

April 15, 2013

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

*"Politics is not an end, but a means. It is not a product, but a process.  It is the art of government.  Like other values it has its counterfeits.  So much emphasis has been placed upon the false that the significance of the true has been obscured and politics has come to convey the meaning of crafty and cunning selfishness, instead of candid and sincere service." - Calvin Coolidge*

***Days Until Sine Die:  25***

**Medicaid Expansion Gets Initial Approval by Full Senate**

On Friday morning the Senate approved Senate Bill 200 on second reading after more than an hour of debate.

SB 200, sponsored by Senator Irene Aguilar (D-Denver) and Speaker of the House, Mark Ferrandino (D-Denver), 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.

Proponents of the expansion say there is a demonstrated reduction in mortality associated with Medicaid expansion in other states – in Colorado alone it could translate to more than 600 lives saved per year.  Experts also say that expansion will lead to the creation of more than 22,000 jobs in Colorado and increase economic activity by $4.4 billion.  Further, expanding coverage for the uninsured leads to a reduction in the costs of uncompensated care that are shifted to insured patients and the business community, possibly saving millions of dollars in uncompensated care over 10 years.

The legislation has the backing of the Governor and adds Colorado to the list of 23 other states that 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 awaits approval on third reading in the Senate before heading to the House for consideration.

**Sponsor Kills Universal Health Care Proposal**

Senator Irene Aguilar (D-Denver) on Friday killed her bill to create the Colorado Health Care Cooperative.  The measure, Senate Concurrent Resolution 2 would have placed a question on the state-wide ballot for voters to consider.

Critics of the measure say it would have created the first universal health care system in the country.

In order to place the constitutional amendment on the state-wide ballot, Aguilar would have had to garner two-thirds support in both the Senate and House of Representatives.  Aguilar had said that she would not move forward with her bill without support from the Republican side of the isle.

But opponents of the measure say Aguilar did not have the full backing of her Democratic colleagues in the Senate.

Senator Kevin Lundberg (R-Berthoud) criticized Augilar’s proposal.

"True health care starts right here with yourself, and it's not going to work if you put the government in charge," he said.

The Cooperative would have been funded by a combination of new taxes on payroll and income (paid to the cooperative as premiums) and through transfers of existing state and federal funding sources.

Aguilar, on Friday, said she plans to pursue the measure again in 2014.

A separate group, Health Care for All Colorado, is moving forward with an attempt to get a universal coverage proposal on the fall ballot.  They have filed two proposals with the Legislature’s Legislative Council – the first step in getting a measure placed on the ballot.

**COHBE Update**

On Monday, April 8th, the Board of the Colorado Health Benefit Exchange (COHBE) met in their new offices in Cherry Creek.

The first policy issue considered by the Board addressed carrier dedicated sales teams.  Dedicated carrier sales teams sell to consumers who choose to work directly with a carrier rather than to employ the services of a broker.  It is estimated that 30% - 50% of individual health insurance policies are purchased by consumers who contact carriers directly for information and plan enrollment.   A relatively small but significant percent of small group policies are purchased directly through carriers’ dedicated sales efforts as well.

The exact percentage of consumers who purchase insurance through dedicated sales teams varies by carrier.  The decision to contact and purchase from a carrier is strictly a matter of consumer choice and there is no premium difference between those plans purchased directly from a carrier compared to those purchased through a broker.

COHBE staff recommended the Board allow Exchange plans to be offered directly through carrier sales teams and the Board approved the recommendation.

The second policy issue dealt with facilitated enrollments.   About 400,000 Coloradans currently have health insurance through the individual market.  Due to changes in Federal and state laws, these health insurance plans will change for the 2014 plan year.

Typically, at the end of each plan year, carriers send annual renewal notices to their customers and brokers.  If a customer does not proactively respond about his or her plan choice for renewal, the individual is auto-renewed in the plan they are currently enrolled in.  If the customer’s existing plan is being discontinued, they will have the opportunity to purchase any other individual health insurance plan offered by the carrier.

The 2014 plan year open enrollment period beginning in October, 2013, will allow individuals to gain access to new federal tax credits and subsidies to help pay for their coverage.  It is estimated that nearly 50% (about 195,000) of Colorado lives currently covered in the individual market will be eligible for new tax credits and subsidies through the exchange.

