*“Politicians are people who, when they see light at the end of the tunnel, go out and buy some more tunnel.” – John Quinton*



April 29, 2013

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

***Days Until Sine Die:  10***

**House Advances Renewable Energy Bill Despite Concerns of Rural Legislators**

The House of Representatives on Friday continued debate on Senate Bill 252, a measure to increase the amount of renewable energy certain rural electric cooperatives and generation and transmission entities must incorporate into their energy portfolios.

Friday’s debate was a continuation of discussion on the bill that began Thursday evening but concluded without action as tempers flared.

Thursday evening’s debate heated up when Representative Crisanta Duran (D-Denver), a co-prime sponsor of the measure, said the purpose of the bill is to help rural Colorado.

“What is your plan?  What is your plan to help these areas?  Because I haven’t seen one,” Duran asked her Republican Colleagues, all of whom oppose the measure.

But Rep. Jerry Sonnenberg, a Republican from Sterling and ranking member of the House Agriculture Committee disagreed.

“Quite frankly we don’t need your damn help in rural Colorado,” Sonnenberg responded, earning applause from members of the Republican Caucus.  “Rural Colorado doesn’t need the help of the legislature telling them what the hell to do.”

SB 252, as introduced, would require Tri-State Generation and Transmission to generate 25% of the electricity it sells to come from renewable energy resources.  It would also require Inter-Mountain Rural Electric Association, the only rural electric cooperative in the state that serves over 100,000 customers, to increase from 10% to 25% the share or retail electricity sales that must come from renewable energy resources.

The House amended the measure on Friday to reduce the renewable requirement from 25% to 20% in order to lessen the cost impacts to the cooperatives and its customers.  Another amendment modified the bill’s distributed generation requirement, lowering the mandate from 1% of sales to three quarters of a percent of retail electricity sold for those cooperatives with less than 10,000 customers.

The bill has become one of the most contentious measures the General Assembly has considered this year, pitting Tri-State and the rural electric cooperatives against the environmental community and renewable energy advocates.

Tri-State claims the measure would cost roughly $3 billion to comply with.  But the environmental community, those familiar with the impacts of Amendment 37 on Xcel Energy, and even some of the rural electric cooperatives say the real cost is likely significantly lower than Tri-State’s projections.

The House still must give final approval to SB 252 on third reading when it is believed the measure will be amended further.

**Medicaid Expansion Passes House on Party Line Vote**

The House of Representatives passed Senate Bill 200 on third reading on Friday.  The bill, sponsored by Speaker of the House Mark Ferrandino (D-Denver) significantly expands Colorado’s Medicaid program and is projected to cost Colorado more than $850 million over the next ten years, according to the Kaiser Family Foundation.

Senate Bill 200 uses federal funds to pay for the first three years of the expansion.  That funding gradually declines, with the state making up 10 percent of the program’s costs by 2020.

Senate Bill 200 now heads back to the Senate for reconsideration.

**Universal Health Care Study Bill Defeated**

This week the House Committee on Health, Insurance & Environment killed Senate Joint Resolution 21 sponsored by Senator Irene Aguilar (D-Denver).  The measure would have created an interim legislative committee to study ways to create a statewide health care system in Colorado.

Two Democrats, Dave Young of Greeley and Sue Schafer of Wheat Ridge, joined the Republicans on the committee in killing the measure.

SJR 21 is the second measure this legislative session sponsored by Sen. Aguilar concerning a universal health care system in Colorado.

The first measure, Senate Concurrent Resolution 2, would have placed a measure on the statewide ballot for voters to consider the creation of a universal health care system.  But Aguilar killed this measure while it was still being considered by the Senate after failing to garner bi-partisan support.

**Eight Working Days Left, Telecom Battle Yet to be Waged**

With only eight working days left in the legislative session, the telecommunications industry is gearing up for what could be the last major battle the General Assembly will see before adjourning on Wednesday, May 8th.

