May 6, 2013

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

*"Please remember, America will only be free for as long as American citizens will stand and be brave." – Unknown*

***Days Until Sine Die:  4***

**Governor Signs Job Protection & Civil Rights Enforcement Act**

Gov. John Hickenlooper released this statement today after signing HB13-1136, the Job Protection and Civil Rights Enforcement Act of 2013:

“As a former small business owner, I know full well that discrimination in the workplace is the rare exception and not the rule in Colorado.

“Small business cannot thrive with red tape, needless bureaucracy and frivolous or harassing litigation. These are among the concerns the business community has raised with HB13-1136, the Job Protection and Civil Rights Enforcement Act of 2013.

“While our administration is very sympathetic to these concerns, we also believe that HB13-1136 has been crafted with safeguards against frivolous lawsuits and excessive damage claims. Moreover, we believe HB13-1136 rightly embraces employment discrimination remedies for companies with fewer than 15 employees that are recognized in most other states.

“Colorado law already prohibits small business employers from engaging in unfair employment or discriminatory practices, but employees who are victimized by these practices can seek only job reinstatement and back pay for their claims.

“HB13-1136 expands available remedies for workers to recover compensatory and punitive damages from employers who have intentionally engaged in discriminatory practices. The damage awards are limited to to $10,000 for employers with 1-4 employees and $25,000 for employers with 5-14 employees.

“Among the provisions in HB13-1136 that provide safeguards for small businesses: (1) workers must establish intentional discrimination by the employer; (2) a plaintiff worker must exhaust all administrative remedies before going to court; (3) there is a mandatory process of mediation before going to court; (4) only courts and not administrative law judges are empowered to award damages to plaintiffs; (5) courts may award costs and attorney fees to defendant employers for frivolous claims; and (6) courts must consider the size and assets of defendant employers before awarding damages.

“A number of additional safeguards for business were included in the bill at our insistence: As introduced, the bill had no caps on damages. We worked with the sponsors of the legislation to cap damage awards for both punitive and compensatory awards.

“We also worked with the bill’s sponsors to raise the legal standard for awarding punitive damages.

“This bill has been criticized because it does not have an explicit cap on attorneys fees. In our survey of states with anti-discrimination laws, only Virginia appears to cap attorneys fees.

“The cap we negotiated on damage awards will act as a brake on excessive attorney fees since it is the usual practice for attorneys to take these cases on a contingency fee basis.

“The effective date of this law is delayed until January 2015, which allows time for a thoughtful outreach and public education campaign involving small employers.

“As passed, we believe HB13-1136 strikes the appropriate balance between protecting small business employers from costly and frivolous litigation and providing the victims of intentional and unacceptable discrimination with appropriate remedies.”

**Gov. Hickenlooper Signs Budget Bill for Next Fiscal Year**

Gov. John Hickenlooper, Monday, signed Senate Bill 230 (the “FY 2013-2014 Long Bill”) and thanked legislators for their bipartisan dedication to Colorado’s values.

“After enduring a significant economic downturn, Colorado’s economy is outperforming the nation’s.  Looking ahead, expected revenue is 12.6 percent or almost $1 billion lower when adjusted for population and inflation since FY 2007-08,” Hickenlooper said in a letter to lawmakers.  “Some of our recent recovery in revenue is one-time in nature and the budget plan for next year is appropriately prudent and forward-looking.  Though many programs are seeing increases, we have also eliminated long-term liabilities, grown our reserve to five percent and ensured some of our new spending is on one-time items.

“The Long Bill reflects our shared commitment to meet the needs of our most vulnerable residents, to support the educational needs of our children, to promote economic development, to invest in critical infrastructure and to plan for the future.  We are proud to note that the FY 2013-14 budget includes significant and meaningful enhancements to the areas of child welfare and mental health.”

Next fiscal year’s budget highlights:

·      **Protecting Colorado’s most Vulnerable Residents –** This budget includes an increase of $13.5 million in total funds to provide essential services for an additional 765 people with developmental disabilities.  This level of funding will eliminate the wait list for all children needing services through the Children's Extensive Services Medicaid waiver.  Additionally, this budget includes $4.0 million in new funding for programs that assist our elderly Coloradans with needs such as meals and transportation.

·      **Enhancements to our Mental Health System –** The budget includes $7.5 million in total funds to provide additional mental health community placements, a jail-based restore-to-competency program, and additional resources for school based mental health services.  Funding of $19.8 million to establish a statewide mental health crisis system is included in a separate bill (SB 266).

·      **Protecting Colorado’s Children from Abuse and Neglect –** This budget includes an increase of $13.3 million in total funds for the Child Welfare system.  These funds were added as part of the Governor's *Keeping Kids Safe and Families Healthy 2.0* plan.  The plan includes funding to implement and strengthen prevention and intervention services, improve public awareness about child abuse and neglect, enhance training and technology for child welfare professionals and to improve overall transparency in the system.

