

April 22, 2013

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

*"Ladies and gentlemen, I stand before you tonight in my red chiffon evening gown, my face softly made up, my fair hair gently waved ... the Iron Lady of the Western World.  Me?  A Cold War warrior?  Well, yes -- if that is how they wish to interpret my defense of values of freedoms fundamental to our way of life." - Margaret Thatcher*

***Days Until Sine Die:  16***

***Denver Post*:  Denver Mayoral Appointee Dies Suddenly, Mayor Hancock: ‘Our Hearts are Broken’**

Paul Ryan, who was the Director of Regional Affairs for [Denver Mayor Michael Hancock](http://blogs.denverpost.com/thespot/topic/denver-mayor-michael-hancock/), died Saturday after a sudden illness had hospitalized him.

Ryan, who shared the same name as the Republican Congressman from Wisconsin who was Mitt Romney’s running mate last year, was a “beloved member of our city family,” Hancock said in a press release issued late Saturday night.  Ryan was to turn 50 on May 1.

Hancock was expected to fly to Africa on Sunday but staffers say he will likely cancel the trip, which was to include a trip to Nairobi with Councilman Albus Brooks and a keynote speech at the Airport Cities World Conference in South Africa.

“Today, our hearts are broken at the sudden loss of Paul Ryan.  The Hancock team mourns not just for our colleague but for the truest of friends, a beloved member of our city family.

“My dear friend Paul carried the warmest disposition and the most infectious optimism of any person I have known.  While his passing reminds us of the delicate nature of life, it is certain that his genuine spirit will stay with all of us and serve as a shining beacon of the grace we all seek.”

“My family, myself and the Hancock team send our deepest condolences to Paul’s wonderful wife, Pam, and to his family during this time of great sorrow.”

**Gov. Hickenlooper Names Interim Executive Director of Colorado Department of Corrections**

Gov. John Hickenlooper on Tuesday named Roger Werholtz as interim Executive Director of the Colorado Department of Corrections.  Werholtz will start Monday, April 22, and work through the end of July as a search for a permanent hire begins.

“We are fortunate to have someone of Roger’s experience help us through this transition,” Hickenlooper said.  “He has an extensive corrections background and is well-suited to help us with the ongoing reviews of department operations and a search for a new Executive Director.”

Werholtz brings 28 years of corrections experience to the position.  He will lead efforts already underway to evaluate the Colorado’s parole system, work on the Prison Utilization Study, repurpose the Fort Lyon Correctional Facility and implement the department’s strategic plan.

“I look forward to continuing the work begun by Tom Clements, who had set a course for the Department of Corrections that focused on the latest corrections research and practices,” Werholtz said.  “Tom strived to make Colorado a safer place for us all to live and raise our families.”

Tom Clements, the former Director of the Colorado Department of Corrections, was shot to death on March 19 when he answered the door of his home.  The man accused of killing Clements was shot to death during a shootout with Texas authorities on March 21.

Werholtz most recently served eight years as Secretary of Corrections in Kansas and retired in December 2010.  He had earlier served as Deputy Secretary of Corrections since 1987 and supervised all three divisions of the Kansas Department of Corrections:  Community and Field Services; Programs and Staff Development; and Facilities Management.

Werholtz joined the department in 1982 after working as the first Director of the Wyandotte County Community Corrections Program.  He also has experience in community mental health, child protective services and substance abuse treatment and prevention.

As head of the Kansas department, Werholtz saw a 48 percent reduction in monthly revocation rates for offenders and a 31 percent reduction in absconder rates.  He also helped lead the change in how offenders prepared for release and were supervised by parole officers upon release, emphasizing individualized supervision plans and responses crafted to each parolee that placed a priority on preventing negative behaviors rather than simply reacting to such behaviors.

Werholtz served as a graduate level instructor in the University of Kansas School of Social Welfare.  He chaired the Kansas Criminal Justice Coordinating Council; was a member of the Kansas Sentencing Commission; the Kansas Reentry Policy Council; and the Kansas Sex Offender Policy Board.