Late last week Senate President John Morse (D-Colorado Springs) unveiled a draft bill to make major changes to the state’s telecom laws.  One of the most contentious provisions included in the bill would allow for telecommunications providers to receive financial support from the state’s high cost fund for the build out of broadband internet service for unserved and underserved areas of the state.

Viaero Wireless, based in Fort Morgan, is supporting this change.  But most of the other major telecommunications companies are opposed, saying state subsidies should not be used for areas where private industry is already making financial investments (underserved areas) and the subsidies could lead to overbuilding of infrastructure in some areas.

Also, the draft bill exempts voice-over-internet protocol (VoIP) service and basic local exchange service from regulation in geographic areas in which the Public Utilities Commission (PUC) has determined effective competition exists.  This provision is contained in House Bill 1255, which Morse vows to kill.

Senator Mark Scheffel (R-Colorado Springs), a co-prime sponsor of HB 1255 wants Morse to also include in his bill a provision that would exempt telecommunications equipment from state sales tax, which could cost the state up to $10 million per year.  Telecom providers say the tax credit would help make Colorado more competitive and drive more private investment in the industry.

House Bill 1255 passed the House on Friday, April 19, with unanimous support.   The other co-prime sponsors of that measure include Representatives Angela Williams (D-Denver) and Carole Murray (R-Castle Rock) and Senator Andy Kerr (D-Lakewood).  The bill also has sixty-four House and Senate cosponsors.

Morse’s draft bill includes co-prime sponsors Senator Jeanne Nicholson (D-Blackhawk) and Representatives Mike McLachlan (D-Durango) and Jerry Sonnenberg (R-Sterling).  In an attempt to make the bill more bi-partisan, Senator Morse is trying to persuade Senators Scheffel and Greg Brophy (R-Wray) to sign onto the bill as cosponsors as well.

**House Passes Kelsey Smith Act**

The House of Representatives on Friday gave final approval to a bipartisan measure to help save abducted Coloradans.  House Bill 1308, sponsored by State Reps. Bob Gardner (R-Colorado Springs) and Daniel Kagan (D-Cherry Creek), gives law enforcement the ability to obtain the location of abducted persons through cell phone information.

“If someone is abducted, we need to have every resource available to rescue them,” Gardner said.  “Under this bill we can quickly obtain access to their location in the event of a life or death situation.”

In 2007, 18-year-old Kelsey Smith was abducted in broad daylight outside a mall in Kansas.  She was taken 20 miles across state lines to Missouri where she was raped and killed.  It took law enforcement and her family four days to obtain their daughter’s cell phone data from her cellular provider, but within 45 minutes of obtaining Kelsey Smith’s cellular data, law enforcement was able to locate her body.

“I can’t tell you how frustrating it is as a father, to not know where your child is,” testified Kansas State Sen. Greg Smith, Kelsey Smith’s father, during the bill’s first public hearing.  “We’re providing a way for law enforcement to find them.”

Kelsey Smith’s death prompted at least 9 states to enact the Kelsey Smith Act to protect victims and prevent abductions.

The measure now moves to the Senate for further consideration.

**House Advances Measure to Implement Amendment 64**

The House of Representatives on Friday evening passed on second reading House Bill 1317, which implements major provisions of Amendment 64 by creating the Colorado Retail Marijuana Code.

The measure, sponsored by Representative Dan Pabon (D-Denver), renames the Medical Marijuana Enforcement Division (MMED) in the Department of Revenue (DOR) as the Marijuana Enforcement Division (MED) and gives the MED the authority to regulate both medical and retail marijuana.

