



Legislative Newsletter



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May 2, 2016

*An up-to-date review of Colorado government and politics especially for the Aurora Chamber of Commerce.
Compiled and edited by Axiom Strategies, Inc.*

**"The future belongs to those who see possibilities before they become obvious."
- John Scully**

Days Til Sine Die: 9

Colorado House advances Hospital Provider Fee plan

Denver Post

The Colorado House passed a change to the state's hospital provider fee Friday that could keep \$700 million a year in the state budget, instead of going to taxpayer refunds. Though the shift drew five Republican votes in the Democrat-controlled House, it appears a long shot to pass the Senate. In the upper chamber, Republicans have been entrenched since the beginning of the session to defend the refunds due under the state's Taxpayer's Bill of Rights.

Not personal: Neville, Leonard on why they oppose Lynne nomination for lieutenant governor

Colorado Statesman

It was Lynne's vision of government the men found lacking, mainly how she approached the state's singular regime of taxing and spending governed by the Taxpayer Bill of Rights.

Jon Keyser wins legal challenge, will appear on U.S. Senate ballot

Denver Post

Days after his once-promising U.S. Senate campaign appeared dead, Jon Keyser won a legal challenge Friday to return to the race and appear on the Republican primary ballot.

District Court Judge Elizabeth Starrs issued a ruling that found Keyser's campaign "substantially complied" with the law when he submitted signatures to qualify for the race.

The decision is just the latest twist in the roller-coaster contest for the Republican Party's nomination to challenge Democrat Michael Bennet.

Colorado Springs politician once again bucks Republicans

Colorado Springs Gazette

State Rep. Kit Roupe, R-Colorado Springs, was one of five Republicans to vote for a bill Friday that would allow the state to retain millions of dollars that otherwise would have to be returned to voters under the Taxpayer's Bill of Rights.

House Bill 1420 passed 39-26 on Friday and is headed to the Senate, where its success depends on what committee it is assigned to by Senate President Bill Cadman, R-Colorado Springs.

The bill removes from the general fund revenue generated by a fee charged on hospital stays so that money no longer counts toward the TABOR threshold (the point where revenue has grown too fast and money must be returned to taxpayers). The hospital provider fee revenue would instead go to a separate enterprise fund, where it is exempt from TABOR and outside the purview of lawmakers.

OPINION: Legislature still needs to act on Colorado condo defects laws

Denver Post

It's been nearly two years since communities along the Front Range, frustrated by failure of the legislature to help boost lagging condo construction in Colorado, began to take matters into their own hands.

Lakewood was first to act, in 2014. It passed an ordinance to discourage excessive lawsuits by homeowner associations over construction defects and give builders more opportunity to fix problems before litigation begins.

Since then, a number of other locales - including the state's three largest cities - have followed with their own versions of construction-defects reform.

Bill that could weaken Colorado health exchange funding gets Senate approval

9 News

One of the most long-standing critics of Colorado's health exchange pushed a bill through the state Senate on Tuesday that critics warned could cripple or even shut down the online insurance marketplace.

Senate Bill 2, sponsored by Sen. Kevin Lundberg, R-Berthoud, would require Connect for Health Colorado to seek approval from voters in order to continue charging a 3.5 percent administrative fee on all plans sold by insurers who offer products on its exchange - whether those plans are sold on or off of the exchange. Those fees are expected to generate \$24.9 million for Connect for Health in the fiscal year that begins on July 1.

Colorado Supreme Court rules state law trumps local bans on fracking

Denver Post

Colorado's Supreme Court ruled against Front Range cities' push to limit oil and gas development near people Monday, saying state power to regulate the industry trumps local measures, which the court deemed "invalid and unenforceable."

The court overturned Fort Collins' five-year moratorium on fracking within the city limits. Justices concluded it "operationally conflicts" with state law and therefore, under well-established principles,

must be pre-empted by the state. It also rejected Longmont's 2012 ban on fracking because it "materially impedes" use of state power.

Colorado Suspends 911 Rulemaking Amid Safety, Rules Debate

CBS Denver

Colorado utility regulators are postponing a plan to address 911 outages and security by expanding their authority over the emergency calls.

The Public Utilities Commission on Tuesday indefinitely suspended the rulemaking effort. The governor's office and lawmakers argued it risked overstepping powers granted by the Legislature during telecommunications deregulation in 2014.

The rulemaking - and a bipartisan bill designed to stop it - fueled debate not only over what some called excessive regulation but the reliability of Colorado's 911 systems, which have seen sporadic outages in recent months.

