



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.*

"To be yourself in a world that is constantly trying to make you something else is the greatest accomplishment."

- Ralph Waldo Emerson

Transportation, PERA among five huge issues Colorado lawmakers face in session's final 10 days *Denver Post*

This session, more so than most years, Colorado lawmakers saved the best for last.

With 10 days left in the 2018 session when lawmakers return Monday, the most significant pieces of legislation remain unresolved because of partisan differences - and the decisions to come will affect everyone in the state.

The General Assembly's to-do list includes: a measure to stabilize the crippled state pension system that covers 1 in 10 Coloradans; an effort to pump hundreds of millions of dollars into improving the state's roads and highways; the renewal of a commission tasked with defending civil rights; two ballot measures that revamp how political districts are drawn; and more.

At the same time, Democrats in the state Senate are again pushing to expel a Republican lawmaker for harassment after new credible allegations surface. The Democrats' action amplifies the partisan tension in the Capitol.

House Speaker Crisanta Duran, D-Denver, downplayed concerns that lawmakers won't finish their work, but she acknowledged that the "legislative session has been pretty intense from the beginning, ... and it will be intense until the end."

Often, lawmakers punt the toughest decisions to the end, but legislative leaders and lobbyists suggest the stakes for the final sprint this year are greater than usual.

The House and Senate filed more than 700 bills through Friday and more than 300 bills remain in play ahead of the May 9 adjournment, according to Colorado Capitol Watch, an independent bill-tracking service. Gov. John Hickenlooper has signed 178 so far.

The term-limited Democrat is cautious about what to expect. "I think we are guardedly optimistic that they are going to find compromises on all this," he said.

The big-ticket items - combined with a plethora of partisan election-year bills still on the calendar and mounting teacher protests - guarantee a frenzy in the final days. Here are the big-ticket items to watch in the final days.

Democrats and Republicans in the Senate reached a Colorado Civil Rights Commission deal. Now, House Democrats are rejecting it.

Denver Post

Democrats and Republicans in the state Senate on Friday reached a compromise on changes to the hot-button Colorado Civil Rights Commission in an attempt to end months of simmering, party-line debate about the panel's future.

But House Democratic leaders quickly threw cold water on the deal, saying its changes to the panel go too far.

The bipartisan deal would take some power from the governor in terms of panel appointments but also ensure a mix of Republican, Democrat and unaffiliated voters on the commission.

The compromise also would open the panel up for legislative audit. Otherwise, the commission will function almost the same as it has.

"I think this is not perfect for anyone," said state Sen. Bob Gardner, R-Colorado Springs, who helped usher the compromise. "It's also a major step forward for everyone, I believe."

The deal passed the Republican-controlled Senate unanimously on a voice vote and is expected to head to the Democratic-controlled House, where it would have to be approved to be finalized.

"This really is a bipartisan compromise that I think changes the trajectory, not the mission, of the (Colorado Civil Rights Division)," said Sen. Angela Williams, D-Denver, referencing the agency under which the civil rights commission is housed.

Democrats in the House, however, reaffirmed their reluctance Friday to change the commission at all.

"We have always advocated for a clean reauthorization of the commission because it is fulfilling its purpose - to ensure that Coloradans' rights are protected regardless of where they're from, whom they love or the family they were born into," House Speaker Crisanta Duran and Rep. Leslie Herod, both Denver Democrats, said in a joint statement. "The changes added in the Senate go too far, reworking the commission dramatically. We cannot support the current changes, and hope that we can find common ground and pass a bill reauthorizing the Civil Rights Division and Commission before the end of session. Coloradans are watching."

Lamborn lawsuit over spot on primary ballot headed to federal court

Colorado Politics

U.S. Rep. Doug Lamborn has his day in court Monday in Denver, when a federal judge has scheduled a hearing over a lawsuit that could determine whether the six-term Republican can appear on the June primary ballot.

Lamborn sued Secretary of State Wayne Williams in U.S. District Court this week in response to a unanimous Colorado Supreme Court ruling handed down Monday that ordered Lamborn's name stricken from the primary ballot because hundreds of signatures on his nominating petitions were collected by someone who doesn't qualify as a Colorado resident, contrary to state law.

The lawsuit argues that the residency requirement is unconstitutional because it restricts the First Amendment rights of a candidate's supporters.

The hearing before Judge Philip Brimmer is set for 9 a.m. Monday at the Alfred A. Arraj United States Courthouse in Denver.