Roxane White, the Governor’s Chief of Staff, will continue to lead the Department of Corrections Executive Team until Werholtz starts work.  Werholtz will be available to media on Monday, April 22.

**Breakfast After the Bell Sent to Governor**

The Senate Democrats on Friday worked on legislation to ensure kids do not go through the school day hungry.  The *Breakfast after the Bell Nutrition* program phases in a requirement that schools -- where at least 80 percent of the students qualify for federal free or reduced lunch -- serve breakfast to all students after the official start of school, beginning in 2014/2015.  By 2015/2016, every school with at least 70 percent of students who qualify for federal free or reduced lunch will participate in the program.

“Hunger shouldn’t be the reason why one student falls behind other students, especially not when we have efficient and effective programs like Breakfast after the Bell,” said Sen. Angela Giron (D-Pueblo), the bill sponsor.

The program eliminates the problem of kids who may not have the ability to get to school before the bell when breakfast is currently served.  In addition, it eliminates the stigma of having to eat breakfast at school because there is no food at home.  Through the program, everyone is equal and everyone eats together after school starts; for example, while the teacher takes attendance or during announcements.

Schools that have existing before-the-bell programs may continue the program, but must also start an after-the-bell program, too.

The federal government covers the vast majority of the cost of the program.

House Bill 1006 will now go to the Governor to be signed into law.

**House Passes Employment Discrimination Bill**

On Friday the House gave final approval to House Bill 1136, sending the highly controversial bill to the Senate.

One Democrat, Mike McLachlan of Durango, broke ranks with the majority party to join the Republicans in opposing the bill.

HB 1136 allows for the award of compensatory damages, punitive damages and attorney’s fees and costs to be brought against employers in State court for discrimination claims.  Federal law provides that employers with 15 or more workers are subject to all of the remedies provided in the bill.

Although HB 1136 extends those remedies to small businesses with 14 or fewer employees, it also allows discrimination cases to be brought against all employers in State court.

The introduced bill had a maximum of $50,000 in compensatory and punitive damages for employers with 14 or fewer workers.  The bill was amended to cap damages in the following way:

·      If the employer has one to four workers, the cap is $10,000.

·      If the employer has five to 14 workers, the cap is $25,000.

Another part of this amendment concerns the evidence that the plaintiff must show to recover punitive damages.   The introduced bill had the phrase, “a preponderance of the” evidence, which was amended to “clear and convincing evidence,” which is a higher legal standard.

The proponents of the bill still refuse to create a balance for the employer and employee on attorney’s fees and costs.

The U.S. Congress 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.  The Federal Government and almost all other states purposely exclude small businesses from exposure to expensive litigation costs.

If HB 1136 becomes law in its current form, Colorado will be one of only a handful of states to expose their smallest businesses to expensive litigation risks.

HB 1136 allows for attorney’s fees and costs to be awarded to an employee or job applicant who wins his or her case.  The measure, however, 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 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.

Additionally, HB 1136 allows the plaintiff and his or her attorney to file a lawsuit against an employer in State or Federal court, thereby “forum shopping” for the best deal.  HB 1136 will increase case loads in State courts where little employment-litigation currently occurs.

For more on HB-1136, read:

“[Bill to broaden discrimination damages against small businesses advances](http://www.bizjournals.com/denver/news/2013/04/17/bill-to-broaden-discrimination-damages.html?ana=e_den_rdup&s=newsletter&ed=2013-04-18&u=yjmElIPHG4SVzrgRviRbiiXDf3h),” by Ed Sealover, The Denver Business Journal, April 17th.

**Bipartisan Jobs Bill Passes Committee**

*Vote to Continue PTAC Program, Helping Businesses Get Government Contracts*

A bipartisan bill to continue the Colorado Procurement Technical Assistance Centers to help Colorado businesses grow passed the House on third reading on Friday.

House Bill 1301, sponsored by Reps. Su Ryden (D-Aurora) and Bob Gardner (R-Colorado Springs), continues the Colorado PTAC program, which offers education, counseling and technical assistance to entrepreneurs to compete for government contracts.  The bill also creates a task force to evaluate procurement strategies in other states, discuss management practices, develop a public-private partnership and develop a plan for the long-term funding of the centers.