·      **Support for K-12 and Higher Education –** Upon completion of the School Finance Act (SB 260), we expect to increase funding for K-12 education by $210.2 million, which exceeds the amount required by inflation and enrollment.  Average per pupil funding will grow by $171.80.  We have sufficient funding to fund an additional 3,200 pre-school slots.  In higher education, this budget adds General Fund appropriations of $31.0 million in direct support to the College Opportunity Fund stipends and $5.3 million in financial aid for students.  In addition for higher education, the budget allocates almost $102 million for capital and controlled maintenance projects.

·      **Promoting Economic Development –** This budget provides funding to continue the economic development initiatives that were expanded in FY 2012-13.  This includes $2.9 million for new job creation incentives for companies relocating to our state, or for Colorado companies expanding their workforce.  Also, the budget provides over $1.0 million to incentivize film, television, and media production activities that will result in direct expenditures in our local communities.  In addition to shoring up existing efforts, the budget includes a $2.0 million increase for tourism promotion and the development of a branding platform that will be designed to attract tourists, businesses, capital and potential workers to Colorado.

·      **Investing in critical infrastructure –** The budget for FY 2013-14 sets aside $188.1 million for capital construction projects.  This amount includes $44.9 million to perform nearly 70 discrete controlled maintenance projects and an additional $93.7 million for new construction and renovation projects involving State-owned buildings.

·      **Planning for the future –** With this package of budget bills, the State’s General Fund reserve will increase to 5.0 percent of total expenditures.  This places nearly $80 million more in savings than required with the previous 4.0 percent reserve.  The last two recessions caused revenue in the General Fund to decline by approximately 15% each time.

**Telecom Bill in Limbo**

The Senate on Friday evening took up Senate Bill Senate Bill 287 on second reading.  The bill, sponsored by Senators Jeanne Nicholson (D-Blackhawk) and Greg Brophy (R-Wray) and Representative Jerry Sonnenberg (R-Sterling), is one of three measures introduced this session aimed at modifying Colorado’s telecommunications laws.

SB 287 is supported by Viaero Wireless, a cellular phone provider serving primarily rural areas of Colorado and Nebraska.  All of the other major telecom providers, however, oppose the bill saying the measure takes a step backwards for the industry.

The bill uses High Cost Support funding to build broadband networks in un-served and underserved areas of the state and regulates voice-over-internet-protocol (VoIP) in areas that are deemed not competitive.  Currently the state does not regulate VoIP.

During debate the Senate sponsors offered two amendments:  one to strike a provision of the bill that would have established a sales tax exemption for telecommunications equipment and the second to further clarify the PUC's jurisdiction over rural VoIP providers where there is no competition.  The bill passed amended on a voice vote.

Later in the evening, Senator Pat Steadman (D-Denver) during action on the committee of the whole report, asked to have a recorded roll call vote on the bill – a strategic move to kill the bill.  As the roll call vote was taken, Senate President John Morse (D-Colorado Springs) realized the measure was going to be defeated 17-18 and switched his vote to a “no”, making the vote 16-19 and the bill was lost.  But because Morse voted on the prevailing side, he was able to immediately file notice for a motion to reconsider the bill, procedurally keeping the bill alive on the second reading calendar.

Following the rules of the Senate, President Morse now has two legislative days to formally reconsider the bill – a motion that would likely be granted and then a second recorded vote could be taken on the bill.  But he would likely only make the motion to reconsider if he can convince one or more of the no votes to switch to yes.

For the bill to pass the full legislature, the motion to reconsider would need to pass then the bill would need to pass second reading on the Senate floor on Monday and final approval on Tuesday morning.  The House would then need to have a committee hearing and pass the bill on second reading on Tuesday, to allow for final passage of the measure on third reading on Wednesday, the last day of the legislative session.

All of this hinges on President Morse’s ability to garner more support for the measure in the Senate and the Speaker of the House, Mark Ferrandino (D-Denver), being willing to consider the bill in the last two days of the session.

Earlier in the week, two of the bill’s three House sponsors, co-prime sponsor Reps. Mike McLachlan (D-Durango) and cosponsor Don Coram (R-Montrose) dropped their support of the measure.

In the last three days of the legislative session beginning Monday, the rules of the House and Senate will be suspended, providing the opportunity for the bill to still become law but opposition to the bill remains strong.

**ASSET Bill becomes Law**

Governor John Hickenlooper on Monday signed into law Senate Bill 33.  The measure, by Senators Angela Giron (D-Pueblo) and Michael Johnston (D-Denver) and Representatives Crisanta Duran (D-Denver) and Angela Williams (D-Denver) would allow undocumented students to pay in-state tuition rates at Colorado’s institutions of higher education.

In order to be eligible for the in-state tuition rate students would have to meet the following requirements:

·      Attended high school in the state for at least 3 years immediately preceding graduation or attaining a general education equivalent degree (GED); and

·      Is admitted to a school of higher education within 1 academic year following graduation, or the attainment of a GED.