Water court bill defeated

Colorado Independent

Eastern Plains farmers, ranchers and homeowners will go to the mat to protect their water rights. This week at the state Capitol, some of the ground water management districts that defend those rights lost a dogfight with former Gov. Bill Owens and the water-hungry developers and municipalities his companies represent.

Owens and the developers victoriously opposed a bill that would have slashed legal costs when farmers and ranchers tussle with developers in the courts over who holds water rights.

Colorado pot industry steps up pesticide fight against regulators

Denver Post

The Colorado marijuana industry is stepping up its fight against the state's efforts to regulate the application of pesticides on cannabis.

After passing in the state House, a bill that would have codified Gov. John Hickenlooper's November executive order - telling state agencies that any marijuana grown with unapproved pesticides is a threat to public safety and should be removed from commerce and destroyed - died in a state Senate committee last week.

Those who successfully voted the bill down in the state Senate Veterans & Military Affairs committee described Hickenlooper's vision as "unreasonable" and "unconstitutional."

OPINION: Charter schools need proposed legislation

Colorado Springs Gazette

Colorado's increasingly popular charter schools have come a long way in a relatively short time. Since their bipartisan authorization by a Republican legislature and Democratic governor in 1993, these autonomous and innovative public schools have grown explosively along the Front Range and elsewhere. More than 225 charter schools serve over 108,000 students statewide, including thousands in the Pikes Peak region. They have become a key component of our state's overall education portfolio.

Along the way, charters have established a record of academic excellence. While some of the programs struggle and sometimes fail, charters are perennially recognized among Colorado's top-performing public schools. Three charter high schools in our community - Cheyenne Mountain School District's Vanguard School, Academy School District's The Classical Academy and Harrison School District's James Irwin Charter Academy High School - ranked sixth, 10th and 11th, respectively in our state on U.S. News & World Report's latest list of the nation's top public high schools. All of which amounts to an even more impressive feat when one considers that many charter schools and their students make do with considerably fewer resources than their counterparts at traditional public schools.

Pedal the Plains 2016 will hit Ordway, Fowler, La Junta

The Denver Post

Pedal the Plains is returning to southeast Colorado after a three-year absence. This year's route, announced Wednesday, will take riders over 151 miles from Sept. 16-18, starting in Ordway and journeying through Fowler and La Junta before returning to the start.

The Denver Post Community Foundation-sponsored event - now in its fifth year - serves to highlight Colorado's rural agricultural communities on the eastern plains to the event's expected 1,000 participants. The event is less grueling than the harrowing six-day Ride the Rockies tour, now entering its 31st year, making it a more accessible event for casual cyclists.

Bill would keep 'Mile High' forever attached to Broncos stadium

9 News

Regardless of who has naming rights to the Broncos stadium, a new bill would keep the words "Mile High" forever attached to the building.

The board of the Metropolitan Football Stadium District can currently sell or lease the name, as they did to Sports Authority. Under legislation introduced Tuesday, all future sales or leases would require the phrase "Mile High" to be a part of the name.

Any signs or other material containing the stadium's name would also have to incorporate those two words.

Gov. Hickenlooper announces appointment to the 1st Judicial District

Office of the Governor

Gov. John Hickenlooper announced today his appointment of Diego Hunt to serve as district court judge in the 1st Judicial District (Jefferson and Gilpin). Hunt will fill the vacancy created by the retirement of the Honorable Christopher J. Munch.

Hunt is currently of counsel at Holland & Hart LLP, and was an associate with the firm from 2005 until 2012. Hunt's practice focuses on commercial litigation, products liability, and government contracting. Before joining Holland & Hart, Hunt was the Director of the Community Justice Unit in the Denver District Attorney's Office, an associate at the Harris Law Firm, P.C. and a partner at Allen, Nunemaker & Hunt, LLC.

Hunt earned his undergraduate degree from the University of Florida in 1994, and his Juris Doctor from the University of Denver in 1997.

The appointment is effective June 1, 2016.

Gov. Hickenlooper announces Boards and Commissions Appointments

Office of the Governor

The Statewide Independent Living Council works to ensure that every person with a disability in the state who wants to live independently has the resources to do so. The Council supports the state's independent living centers through training and technical assistance, and advocates with them for the financial resources they need to further independent living in their local communities. The Council also conducts research, assesses the statewide need for services, and determines how resources for should be allocated.

For a term expiring October 1, 2017:

- Lana Sage Mutters of Lakewood, to serve as a representative of state agencies that provide services to people with disabilities, and occasioned by the resignation of Colin Carter Laughlin of Denver, appointed.

The Community Corrections Advisory Council advises and assists the Department of Public Safety's Division of Criminal Justice by analyzing, identifying and recommending policy modifications for community corrections programs.