“This program has been proven highly successful, and we want to see it continue,” Rep. Ryden said.  “We don’t know what exact shape the program might take, and that’s why we want to create a task force to see what will work best to keep those jobs coming to Colorado.”

Representatives from the Colorado Office of Economic Development & International Trade and the Colorado PTAC organization testified that these centers have a direct job impact and have helped create 35,000 Colorado jobs from 2010 to 2012.

**House Advances Unions’ Lockout Bill**

The House of Representatives on Friday passed House Bill 1304 on second reading.  The measure, by Representative Dominick Moreno (D-Commerce City) and Senator Lucia Guzman (D-Denver) allows an employee who is subject to an employer-initiated lockout to receive unemployment benefits.  It also removes the existing definitions of an offensive lockout, defensive lockout, and multiemployer bargaining unit.

At times, labor-management disputes can escalate to the level of an employer locking out employees.  Since 1996, however, Colorado workers have not experienced a lockout by any employer.

Under the bill, changes in state revenue are conditional upon whether an employer-initiated lockout occurs.

The amount employers contribute to the Unemployment Compensation (UC) Trust Fund is dependent on an employer's experience rating, which is assessed by the number of its employees who ultimately receive unemployment benefits.  A lockout could decrease an employer's experience rating, and thus increase the employer's premiums paid to the UC Trust Fund.

In addition, a lower fund balance will result in a loss of interest revenue to the UC Trust Fund, which currently earns 2.62% interest.

If a lockout does occur, it is estimated that each locked-out worker will receive $344 per week in unemployment benefits.  To illustrate the impact on expenditures from the UC Trust Fund, the Department of Labor and Employment would distribute approximately $3.44 million per week from the fund in a lockout of 10,000 employees.

The measure now awaits third reading in the House.

**Bill to Resolve Conservation Easement Tax Credit Disputes Introduced**

Senator Larry Crowder (R-Alamosa) last week introduced Senate Bill 281, which would require the Colorado Department of Revenue to settle all conservation easement tax credit disputes for credits claimed prior to July 1, 2008, by July 1, 2014.  The measure is the latest attempt to address the conservation easement tax credit program that has plagued the Department of Revenue since the early 2000s and has resulted in hundreds of tax credits granted for conservation easements to be rejected – sometimes years after the credit was granted.

In 2011, then State Representative Marsha Looper (R-Calhan) spearheaded a measure, House Bill 1300, that set up an expedited method for resolving disputed claims over conservation easement income tax credits.   HB 1300 allowed the donor of a conservation easement in a tax credit dispute, the option of either waiving the old administrative hearing process before the Department of Revenue and instead appeal directly to a district court, or request an expedited administrative hearing and final determination by the Department.

Many of the conservation easements in questions were put in place atop gravel deposits in the Arkansas River Valley with the tax credits being sold to third parties who then claimed the credit on their income taxes.

Supporters of Crowder’s SB 281 say the process established by HB1300 is taking too long and they are looking to establish a final date with which conservation easement tax credit disputes must be settled.

The Department of Revenue says the disputed cases involve more than $228 million in tax credits, interest, and penalties.

Senate Bill 281 has been assigned to the Senate Committee on State, Veterans, & Military Affairs where its fate is uncertain.

**Marijuana Bills Introduced**

Two measures, House Bills 1317 and 1318, have been introduced in the House of Representatives to begin the State’s efforts to regulate the recreational marijuana industry after the passage of Amendment 64 last fall.

The first measure, House Bill 1317 by Representative Dan Pabon (D-Denver), Chair of the Legislature’s Joint Select Committee on the Implementation of Amendment 64, creates the regulatory framework for retail marijuana and converts the Department of Revenue’s Medical Marijuana Enforcement Division to the Marijuana Enforcement Division and gives the Division the authority to regulate medical marijuana and retail marijuana.

The regulatory framework included in HB1317 follows the majority report of the Joint Select Committee.

