

Among the bills sponsors are Rep. Claire Levy (D-Boulder) and Sen. Lucia Guzman (D-Denver).  If the bill passes, it would take effect July 1.

**College Measures Website with First-Year Earnings of Colorado’s College Graduates Released**

On Wednesday Lt. Gov. Joe Garcia released the Colorado Department of Higher Education and College Measures website ([collegemeasures.org/esm/colorado](http://collegemeasures.org/esm/colorado)) and final report, “Higher Education Pays:  The Initial Earnings of Graduates from Colorado’s Colleges and Universities Working in Colorado.”

The College Measures website makes publicly available the median first-year earnings of recent graduates from two-year and four-year institutions across the state who are working in Colorado one year after obtaining their degrees or certificates.  The primary purpose of this tool is to provide prospective students and their families with important information when selecting an institution of higher education, a major/field of study and level of degree.

“A look at the College Measures website makes one point undeniably clear - an investment in a college degree is an investment that pays off.  Students who finish with either a bachelor’s or an associate’s degree earn more than students who enter the labor market with a high school diploma,” said Garcia.  “Most importantly, College Measures is a one-of-a-kind tool for students evaluating the career-earnings potential of a wide array of majors and degrees at institutions in Colorado.”

Key findings in the report include:

·       Students earning a career-oriented Associate of Applied Sciences (AAS) degree are entering the labor market with skills that are in demand.  These students’ average first-year earnings are almost $7,000 more than graduates of bachelor’s degree programs across the state.

·       The median first-year earnings of bachelor’s degree recipients is around $39,000 statewide.

·       For bachelor’s degrees, in general, graduates in health and business earn more than graduates with liberal arts degrees.

·       Graduates with the AAS degree earn, on average, about $15,000 more than students who completed the Associate of Arts degree or Associate of Sciences degree.

“The information Colorado is providing gives students options so they can decide which college or university best prepares them for the careers and lives they want,” said Mark Schneider, the President of College Measures and a Vice president of the American Institutes for Research.  “That decision involves how much debt is realistic to take on as an investment in the future.  This is information that’s useful, usable and will be used.”

College Measures makes available earnings for approximately 61,800 graduates - or 26 percent of all Colorado higher education graduates between 2006 and 2010 - by institution, type of degree and major.  The report includes those graduates employed in Colorado at or above Colorado’s minimum wage.  The website and report do not include graduates who left the state after earning a credential, went to work for the federal government or are self-employed.  It also does not include students who continued their education in graduate school or another program.  And graduates included may not have found employment in their major or field of study.

*About College Measures*

College Measures is a partnership between the American Institutes for Research and Matrix Knowledge Group, focused on using data to drive improvement in higher education outcomes in the United States.  Data warehouses exist at the school, state and national levels, and hold a powerful amount of information that can be presented in ways that are compelling to users.  Funded with the support of the Lumina Foundation, College Measures is assisting state agencies in their efforts to make information about the earnings of graduates from their higher education programs publicly accessible.  These data, dubbed “Economic Success Metrics,” show that the degree a student earns, and where they earn it, matters.  College Measures’ goal is to move the information out of these data warehouses and into "data storefronts" in which performance metrics will be placed into the public square, allowing students, their families and policymakers to get much better measures of the rate of return on their investment in higher education programs and institutions.

**Colorado Creative Industries Announces New Director**

Colorado Creative Industries (CCI), a division of the Colorado Office of Economic Development and International Trade (OEDIT), Tuesday announced that Margaret Hunt has been selected as the new Executive Director.  She will be responsible for developing a statewide shared vision for Colorado's creative industries and expanding the commitment of local, state, and federal governments to the state's creative economy.

"Margaret has extensive experience in regional and national leadership, along with practical hands-on experience working in the arts and economic development," said Ken Lund, Executive Director of OEDIT.  "We are confident that she will be a great asset for CCI and for Colorado."

Hunt comes to CCI from the Utah Division of Arts and Museum, where she served as the Executive Director since 2005.  In this position, she led the agency through significant changes including the merger of two state agencies:  the Utah Arts Council and the Office of Museum Services.  Prior to this position, Hunt served as Director of Community and Economic Development for Salt Lake City government; Manager of Economic Development Programs for PacifiCorp/Rocky Mountain Power Company; Director of the International Microfinance Training Program at Naropa University; and Vice President of a Utah-based fundraising consulting group for nonprofit organizations.

Hunt was elected by her peers to serve on the board of the National Assembly of State Arts Agencies and has been a trustee of the Western States Arts Federation for five years.  She has received numerous leadership awards including the Governor's Leadership Award for Contributions to Community and Economic Development, and United Way's Volunteer of the Year award. Hunt is a visual artist, and her work appears in public and private collections including the Salt Lake City Airport Collection.  She attended the University of Utah and Naropa University in Boulder.

**HCA Ranked Fortune’s Most Admired Healthcare Company**

The March 18 edition of *Fortune* features the publication’s annual World’s Most Admired Companies list.  For the third consecutive year, HCA is number one in its industry category, “Health Care:  Medical Facilities."