For the 2014 plan year, existing health plans will be associated with new plans for rating and trend data purposes but insurance companies will be prohibited from mapping their old plans to new plan designs in order to auto-renew customers in coverage.  Also, customers will be required to make a proactive plan selection but will also be able to shop and obtain coverage with any carrier, not just their existing carrier.

For consumers required to make a proactive plan selection, their carrier will not be required or incentivized to direct those individuals to the Exchange since it could put the carrier at risk of losing their customer to another carrier.  In this scenario customers may elect to enroll in a non-Exchange product from their current carrier out of convenience.  But if consumers choose this option, they may not be able to access any of the new forms of federal financial assistance offered through the Exchange even if they are eligible.

Staff recommended the Exchange work with carriers to develop an enrollment approach that allows carriers’ existing customers to make an active Exchange product selection directly from their carrier.  The Board approved this recommendation.

After the Board adjourned, the Executive Committee met to discuss whether the Board should take positions on Senate Concurrent Resolution 2 and Senate Joint Resolution 21.

SCR 2 by Senator Irene Aguilar (D-Denver) would have created a Colorado Health Care Cooperative.  Aguilar killed here proposal on Friday.  The Executive Committee voted to monitor but take no position on the measure.

Senate Joint Resolution 21, also by Sen. Aguilar, would establish a committee to study health care and its impacts on the citizens of Colorado.  The Executive Committee decided to monitor but make no formal recommendation on a position to the Board.

The Colorado Health Benefit Exchange Board will not meet as a full board again until May 13th.

***The Denver Post*:  Colorado's Health Exchange Strips Goals to Minimum as Deadline Looms**

Colorado's health insurance exchange is stripping its opening-day goals to a minimum as complex deadlines loom for delivering software, training "navigators," forging vital links to IRS records and crafting an ad campaign.

Between 100,000 and 150,000 Coloradans are expected to use the exchange beginning Oct. 1 to sign up for subsidized health insurance plans promised by "Obamacare."

To sign up thousands and deliver policies taking effect Jan. 1, the exchange must devise seamless ways to check federal income records, Medicaid eligibility and state insurance regulations.

"The first release of the exchange system will have a base level of functionality," system planners told the exchange board Monday.  Staffers listed the scale-back as a "new risk" on the timeline and said public expectations might need to be lowered.

Federal regulators are trying to help local boards streamline planning, including ruling out some health functions that Colorado and other state boards had hoped to include.  The U.S. Department of Health and Human Services told state exchanges they cannot offer vision plans for 2014, only medical and dental, said Colorado Executive Director Patty Fontneau.

Removing vision plans as a project is "a big change in scope," one staff member said; even so, the launch schedule remains "aggressive," and the exchange cannot afford the time to add any new work.

A key unknown is how long it will take new enrollees to be taught by trained "navigators" about their available subsidy, and what health-plan options suit their families.  If each new enrollee takes 90 minutes, and the first year brings 142,000 members, the board needs to budget $19.5 million for the first year of its sign-up operations.

If 113,000 sign up and each takes about 75 minutes, the first-year budget needs about $15 million, planners said.  A third scenario of 103,000 people taking 60 minutes each would cost $12 million.

**Traditional School Finance Plan Gets Initial Approval**

Senate Bill 260 got initial approval from the Senate Committee on Education on Thursday.  SB 260 by Senators Evie Hudak (D-Westminster) and Pat Steadman (D-Denver) funds K-12 public schools for fiscal year 13-14.  SB 260, the Public School Finance Act, is the required annual school finance measure that must be approved by General Assembly.

Nearly 180 school districts as well as the Charter School Institute (CSI) rely on funding from the School Finance Act.  State funding provides for nearly 65 percent of education funding with about 35 percent from local school districts.

SB 260 funds annual student and categorical programs and includes additional funding for early childhood education, special education and charter school capital construction.  Specifically the bill:

·      Increases statewide average per pupil funding:  raised to $6,646 per student, up from $6,479;

·      Allows 23,360 kids to participate in the Colorado preschool program, up by 3,200 kids;

·      Raises capital construction funding to $7 million for charter schools, up from $6 million last year;

·      Allocates an additional $20 million to special education; and

·      Devotes $16 million annually to the Colorado Reading to Ensure Academic Development Act (READ Act).