House Bill 1318 by Representative Jonathan Singer (D-Longmont), a member of the Joint Select Committee, would place a measure on the 2013 statewide ballot asking voters to impose a sales tax and an excise tax on the sale of retail marijuana.  If approved by voters, there would be a sales tax of 15% on the sale of retail marijuana or retail marijuana products in addition to the normal 2.9% state sales tax and any local government sales tax that is imposed.  Additionally, there would be an excise tax of 15% imposed on the sale or transfer of unprocessed retail marijuana by a retail grow facility to a retail marijuana store, retail marijuana product manufacturing facility, or another retail marijuana grow facility.

HB 1318 is scheduled for a hearing in the House Committee on Finance on Thursday.

Amendment 64 which passed last November by a vote of 53% - 47%, required the state to regulate the industry in a similar manner in which the state regulates alcohol.  Amendment 64 also requires the first $40 million collected from excise taxes be transferred to the public school capital construction assistance fund.  Revenue collected from the additional sales tax will be distributed to each local government in the state that has one or more retail marijuana stores within its boundaries.  Additional excise and sales taxes collected would go to the marijuana cash fund for regulation and enforcement of the industry.

A third measure may be introduced in the Senate this week.  This measure, if introduced, is expected to follow the regulatory scheme supported by the minority of the Joint Select Committee whose position is more in line with the Governor’s Amendment 64 Task Force recommendations.

**Addressing Behavioral Health Services Head On**

On Wednesday the Senate Health and Human Services committee moved forward Senate Bill 266, legislation that addresses behavioral health in Colorado.  The state has been working to expand access to behavioral health services and a crisis response program is an essential part of the overall plan.

“The need is vast.  In fact, three in ten Coloradans are in need of behavioral health services.  The vast majority of people with behavioral health problems are nonviolent and need additional services.  For those who are a danger to themselves and others, the crisis services will be especially important,” said Sen. Jeanne Nicholson (D-Gilpin County), the bill’s co-prime sponsor.

This legislation is the first step in establishing a coordinated behavioral health crisis response system throughout Colorado.  It requires the Department of Human Services to seek proposals to implement a system of care.  The goal is to remove geographic and financial barriers to accessing behavioral health services.  The department will create five key programs:

1.     A 24-hour crisis telephone hotline

2.     Walk-in crisis services and crisis stabilization units

3.     Mobile crisis services

4.     Residential and respite crisis services

5.     A public information campaign to raise awareness of behavioral health needs and available services

Senate Bill 266, on Friday, passed the Senate Appropriations committee and now goes to the full Senate for consideration.

***Denver Business Journal*:  Lawmakers Kill Lawsuit Limits on Condo Defects**

Tort reform on construction defects in Colorado will have to wait another year.  After a hearing spanning two days, the Senate Judiciary Committee killed Senate Bill 52, a proposal by Sen. Mark Scheffel (R-Parker) to limit lawsuits over condominiums and townhouses that have brought construction of such residences virtually to a halt in the Denver area.

Sen. Jessie Ulibarri, a Commerce City Democrat who Scheffel thought would support the bill, instead voted against it Wednesday, saying he would prefer to wait for the results of an ongoing Denver Regional Council of Governments study on the lack of new multifamily projects and work with Scheffel on a solution over the summer.

No one denied that there is a problem with the lack of affordable, multifamily units for sale.

John Covert, Director of Greenwood Village-based market research firm Metrostudy, told committee members that 20,000 new condo and townhouse units were built in Denver in 2006 and 2007 — about 26 percent of the local housing starts for those years — and that just 2 percent of housing starts were in that category in 2012.

Several homebuilders said the reason for the shutdown in condo construction is a Colorado law that allows homeowners associations for multifamily units to sue the builder if two or more of the units have defects.  Those lawsuits can lead to decisions costing builders $20 million or more.

“We end up getting sued on virtually every multi-family community we build,” said Chetter Latcham, Shea Homes Colorado President, who added that such development has gone from 50 percent of the company’s construction stock in 2006 to 0 percent in 2012.