For terms expiring February 28, 2020:

- James Richard Bullock, JD of La Junta, to serve as a district attorney, appointed;
- Honorable Joyce Elizabeth Downing, of Northglenn, to serve as a local elected official, appointed;
- Jagruti Rai Shah, MA, LPC, CACIII of Broomfield, to serve as a representative of the Department of Human Services offender mental health programs, appointed;
- Nikea Tanisha Bland, JD of Denver, to serve as a member of the legal community, appointed;
- Eileen P. Kinney of Longmont, to serve as a representative of probation officers, appointed;
- Greg John Mauro of Littleton, to serve as a representative of community corrections, reappointed;
- Douglas P. Erlen of Greeley, to serve as a citizen member, reappointed;
- Shannon L. Carst of Commerce City, to serve as a representative of community corrections, reappointed;
- Stanley Alan Hilkey of Arvada, to serve as a representative of the Department of Public Safety, reappointed;
- Richard F. Raemisch of Colorado Springs, to serve as a representative of the Department of Corrections, reappointed;
- Joe Martin Morales of Parker, to serve as a member of the Parole Board, reappointed;
- Melissa Bonnie Roberts of Aurora, to serve as a representative of community corrections, reappointed.

The Colorado Scenic and Historic Byways Commission works with state agencies, the U.S. Forest Service, the U.S. Bureau of Land Management, local byways organizations, and public and private resources to assist in the development of byways management plans, including those involving the interpretation, promotion and protection of distinctive byways characteristics. The Commission also helps coordinate the budgeting process and the allocation of federal, state, and private funds for the purpose of byway improvement.

For a term expiring January 1, 2018:

- Jack Placchi of Golden, to serve as a representative of the U.S. Bureau of Land Management, and occasioned by the resignation of Leah Anne Quesenberry of Canon City, appointed.

The Colorado Advisory Council for Persons with Disabilities coordinates with state boards, advisory councils, and commissions established for or related to persons with disabilities; advises the governor and general assembly on legislation and state policy affecting persons with disabilities; monitors the

state's implementation of Title II of the federal "Americans with Disabilities Act of 1990;" acts as an additional entry point for public grievances regarding disability issues and refers those grievances to the appropriate state agency or personnel; and develops procedures relating to the Council's internal operations.

For a term expiring October 7, 2018:

- Cynthia K. Dascher of Thornton, to serve as a representative of the Department of Education, a state agency serving persons with disabilities, and occasioned by the resignation of Randy Boyer of Denver, appointed;
- Alicia Rae Melendez of Thornton, to serve as a representative of the Department of Regulatory Agencies, a state agency serving persons with disabilities, and occasioned by the resignation of Teresa Jane Devlin of Denver, appointed.

For a term expiring October 7, 2019:

- Greg Anthony Martinez of Brighton, to serve as a representative of the Department of Transportation, a state agency serving persons with disabilities, reappointed;
- The State Interagency Coordinating Council advises the Colorado Department of Human Services on the implementation of Part C of the Individuals with Disabilities Education Act of 2004. Part C relates to the support and services for infants and toddlers with disabilities and their families.

For a term expiring June 30, 2018:

- Senator Kevin Lundberg of Berthoud, to serve as a state legislator, appointed.

Gov. Hickenlooper Signs Bills Into Law

Office of the Governor

Thursday, April 21, 2016 - Gov. John Hickenlooper signed these bills into law today.

Number	Title	Sponsors	Summary
HB 16-1035	PUC Approval Of Securities Only for Gas & Electric	Rep. Leonard / Sen. Scott	Concerning the scope of statutes making the issuance of securities by a public utility conditional on approval by the Colorado Public Utilities Commission, and, in connection therewith, clarifying that the approval requirement applies only to electric and gas utilities.
HB 16-1060	Colorado State Patrol Roadside Memorial	Rep. Tyler / Sen. Baumgardner	Concerning roadside memorials for fallen state patrol officers. Concerning the use of the national change of address database to maintain voter registration records, and, in connection therewith, clarifying terminology and consolidating procedures for county clerks and recorders to follow when it appears that an elector has moved within the state.
HB 16-1093	Election List Maintenance Procedures	Reps. Ransom & Ryden / Sen. Tate	Concerning the issuance of a summons in lieu of a warrant for certain nonviolent offenders.
HB 16-1104	Summons in Lieu of Warrant For Non-Violent Crimes	Rep. Roupe / Sen. Cooke	Concerning limits that the basic tenets of Colorado water law place on the ability of certain federal agencies to impose conditions on a water right owner in exchange for permission to use federal land.
HB 16-1109	Application of State Water Law To Federal Agencies	Reps. Becker J. & Becker K. / Sens. Sonnenberg & Donovan	