Additionally, if a high school graduate has not been admitted to college within 1 year following graduation, they may be eligible for in-state tuition if he or she has been physically present in Colorado for at least 18 months prior to enrolling.

Once a student is classified as eligible to receive the in-state tuition rate he or she is also eligible for College Opportunity Fund stipends and other private financial aid programs offered by the institution of higher education.

The large majority of students in Colorado without documentation of lawful status are Hispanic.  Approximately 67 percent of undocumented immigrants live at or below the poverty level and proponents of Senate Bill 33 say allowing these undocumented students to receive the in-state tuition rate and other financial aid will greatly increase their chances of seeking a college education.

**Governor Signs more Bills**

Governor John Hickenlooper on Friday signed the following bills:

**House Bill 1222** by Representative Cherylin Peniston (D-Westminster) and Senator Jessi Ulibarri (D-Commerce City) expands the group of family members for whom Colorado employees are entitled to take leave from work under the Federal “Family and Medical Leave Act.” The Chamber opposed this bill.

**Senate Bill 126** by Senator Lucia Guzman (D-Denver) and Crisanta Duran (D-Denver) prohibits a landlord or Homeowners Association from preventing a tenant from installing an electric vehicle charging system on property owned or exclusively controlled by a unit owner.

**Senate Bill 186** by Senator Lois Tochtrop (D-Thornton) and Representative Brittany Pettersen (D-Lakewood) permits a licensed master electrician, licensed journeyman electrician, or licensed residential wireman to supervise a photovoltaic (PV) installation on a home.  SB 186 changes current law, which requires installation of a PV system to be supervised by an individual certified by the North American Board of Certified Energy Practitioners.

**House Bill 1101** by Representative Jonathan Singer (D-Thornton) and Senator Tochtrop authorizes bingo-raffle licensees to offer progressive raffles in which a jackpot may be carried over and increase from one drawing to another until the jackpot is awarded.

**Future School Finance Bill Headed to Governor**

Senate Bill 213 passed its final hurdle on Wednesday when the Senate agreed to amendments adopted by the House.  The measure sponsored by Senators Michael Johnston (D-Denver) and Rollie Heath (D-Boulder) and Representative Millie Hamner (D-Dillon) would, upon voter approval of a statewide ballot measure to increase state tax revenue for public education, create a new school financing formula.

Under current law, funding for school districts is set by a statewide base per pupil amount, which is modified to provide additional funding for each district according to various factors, such as a district's cost of living, enrollment, or percentage of at-risk students.

SB 213 provides a new funding formula for school districts and Charter School Institute (CSI) schools and it changes how pupils are counted for funding purposes.

***Funded pupil count.*** Under the bill, the number of pupils funded is based on average daily membership (ADM) throughout the school year, rather than a single count date.  In addition, full-day kindergarten is funded along with half-day preschool for all three-, four-, and five-year-olds who are eligible for the Colorado Preschool Program (CPP) and enroll.

***Funding formula.***A school district's funding formula begins with the statewide base per pupil amount adjusted by the district's size factor, which is unchanged for districts with fewer than 4,023 students.  The size factor is eliminated for districts with more than 4,300 students.  Districts will receive additional funding for each at-risk student and English language learner (ELL), equal to at least 20 percent of the statewide base per pupil amount.  For districts exceeding the statewide average of at-risk students or ELL students, they can receive up to 40 percent of the base per pupil amount.  In addition, the definition of at-risk student is expanded compared with current law to include those who qualify for reduced-price lunch, and a student who qualifies as both at-risk and ELL can be counted twice in the formula.  Online and ASCENT students are funded at the statewide base per pupil amount.

***Teaching and leadership investment (TLI).***The bill provides new per pupil funding for districts and CSI schools, called the teaching and leadership investment (TLI).

***State and local shares.***The state share of school finance is determined by the difference between total program and the contribution from local property taxes and specific ownership taxes.

***State share hold-harmless and supplemental per pupil (floor) funding.***In the event the recalculation of state and local shares reduces a district's state funding, including the TLI, to less than what they would have received from the state under the current formula, the district will receive new state-share hold-harmless funding.

***At-Risk Supplemental Funding.***The bill provides supplemental at-risk funding for certain school districts and CSI schools if they are subject to floor funding and have an at-risk student percentage that is greater than 10 percentage points below the statewide average percentage of at-risk students.

***Local mill levy overrides.***The bill changes the school district limit for mill levy overrides and allows districts to impose several new overrides.

***Charter school funding.***CSI schools are funded like school districts, in that the statewide base per pupil amount is adjusted by the accounting district's size factor.

In order SB 213 to take effect, voters must past a statewide ballot initiative to increase taxes by an estimated $1.1 billion.

SB 213 is the first attempt at rewriting Colorado’s school financing laws in nearly 20 years.  The measure, however, failed to gather a single Republican vote in either the House or Senate.