The World’s Most Admired Companies study examines nine attributes:  innovation, people management, use of corporate assets, social responsibility, quality of management, financial soundness, long-term investment, quality of products/services and global competitiveness.

**Applications Now Being Accepted for Governor's Award for Excellence in Exporting**

*Deadline for applications is Friday, April 19*

Colorado exporters are encouraged to apply for the 2013 Governor's Award for Excellence in Exporting, an award that recognizes companies that demonstrate a commitment to growing through international trade.  Winners will be formally recognized at World Trade Day on May 16, 2013.

Both product and service exporters of any size or industry are encouraged to apply.  In the past, the award has been given to companies in categories such as small manufacturing company (as measured by annual revenue), large manufacturing company, services company, and agricultural-sector exporter.  The award has been given to Colorado exporters every year since 1970.

Completed applications are due on or before Friday, April 19, 2013.  For more information or to request an application, contact Jorge Diaz of the Colorado Office of Economic Development & International Trade (OEDIT) at jorge.diaz@state.co.us or 303-892-3858.  Information and the application form can also be accessed at [www.advancecolorado.com/governors-export-award](http://www.advancecolorado.com/governors-export-award).

**Video Game Industry Announces Ratings, Parental Controls Education Campaign**

*National Campaign to Utilize Video Game Industry’s Unique Connections with Players, Parents*

The U.S. video game industry on Monday announced a new national public education campaign to educate American parents further about the tools and information available so they can manage the entertainment choices for their families.  The campaign’s focal point will be a new series of Public Service Announcements (PSA) encouraging parents to review the Entertainment Software Rating Board (ESRB) video game ratings and utilize existing video game console parental controls.

“This campaign will connect with consumers in an immediate and sustained way in addition to the traditional mechanisms over TV outlets.  By channeling our industry’s compelling and innovative medium, we will instantly provide proven, practical, and effective information to millions of consumers,” said Michael D. Gallagher, President and CEO of the Entertainment Software Association (ESA), the U.S. trade association representing video game publishers.

Every month, the video game industry has more than 300 million interactions with consumers through online storefronts and video game play.  Leveraging this energy and passion, the industry will:

·      Enhance public education efforts around video game ratings and parental controls by developing and funding a series of new PSAs;

·      Utilize the unique interconnectivity and reach of the video game industry’s platforms to promote these public service messages and related content;

·      Coordinate with video game retailers to use both their physical store footprints and dedicated online networks to educate millions of their customers about video game ratings and parental controls;

·      Work with policy makers to extend the proven ESRB rating system to the broader games ecosystem of smart phones, tablets, and online social games; and,

·      Support and partner with non-profits using video games for educational and other pro-social purposes.

Specifically, the video game industry stated that they will accomplish their objectives by:

·      Featuring new PSAs on video game platforms that will expand on the series already completed and available here;

·      Providing consumers with information on video game-specific web sites and online stores;

·      Providing PSAs to video game industry news and fan discussion sites for use;

·      Encouraging broadcast outlets to run the PSAs on local channels;

·      Working with federal and state elected officials to provide rating and parental control information to their constituents; and,

·      Distributing PSAs to retailers for use on their in-store and online channels.

According to industry statistics, approximately half of American homes have at least one video game console.  Every video game console has password-protected parental controls that allow parents to limit their children’s video game use.  As such, each of those consoles, handheld devices, and PCs can be activated to block types of video games and restrict access to the Internet.

In the future, the distribution channels established as part of this campaign could also provide a platform for other educational and pro-social messages and information.

**New District Court Judge for Archuleta, La Plata and San Juan Counties Appointed**

Gov. John Hickenlooper on Thursday appointed William Herringer to serve as the district court judge in the 6th Judicial District, which consists of La Plata, San Juan and Archuleta counties.  Herringer will fill a vacancy that occurred as a result of the retirement of the Hon. David L. Dickinson.

Herringer currently works in private practice for the law firm of Greenberg & Herringer, LLC, where he practices in county and district courts focusing primarily on criminal defense.  Herringer also handles administrative cases and civil litigation, including personal injury matters and restraining order hearings.  Prior to joining his current firm, Herringer worked as a partner at Greenberg, Herringer & Ward, LLC, as an associate at Abadie & Zimsky, as a Deputy State Public Defender in the Durango Public Defender’s Office, and as a contract attorney for the Jefferson County Public Defender’s Office.

Herringer earned a bachelor’s degree from Colorado College and a J.D. from the University of Colorado College of Law.

The appointment is effective March 11, 2013.

**The Watercooler**

The Colorado Water Congress on Monday took positions on the following bills:

**Senate Bill 19** by Senator Gail Schwartz (D-Snowmass Village) and Representative Randy Fischer (D-Ft. Collins) concerning the promotion of water conservation measures.  *Position:  Support as Amended*

**Senate Bill 191** by Senator Mary Hodge (D-Brighton) and Representative Angela Williams (D-Denver) concerning pipeline rights of way.  *Position:  Monitor*

**The Calculator**

House Bills Introduced:  262

Senate Bills Introduced:  213

Number of Bills PI'd:  99 (21%)