The bill also:

·      Creates a regulatory system for retail marijuana under which existing medical marijuana businesses have the option to convert to retail businesses or to operate both medical and retail businesses;

·      New entities seeking recreational only marijuana licenses must file their applications in January of 2014 with licenses being issued beginning in October 2014;

·      Allows Colorado residents to purchase up to one ounce of marijuana in a single transaction;

·      Limits nonresidents to purchases of no more than one quarter of an ounce in a single transaction;

·      Requires DOR to begin taking retail marijuana license applications no later than October 1, 2013;

·      Creates new license types for retail marijuana stores, products manufacturers, cultivation facilities, and testing facilities;

·      Prohibits testing facilities from having an interest in any other type of medical or retail marijuana business;

·      Requires retail marijuana businesses to procure a $5,000 surety bond as a guarantee that the business will pay its sales and excise taxes;

·      Allows licensed retail marijuana stores and products manufacturers to either grow their own marijuana or purchase it from a retail marijuana cultivation facility;

·      Allows DOR rules to address a range of topics including licensing, fees, security, labeling, health and safety standards, advertising, enforcement, penalties, inspection procedures, and audits; and

·      Allows DOR the ability to limit the number of licenses that it issues as well as limit the amount of production permitted by a retail marijuana cultivation licensee.

The bill now awaits third reading and final passage in the House before heading to the Senate for consideration.

***Denver Post*:  Colorado Lawmakers Discussing Marijuana-Legalization Repeal Effort**

A proposal that could lead to the repeal of marijuana legalization in Colorado has gained momentum at the state Capitol.

The repeal would be linked to a measure on marijuana taxes that is expected to go before voters in November, according to legislators and advocacy groups involved in the discussions. The premise is that, if voters do not approve the taxes, then Amendment 64, the initiative passed just months ago to legalize marijuana, would be repealed. It's also possible that voters would be given a choice of repealing marijuana legalization if the taxes don't pass.

After only a few days of behind-the-scenes talks, the proposal emerged publicly Friday. The leaders of both chambers are receptive to the plan.

To read more about the repeal effort, click here <http://www.denverpost.com/breakingnews/ci_23112951/colorado-marijuana-legalization-backers-say-repeal-effort-is?IADID=Search-www.denverpost.com-www.denverpost.com>.

**Governor Signs Bill Allowing Private Operation of Parking Structures at RTD Stops**

Governor John Hickenlooper on Friday signed into law Senate Bill 27 by Senator Nancy Todd (D-Aurora) and Representative Kevin Priola (R-Henderson).  The measure authorizes any public or private entity to lease, own, or operate a public parking lot or structure at or near a regional transportation district (RTD) mass transit station and to charge parking fees. The bill was strongly supported by the Aurora Chamber and received the endorsement of the both the Chamber Transportation and Government Affairs Committees.

Current law prevents the Regional Transportation District from charging parking fees, unless vehicles are parked for more than 24 hours, vehicles are registered from outside the transportation district, or if spaces are reserved.

The “third party” agreements established by SB27 allow private companies, special districts, authorities or local governments, to manage RTD parking facilities.  These third parties will have full parking management capabilities.

Third party agreements also help RTD, local governments, and/or private developers to meet the anticipated demand for parking along transit stations.

For example, along the I-225 corridor, the current budget allocates 600 surface parking spaces at the Iliff Station, while the City of Aurora, through a parking management study, estimates a demand of 900 to 1100 parking spaces.  The revenue generated from a third party agreement could be an important source of funding to pay for the needed additional spaces, ensuring that all transit riders will have access to parking accommodations.

**CCJL:  Hispanic Activist Says Trial Lawyers Hijacking Civil Rights Movement**

Two years ago when Colorado legislators killed a bill very much like this year's House Bill 1136, which exposes business owners to as much as $300,000 in new claims for "emotional pain and suffering," an unexpected voice applauded the defeat of that bill.

Pueblo's Al Gurule is an icon of the Chicano movement.  In 1968, he and a classmate picketed the State Capitol to demand a special session on civil rights issues.  The next year, he helped sponsor the first Chicano student organization at Southern Colorado State College (now CSU-Pueblo).