Governor Hickenlooper is expected to sign the bill into law.

**Medicaid Expansion Gets Republican Votes, Advances**

State Senators Larry Crowder (R-Alamosa) and Ellen Roberts (R-Durango) on Wednesday joined Democrats in supporting Senate Bill 200, expansion of Colorado’s Medicaid program, during approval of House amendments by the Senate.

Sen. Larry Crowder said he couldn’t vote against the bill when hospitals in his district are strained to the breaking point caring for the uninsured.  Colorado hospitals strongly support the expansion, saying it will replace many of their unpaid bills with new Medicaid payments.

SB 200 increases Colorado’s Medicaid eligibility to 133 percent of the federal poverty level (FPL).

The Aurora Chamber supported this bill. The measure now heads to the Governor for his signature.

**Hickenlooper, Morse, Ferrandino Request Review of “Jessica’s Law”**

Gov. John Hickenlooper joined Senate President John Morse (D-Colorado Springs) and House Speaker Mark Ferrandino (D-Denver), Wednesday, in a letter to ask the Colorado Commission on Criminal and Juvenile Justice to assess Colorado’s current criminal laws applicable to sexual offenders to determine whether the passage of provisions in “Jessica’s Law” would improve these laws.

“In recent weeks we have received various requests to consider legislation similar to the Jessica Lunsford Act, known as ‘Jessica’s Law,’ enacted in Florida in 2005 in response to the tragic abduction, sexual assault and murder of nine year old Jessica Marie Lunsford,” the letter says.  “In response to these requests, we believe it is in the best interest of Colorado to thoroughly review the impacts the law’s enactment would have on our state.”

Representative Libby Szabo (R-Arvada) introduced Jessica’s Law earlier in the legislative session, but Speaker Ferrandino assigned the measure, House Bill 1149, to the House Committee on State, Veterans, & Military Affairs – the “kill” committee.  The Committee killed the measure on a party-line vote of 7-4.

HB1149 would have required a court to impose a minimum indeterminate sentence of at least 25 years in prison for offenders who commit sexual assault against a child who is 14 years of age or younger and 7 or more years younger than the offender at the time of the offense.  The bill also would have required lifetime parole for offenders once they were released from prison.

**Union-Lockout Bill Dies Surprising Death**

House Bill 1304 on Friday died suddenly when the bill’s Senate sponsor, Lucia Guzman (D-Denver), on second reading in the Senate moved to have the bill laid over until after the legislature adjourns on Wednesday.  The measure, opposed by the business community, would have provided UI benefits to unionized workers who were defensively locked-out during a labor dispute by an employer who is part of a multi-employer bargaining unit with the union.

Opponents of the bill said it could have cost employers across the state millions of dollars in increased unemployment insurance (UI) premiums if locked-out union workers were awarded UI benefits.  The bill also would have endangered the UI Trust Fund that only two years ago was put on a path to recovery after it became insolvent because of the Great Recession.

An analysis done by the Legislature’s fiscal analysis staff concluded that a lock-out of 10,000 union workers would cost the UI Trust Fund $3.44 million per week if each worker received $344 per week. The Aurora Chamber strongly opposed this bill.

**Bill to Protect Elders from Abuse Passes House**

A bipartisan piece of legislation to require individuals in certain professions to report elder abuse received final approval from the House of Representatives Wednesday.  State Rep. Amy Stephens (R-Monument), sponsored Senate Bill 111 with Rep. Sue Schafer (D-Wheat Ridge) in the House.

“As our population ages and Boomers begin to retire, we must work to head off further increases in abuse,” Stephens said.  “We owe it to our seniors to protect them from fraud and abuse.”

Current law lists members of certain professions as ‘mandatory reporters’ of abuse for at-risk adults—or individuals 18 years and older who are incapable of communicating or making responsible decisions concerning their well-being.  Stephens’ bill extends this same mandatory reporting requirement to certain professionals who observe the exploitation or abuse of a person who is 70 years of age or older.

Stephens’ bill adds physical therapists, emergency medical service providers, chiropractors, and clergy members to Colorado’s list of mandatory reporters.  Under the bill, a listed professional who fails to report abuse commits a class 3 misdemeanor.

Senate Bill 111 now heads to the Governor to be signed into law.

**Elections Bill Gets Final Approval**

On Thursday, Senate Democrats passed House Bill 1303 on a party-line vote of 20-15.

The measure, sponsored by House Majority Leader Dickey Lee Hullinghorst (D-Longmont) and Representative Dan Pabon (D-Denver) and Senator Angela Giron (D-Pueblo) allows a prospective voter to register and cast an eligible ballot, not a provisional, on the day of an election.

Republicans say it would allow anyone to vote with nothing more than an address and a utility bill.

Senate Minority Leader Bill Cadman (R-Colorado Springs) challenged the Democrat interest groups supporting the bill by saying, “You’re good at winning elections, I wish we were as good, so do you have to steal them too?”