Under SB 52, builders of multifamily units in transit-oriented developments would have had a right to repair any alleged defects before dealing with legal action, would have been able to bring any legal claims to binding arbitration, and would have been immune to lawsuits for environmental conditions related to transit and retail development, such as noise, odors, light and vibrations.

Scheffel chose to focus on transit-oriented development — a definition he narrowed to anything within half a mile of a light-rail line — because mayors and economic developers are trying to get builders to create condos near the new RTD lines.

But critics said the bill was a premature attempt to fix a problem whose link to Colorado law is not yet established, and that it could provide an incentive to people to buy property away from transit lines because they have more legal rights with that property.

And a number of homeowners associations said that they need the right to sue builders because they have made other efforts to get problems in their condos fixed and faced great resistance from them.

“What the bill does is give an unfair advantage to the less-than-stellar developers,” said Molly Foley-Healy, a special counsel for the Denver law firm of Winzenburg, Leff, Purvis & Payne LLP.  “The right to repair is a significant issue.”

In the end, SB 52 died on a party-line 3-2 vote, with Republicans on the committee supporting it and Democrats opposing it.

Scheffel is a resilient legislator — this is the man who’s brought bills pushing some form of business personal property tax relief for five straight years — and you can bet he’ll be back with some effort at limited construction-defects tort reform next year.

But the opposition to SB 52 shows that the battle lines on this issue may be hard to overcome, even for such a limited scope as condominiums along the light-rail lines.

**House Passes VoIP De-Reg Bill**

On Friday the House of Representatives passed House Bill 1255 – Internet Protocol-Enabled Services – by a vote of 62-0.  The measure, sponsored by Reps. Angela Williams (D-Denver) and Carole Murray (R-Castle Rock) and Sens. Andy Kerr (D-Lakewood) and Mark Scheffel (R-Colorado Springs), exempts from regulation by Colorado’s Public Utilities Commission (PUC), internet protocol-enabled services and voice-over internet protocol service (collectively, “VoIP”), and any new service not currently regulated.

The bill continues to give the Public Utilities Commission authority over 9-1-1 emergency services.

Supporters of the measure say it is necessary to encourage high-tech investment and innovation in Colorado.

Internet Protocol (IP) is the common language that virtually all forms of technology can understand and communicate.  It is the broadband technology of the future rapidly being deployed to meet consumer demand for popular apps that connect people to their daily lives such as Facebook, Netflix, ehealth, email, Skype, and online banking... just to name a few.

IP allows seamless communication between televisions, home and mobile phones, laptops and tablets and is capable of offering a greater variety of advanced services at speeds many times faster than those delivered on old legacy copper-based networks.  It allows voice communications, data transmissions and Internet applications to be seamlessly delivered around the globe instantaneously.

The bill was amended on 2nd reading to include an amendment supported by Century Link to help modernize traditional telephone regulations and to include a study to address “Next Generation 911” services.

28 states have enacted laws similar to HB 1255, most recently Wyoming and Kansas.

The bill now moves to the Senate and is awaiting committee assignment.

**Representative Carole Murray to Constituents:  Protecting the Integrity of Our Electoral Process**

The General Assembly is currently considering a sweeping elections bill that will forever alter the way elections are conducted in Colorado.  House Bill 1303, sponsored by Democrat House Majority Leader Dickey Lee Hullinghorst of Boulder, allows voters to register and cast a ballot on the same day of an election but does not require a photo ID or offer any safeguards in the event that the state's voter registration system fails.

The implications of this bill are enormous for Colorado.  Same-day voter registration makes fraud a real possibility and it’s important for lawmakers to work together on ways we can remedy the many concerns this bill raises.

Never before have such sweeping changes to our electoral process been proposed without consulting both sides of the aisle.  Unfortunately, this bill was negotiated behind closed doors, without any input from Republican lawmakers or Colorado’s top election official:  Secretary of State Scott Gessler.

In addition to allowing same-day voter registration, the bill also disproportionately affects elderly voters by eliminating local precinct polling places and virtually mandating an election by mail-in ballot only.  The Democrats' bill also sends inactive voters a mail ballot, even if they died or moved to a new address within Colorado or out of state.