SB 260 is separate and apart from Senate Bill 213 by Sens. Mike Johnston (D-Denver) and Rollie Heath (D-Boulder), that if approved, would place a measure on the statewide ballot to overhaul the current school financing formula.  SB 213 passed the Senate on Tuesday, April 2nd, and has been introduced in the House of Representatives and assigned to the House Committee on Education for consideration.

**House Bills May Move State Closer to Marketplace Fairness**

Speaker of the House, Mark Ferrandino (D-Denver), last week introduced House Bill 1295, designed to address minimum simplification requirements of the Federal Marketplace Fairness Act.  The measure would allow Colorado to require remote sellers (internet retailers) to collect sales tax on taxable sales made within the state.

One of the requirements of the Federal Marketplace Fairness Act is for states to have a single point of collection for sales tax from remote sellers.  To date this has been a barrier to collection of sales tax on internet sales in Colorado.  Many home rule municipalities collect their own sales tax as opposed to having the state collect it on their behalf.

Sales tax revenue makes up at least 70% of most municipal revenue streams, and Colorado has a very strong tradition of local control.  As a result, home rule municipalities are very reluctant to give up control of their sales tax collection in any way.

HB 1295 establishes remote sales as a part of existing sales tax laws, specifying that only the state's sales tax and not a local sales tax will apply to all remote sales.  The measure also requires the state’s Department of Revenue to be responsible for all state and local sales tax administration of remote sales, and allows a home rule municipality to opt in to accept the state's administration and distribution of its local sales tax on remote sales.  Additionally, the bill requires the state to provide information and software to remote sellers to facilitate calculation and payment of the sales tax.

House Bill 1295 is sponsored by Sen. Rollie Heath (D-Boulder) in the Senate.

House Bill 1288, introduced the previous week and Sponsored by Rep. Kathleen Conti (R-Littleton), requires the state department of revenue together with a nonprofit that represents local government taxing entities (i.e., the Colorado Municipal League) to gather information in order to recommend a uniform sales and use taxing mechanism that is revenue neutral to all local governments throughout the state.  This is a complex undertaking but would undoubtedly simplify the sales tax system in Colorado.

The Municipal League and the Colorado Association of Commerce and Industry are working with the bill sponsor to determine the best way to move forward with this plan, which will result in some significant amendments to the bill.

One additional bill related to collection of sales tax is expected to be introduced in the coming days.  Currently the state imposes a sales tax collection obligation on any retailer or vender “doing business in this state,” which constitutes the “nexus” required to impose such a sales tax collection obligation under the Federal Interstate Commerce Clause.  This bill is expected to expand and modify Colorado law to clarify what constitutes a “nexus” for purposes of being required to collect and remit sales tax, expanding the types of activities that create a nexus and clarifying that the expanded nexus provisions create a rebuttable presumption that the specified activities create a substantial nexus for the out of state retailer.

**Anti-Discrimination Bill Sent to House Floor**

The House Committee on Appropriations on Friday approved on a party-line vote, 8-5, House Bill 1136 by Representatives Claire Levy (D-Boulder) and Joe Salazar (D-Thornton) and Senators Morgan Carroll (D-Aurora) and Lucia Guzman (D-Denver).

The measure allows for compensatory and punitive damages and attorney fees to be awarded in employment discrimination cases brought under state law against employers where intentional discrimination is proven.  These damages may be levied by the Colorado Civil Rights Commission, a state court, or for state employees, by the State Personnel Board. These remedies are in addition to those allowed under current law, including front pay, back pay, interest on back pay, reinstatement or hiring, and other equitable relief.  Remedies that are currently allowed at the federal level for employers with 15 or more employees are extended by the bill to employers with less than 15 employees and to employment discrimination on the basis of sexual orientation.

Under the bill, compensatory and punitive damages are limited based on the size of the employer, and the Civil Rights Commission or court is directed to consider the size and assets of the defendant and the egregiousness of the intentional discriminatory or unfair employment practice when assigning damages.

Representative Dan Pabon (D-Denver) told his colleagues on the Appropriations Committee that the bill provides remedies for workers who claim employment discrimination, but that he believes small businesses have “fewer resources” to defend themselves against such claims.

