



Legislative Newsletter



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

If we had no winter, the spring would not be so pleasant: if we did not sometimes taste adversity, prosperity would not be so welcome.

Anne Bradstreet

The First Regular Session of the Seventy-second General Assembly convened on Jan. 4, 2019. As of today, there have been 124 bills in the House and 86 bills in the Senate introduced, with many more to come. Expect weekly newsletters from Axiom during the legislative session, and your Capitol Watch bill tracker URL will be sent every Friday.

-Team Axiom-

RIGHT TO REST UPDATE:

The sponsor of HB19-1096 Rep. Jovan Melton confirmed to us that he will be asking the committee to postpone the bill indefinitely (kill it).

Polis details full-day kindergarten plan to lawmakers

Colorado Politics

Gov. Jared Polis on Wednesday urged lawmakers to act quickly on his plan to offer state-funded full-day kindergarten.

Polis told the Joint Education Committee his \$227 million plan is a foundation of his new administration's plans to boost the state's chronically underfunded schools, eliminate inequities among school districts, allow local districts to invest in teacher pay and hiring and help struggling families.

"It's time to make the state a full partner with our (school) districts," Polis said. "We simply need to ensure that kindergarten is treated as the critical part of our public education infrastructure that it is."

Colorado currently pays for half-day kindergarten, and it underfunds its public-school system by hundreds of millions of dollars each year. Local districts that do offer full-day kindergarten either pay for it from local property taxes, use funding otherwise designed for preschool and other programs, or charge families for it.

Polis, who has founded charter schools for disadvantaged students, has asked for \$227 million for full-day kindergarten to start this fall. Funds for that and \$25 million in implementation costs would come from surplus tax revenue lawmakers have to work with this session.

Families would be given the choice to opt in to the program. The governor and education advocates note early childhood education allows disadvantaged children to catch up to their peers early and, in the longer run, reduces high school drop-out rates.

Polis said he was confident the initial investment will be made permanent. School districts will be able to free up \$100 million spent on kindergarten to pay for teachers and infrastructure, he said. State investments in school reserves and having legislative budget writers ensure future surpluses go to those reserves will make it permanent, he said.

Polis' budget request for the fiscal year that starts July 1 includes lowering the state debt owed to public schools by \$77 million. Lawmakers have worked around a constitutional amendment requiring annual increases in school funding by creating an "IOU" that allows them to deliver a balanced budget each year that also is required by the state constitution.

Mike Johnston to run for Senate, becoming Cory Gardner's highest-profile challenger yet

The Denver Post

Mike Johnston, a Western Slope-born former state senator, wants to be the Democrat who unseats Republican U.S. Sen. Cory Gardner in 2020.

"I think one of the things that gives me a real advantage is people are looking for someone who represents Colorado," Johnston told The Denver Post in announcing his run. "I'm a fluent Spanish speaker, and I've had a diverse set of experiences and jobs in all parts of Colorado."

The 44-year-old father of three joins a growing list of Democrats competing for the chance to challenge Gardner in what is expected to be one of the most high profile and contentious Senate races in the country in 2020.

Gardner, a first-term senator, is the only Republican to win a Senate, gubernatorial or presidential race in Colorado since 2008.

So far, three other Democrats have announced: Lorena Garcia of Denver, Trish Zornio of Superior and Keith Pottratz of Grand Junction.

Johnston is familiar with the high-wire act that comes with a large and competitive primary. He came in third place in the 2018 Democratic gubernatorial primary.

He said the experience gave him connections throughout the state and to major donors nationwide, which will be essential in challenging Gardner. The Republican has been making national connections of his own, raising money for the party all over the country as chair of the National Republican Senatorial Committee.

Johnston raised about \$2.5 million in standard campaign contributions during the primary last year, and his PAC raked in another \$7.7 million, according to campaign finance records submitted to the Colorado Secretary of State's Office. A large chunk of that money came from gun-control advocates like Michael Bloomberg, and Johnston said he won't shy away from raising the issue of gun laws during the campaign.