On Friday, Williams filed a motion to block the proposed intervention in the federal lawsuit by a group of GOP legislators - including state Sen. Owen Hill, one of the four challengers seeking to unseat Lamborn in the primary - and the five El Paso County Republican voters whose lawsuit resulted in this week's supreme court decision.

"The proposed intervenors do not believe their interests are being adequately represented by the Secretary of State's office and have different interests than the Secretary in protecting Colorado's petition process," said Kyle Fisk, a spokesman for the attorneys representing Hill and the others.

Deputy Secretary of State Suzanne Staiert agreed that the interests of the state and the Republicans seeking to join the lawsuit weren't the same but insisted her office would vigorously defend the constitutionality of the residency requirement.

"Wanting to throw someone off the ballot isn't the same thing as wanting to defend a state law," she told Colorado Politics on Thursday.

In an interview Friday, Staiert pushed back against arguments contained in court documents filed by the proposed intervenors.

"We will defend the case when it gets to federal court. We have attorneys that are very good, that are the best in the state. They will defend state law whether or not this office philosophically disagrees with it," she said.

Colorado House begins debate on fix to public employees' pension

Colorado Politics

With two weeks left in the session, the Colorado House finally brought one of the most significant pieces of legislation this year to floor last Wednesday: safeguarding public employees' pension plan and, ultimately, the credit rating for local and state government.

After an hour, the bill was postponed until Monday. Tick tock. Tick tock. The clock is starting to tick on the end of the session on May 9.

If the bill passes a voice vote on Monday, it will still need a recorded vote in the House, on Tuesday.

Since it's been heavily amended, if it passes the Democratic majority in the House, it would go to a conference committee from the Senate, where Republicans hold the majority.

That would leave a week before the General Assembly adjourns on May 9. That's certainly doable, given the pensions of state and local employees, more than half of whom are teachers or school employees.

But the swings in the amendments every step of the way suggests a dogfight with huge stakes before lawmakers go out to campaign for re-election this summer.

The pension plan is expected to be at least \$32 billion short of what it needs to cover benefits, and the plan before the legislature would seek to bring that in balance within the next three decades.

At risk is whether the plan would collapse in a future downturn, but sooner than that, it could hurt the state's credit rating which would force government to pay more in interest whenever it borrows money, which is often.

Wednesday House Republicans tried and failed to pass some pretty big amendments to Senate Bill 200 to have employees put in more from their paychecks and to ensure equal representation from both parties on an oversight board.

The pension plan has 586,634 state and local public employees, about 60 percent of whom are teachers or other school employees. Teachers are expected to rally at the Capitol over the retirement proposal and other school funding on Thursday and Friday, part of a statewide campaign.

Hickenlooper signs law to continue financial analysis of new regulations

Denver Business Journal

Colorado business leaders who have relied on state-ordered cost-benefit analyses of new regulations to impact the implementation of potentially burdensome new rules will get their wish to have the process continue indefinitely.

Gov. John Hickenlooper last Wednesday signed into law House Bill 1237, which continues the roughly two-decade-old initiative and adds to it by requiring state rule-making agencies include on their websites information about the cost-benefit analysis process and a link to an enrollment form to receive regulatory notices. Business owners and other citizens can comment on proposed rules and how they affect them financially.

Rep. Kevin Van Winkle, a Highlands Ranch Republican who sponsored HB 1237 with Democratic Rep. Tracy Kraft-Tharp of Arvada, said the process gives people the chance to have input before new rules go into place.

Tony Gagliardi, state director for the National Federation of Independent Business, said he can remember testifying for the process in 2005 the first time it was brought up for a sunset review and made subject to debate on whether it should continue. He said he's glad that Hickenlooper and members of the Legislature saw fit to make it a permanent requirement of departments whose rules affect the operations of companies across the state.

"Policymakers think in today's terms. They don't think about 'Five years down the road or three years down the road, what's this going to cost?'" Gagliardi said Thursday. "I think the cost-benefit analysis is beneficial to industry, it's beneficial to policymakers and it's beneficial to citizens who have to pay for its work."

Beer-sales bill survives two committee votes on way to Senate floor debate

Denver Business Journal

Following a tumultuous first committee hearing last Monday, a bill to regulate full-strength beer sales in grocery and convenience stores after sales begin on Jan. 1 is headed for debate on the Colorado Senate floor.