Colorado ranked third in the nation last year in overall voter turnout.  The Democrats’ bill aims to fix a system that’s not broken.  Participation in elections increases when voters feel secure that the election was fair and free from fraud.  Unfortunately, House Bill 1303 aims to accomplish the opposite.

We pledge to fight this disingenuous attempt at reform and encourage you to contact your elected Representative to make sure your voice is heard on this important issue.

Thank you,

Rep. Carole Murray (R-Castle Rock)

**Lt. Gov. Garcia Releases 2012 Remedial Education Report**

On Tuesday Leiutenant Gov. Joe Garcia and the Colorado Commission on Higher Education released the Colorado Department of Higher Education’s 2012 Remedial Education Report to the Legislature.

Overall, the percentage of 2011 high school graduates assessed as needing remediation or enrolling in remedial classes in at least one subject was 40 percent, a slight decrease from the previous year of 41 percent.  At the institution level, 66 percent of students enrolled in a community college and 24 percent of students at a four-year institution needed remediation.  Most students required remediation in mathematics (51%), followed by writing (31%) and then reading (18%).

“Remediation is rightly a serious concern for educators, policymakers, parents and students,” said Garcia.  “The initial results of remedial education reform are promising and Colorado will continue its strong press forward to see that all students earn a postsecondary credential.”

The report finds that Colorado is succeeding in retaining more students who entered college in need of remediation.  For the first time since annual reporting began in 2001, there was no difference in the first-year retention rates of remedial and non-remedial students at community colleges.  At the four-year level, the retention rate for students not assigned to remediation was 79 percent compared to 60 percent for those needing remediation.  These improvements suggest that institutions throughout the Colorado postsecondary system are realizing noteworthy gains in addressing students’ academic needs.

This report uses a new method of calculating remediation rates that provides a more complete depiction of the remedial needs of the Colorado high school Class of 2011.  Changes include 1) focusing on a high school graduating class and 2) incorporating both students assessed as needing remediation and those enrolled in remedial classes.  Three years of remedial rates using the new method are included for context; rates provided in prior reports and calculated under the previous method are not comparable.

Numerous efforts are underway at all levels of the P-20 system to reduce the need for remedial education and improve student success in college.  In February, the state board overseeing the Colorado Community College System approved policy changes designed to shorten the amount of time students spend in remedial courses.  Full implementation is set for fall 2014 but campuses already are moving to eliminate some courses, combine others and create new supports for students that accelerate their remedial work.  For example, some students assessed as needing remediation will go straight into college-level courses but will also participate in a companion lab class to ensure they’re progressing.  The overall goal is to reduce time spent in remediation to one semester or less.

Colorado high schools are making greater use of concurrent enrollment to prepare students whose high school exams show they are likely to need remediation.  With this strategy, high school seniors enroll in college remedial courses so they can complete those classes and go straight into college-level work when they arrive on campus.  Between 2010-11 and 2011-12, concurrent enrollment in remedial courses grew by 39 percent, with the largest such enrollments at Community College of Denver and Community College of Aurora.

Lastly, through its federally-funded GEAR UP program, the Department of Higher Education is piloting a program in schools with high proportions of free/reduced-lunch eligible students.  This pilot offers remedial math courses to students as early as the eighth grade.  The results are promising:  100 eighth- and ninth-graders already have completed their first remedial math course; 99 of those are working on the second course and 1 student has finished his third course.  Another 589 eighth- and ninth-graders are working on their first remedial course, with at least a third of those expected to complete the class by the end of the school year; the others will pick up where they left off this fall.  With remedial classes completed, students then begin college courses as early as grade 10.

A complete copy of the 2012 Remedial Education Report can be found at the Department of Higher Education’s website, <http://highered.colorado.gov/dhedefault.html> under the “What’s New” section.