“We’ll have plenty of discussion” on the bill on the House Floor, said Representative Bob Gardner (R-Colorado Springs), but “defeating this bill might be the biggest way to help them (small businesses).”

The U.S. Congress has had the wisdom to exclude the smallest of companies from costly litigation claims since most lack human resource departments and other resources needed to defend themselves when hiring, promoting or terminating an employee.  If HB 1136 becomes law, Colorado will be one of only a handful of states to expose their smallest businesses to expensive litigation risks.

One of the provisions in HB 1136 allows for attorney’s fees and costs to be awarded to an employee or job applicant who wins his or her case but does not allow for attorney’s fees and costs to be awarded to an employer if the court determines that no discrimination was found or unless the employer meets an almost impossibly high standard.

The bill, consequently, provides no disincentive to keep workers from filing meritless claims, an all too common occurrence.

For the most recent state fiscal year for which data has been published, only 4.5 percent of the filed employment-discrimination complaints were found by the Colorado Civil Rights Division to have “probable cause” to believe that a violation occurred.

The bill now awaits consideration by the full House.

***Denver Business Journal*:  House Committee Takes up Toned-down Procurement Bill**

A Colorado legislative committee this week got its first crack at a bill that makes a number of labor-backed changes to the state’s procurement system.

But thanks to weeks of negotiations between contractors’ associations and the Colorado AFL-CIO, House Bill 1292 will be a very different — and much more business-friendly — measure than the one whose original draft inspired great concern among business groups.

“We acknowledge up front that the AFL-CIO has come a long way in meeting our concerns about the bill and has negotiated most of our issues,” said Jeff Weist, a lobbyist for the Colorado Competitive Council, Associated General Contractors of Colorado and Colorado Association of Mechanical and Plumbing Contractors.  “We knew that given the makeup of the Legislature, some version of the bill was going to pass.  Compared to what they asked for, the AFL’s objectives are relatively modest.  It’s reporting and enforcement of existing laws.”

With HB 1292, sponsored by Democratic Reps. Pete Lee of Colorado Springs and Dan Pabon of Denver, scheduled for its second hearing in the House State, Veterans and Military Affairs Committee Monday, here’s a look at the five major sections of the bill and how they’ve changed.

1.  One of the bill’s main goals is to allow the state to enforce a 1930s-era law that requires all contractors on state projects hire at least 80 percent of their workforce from Colorado.  The state does not enforce that provision now because the penalty is jail time for contractors, and HB 1292 would change that to a fine system administered by the Colorado Department of Labor and Employment (CDLE).

Contractors’ main concerns revolved around enforcement of that clause.  As the bill stands, CDLE officials will investigate only if a complaint is filed — and the investigation will not begin until after the contract is over, so that it does not slow work, Weist said.

2.  The bill also strengthens the state’s existing ability to give a bidding disadvantage to any contractor from a state that offers bidding advantages to companies located in that state over companies from Colorado.  This, said AFL-CIO Political and Legislative Director Phil Hayes, is important to ensuring that Colorado taxpayer dollars are supporting Colorado companies.

The two sides agreed to define a Colorado contractor not just as one that has its headquarters in the state but also as one that has an office in Colorado and has paid unemployment taxes in the state in six of the past eight years.

That is key to ensuring major employers aren’t denied state work just because they have an out-of-state parent company, Weist said.

3.  The most controversial clause of the bill originally was one that would have required the state to use “best value metrics” to select winning bidders for all major contracts.  That would have meant that, instead of looking solely at the lowest bid amount, the state would consider also whether a contractor offered things such as health benefits and a training program — benefits that are more common at larger union shops.

HB 1292 now says that the state can consider best value metrics, or it can consider lowest-bidder or design-build options — and it must issue a statement with the request for bids why it chose its particular bidding design.

Hayes says this will be important in allowing department heads to decide the amount of benefit the state can receive if it is paying slightly more for work from a company that isn’t cutting benefits or pay in order to win contracts.

4.  A fourth part of the bill bars the state from contracting directly with a foreign employer to do work overseas and requires that domestic contractors that subcontract any work to an overseas company report this and report why this was necessary within 20 days.  This was not a controversial provision, and few changes to it were made, Weist said.

5.  Finally, the bill requires that contractors report the origin — domestic or foreign — of the five most expensive iron and steel products used in the project.  Hayes said that it is important to know whether state tax dollars are going inordinately to foreign manufacturers, even though the bill contains no penalty for such purchasing.

