



Legislative Newsletter



14305 E. Alameda Ave., Ste. 300
Aurora CO 80012
Tel: 303-344-1500
Fax: 303-344-1564
www.aurorachamber.org

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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.*

“All you need is love. But a little chocolate now and then doesn't hurt”

— Charles M. Schulz

The First Regular Session of the Seventy-second General Assembly convened on Jan. 4, 2019. As of today, there have been 176 bills in the House and 140 bills in the Senate introduced. This is significantly under the amount we usually see at this time, so expect many more to be introduced. Expect weekly newsletters from Axiom during the legislative session, and your Capitol Watch bill tracker URL will be sent every Friday.

-Team Axiom-

Denver strike ends with big teacher raises

Colorado Politics

Denver school administrators and the city's striking teachers reached a tentative deal Thursday to end a three-day educator walkout with a contract agreement that gives teachers raises of 7 to 11 percent, built-in cost-of-living increases and opportunities for future salary hikes.

The key sticking point of variable bonuses for teachers working in tougher environments will be studied to determine if they help retain teachers in schools, the teachers' union said.

The deal was reached after negotiations that went through the night and it was announced shortly before schools opened Thursday morning. Superintendent Susana Cordova and teacher union president Henry Roman hugged after signing it.

Teachers were encouraged to return to their classrooms if they felt ready, even though the deal awaits ratification by the full union membership.

More than half the district's teachers went on strike Monday after negotiations over pay broke down.

In a statement, Denver Mayor Michael Hancock called the tentative deal "good news."

"I know from the several calls and meetings I undertook with both sides, that it has been challenging to build trust and reach an agreement," he said. "Our students are the biggest winners with this deal, and I'm sure they'll be happy to have their teachers back in their classrooms."

Democrat Gov. Jared Polis, whose administration declined to use its power to block the strike, praised the deal though he said he wished it had been reached before a walkout.

"I am pleased that after months of negotiations, both sides stepped up, worked together, and found a solution that works for our district, our educators, our parents, and most importantly our children," the Democrat said in a statement.

"While it's unfortunate that this agreement was not reached prior to the strike, today's results are a testament to Denver Public Schools and the Denver Classroom Teachers Association's commitment to working together in the best interest of our children," he added.

"Denver's kids are the biggest winners in today's agreement, and I think everyone is relieved that the strike is over and students and teachers will be back in school working together to build a brighter future for themselves and our community."

The teachers had demanded that the school system should rely less on bonuses for educators in high-poverty and high-priority schools.

Capitol Business Preview: What businesses need to know this week at the Colorado Legislature

Denver Business Journal

Much of the 2019 legislative session will focus on the revival of business-aimed bills that have died in the past two years, dealing with subjects from paid family leave to oil/gas regulation to the ability of local governments to increase the minimum wage.

But this week, the Colorado Senate will begin debate on a topic that has hung over the Legislature for the past two decades since Republicans first attacked the issue under former Gov. Bill Owens — caps on damages awarded in lawsuits. And the first effort in this area is coming from the No. 2 Democrats in each chamber, Senate Majority Leader Steve Fenberg of Boulder and House Majority Leader Alec Garnett of Denver.

Senate Bill 109 would adjust for inflation on Jan. 1 the damages that can be awarded in cases involving noneconomic loss or injury, the unlawful serving of alcohol or wrongful death, and it would allow those caps — now \$468,000 or \$936,000 in cases that are judged to be extreme — to be readjusted every two years. As the bill notes in its summary, the last time such caps were adjusted for inflation was Jan. 1, 2008.

And while SB 109 hasn't been creating the waves that past efforts dealing with caps for medical malpractice or construction defects have made, it's caught the attention of the Colorado Civil Justice League, an organization focused on limiting what it considers to be unnecessary or unreasonable litigation. The group noted in its newsletter last week that while inflation typically refers to the costs of goods and service, it's much harder to measure the value of pain and suffering.

"There is no doubt that this legislation will increase costs to Colorado families and consumers who will see the value of their present insurance reduced and face the cost of paying higher premiums for additional coverage to keep the same protections today," the group wrote.

SB 109 is scheduled for its first hearing before the Senate Judiciary Committee today, where it is the third item on the 1:30 p.m. agenda.