Cadman added, “Not one idea, not one amendment was allowed to improve accuracy, improve transparency, improve security or to protect the civil rights of legitimate voters.”

Five of the state’s elected county clerks from Weld, El Paso, Arapahoe, Elbert and Douglas counties, who represent over one-third of Colorado’s nearly three million eligible voters, opposed HB 1303 because of their concerns about the likelihood of increased fraudulent voting under same-day registration.

Senator Ted Harvey (R-Highlands Ranch) noted that proponents who say eleven other states already have same-day voter registration “are not telling the whole story.  Wyoming requires a photo ID and another form of identification for registering and voting on Election Day, and this bill does not.”

The bill now returns to the House for final approval because of a technical amendment.

**Hickenlooper’s Fort Lyon Plan Dies, Lives On**

Governor John Hickenlooper’s plan to repurpose the Fort Lyon prison campus was killed Friday morning by the Senate Committee on Appropriations but was brought back to life when it was added to another bill that has strong legislative support.

House Bill 1261, championed by Hickenlooper and sponsored by Representatives Leroy Garcia (D-Pueblo) and Tim Dore (R-Elizabeth) and Senators Larry Crowder (R-Alamosa) and Angela Giron (D-Pueblo), would have converted the old Fort Lyon prison in Las Animas into a rehabilitation center for the homeless.

Hickenlooper has sought to repurpose the facility since it was shuttered two years ago in order gain cost savings to help balance the state’s budget.

Closing the prison killed nearly 200 jobs in rural Southeastern Colorado.

The repurposing plan was added to Senate Bill 210 on Friday afternoon during second reading in the House.  SB 210 deals with corrections officer pay and how their work hours are calculated.

The move to resurrect the repurposing plan drew criticism from Senator Pat Steadman (D-Denver), Chair of the Legislature’s Joint Budget Committee and member of the Senate Committee on Appropriations, because the amendment is separate from SB 210's intent.  Steadman asked Legislative Legal Services whether it violates the constitution's single-issue requirement.

Steadman helped kill the repurposing plan on Friday morning in the Senate Appropriations Committee amid concerns about costs and questions over busing homeless Coloradans — mostly from the Front Range — to Fort Lyon in Bent County to receive treatment.  Senator Mary Hodge (D-Brighton), Chair of the Appropriations Committee, joined Steadman and Republicans in voting against the measure.

Hodge also sits on the JBC with Steadman, which last year denied Hickenlooper's request to reserve about $6 million over the next two years to repurpose the sprawling campus to serve the homeless.

A final vote in the House on SB 210 is scheduled for early next week.  The bill would then have to return to the Senate for final approval.

**Don Quick to Launch Campaign for Colorado Attorney General**

Former Adams County District Attorney Don Quick is expected to kick off his race for Attorney General on Monday during an event on the state Capitol’s west steps.

Quick, a Democrat from Westminster, filed his paperwork to run for seat earlier this year.

Quick served as deputy of criminal prosecutions and later as top deputy under former Attorney General Ken Salazar.

The 2014 race for Attorney General features an open seat since current Attorney General John Suthers, a Republican, is term-limited.

Republicans said to be interested in running for the seat include state House Minority Leader Mark Waller and Cynthia Coffman, the state’s Chief Deputy Attorney General.

So far, no other Democrat has jumped into the race.

**Colorado Earns ‘A’ Grade From Small Business, NFIB Not So Sure**

Colorado business owners rated their state as among the most supportive in the nation, according to the 2nd annual [Thumbtack.com](http://thumbtack.com/) and Ewing Marion Kauffman Foundation Small Business Friendliness Survey.

The [Thumbtack.com](http://thumbtack.com/) Small Business Friendliness Survey is the only survey to obtain data from an extensive, nationwide universe of job creators and entrepreneurs in order to determine the most business-friendly locations.  While there are various “business climate rankings” that rate locations as good or bad for business, there are no others that draw upon considerable data from small business owners themselves.

“In surveying thousands of small businesses across America, we found that clear and consistent licensing regulations and relevant training programs were among their top priorities,” said Sander Daniels, co-founder of [Thumbtack.com](http://thumbtack.com/).  “Given its strong rating by small business owners for the second straight year, Colorado is definitely doing a lot of things right.”

Some of the key findings for Colorado include:

·      Colorado small businesses owners gave the state an 'A' grade overall, up from last year's 'B+'.

·      The state earned an 'A' for the quality and availability of its training and networking programs.  Colorado also ranked in the top 10 for its online business resources.

·      Nationally, professional licensing requirements were more important to small business owners than taxes in determining a state’s overall business-friendliness, confirming the findings from last year’s study.

·      African-American and Hispanic small business owners were more likely than their white counterparts to encourage others to start a new business.

·      The top ranking states overall were Utah, Alabama, New Hampshire, Idaho, and Texas.  The lowest rated were Illinois, California, Hawaii, Maine and, in last place, Rhode Island.