Contractor groups said the original requirement to report the origin of all materials would have been burdensome, especially if they had to look into pre-assembled building components such as an air-conditioning system and discover from where all of its parts hailed.  The new mandates will still require a good deal of paperwork but are not as stringent, Weist said.

Weist said late last week that contractors’ groups were still mulling whether to support, oppose or be neutral on the bill.

Hayes said he would be very disappointed if any continued to oppose HB 1292 after all the compromises made on it.

“We’re not claiming this creates a panoply of jobs,” Hayes said.  “It’s about making sure we prioritize our tax dollars for supporting state businesses and supporting domestic manufacturing ... And I think this is a really good step in the right direction.”

***Pueblo Chieftain Editorial*:  Invitation for fraud**

A 122-page bill prepared for sponsorship by Pueblo’s Democratic Sen. Angela Giron would alter the way Coloradans vote, and its provisions are canted toward Democratic candidates.

Secretary of State Scott Gessler, a Republican, opposes the bill because of four provisions it contains.  They are:

1.  It allows for people to register on Election Day, leaving no time to verify a person’s identification or to check whether he or she is registered in more than one county.  This is an invitation for fraud on a massive scale.

2.  It virtually mandates mail ballots, which are sent automatically to every registered voter.  Meanwhile it virtually eliminates neighborhood precinct polling places, replacing them with centralized voter service and polling centers.

The bill also reduces the current 30-day residency requirement to 22 days and eliminates any reference to precincts in which registrants live.  That’s odd, considering that Sen. Giron recently told a group of constituents, “I personally like to vote in person.”  She added, “I like to see my neighbors and be in my precinct and vote there.”

We wonder whether election computers will be able to tell instantly if registrants actually are eligible to vote of if they have voted more than once in a current election.  If not, every in-person vote will have to be listed as a provisional ballot to be checked later, meaning delaying results for several days after an election.

3.  The bill would create an 11-member Voter Access and Modernized Elections Advisory Committee to check on and report on the conduct of elections.  That panel would include a couple of representatives of the Secretary of State, four legislators, two county clerks, two Governor’s appointees “with expertise on voting rights,” as well as “a member who represents the interests of people with disabilities.”

Which elections and where would this panel investigate?

4.  Inactive voters always will be sent a mail ballot, even if they have died or moved to a new address or out of state.

The Colorado Statesman, which reports on state politics, reported April 4 on Mr. Gessler’s vehement complaint that the bill drafters kept him and the rest of the public out of discussions of what the bill should include.  Said the Statesman:

“Stakeholders, however, have been a bit more candid in explaining why Gessler has not been brought to the table.  The stakeholder group — calling themselves Integrity and Modernization for Colorado Elections — includes Colorado Common Cause, Vet Voice Foundation, 9to5 Colorado, Interfaith Alliance of Colorado, New Era Colorado and Mi Familia Vota.”

These are left- or liberal-leaning organizations, in line with the political philosophy of Sen. Giron.  The Statesman report continued:

“Ellen Dumm, spokeswoman for the coalition, said Gessler was never included because has never expressed an interest in working with stakeholders on a legitimate reform effort.  ‘We wanted to get the folks who had their boots on the ground.  I think from our perspective . . . I would say that (Mr. Gessler) has made it very clear that he’s philosophically opposed to this.  So it didn’t feel productive to have him at the table yet.’ ”

“Yet?”  When were they ready to invite the state’s chief elections officer to the table?

Mr. Gessler has replied to this, saying, “That’s a way of them saying, ‘Our way or the highway.

We don’t want to include any other opinions, and we’re going to operate in secrecy.”

Yes.  It sounds much like the way Obamacare was cobbled together in Washington, far from the sunlight of public review until the Democratic majority rammed through its passage.

From our conversations with Mr. Gessler, it’s quite apparent that he wants to keep elections in Colorado free of fraud so that every legitimate vote counts — be it Republican, Democrat or any other persuasion.  Sen. Giron’s bill is 180 degrees away from that point of view.