Denver teachers are on the brink of a strike. Here's how we got here and what could be next.

Chalkbeat

For the first time in 25 years, Denver teachers are fed up enough to walk out.

Last week, 93 percent of Denver Classroom Teachers Association members who voted supported going on strike. The vote came after teacher pay negotiations between the teacher's union and the school district broke down Jan. 18, leaving the teachers without a contract that governs the district's complicated salary-and-bonus system.

The day after the strike vote, Denver Public Schools asked state labor officials to intervene and try to broker a deal between the two sides. That request put the strike on hold. The union has since filed a response asking the state to stay out of it.

Gov. Jared Polis has until Feb. 11 to decide whether to get involved. Teachers cannot legally strike while a decision is pending.

While the district and the union wait for the answer, their negotiators are returning to the bargaining table. The two sides are set to meet Thursday at 5 p.m.

How did we get here and what happens next? This Q&A is meant to answer those questions.

Ninety-three percent favoring a strike is a landslide. How many teachers voted?

It's unclear. The strike vote was an internal union matter, and the union has not released the numbers. Leaders did say the election was conducted electronically by a third party.

Changes to state sex-ed curriculum pass in late-night House hearing

Colorado Politics

A 10-hour hearing with hundreds of witnesses, mostly opposed, didn't dissuade House Democrats Wednesday night from passing a bill that will ban abstinence-only education and make other changes to the state's comprehensive sex education curriculum.

House Bill 1032, sponsored by Democratic Reps. Susan Lontine of Denver and Dr. Yadira Caraveo of Thornton, withstood hours of testimony, sometimes sexually explicit and/or hostile, and passed the House Health & Insurance Committee on a party-line 7-4 vote.

Under the measure, Colorado schools that teach sex education would have to provide "medically accurate information about all preventive methods to avoid unintended pregnancy and sexually transmitted infections, including HIV/AIDS." Schools would be barred from promoting "sexual abstinence as the primary or sole acceptable preventive method available to students."

Most of those who came to testify were opposed to the bill. Some spoke out against standards that already exist in state law. Few actually talked about the issues the bill is intended to address.

Several witnesses incorrectly said HB 1032 would require teaching sexually explicit techniques to children as young as 9 years old (it wouldn't) or that schools would teach sex ed without input from parents (state law already allows parents to opt out).

On the other side, several witnesses talked about the abstinence-only curriculum taught in Douglas County schools, stating that the curriculum shames girls.

Said Laura Reeves, a parent whose daughter attends a Douglas County middle school: "My daughter's school teaches abstinence-only and it's incredibly negative. The teacher held up a picture of a girl and called her 'dirty and nasty.' This does not represent my Christian values," Reeves added.

'Kill committees' aren't expected to be their usual graveyards under new Democratic majority in Colorado Legislature

Colorado Public Radio

With Colorado Democrats in solid control of the House and the Senate, it's on party leaders to manage all of the different bills coming through their chambers – both from Republicans and their own members.

Unlike Congress, where a bill can be introduced and then languish without a hearing, every piece of legislation at the Colorado statehouse requires a public hearing and at least one recorded vote.

Freshman Democratic Sen Julie Gonzales of Denver argues that is the deeper issue with “dysfunctionality in Washington, D.C.” versus Colorado’s government.

Before she was elected, Gonzales advocated for immigration and social justice policies and remembers what it feels like to be on the losing end of legislative battles. Still, she said hearings can help elevate issues even when a bill is sure to fail. She plans to introduce rent control this session and acknowledges that she doesn’t even have enough support from her own party.

For her, it’s still important to run that bill, because “that is what community is asking me to do, because their lived experiences demonstrate that they need a change in the law.”

Bills that legislative leaders don’t want to deal with often go one place: the kill committee. Ideological or partisan bills are frequently sent there, as are bills that would be tough for moderate lawmakers to vote against.

New Colorado CIO wants to deliver 'customer delight' to state workers and residents

State Scoop

Theresa Szczurek, who was hired earlier this month as Colorado’s new chief information officer, sees her role as being a “consultant” to the rest of the state government. It’s a fitting description, considering her long business career included several stints running an independent management consulting practice.