·      Among major cities nationwide, Colorado Springs earned an 'A+'.  Denver also fared well with an 'A-' overall grade.  Each was improved from last year when they respectively earned an 'A' and a 'B+'.

·      Although it performed well in most categories, Colorado did receive some lower marks.  Small businesses gave the state a 'C+' for its environmental regulations and a 'B-' for its zoning restrictions.

“It is critical to the economic health of every city and state to create an entrepreneur-friendly environment,” said Dane Stangler, Director of Research and Policy at the Kauffman Foundation.  “Policymakers put themselves in the best position to encourage sustainable growth and long-term prosperity by listening to the voices of small business owners themselves.”

Tony Gagliardi, Colorado State Director for the National Federation of Independent Business (NFIB), when asked by Axiom for an opinion on this announcement, said he had not seen the data nor the survey, but didn’t agree that Colorado ‘earned an “A” grade from small business.’

The full survey results can be seen [here](http://www.thumbtack.com/co) and include full sets of rankings, easily searchable quotes from Colorado small businesses, regional comparisons within states, and Census data comparing Colorado's key demographics against those of other states.

***Denver Post*:  Denver Metro Chamber Demands City Council e-Mails Over Union Fears**

Responding to nagging fears that some City Council members are helping unions organize in Denver, the city's biggest business advocates made the unprecedented move of demanding to see council e-mails.

The Metro Denver Chamber of Commerce last week sent formal records requests under the Colorado Open Records Act to see any correspondence between council members, the Auditors Office and labor unions.  The request also seeks any complaints from council members to companies about working conditions for employees.

"Ham-fisted bullying," is what Councilman Chris Nevitt called the chamber's move, saying that if chamber officials wanted the information they could have asked.

"I never got the courtesy of a call to let us know this is coming.  This is bullying by the chamber, and it is frankly silly," Nevitt said.

"One has to ask a question:  If something concerns you about the government, you talk to your government. You don't go to war."

Kelly Brough, the chamber's Chief Executive Officer, said her organization is aware of three separate incidents in which council members have complained about working conditions in firms being eyed by unions seeking to organize the workforce.  Two of those businesses have contracts with the city.

"We are trying to get more information to figure out what is going on," Brough said.  "It could be there is nothing going on here.  But it feels all a little close."

The chamber's open records request illustrates a concern among pro-business forces in Denver that fear pro-union council members are using their positions to help organizing efforts.

The issue surfaced in January when a few council members openly criticized HSS Inc., about workplace issues while its contract to provide security at Denver International Airport was up for renewal.  At the same time, workers were preparing to vote to unionize.  Councilman Charlie Brown said Councilwoman Robin Kniech was improperly using her position to influence the union vote.

Assistant City Attorney David Broadwell later called an executive session to inform council members of the law surrounding government involvement in dealing with labor issues.

The $5 million contract was approved, and HSS employees voted to allow Service Employees International Union to represent 400 workers.

On March 1, Nevitt sent a letter to the President of SuperShuttle out of concern over a labor impasse between the company and its employee union, saying the company was not bargaining in good faith over compensation issues.

Earlier this year a union organization asked every firm bidding for the contract to provide catering at the Colorado Convention Center to sign labor peace agreements — directives that give the union leverage to demand right-to-organize provisions.

Britt Gallagher, President of the Unite Here Denver chapter, said a few firms agreed to sign the agreement, one did not, and one said it would sign the peace agreement but never did.  She would not name the firms.

Centerplate — the caterer at the Colorado Convention Center since 1989 — won the contract to resume service at the convention center.

But in February, Gallagher sent a letter to Kent Rice, the Director of Arts & Venues Denver, listing a number of grievances regarding Centerplate at venues throughout the country.  She said before Rice negotiates a contract with Centerplate for continued service in Denver that he should investigate the company's performance history around the country.

Gallagher's letter focused on a number of issues, including Centerplate's contract with the New Jersey Devils and its contract with the convention center in Corpus Christi, Texas.

As the city was working on drafting the new contract with Centerplate, Councilwoman Susan Shepherd sent a letter to the Auditor's Office, requesting the office audit Centerplate.  Shepherd's letter asking for an audit lifted two paragraphs verbatim from the union's letter to Rice.

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

 Colorado’s 22 judicial districts have judicial district nominating commissions that select nominees for district and county judicial vacancies.  Each district nominating commission is chaired by a justice of the Supreme Court, who is a non-voting member of the commission.  The member appointed to the **21th Judicial District Judicial Nominating Commission** for a term expiring Nov. 30, 2015:

·      Lance Timbreza of Grand Junction to serve as an attorney, and occasioned by the resignation of Gordon Paul Gallagher of Grand Junction.