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*Editor’s Note: The 126 page measure, House Bill 1303, was introduced in the House of Representatives on Wednesday and assigned to the House Committee on State, Veterans, and Military Affairs.  The bill is sponsored by Majority Leader Dickey Lee Hullinghorst (D-Longmont) in the House.*

**House GOP Victim Protections and Crime Prevention Measures Advance**

Last week, three measures sponsored by House Republicans to strengthen victim protections and prevent violent crime advanced in the House of Representatives.  Bills that advanced include a measure that allows a court to limit public access to court proceedings involving sexually exploitative materials related to children, a proposal that will help local governments by allowing the state to shoulder the costs of Colorado’s victim notification system and a bill to study human trafficking in Colorado.

Senate Bill 198, sponsored by state Rep. Bob Gardner (R-Colorado Springs), allows a court to close proceedings to the public when images of sexually exploitative materials or forensic interviews directly related to a child are presented as evidence.  The measure passed the House Judiciary Committee with unanimous support.

“Children deserve protection,” said Gardner.  “Exposing child victims of sexual assault to more vulnerable situations serves neither their interest nor that of the public.”

Gardner is also the sponsor of House Bill 1241, which reduces local government expenditures on Colorado’s victim notification system by allowing the state to shoulder the program’s costs.  The measure passed the full House on third reading on Thursday and was introduced in the Senate on Friday.

House also passed a bill that fights human trafficking.  State Reps. Jared Wright (R-Fruita) and (Dan Nordberg (R-Colorado Springs) drafted House Bill 1195 to create stricter punishments for those involved in human trafficking.  However, the bill was later amended by Democrats on the House State, Veterans and Military Affairs Committee to initiate a study of human trafficking in Colorado.  After the study is finished, the Colorado Commission on Criminal and Juvenile Justice will make recommendations to lawmakers on how best to combat human trafficking in Colorado.

**High drama: Small Businesses Face Uphill Battle in Marijuana Debate**

A full five months after Coloradans voted to treat marijuana like alcohol, it looks as if legislators might consider following through with it.

On April 8, the House-Senate Joint Select Committee on Amendment 64 voted to abolish the current, state-enforced “vertical integration” business model.  While Colorado pot distributors now have to grow at least 70 percent of their own product, the joint committee will propose a bill allowing those in the recreational marijuana industry to focus on one side of the industry or the other, as they choose.

This new proposal comes after a long push from Colorado voters to do just that.  The Amendment 64 campaign hinged on the idea that recreational marijuana should be taxed and regulated like alcohol, and voters approved it.  It was even called the “Regulate Marijuana Like Alcohol Act.”

To read more from Colorado [Watchdog.org](http://Watchdog.org), click here:  <http://watchdog.org/79635/small-businesses-fight-uphill-battle-against-vertical-integration/>.

**Colorado Sheriffs Planning Lawsuit to Block New Gun Laws**

More than half of Colorado sheriffs have agreed to launch a legal challenge to the state's recently passed gun restrictions.

Thirty-seven of the state's 62 elected sheriffs are prepared to sue to overturn laws that now prohibit the sale of ammunition magazines holding more than 15 rounds and require background checks for all private gun sales, Weld County Sheriff John Cooke said Tuesday.

Cooke said he expects more sheriffs will sign on to the lawsuit, but other sheriffs said they oppose the effort.

To read more from the Denver Post, click here:  <http://www.denverpost.com/breakingnews/ci_22988195/colorado-sheriffs-planning-lawsuit-block-new-gun-laws?IADID=Search-www.denverpost.com-www.denverpost.com>.

**Gang of Eight Reach Immigration Deal**

The bipartisan gang “Gang of Eight” who has been working for months on crafting the latest Federal immigration proposal announced last week that they have reached an agreement on a comprehensive immigration reform plan.

New York Senator Chuck Schumer told CBS’ Face the Nation, “I think we’re doing very well.  I think that we hope that we can have a bipartisan agreement from the eight of us on comprehensive immigration reform by the end of this week.”

While specific details of the plan have yet to be released, it is being reported that, by and large, the bill doesn’t depart from the framework supported by President Obama and Florida’s Junior Senator Marco Rubio.

The bill is expected to establish provisional status for unauthorized immigrants who pass background checks and fulfill other requirements, such as paying fines and back taxes.  The legislation reportedly would require illegal immigrants to wait ten years before they could apply for green cards – President Obama’s plan proposed eight years.