Amid a crop of newly appointed state CIOs, Szczurek is unique for serving a governor with a deep technological background of his own. Jared Polis, who founded at least two internet companies with six-figure exits, including electronic greeting card website Bluemountain.com and ProFlowers, was elected to lead Colorado last November after a decade in Congress.

“We are really consultants, being driven by our customers: the 17 agencies in the executive branch,” Szczurek said in an interview with StateScoop last week. “We will be working with them to deliver on Gov. Polis’ vision.”

Based on how Polis ran for governor, that vision may eventually include aggressive explorations of emerging platforms such as blockchain ledger technology for state record-keeping, energy grid management, and voter registration. In the near term, though, Szczurek said there is no shortage of big projects for the Colorado Office of Information Technology, including several that are on schedule to be completed this year.

Benefits to the cloud

Szczurek said the state is in the final stage of moving the management system for its Medicaid, nutrition assistance, Temporary Assistance for Needy Families and other social-welfare programs to a new cloud-based platform. When finished, the new Colorado Benefits and Management System — which was marred by improper payments and technical failures for more than 15 years — will be the first statewide benefits system be powered entirely by cloud computing, Szczurek said.

CBMS, as the system is known, is used to process all applications for the state’s cash and medical assistance programs. And over the past month, there’s been an added strain on it as many of Colorado’s federal employees have gone without paychecks during the ongoing partial government shutdown.

Democrats look to revive the #MeToo movement at Capitol to make lasting change

Colorado Sun

A year after a series of #MeToo moments rocked the Colorado Capitol, the promised changes to the policies that govern sexual harassment complaints remain unfinished.

A special panel of lawmakers met for months ahead of the legislative session to develop new rules to address concerns about a toxic climate at the Capitol but agreed only to an interim revised workplace harassment policy for the new term.

Many of the substantive issues regarding how complaints and disciplinary action are handled met with partisan disagreement and stalled. And many of the recommendations from an outside investigation of the Capitol culture in 2018 sit untouched.

Now, led by state Sen. Faith Winter, the new Democratic majority at the statehouse is looking to revive the discussion and make permanent changes in law and policies beginning with a meeting Friday.

Winter — whose allegations against Rep. Steve Lebsock in November 2017 first exposed a culture that some say tolerated sexual harassment — is the first to acknowledge more work is needed.

“This is a tough issue that will take a lot of minds and a lot of solutions for progress,” the Westminster Democrat said. “This should be enough of a priority that the conversation will continue. We can’t pretend to fix it in one year.”

The conversation, however, could prove difficult as it revisits a sensitive issue loaded with major political ramifications and rekindles the controversies from the 2018 session in which five lawmakers were accused of sexual harassment.

Earlier this year, the annual workplace harassment training even became a point of contention for a couple of Republican lawmakers who complained about pressure to attend even though it is not mandatory.

In November, the Legislative Workplace Interim Study Committee agreed to an interim workplace harassment policy, but it still needs to be codified in the legislative rules.

2018 was a watershed year for data and network security

Denver Business Journal

Data breaches and identity theft are now everyday events. That state of affairs doesn’t make them any less dangerous, distasteful and annoying.

However, most people with an online footprint understand that at some point in their lives they are going to be the victim of an internet crime, that is, if they have been fortunate enough to avoid it to this point.

What made 2018 different was seeing the pendulum begin to swing toward a new approach to privacy rights and a disruption of the digital status quo.

There were several significant events and tipping points that marked 2018 as an important year in the history of cyberspace.

The General Data Protection Regulation (GDPR). As the first transnational attempt to regulate the processing and movement of personal data, the European Union’s GDPR was truly a landmark piece of regulation.