In other Capitol news this week:

Sales tax simplification

SB 6, which would order the state to develop a system under which merchants could know the exact sales-tax charges for any address they ship to and could remit the payments for all shipments directly to the state, sailed through the Senate without a "no" vote and begins what should be a similar walk through the House today at 1:30 p.m. with a hearing in the House Finance Committee. More controversial will be the 2 p.m. Tuesday hearing in the Senate Finance Committee for SB 130, sponsored by Sen. Bob Gardner, R-Colorado Springs, which would require that out-of-state retailers be responsible for paying only the state sales-tax rate on products shipped into Colorado but also mandating

that the state provide those businesses with a database of local-government taxing rates and local taxing jurisdiction boundaries.

Colorado regulators say backlog of oil, gas permits could take three years to clear

Denver Post

A flurry of drilling permit applications late last year and a rising number of challenges to the requests have helped create a backlog that state regulators say could take up to three years to clear.

At the end of January, hearings officers at the Colorado Oil and Gas Conservation Commission had 406 pending applications on their docket. Of those, 30 percent of the applications have been protested, the COGCC staff told commissioners in a recent meeting.

The COGCC is down one hearing officer. But even if there were more hearing officers and more cases ready for the commission's agenda, it would likely take about three years to clear the backlog of hearings, assuming none of the protests are settled, said Mimi Larsen, the COGCC hearings and regulatory affairs manager.

"Once a protest is filed, we have seen over the last year, 18 months, an increased litigation style tactic, I guess one could say, of how these cases are approached," Larsen said.

Lawyers are filing different kinds of motions and challenging expert testimony, Larsen added.

Many of the applications are for drilling and spacing units, which map out the subsurface area a company wants to access and must be approved before drilling permits are approved.

In addition, there was a jump in the number of drilling permit applications submitted last year in the lead-up to the Nov. 6 election, when voters considered stricter buffers around new oil and gas wells. Voters soundly defeated Proposition 112, but by Dec. 18, there were 6,307 applications on the books.

By contrast, the backlog totaled 2,151 permits on Dec. 17, 2017.

The majority of the protests of the drilling and spacing unit applications are filed by oil and gas companies challenging other companies' plans, said Jeff Robbins, acting COGCC director.

However, James Rouse, the COGCC hearings supervisor, said during a Jan. 28 meeting that challenges to permit applications by towns, cities and counties "are becoming a big issue and difficult to resolve."

Commission member Howard Boigon suggested exploring ways to streamline the protest process to reduce what he called "lawyer games" and encouraging operators to settle their disputes with each other.

"There's a lot of stuff that goes on and a lot of it I think is unnecessary, frankly," said Boigon, a lawyer who has represented oil and gas companies.

The COGCC is exploring various ways to tackle the backlogs, including asking companies to prioritize their projects so staffers can address those first, Robbins said.

The state saw a similar surge in applications for drilling permits in 2008 and 2009. That's when the COGCC wrote rules requiring that the environment, wildlife and public health and safety be given more consideration when approving oil and gas development.

Colo. House committee kills bill to broaden pharmacy options for patients

Colorado Politics

Health insurance carriers would have been prohibited from limiting patients' ability to select their own pharmacy under a bill that was killed Wednesday by a Colorado House committee.

House Bill 1154, proposed by the bipartisan duo of Reps. Kyle Mullica, D-Northglenn, and Marc Catlin, R-Montrose, died in the House Committee on Health and Insurance. Both representatives also sit on the committee.

Along with allowing patients to select the pharmacy of their choice, the bill would have prohibited insurance carriers from imposing fees or any other conditions on patients for that choice.

It would have also prohibited carriers from denying pharmacies or pharmacists the right to participate in the company's network contracts, so long as they were properly licensed and agreed to the conditions that apply to a network.

The bill had bipartisan sponsorship in the Senate.

State senator breaks with party line to support sex ed bill

Durango Herald

Montrose Republican Sen. Don Coram is leading a state effort to fund a controversial sex education program in Colorado's public schools, the latest example of the senator's unusual break with his party when it comes to hot topics like marijuana, contraceptives and abortion.

In 2013, Colorado banned abstinence-only programs and instead required that sex education, if schools choose to offer it, discuss contraception and alternative gender and sexual identities. But in testimony given to lawmakers in January, students around the state said they were still getting abstinence-only education, a practice that Coram and groups like Planned Parenthood and the American Civil Liberties Union want to stop.

Coram is backing a bill that would give grants to schools to fund sex ed, but the bill would also ensure that abstinence-only programs aren't used.

Coram's support for the bill is simple: "Abstinence doesn't work," he said.