Senate Bill 243, sponsored by Republican Senate Majority Leader Chris Holbert of Parker and Democratic Assistant Senate Minority Leader Lucia Guzman of Denver, requires that anyone selling beer in groceries or convenience stores must be 21, bars new grocery or convenience stores selling full-strength beer from opening within 1,500 feet of existing stores and permits grocers to deliver beer only with company employees driving a company vehicle.

Grocers and convenience stores, which largely have been permitted to sell only low-strength beer since the end of Prohibition in Colorado, will be allowed to sell full-strength beer starting next year as part of a 2016 law that enabled grocers to full alcohol-sales if they buy out the licenses of two nearby liquor stores. Liquor stores have asked for guardrails on that sales ability to stop locally owned retail locations from getting wiped out. Holbert has said he wants to ensure a smooth transition while also creating legal parity between the new sellers and existing liquor stores.

During an emotional and sometimes chaotic hearing Monday, members of the Senate State, Veterans and Military Affairs Committee removed the bill's most controversial provision, which would have limited the amount of shelf space grocers and convenience stores could dedicate to beer. Committee chairwoman Vicki Marble, a Fort Collins Republican and minority owner in a liquor store who referred to the liquor-store sector as "us" during the hearing, also delayed a vote on the bill as Holbert and Guzman scrambled to avoid sending the measure to the Senate Finance Committee, where opponents said they had the votes to kill it.

Gov. Hickenlooper Announces Boards and Commission Appointments

Office of the Governor

Wednesday, April 25, 2018 - Gov. Hickenlooper today announced a Boards and Commissions appointments Correctional Industries Advisory Committee, State Emergency Medical and Trauma Services Council, Statewide Independent Living Council, Human Trafficking Council, and Peace Officers Standards and Training Board.

The Correctional Industries Advisory Committee advises the directors of the program on the manufacture, distribution and private-sector impact of products produced by Correctional Industries.

For a term expiring Sept. 18, 2020:

- Kristin Marie Cardenas of Denver, to serve as a representative of affected industries in the business community, appointed.

The State Emergency Medical and Trauma Services Council advises the Department of Public Health and Environment on matters relating to emergency medical and trauma services programs. The Council's duties include developing curricula for the training of emergency medical personnel, establishing requirements for ambulance vehicles and services, and determining the eligibility of facilities to receive trauma center designation.

For a term expiring July 1, 2019:

- Jill Ann Filer of Pueblo West, to serve as a county emergency manager, and occasioned by the resignation of James W. Felmlee of Center, appointed.

The Statewide Independent Living Council is mandated under the Federal Law and acts in partnership with Colorado Rehabilitation Services to plan independent living programs in the state.

For a term expiring Oct. 1, 2019:

- Joan LeBelle of Boulder, to serve as a representative of a center for independent living, and occasioned by the resignation of , Nancy Rising Jackson of Fort Collins, appointed;

For a term expiring Oct. 1, 2020:

- Johanna Kathleen Taliercio of Denver, to serve as an advocate for individuals with disabilities, appointed.

The Human Trafficking Council brings together leadership from community-based and statewide anti-trafficking efforts; builds and enhances collaboration among communities and counties within the state; establishes and improves comprehensive services for victims and survivors of human trafficking; assists in the successful prosecution of human traffickers, and helps prevent human trafficking in Colorado.

For a term expiring Aug. 1, 2018:

- Fikile Ryder, MSCJ of Pueblo, to serve as a representative of a faith-based organization that assists victims of human trafficking, and occasioned by the resignation of Jason Allen Korth of Colorado Springs, appointed;

For a term expiring Aug. 1, 2022:

- Fikile Ryder, MSCJ of Pueblo, to serve as a representative of a faith-based organization that assists victims of human trafficking, reappointed.

The Peace Officers Standards and Training Board oversees the certification of training programs, training academies and instructors of police officer candidates. The Board also certifies qualified peace officers.

For a term expiring June 30, 2018:

- Tonya M. Barnes of Elizabeth, to serve as an active peace officer with rank of sergeant or below, and occasioned by the resignation of Rafael Antonio Chanza of Colorado Springs, appointed;

For a term expiring June 30, 2021:

- Tonya M. Barnes of Elizabeth, to serve as an active peace officer with rank of sergeant or below, reappointed.

Calculator

Days Left to Sine Die: 9

House Bills Introduced: 435

Senate Bills Introduced: 279

Dead Bills: 181

Governor Signed: 181