Implemented in May 2018, the GDPR is the clearest, most comprehensive and forceful statement yet by a government entity regarding an individual’s rights to his or her own personal data. The GDPR squarely puts the regulatory burden of maintaining these rights on the back of business enterprises engaged in handling data and allows for substantial penalties if such burdens are not met. Notably, the GDPR implements a comprehensive framework within its member countries for the commercialization of personal data by:

- Providing a robust definition of what constitutes personal data.
- Establishing national supervisory authorities to enforce GDPR.
- Establishing the parameters for lawful data processing.
- Mandating that data controllers establish default procedures and processes that allow for the highest possible degree of data privacy.
- Establishing additional individual data privacy rights, such as the right to access one's own data and the 'right to erasure'.
- Establishing uniform data breach protocols.
- Establishing the ability to impose substantial sanctions upon companies for failure to comply with the law.

As one might imagine, the GDPR received a decidedly less enthusiastic response from some in the U.S. business community, many of whom felt that the regulations were aimed at reining in the power and dominance of U.S.-based businesses. This charge is not altogether untrue, especially given Europe's fitful embrace of economic nationalism. However, GDPR's significance far outstrips such provincial concerns and, given the global nature of data-intensive businesses, is already having an impact on the way data is collected, handled, stored and commercialized.

Pueblo's Southern Colorado Harm Reduction Association Needs Money

Pueblo Chieftain

Open since July 2017, the Southern Colorado Harm Reduction Association has been providing resources such as clean needles to citizens addicted to opioids and other drugs, but it is facing some dire straits.

Due to a rapidly growing client base, the association is up against a wall financially and asked City Council recently for \$10,000 to keep its doors open.

The client base at the SCHRA has grown from just around 35 individuals when the nonprofit initially started to 1,200 registered participants now, according to Judy Solano, SCHRA's executive director and co-founder. Anywhere from 140 to 160 individuals visit the SCHRA a week.

"I could not have anticipated the growth we've incurred," Solano said to council members on Monday night. It's beyond any growth curve in any business model I've ever seen."

Solano said she doesn't believe the client growth has to do with more people using, but that the association has built a reputation as somewhere that's safe for addicts to go and be respected.

Solano also said SCHRA not receiving the \$1.5 million-plus Lead Enforcement Assisted Diversion grant to run that program here after she and Nerenberg drafted the grant for the city and county threw her for a loop and has contributed to the association's problems. That grant instead was awarded to Crossroads Turning Points Inc.

Solano said \$10,000 would allow SCHRA to keep its doors open, and that there are other things in the works to receive more funding, including grants.

Gov. Polis signs executive order establishing

the Office of Saving People Money on Health Care

DENVER —Gov. Jared Polis today signed an executive order establishing the Office of Saving People Money on Health Care, led by Lt. Governor Dianne Primavera. The goal of the Office is to study, identify and implement policies that will lower health care costs while ensuring all Coloradans have access to affordable, quality care.

“Traveling across the state, we consistently heard from Coloradans about the rising costs of health care,” said Governor Jared Polis. “While we have made significant progress in expanding access to care in Colorado, there is still much work left to do to reduce costs. This Office will focus on ensuring affordability no matter the zip code.”

The Office will create and implement a roadmap for lowering the cost of health care including:

- Reducing the cost of individual health insurance by working with the General Assembly to authorize a reinsurance program in Colorado;
- Developing proposals for a new, lower cost health insurance options;
- Empowering the Division of Insurance to protect consumers and support rural and mountain communities working to lower their health care costs;
- Increasing hospital price transparency and establishing programs to reduce prescription drug prices.

“During my battle with cancer, I was lucky to be in the care of incredible medical professionals with my family by my side,” said Lieutenant Governor Dianne Primavera. “We want to make sure that every Coloradan can afford the same support system I did.”

The Office will also:

- Establish a statewide interagency collaborative effort to develop common policies and strategies to reduce the cost of health care;
- Develop policies and strategies to support innovation and efficiencies in health care systems in order to reduce health care costs;
- Work to ensure culturally competent and equitable access to health care;
- Improve health in Colorado by developing, promoting, and implementing policies and strategies that reduce the costs of health care by promoting public health and addressing social determinants of health.