The member appointed to the **5th Judicial District Judicial Nominating Commission** for a term expiring Dec. 31, 2018:

·      Jeri Beth Katz of Breckenridge, to serve as an attorney and as a Democrat from Summit County, and occasioned by the resignation of Heather Beattie of Frisco.

The **Interstate Oil and Gas Compact Commission** assists member states efficiently maximize oil and natural gas resources through sound regulatory practices while protecting our nation's health, safety and the environment.  The commission serves as the collective voice of member governors on oil and gas issues and advocates states' rights to govern petroleum resources within their borders.  Comprised of member governors, state oil and gas regulators, industry and the environmental community, these committees work diligently to resolve issues surrounding the much-needed resources found in the United States.  The members appointed for terms commencing April 19, 2013 and expiring at the pleasure of the Governor:

·      Matthew J. Lepore of Denver, to serve as the Director of the Colorado Oil and Gas Conservation Commission.

·      Thomas J. Kerr of Denver, to serve as the Permit and Technical Services Manager of the Colorado Oil and Gas Conservation Commission.

·      Virginia G. Brannon of Denver, to serve as the Assistant Director for the Water and Energy Colorado Department of Natural Resource.

The **Justice Assistance Board** advises the Division of Criminal Justice on issues related to federal block grant monies designated to improve the criminal justice system and reduce drug abuse and violent crimes.  The members appointed, effective immediately, for terms expiring July 31, 2013:

·      Sterling Marie Harris of Denver, and occasioned by the resignation of Linda Ferry of Denver.

·      William Joseph Sightler III of Glenwood Springs and occasioned by the resignation of Susan Marie Gilbert of Grand Junction.

The members appointed for terms expiring July 31, 2016:

·      William Joseph Sightler III of Glenwood Springs, reappointed.

The **Medical Services Board** adopts the rules and regulations that govern the operation of the Colorado Medicaid Program and Colorado Indigent Care Program.  The regulations adopted by the board will direct the efforts of the State in defining eligibility and the benefits for these programs, the rights and obligations of clients receiving benefits, and the payment of vendors providing health care services.  The board will also provide advice and consultation to the State Board of Human Services in connection with the administration of the Old Age Pension Health and Medical Fund.  The appointments must be confirmed by the Colorado Senate.  The member appointed for a term expiring July 1, 2014:

·      Patricia L. Givens of Denver, to serve as an Unaffiliated from the 1st Congressional District, with knowledge of medical assistance programs, and occasioned by the resignation of Alan I. Eisenberg of Denver.

The members appointed, effective July 1, 2013, for terms expiring July 1, 2015:

·      Dr. Paul Melinkovich of Evergreen, to serve as a Democrat from the 2nd Congressional District with knowledge of medical assistance programs, reappointed.

·      Virginia E. Riley of Loveland to serve as a Democrat from the 2nd Congressional District with knowledge of medical assistance programs, reappointed.

The members appointed for a term expiring July 1, 2016:

·      Christy S. Blakley of Littleton, to serve as a Republican from the 6th Congressional District and who represents a family member of a person with a disability.

The members appointed, effective July 1, 2013, for terms expiring July 1, 2017:

·      Timothy P. Fox of Denver, to serve as a Democrat from the 1st Congressional District, to serve as a person with a disability and with knowledge of medical assistance programs.

·      Bregitta Hughes of Colorado Springs, to serve as a Democrat from the 5th Congressional District with knowledge of medical assistance programs.

The **Colorado Housing and Financial Authority** works to procure public moneys through the issuance of bonds to assist both private enterprises and governmental entities in meeting housing needs for low-income and moderate-income families.  The appointments must be confirmed by the Colorado Senate.  The members appointed, effective July 2, 2013, for terms expiring July 1, 2017:

·      James M. Hahn of Englewood, to serve as a person experienced in mortgage banking transactions, reappointed.

·      David J. Myler of Carbondale, to serve as a person experienced in real estate transactions, reappointed.

·      Paul Eric Washington of Boulder, to serve as a public member.

·      Steven Hutt of Denver, to serve as a public member.

·      Jody M. Kole of Grand Junction, to serve as a public member.

The **Colorado Tourism Office Board of Directors** sets and administers policies regarding expenditures from the Colorado Travel and Tourism Fund for promoting travel and tourism and related activities that benefit the state.  The appointments must be confirmed by the Colorado Senate.  The member appointed for a term expiring June 1, 2015:

·      Matthew Skinner of Telluride, to serve as a representative of tourism-related transportation industries, and occasioned by the resignation of Edwin A Garcia of Aurora.

The **Fire and Police Pension Association** is a local governmental unit that administers a statewide pension plan for full-time paid police officers and firefighters.  The appointments must be confirmed by the Colorado Senate.  The member appointed for a term expiring Sept. 1, 2014:

·      David Leroy Bomberger of Castle Rock, to serve as a member who has experience in insurance disability claims, and occasioned by the resignation of Monica Cortez-Sangster of Aurora.