Demanding changes in the way Chicanos were treated, Gurule led student protests against Safeway, in support of Caesar Chavez's *La Causa*, and a demonstration at the college pub to protest hiring practices of Coors Brewery.

He became the La Raza Unida Party's candidate for Governor and was later elected to the Pueblo City Council, also serving as its President.  He is also a business owner.

"It is tragic that a needed legitimate framework of laws has been hijacked by opportunists filing frivolous lawsuits on the backs of true victims that span the history of our country," Gurule wrote in a *Pueblo Chieftain* column.

Senate Bill 72 (2011) made many of the same changes now proposed in House Bill 1136, which passed the Colorado House last week and could be debated in the Senate as early as today.

"As a Hispanic and civil rights advocate who has experienced racism, I find it revolting that some individuals utilize laws that were meant to protect people with valid claims as a means of making money and holding an employer hostage with ambulance chasing attorneys," he continued.

"As a liberal Democrat, I discourage support of SB 72.  The goal is to protect individuals against discrimination and to level the playing field for all regardless of race, age, gender and sexual orientation.  Filing frivolous lawsuits with the intent of capitalizing at another's expense is not a solution to the problem.

"When 92 percent of complaints filed with the Colorado Division of Civil Rights don't have or show probable cause, SB 72 was not penned to protect, but to reward unscrupulous attorneys and their clients by giving them the ability to collect punitive damages and attorney fees."

After reviewing this year's HB 1136, Gurule said, "I stand by what I wrote in the newspaper."

Hopefully Gurule's voice can cut through the fog of distortions and disinformation now being used to suggest that giving trial lawyers the tools to file more dubious lawsuits will somehow be beneficial to hard-working Coloradans**.**

**###**

House Bill 1136 received final approval from the Senate on Thursday after passing the House earlier this month.

HB 1136 extends to employees the right to sue employers for compensatory (pain and suffering) damages, punitive damages and unlimited attorneys’ fees in an unemployment lawsuit.

“This bill singles out the smallest employers by giving trial lawyers the ability to sue for damages far greater than a company’s ability to pay,” said Senator Steve King (R-Grand Junction).  “The cost of defending against a frivolous lawsuit can cost a small business up to $150,000.  When Coloradans are looking for work, Democrats have decided to target the small businesses that create the majority of new jobs in Colorado.”

Currently Federal law provides that only employers with 15 or more employees are subject to the remedies provided in House Bill 1136.

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

The bill now goes to the Governor for his consideration.

**CO Senate makes Bi-partisan Plea Urging Action on Immigration Reform**

On Wednesday the Colorado Senate passed Senate Joint Memorial 3, a bi-partisan resolution concerning comprehensive immigration reform and urging action by the 113th Congress.  Passing 33-2, the resolution was brought forward by Latino Caucus member and Asst. Majority Leader, Senator Irene Aguilar (D-Denver).

Remarks on the Senate floor recognized the importance of immigrants’ contributions to the social and economic fabric of the state of Colorado while acknowledging that the federal government’s inability to enact immigration reform has led to a patchwork of state laws that inadequately address immigration-related problems.

The resolution calls for Congressional action for reform that provides a fair, equitable, and realistic mechanism that keeps families together wherever possible, promotes small business and economic growth, and provides long-term, practical and enforceable solutions to our broken immigration system.

“It’s a serious issue.  It affects the lives of millions of people across the Country, said Senate Minority Leader Bill Cadman (R-Colorado Springs).  “We need Congress to pay attention…”

“I think what this espouses are the principles that we probably share and that hopefully they (Congress) will incorporate as they move forward with a plan to get their job done.  Its time,” Cadman Continued.

The resolution will be moved forward to the Colorado House of Representatives where it will be carried by Latino Caucus co-chair Rep. Joseph Salazar (D-Thornton) and Representative Jerry Sonnenberg (R-Sterling).  It is expected to also garner bi-partisan support in that chamber.