*About Concurrent Enrollment*

Concurrent enrollment programs include all programs where students are simultaneously enrolled in high school and in one or more postsecondary level courses.  Approximately 24,000 or 19 percent of Colorado’s high school students participate in dual enrollment programs.  Overall participation increased by 15.5 percent over the past school year.  On average, more than 85 percent of the participating students enrolled in college.  Seen as a key strategy of Colorado’s Master Plan for college completion, concurrent enrollment programs improve academic success for first-year college students.  These students have higher first-year retention rates, a positive predictor for future degree attainment.

*About GEAR UP*

GEAR UP, a federally-funded grant program, serves low-income students who typically are the first in their families to go to college.  The program places full-time pre-collegiate advisors in two dozen middle and high schools across the state.  Through intense advising and innovative strategies such as early remediation, GEAR UP students graduate high school, enroll in college and persist through the first year of college at higher rates than state averages.  To learn more, visit [www.ColoradoGEARUP.org](http://www.ColoradoGEARUP.org).

**Senate Gang of 8 begins Releasing Details of Federal Immigration Plan**

Last week the US Senate’s Gang of 8 released the text of its 844-page immigration reform bill.  The bill authorizes 4.5 billion for heightened border security measures, including hiring more border control agents, and creates a pathway to citizenship conditional on strengthened border security.

A few details of the plan include:

·      Undocumented immigrants who immigrated to the US before December 31, 2011 and who have maintained a continuous presence since then will be able to apply for Registered Provisional Immigrant Status (RPI) only after the Department of Homeland Security has begun implementing strengthened border security strategies.

·      Except for agricultural workers and those eligible for the DREAM Act, those with RPI legal status will not be able to apply for Lawful Permanent Resident status until the Secretary of Homeland Security has certified that certain border security benchmarks have been met, including the implementation of a mandatory employment verification system and a 90 percent effectiveness rate at halting illegal border crossings.

·      Agricultural workers and those eligible for the DREAM Act will be eligible for green cards five years after they receive RPI status, with those eligible for the DREAM Act able to apply for citizenship immediately after they get their green cards.

The Senate Judiciary Committee held a hearing on the bill Friday.  After requests from Senate Republicans, Committee Chairman Patrick Leahy (D-VT) scheduled a second hearing on the legislation to give the Members more time to review it.  The second hearing will be held on Monday, April 22.

Leahy said in his statement to the Judiciary Committee, “The bipartisan proposal establishes a path to citizenship for the 11 million undocumented immigrants in this country.  It addresses the lengthy backlogs in our current immigration system – backlogs that have kept families apart sometimes for decades.  It grants a faster track to the “dreamers” brought to this country as children through no fault of their own, and to agricultural workers who are an essential part of our communities and work so hard to provide our nation’s food supply.  It makes important changes to the visas used by dairy farmers and the tourism industry and by immigrant investors who are making investments in our communities.  It addresses the needs of our law enforcement community, which requires the help of immigrants who witness crime or are victims of domestic violence.  It improves the treatment of refugees and asylum seekers so that the United States will remain the beacon of hope in the world.”

***Denver Post*:  Top Medical Pot Investigator Named Chief of Erie Police**

Denver Police Department veteran and former state medical marijuana investigator Marco Vasquez will succeed the retiring John Hall as the town of Erie's new Chief of Police.

Vasquez has more than 40 years in law enforcement and was most recently the Chief of Investigations for the Colorado Medical Marijuana Enforcement Division.

While there, Vasquez assisted the Colorado Department of Revenue in creating the agency.

**Colorado State University Study Reveals Opportunities for Colorado Agriculture**

A newly released Colorado State University study reveals linkages that tie Colorado’s agriculture industry together, and provides an opportunity to build bridges between the different commodities and communities that make up Colorado agriculture, including the food, beverage and green industries.

“The Value Chain of Colorado Agriculture” is a joint project funded by CSU’s Office of Engagement and the Colorado Department of Agriculture.  The study maps the economic relationships among the various sectors of Colorado’s agricultural industry, which is one of the largest contributors to the state’s economy.

“The value chain analysis is exciting for Colorado’s agricultural industry,” said Colorado Commissioner of Agriculture John Salazar.  “We can now base decisions that shape our future on comprehensive information encompassing all of Colorado’s agriculture industries instead of individual commodities.  This provides everyone from consumers to producers to policy makers the opportunity to form decisions based on a common starting point.”