The member appointed for a term expiring Sept.1, 2015:

·      Manuel A. Esquibel of Brighton, to serve as a representative of Colorado municipal employers, and occasioned by the resignation of Terri L. Velasquez of Colorado Springs.

The **State Board of Human Services** adopts policies, rules and regulations for the Department of Human Services.  The board adjusts the minimum award for old age pensions for changes in the cost of living.  The board also adopts rules and regulations concerning foster care and adoption procedures, mental health programs, alcohol and drug abuse programs and developmental disabilities programs.  The appointments must be confirmed by the Colorado Senate.  The members appointed for terms expiring March 1, 2017:

·      Jerene Carol Petersen of Denver, to serve as a member of the public, reappointed.

·      Catherine Anne Silburn of Lakewood, to serve as a member of the public, reappointed.

·      Jeffrey Gordon Kuhr of Grand Junction, to serve as a member of the public.

·      Stephanie A. Garcia of Pueblo, to serve as a member of the public.

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 appointment must be confirmed by the Colorado Senate.  The member appointed, effective June 30, 2013, for a term expiring June 30, 2017:

·      Robert Carl Bledsoe of Wild Horse, to serve as a person with substantial experience in production agriculture and a Republican, and occasioned by the resignation of Keith Berlin Bath of Fort Morgan.

The **Water and Wastewater Facility Operators Certification Board** establishes rules and regulations concerning the application, admission to the exam, and issuance of certificates to operators of water and wastewater treatment plants.  The members for terms expiring June 30, 2017:

·      H. Thomas Settle Jr. of Westminster, to serve as a certified water treatment or domestic wastewater treatment facility operator with highest level of certification available in Colorado, reappointed.

·      Steven J. Walker of Arvada, to serve as a member with various interests in the water and wastewater facility certification program with geographical representation, reappointed.

The **Colorado Beef Council Authority Board of Directors** works to promote the increased consumption of Colorado beef.  The board researches beef production methods, advancements and other matters with economic impacts upon the beef industry and makes this information available to interested parties.  The members appointed, effective July 1, 2013, for terms expiring July 1, 2017:

·      Todd A. Inglee of Arvada, to serve as a cattle grower.

·      Shanan Nicole Kessinger of Akron, to serve as a cattle feeder.

The **Colorado State Fair Authority Board of Commissioners** is a corporate body, a political subdivision of the state and not an agency of state government, nor subject to administrative direction by any state agency.  The authority directs and supervises the Colorado State Fair and Industrial Exposition.  The fair is held annually at Pueblo for the display of livestock and agricultural, horticultural, industrial, mining, recreational, educational and scientific products of the State of Colorado.  The appointments must be confirmed by the Colorado Senate.  The members appointed for terms expiring Nov. 1, 2016:

·      Arthur H. Bosworth II of Denver, to serve as a Republican residing in the 1st Congressional District, reappointed.

·      Virginia “Ginny” Vietti of Silverthorne, to serve as a Democrat residing in the 2nd Congressional District.

The **Real Estate Commission** regulates the licensing and conduct of real estate brokers and salespeople and pre-owned home warranty service companies.  The member appointed for a term expiring April 12, 2016:

·      Richard H. Krohn of Grand Junction, to serve as an expert in subdivision development.

The **State Agricultural Commission** formulates policy with respect to the management of the Department of Agriculture.  The commission also advises and makes recommendations to the governor and General Assembly.  The appointments must be confirmed by the Colorado Senate.  The members appointed for terms expiring March 1, 2017:

·      Alex C. Gerace of Denver, to serve as an Unaffiliated from the 1st Agricultural District to serve as a member from the State at-large, reappointed.

·      Brett Brand Rutledge of Yuma, to serve as a Democrat from the 2nd Agricultural District.

·      Steve Dale Young of Holyoke, to serve as a Republican from the 2nd Agricultural District, to serve as a member from the state at-large.

·      Michael Conrad Hirakata of La Junta, to serve as a Republican from the 3rd Agricultural District to serve as a member from the state at-large.

The **State Board of Parole** holds hearings and considers applications for parole, and conducts all proceedings involving revocation of parole.  The appointments must be confirmed by the Colorado Senate.  The member appointed, effective July 1, 2013, for a term expiring July 1, 2017:

·      Rebecca Lynn Oakes of Denver, to serve as a citizen member, reappointed.

**Government Affairs Committee Plans Legislative Wrap-up on May 16**

The Aurora Chamber Government Affairs, Education and Energy Committee will hold its last mid month meeting of 2013 on May 16. On the agenda is a wrap-up of the legislative year by Chamber Lobbyist Micki Hackenberger. The meeting, which begins at 7:30 am in Chamber Conference Room A, will also include time to assess the new Communication with Legislators effort.

**The Watercooler**

The Colorado Water Congress met on Monday but did not take a position on any bills.

**The Calculator**

House Bills Introduced:  325

Senate Bills Introduced:  288

Number of Bills PI’d:  143 (23%)