After it is approved by the Colorado House, the joint resolution will be delivered to the US Speaker of the House, President of the US Senate, members of Colorado’s congressional delegation, and the Governor of Colorado.

**Rep. DelGrosso to Constituents:  Keeping Colorado Competitive**

(Excerpted from a letter to his constituents) Last week, the House of Representatives unanimously voted to extend Colorado’s Job Growth Incentive Tax Credit by an additional five years.  I sponsored House Bill 1287 because I know how fragile Colorado’s economy is and we need all the tools available to save and create jobs here in our state.  This tax credit is a financial tool we use to attract and keep jobs in Colorado.  It helps keeps us competitive with other states.  The performance-based tax credit provides an income tax credit to businesses undertaking new job creation projects in Colorado.

To qualify for the credit, businesses must create at least 20 new full-time jobs in Colorado and pay an annual wage that is at least 110 percent of the county average wage where the business is located.  These businesses must also be in direct competition with at least one other state.

**“This is a program we use in competitive situations.  It is a conservative, very fiscally prudent approach to economic development.”** ***- Ken Lund, Director of Colorado’s Office of Economic Development and International Trade***

My bill also provides a mechanism that makes it easier for rural Colorado to take advantage of the program.  The job growth tax incentive program has already led to 27 businesses coming to or expanding in Colorado and has already created more than 7,000 new jobs in just three short years.  Taking steps like these will build a better future for Coloradans and a stronger economy.

Thank you,

[Rep. Brian DelGrosso](http://app.cooleremail.com/c.pl?c3dac65a781039cf3e53ab9237642d5e779c43303082e0b9)

(R-Loveland)

House bill 1287 was introduced in the Senate on Monday and assigned to the Senate Committee on Business, Labor, & Technology.

**Pedal The Plains Rides South for Second Annual Tour**

On Wednesday Gov. John Hickenlooper, The Denver Post and the Office of Economic Development and International Trade announced the route for the second annual Pedal The Plains Bicycle Tour, scheduled for Sept. 20-22, 2013.

The tour this year will stop in Eads, Lamar and La Junta.

“The rolling hills and sweeping vistas of Colorado’s southeastern plains are some of the most beautiful landscapes in the state,” Hickenlooper said.  “Last year’s Pedal The Plains tour was a blast and this year is going to be a phenomenal sequel.”

Pedal The Plains, sponsored again by Fort Morgan-based Viaero Wireless, gives riders and spectators an opportunity to explore the communities and landscape of Colorado’s Eastern Plains.  Each host community on this year’s route will feature live entertainment, interactive educational offerings and family-fun activities for event participants, volunteers and spectators.

Last year’s ride featured stops in Yuma, Burlington and Wray.  The event proved to be economically beneficial for the state and the host communities.  The inaugural event had a regional economic impact of more than $250,000 and catered to nearly 1,000 cyclists over three days.

All proceeds from Pedal The Plains benefit The Denver Post Community Foundation in support of the National FFA Organization and Colorado 4-H.

“We couldn’t be more pleased with this year’s route,” said Chandler Smith, Tour Director of Pedal The Plains.  “Each stage lends itself to a number of educational opportunities and the views are all incredible and uniquely Colorado.”

Cyclists of all ages and abilities may select from the following ride offerings; three-day tour, century ride and family fun ride.  Online registration is now open at [pedaltheplains.com](http://pedaltheplains.com/).

**Board study group suggests communication improvement with legislators**

A Chamber Executive Board study group headed by Vice Chair for Public Issues Tom Henley  (***Xcel Energy***) has proposed an upgraded approach to communicating with State Legislators—especially those in the Eastern Metro area.

“We think all our members could benefit from being more pro-active with our Aurora and Eastern Metro Delegation to provide them with clear and timely positions on legislation that our Public Issues committees (Government Affairs, Education, Energy, Transportation and Healthcare), and Defense Council deem critical to the business and professional community,” Henley told the Board at their meeting on April 24.