Another major provision of the bill, and most important to conservatives, is border security.  On this issue, members of the Gang of Eight say Democrats and Republicans have built a compromise that might earn wide support from GOP lawmakers.

The bill would set several goals for border authorities, including continuous surveillance of 100 percent of the United States border and 90 percent effectiveness of enforcement in several high-risk sectors, as well as workplace and visa enforcement.

Additionally the measure would provide billions in new funding for the Department of Homeland Security and requires DHS to provide a five-year border security plan before the federal government could give legal status to unauthorized immigrants.

The bill is expected to be introduced in the Senate this coming week.

*Members of the “Gang of Eight” include:*

Senator Chuck Schumer (D-New York)

Senator Dick Durban (D-Illinois)

Senator John McCain (R-Arizona)

Senator Marco Rubio (R-Florida)

Senator Lindsey Graham (R-South Carolina)

Senator Jeff Flake (R-Arizona)

Senator Robert Menendez (D-New Jersey)

Senator Michael Bennet (D-Colorado)

**U.S. Forest Service Announces Stakeholder Process Addressing Water Rights**

The United States Forest Service on Tuesday, March 26, sent a letter to Governor John Hickenlooper outlining its plan to gather public input on water rights clauses in ski area permits.

On December 19, 2012, the United States District Court for the district of Colorado enjoined the Forest Service from enforcing and using its 2011 and 2012 water rights clauses in ski area permits nationwide.  The court determined that the clauses were a legislative rather than an interpretive rule and that the Agency is therefore required to provide public notice and comment on a proposed ski area water rights clause before issuing a final clause.

The ski industry sued the Forest Service arguing the water rights clause was a federal taking of tens of millions of dollars in private water rights without due compensation.  The permit clause required ski resort operators on federal land to assign their privately-owned water rights to the federal government.

The ski industry also asked the court for a declaration that the Forest Service cannot “condition the issuance of a ski area special use permit on the assignment of, or restriction of alienability or severance of water rights.”

As part of the new stakeholder process, the Forest Service will he hosting a series of “open houses” for those interested to comment on the new water rights clause.  One of the open house meetings will be held in Denver this coming Tuesday.

The Forest Service intends to publish a notice of proposed ski area water rights clause in the Federal Register by early August and the publishing of a notice of final clause in the Federal Register by February 2014.

The Colorado Legislature has been considering two measures that attempt to protect privately-held water rights and to address the Federal Government’s permit clause.

House Joint Resolution 1004 by Representative Jerry Sonnenberg (R-Sterling) and Senator Randy Baumgardner (R-Cowdry) is an expression of the General Assembly’s intent to protect water rights from be being demanded in exchange for permitted uses in Forest Service Permits.

HJR 1004 passed the House in February and is currently making its way through the Senate.

House Bill 1013, also by Rep. Sonnenberg and Sen. Baumgardner, passed the House Committee on Appropriations on Tuesday.

The bill, if passed, would prohibit the United States from demanding that the owner of a water right assign to the United States either partial or joint ownership of the water right as a condition of granting the water right owner a right-of-way or special use permit.  The bill also would prohibit the United States from restricting the water right owner’s ability to sell or transfer a water right.

HB 1013 now moves to the full House for Consideration.

**OEDIT Accepting Applications for Bioscience Grant Program**

The Colorado Office of Economic Development and International Trade is accepting applications from early-stage bioscience companies interested in receiving funding through grants made possible by the Bioscience Discovery Evaluation Grant Program (BDEGP).  Applications are due by May 1, 2013.  The application and guidelines can be found at [www.advancecolorado.com/bdegp](http://www.advancecolorado.com/bdegp).

The BDEGP aids in the growth of the bioscience industry in Colorado.  The program advances new technologies from the lab toward commercial products and services, supporting innovation, company formation, and job creation.  There is currently $762,646 available for funding.  Grants support the commercialization of bioscience technologies licensed from qualified Colorado research institutions with applications in therapeutic or diagnostic products, devices, or instruments to improve human health; agriculture; or biofuels.

Over the past six years, the program has fostered the creation of 37 new Colorado companies and the direct creation of approximately 309 jobs.  In addition to leveraging matching funds for technology advancement, an additional $95 million has accrued to the program technologies, based on almost $24 million in grants awarded.  In fiscal year 2012, over $5.2 million was awarded to 33 projects.