Colorado agriculture, which annually contributes at least $40 billion in sales to the state’s economy, is often seen as a collection of separate commodity groups.  The value chain study makes connections among the sometimes-disparate industries and sectors that nonetheless share common resources, constraints and opportunities.

Five broad segments were included in the study:  agricultural inputs; primary agricultural production; agricultural output marketing, processing and manufacturing; wholesaling; and retailing.  In all, more than 125 distinct economic activities, sub-sectors and industries were tied to the value chain.

Results of the value chain study can aid with strategic decision-making on issues ranging from workforce to natural resources to regulatory policies.  In the end, the study is designed to promote additional conversations that can result in calculated investments and innovative solutions for Colorado agriculture.

“There are only a few regions in the U.S. with a comparable confluence of agriculture, research, technology, and urban resources; bringing together farmers and foodies; bringing together farm sector investors and venture capitalists to enable them to learn from one another,” said Gregory Graff, Associate Professor in the CSU Department of Agricultural and Resource Economics and the lead author on the study.  “This overlap of agriculture on a significant scale and scope and a high-tech urban corridor holds all of the ingredients necessary to spawn an innovation cluster.”

A series of outreach meetings with various agricultural interests around Colorado is being planned.

The complete study and related documents (PDF) are available at [www.outreach.colostate.edu](http://www.outreach.colostate.edu).

**The Council of State Governments – *WEST*:  Agriculture and Your State’s Economy**

Every state has some agricultural production, even Rhode Island with only 1,045 mi2 of land produced $62 million worth of agricultural products in 2011.  When compared to California's $43.5 billion in agricultural production it may not sound like much, but it is still an important part of their economy and the total U.S. economy.  In 2011 net farm income nationwide reached an all-time high of more than $98 billion and U.S. farm exports totaled $137.4 billion, about 9% of all exports in 2011 were agricultural.  Additionally, according to the USDA more than 23 million jobs, which comprise 17 percent of the civilian workforce, are involved in some facet of American agriculture.

The West has a great agricultural heritage that was facilitated by the vast amount of public lands that ranchers were allowed to graze their cattle and make a living.  This tradition continues today in states with large amounts of public lands.  For example, in Wyoming almost 80% of the livestock income comes from cattle and in Montana it amounts to 96%.  However, cattle are only part of the picture of the western agricultural heritage.  The west also produces large amounts of fruits, vegetables, and nuts.  California produces 100% of the domestic almond supply, and 75% to 80% of worldwide production, while Washington produces 65% of the nation's apples.

This year Congress will again try to take up an update to the Farm Bill.  Last year's attempt to make changes to the bill stalled in the House after passing the Senate.  Currently, the Farm Bill is operating on a one-year extension of the existing bill with the hopes that an updated package will be able to pass Congress this year.  Congress is trying to come up with an agreement that will reduce the costs of the Farm Bill by $23 billion over the next ten years while addressing issues such as crop insurance and farm subsidies.

How does Agriculture stack up in your state? [Click here](http://r20.rs6.net/tn.jsp?e=001xE5-ugalFE20DeZKfwfBjFmvHRwo-IoClW2w-CXrnBPYa7ntXHFd8Zb_xGle8hZ2fN1hWaltVs67qlDM906NSAibvQR2iXQUWs5CZ0qyeHexTHQL7Ww901QDgOEF9bu93DwT0ukxnrn41CpSkrsEJ-4G4Wc4DuUWTu_FozMy1ZHP4k6iHPtsVdcPvF3HmgdkzXWKKs8yjb8pVDWsvYBSYOinEN2v_lt1CoxTeplr_YM5ypL_z6uLK4yk_GBS2Lah2R3K_b-e20NO3BZ3evtvbw==) to see data for your state.

**The Watercooler**

The Colorado Water Congress did not meet this week.

**The Calculator**

House Bills Introduced:  319

Senate Bills Introduced:  282

Number of Bills PI'd:  117 (19%)