Chamber President Kevin Hougen echoed Henley telling the Board he felt the Chamber, through its Boards, Committees and membership needed to more forcefully communicate its position to State Legislators.  “We need to make it clear that we are watching not only individual votes, but the collective votes of all the delegation,” Hougen said.  “And we also, when appropriate, need to let them know how strongly we feel about what they are voting on.”

As a result, the Board agreed to support a procedure that would direct a call and e-mail to the Aurora/Eastern Metro Delegation whenever the committees that are tracking key issues have reached a position on a given piece of legislation.

“What has been proposed is a classic grass root lobbying approach that can be quite effective in clearly defining our position and communicating it to the delegation,” said Board Chair Jeff Thompson (***University of Colorado Health***) in approving the committee’s work.

The group’s first effort was a proposed communiqué regarding HB 13-1304, “Unemployment Compensation Benefits Due to Lockout.”

The Government Affairs Committee is where most legislative issues are tracked and discussed.  Open to all Chamber members, it meets on first Thursday of the month when the State Legislature is in session (January through May).  During that time an additional meeting on the third Thursday of the month is added.  The next Government Affairs Committee meeting is scheduled for Thursday, May 2 at 8 a.m. at The Chamber.

**Hougen testifies against HB 1304—loses to party vote**

Chamber President Kevin Hougen was one of a number of business leaders who took time to present their case against HB 1304, the *Unemployment Compensation for Benefits Due to Lockout* before the Senate Judiciary Committee on Apr. 29. Hougen had earlier appeared before the House Business, Labor, Economic, & Workforce Development Committee where the bill also passed on a party line vote.

He told both committees that the bill was, in his view, a solution looking for a problem. In fact, a similar bill, HB 1170, was passed by the legislature in 2009, but vetoed by then Governor Bill Ritter. The bill would have allowed the Colorado Dept. of Labor and Employment to decide whether a lockout was defensive or offensive, thus determining if the union workers should receive Unemployment Insurance benefits.

Hougen said HB 1304 removes the distinction between an “offensive lockout” and a “defensive lockout” so that a unionized worker could claim Unemployment Insurance benefits if a lockout occurs.

He told the group that The Aurora Chamber of Commerce and its 1,200 businesses with more than 250,000 employees had two primary concerns about the HB 1304.

--Unemployment insurance benefits are intended only for workers who lose a job “through no fault of their own”; and

--The drawdown of the UI trust fund--should locked-out union workers be allowed to draw UI benefits--will have to be replenished -- by all Colorado employers.

According to the Colorado Department of Labor and Employment, Colorado’s unemployment rate reached a 20 year high, climbing from 5.8%, to just under 8%. That means more than 200,000 Coloradans were on the jobless rolls. In short, these borrowed monies would go to union workers during a lockout at a time when unemployment is still skyrocketing and UI Trust Fund is headed towards potential insolvency.

He told the committee that the Aurora Chamber and its Board of Directors believes that Unemployment Insurance benefits are intended to be used as “temporary assistance.”

“Let me reiterate that -- **temporary** assistance for workers who have lost their jobs through NO FAULT of their own and who are actively seeking work,” Hougen stated. “Union workers on lockout are ***not*** actively looking for other work, unlike those who are currently seeking employment who are eligible to receive UI benefits.”

Hougen went on to say that maintaining current law will allow continuing balance in labor disputes—a balance that has been effective for ten years.

“I ask you to please vote against this Bill, HB 1304,” Hougen concluded. “Please don’t support this extreme approach, an approach that do nothing but eventually kill jobs in this great State.”

The final vote was strictly along party lines with Democrats Ulibarri, Aguilar and Guzman voting to move the bill to the Committee of Whole and Republican Reps. King and Lundberg voting against.

**The Watercooler**

The Colorado Water Congress did not meet last week.

**The Calculator**

House Bills Introduced:  321

Senate Bills Introduced:  286

Number of Bills PI’d:  127 (21%)