For more information, please visit [www.advancecolorado.com/bdegp](http://www.advancecolorado.com/bdegp).

**Colorado Creative Industries Accepting Applications for Statewide Grants**

Colorado Creative Industries' largest grant program, ColoradoCreates, on Tuesday announced they are accepting applications.  Nonprofit cultural organizations and communities interested in applying for grants can access guidelines and the application at [www.coloradocreativeindustries.org](http://www.coloradocreativeindustries.org).  The new funding period is October 1, 2013 to September 30, 2014, and applications are due at 4 p.m. on Thurs., June 20, 2013.

Colorado Creates provides critical financial support that helps produce and present arts and cultural activities throughout the state.  Grant applicants must be Colorado 501c3 nonprofit organizations, departments of Colorado public colleges or universities, or government agencies.  Applicants must have been providing public arts or cultural heritage programs in Colorado for at least three years by the application deadline.  Individual artists or nonprofit organizations providing public arts or cultural heritage programming for less than three years may apply through an organizational fiscal agent.

Grant awards range from $4,000 to $10,000. Proposals are reviewed by panels based on three review criteria: artistic excellence and merit of proposed activities, community involvement and benefit from proposed activities, and implementation capacity.  In fiscal year 2012-2013, 133 grants were awarded across the state totaling $1,048,500.

Colorado Creative Industries will host information sessions throughout the state for those interested in applying for a grant:

Mon., April 22, 3-4 p.m.

Museum of Western Colorado

Whitman Educational Center

248 S. 4th Street, Grand Junction

Tues., April 23, 11:30 a.m.-1 p.m.

Citizens Room

Centennial Hall

124 10th Street, Steamboat Springs

Tues., April 30, 11:30 a.m.-1:30 p.m.

Longmont (Location TBD - check website for updates)

Fri., May 3, 11:30 a.m.-1 p.m.

Parker Arts and Cultural Event Center (PACE)

Event Room

2000 Pikes Peak Avenue, Parker

Recorded webinar information sessions will be available at [www.coloradocreativeindustries.com](http://www.coloradocreativeindustries.com).

**Gov. Hickenlooper Announces Boards and Commissions Appointments**

The **State Board of Health** advises the Executive Director of the department on all matters relating to public health and determines policies for the department to follow in administering and enforcing the public health laws of the state.  The appointments must be confirmed by the Colorado Senate.  The member appointed for a term expiring March 1, 2015:

·      Rick L. Brown of Lakewood to serve as a resident of the 7th Congressional District and an Unaffiliated, and occasioned by the relocation of Christopher Scott Stanley from the 7th Congressional District.

The members appointed for terms expiring March 1, 2017:

·       Christopher Scott Stanley of Denver to serve as a resident of the 1st Congressional District and a Republican, reappointed.

·       Honorable Jill Hunsaker Ryan of Edwards to serve as a resident of the 3rd Congressional District and a Democrat.

·       Gary Lynn Teague of Fort Morgan to serve as a resident of the 4th Congressional District and an Unaffiliated.

·       Betty B. McLain of Colorado Springs to serve as a resident of the 5th Congressional District and a Republican.

·       Joan W. Sowinski of Centennial to serve as a resident of the 6th Congressional District and a Republican, reappointed.

The **State Board of Land Commissioners** is responsible for the direction, control and disposition of the public lands of the State under such regulations as prescribed by law.  The appointments must be confirmed by the Colorado Senate.  The members appointed, effective June 30, 2013, for terms expiring June 30, 2017:

·       Buck Blessing of Denver to serve as a citizen at large and an Unaffiliated, reappointed.

·       Keith Berlin Bath of Fort Morgan to serve as a person with substantial experience in production agriculture and an Unaffiliated.

·      Gary A. Butterworth of Colorado Springs to serve as a person with substantial experience in natural resource conservation and a Republican.

**The Watercooler**

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

**House Bill 1248** by Representative Randy Fischer (D-Ft. Collins) and Senator Gail Schwartz (D-Snowmass Village) concerning irrigation water leasing municipal pilot projects.  *Position:  Support*

**The Calculator**

House Bills Introduced:  308

Senate Bills Introduced:  271

Number of Bills PI'd:  112 (19%)