HB 16-1141	Radon Exposure In Buildings	Reps. Becker K. & Coram / Sens. Jahn & Roberts	Concerning the protection of Colorado residents from the hazards associated with naturally occurring radioactive materials in buildings, and in connection therewith, making an appropriation.
HB 16-1198	Computer Courses Fulfill Graduation Requirements	Reps. Pabon & Wilson / Sens. Tate & Kerr	Concerning computer science courses fulfilling certain graduation requirements.
HB 16-1215	Purposes Of Parole	Reps. McCann & Kagan / Sen. Guzman	Concerning changing the statutory purposes of parole to successfully reintegrate parolees into society by providing enhanced supportive services.
HB 16-1255	Manage Forests To Improve Water Supply Conditions	Reps. Coram & Vigil / Sen. Baumgardner	Concerning additional methods to manage forests to secure favorable conditions for water supply.
HB 16-1259	Changes To Local District College Statutes	Reps. Mitsch Bush & Wilson / Sens. Cooke & Donovan	Concerning local district junior colleges, and, in connection therewith, changing the term local district junior college to local district college.
HB 16-1270	Security Interest Owner's Interest In Bus Entity	Rep. Lee / Sens. Scheffel & Heath	Concerning the limitation of laws governing security interests to an owner's interest in a business entity.
HB 16-1271	Limited Winery Direct Delivery Personal Consumers	Reps. Singer & Nordberg / Sens. Jahn & Lundberg	Concerning the ability of a limited winery that has a winery direct shipper's permit to deliver vinous liquors of its own manufacture directly to a personal consumer without the use of a common carrier.
HB 16-1316	Change Venue In Out-Of-Home Placement	Rep. Rosenthal / Sen. Cooke	Concerning the procedures for changing venue for proceedings relating to a child placed in the legal custody of a county department of social or human services.
HB 16-1327	Financial Responsibility For Dental Hygienists	Rep. Ginal / Sen. Grantham	Concerning the Colorado Dental Board's authority to promulgate rules implementing financial responsibility requirements for dental care providers.
HB 16-1153	Changes Due Date For State Board Of Parole Report	Reps. Mitsch Bush & Wilson / Sens. Cooke & Donovan	Concerning the regulation of retail hydrogen fuel systems for vehicles.
HB 16-1173	Sunset Continue Water Vessel Registration	Rep. Mitsch Bush / Sen. Scott	Concerning the qualifications of licensed electricians.
HB 16-1230	Transparency Online Project Include County Info	Rep. Dore / Sen. Cooke	Concerning the inclusion of a county's financial information in the state's financial information database, which is known as the transparency online project.
HB 16-1306	Mortgage Loan Originators SAFE Act	Rep. Williams / Sen. Holbert	Concerning revision of the state statutes governing mortgage loan originators to conform more closely to applicable federal law, and, in connection therewith, amending, relocating, and repealing provisions in accordance with the federal "Secure and fair enforcement for mortgage licensing act of 2008
HB 16-1258	Court Clerks Posting Of Service	Rep. Melton / Sen. Lundberg	Concerning the posting by court clerks of process when a respondent is served by publication.

Friday, April 22, 2016 - Gov. John Hickenlooper signed these bills into law today.

Number	Title	Sponsors	Summary
HB 16-1323	Division Of Labor Name Change	Rep. Kraft-Tharp / Sen. Cooke	Concerning changing the name of the Division of Labor to the Division of Labor Standards and Statistics.
HB 16-1155	Controlled-access Highway As County Primary Road	Reps. Saine & Mitsch Bush / Sen. Sonnenberg	Concerning authorization for a county to designate a four-lane controlled-access highway that is located in the county as a primary road of the county highway system, and, in connection therewith, specifying the jurisdiction, control, and duties of the county and of a municipality through which the highway passes with respect to such a highway.
HB 16-1352	History Colorado Cash Fund	Rep. Hamner / Sen. Grantham	Concerning the appropriation of moneys from the state museum cash fund for the benefit of facilities owned and operated by the state historical society, and, in connection therewith, making an appropriation.
HB 16-1070	Signature Verification In Municipal Mail Ballot Election	Rep. Neville P. / Sen. Neville T.	Concerning a signature verification requirement for municipal mail ballot elections, and, in connection therewith, making an appropriation.
HB 16-1350	Higher Education Transfers Fee-for-service Contracts	Rep. Young / Sen. Grantham	Concerning the Department of Higher Education's authority to make transfers relating to a governing board's fee-for-service contracts for specialty education.

The Calculator

House Bills Introduced: 459

Senate Bills Introduced: 209

Number of Bills Pl'd: 205

Bills Signed by the Governor: 153