Coram, Planned Parenthood and the ACLU all support the view that abstinence-only education doesn't protect kids from sexually transmitted infections or unwanted pregnancies. Coram and both groups referenced research published this month in the American Journal of Public Health that found teens are more likely to avoid pregnancy and STIs without sex education than if they get abstinence-only education.

Coram's bill, known as House Bill 1032, expands a measure passed in 2013 that required all schools offering sex ed to make it comprehensive – in other words, programs could not discriminate against transgender, lesbian, gay or bisexual students and must teach students about sexually transmitted diseases, abstinence and contraceptives. But that initial bill did not provide money, leaving many poorer and rural districts without the funds for a sex ed program that would meet state requirements. The new bill would set aside \$1 million to fund sex ed programs in schools that can't afford them. Schools and students will not be required to offer or participate in sex ed programs.

The bill has already sent shock waves through Coloradans who are adamantly opposed to so-called comprehensive sex education, particularly with its new provisions that prohibit language that stigmatizes or shames people who are transgender, lesbian, gay or bisexual.

In January, the bill passed the House Health and Insurance Committee on a party-line vote after hours of emotional testimony from people concerned that comprehensive sex ed would normalize sexual deviancy, experiment with children's identities and encourage them to be "abnormal."

The bill highlights Coram's unique approach on reproductive issues that sets him apart from his Republican colleagues. Like most Republicans in the Capitol, Coram would like to abolish abortions. But his plan to eliminate them involves providing easier access to contraceptives and sex education programs that steer clear of abstinence-only messages.

As lawmakers consider major preschool expansion, Colorado providers want more than just extra seats

ChalkBeat

With Gov. Jared Polis' proposal for the biggest expansion of Colorado's state-funded preschool program in its 30-year-history, many early childhood educators are cheering the possibility of 8,200 new preschool slots for at-risk children.

But they're also asking hard questions about how providers will find the staff and space to create new preschool classrooms, and whether state leaders will reshape the program to broaden its reach and intensity. Suggestions from the field include expanding the definition of at-risk, accepting more 3-year-olds, offering more full-day slots, and rewarding top-rated providers with more money.

These discussions echo debates about preschool quality and access nationally as more state leaders prioritize early childhood education, and as public preschool programs from New York to California attempt massive scale-ups.

Research shows that early childhood programs can produce huge long-term gains for children, particularly those from low-income families. But there's a caveat: The programs must be high-quality.

In Colorado, Polis' preschool proposal hinges partly on his plan to offer free full-day kindergarten statewide. That's because 5,000 of the new preschool slots would be funded with money currently earmarked for full-day kindergarten through a special pool of flexible early education dollars. Lawmakers likely won't make final decisions on the full-day kindergarten and preschool expansion plans until late spring.

In the meantime, preschool providers are weighing the pros and cons.

One of them is Lynne Bridges, who runs a highly rated preschool designed to look like an old schoolhouse in downtown Pagosa Springs in southwest Colorado. It's called Seeds of Learning and serves children from tuition-paying families and about two-dozen preschoolers who qualify for public dollars through the Colorado Preschool Program.

While Bridges is thrilled with Polis' support for early childhood education, she's frustrated, too, that the state's preschool program doesn't recognize top programs like hers with extra funding.

"It's almost like this high-quality program I've created It's my burden," she said.

Bridges' program holds a respected national accreditation and also has a high rating from the state through its Colorado Shines rating system. She fundraises constantly to fill the gap between her government allotment and the cost of providing preschool for her at-risk kids — the ones she said have the most to gain from a high-quality program.

"There's only so much money to be had in a rural community," Bridges said. "This shouldn't be me laying awake at night trying to help these families."

The \$111 million Colorado Preschool Program serves about 21,000 preschoolers statewide — most of them 4-year-olds in half-day slots — as well as 5,000 kindergarteners in full-day programs. Most of the program's slots are offered in public school classrooms, though some are in community-based facilities.

On average, providers get about \$4,100 per state preschool slot, though the amount varies based on a district's size, share of low-income students, and cost of living.

Colorado lawmakers reintroducing 'red flag' gun bill

Colorado Politics

Colorado lawmakers announced Thursday they will try again to pass a "red flag" bill to take guns out of the hands of those deemed mentally unstable.

The announcement came on the one-year anniversary of the killing of 17 people at Marjory Stoneman Douglas High School in Parkland, Florida.

While the bill has yet to be formally introduced in the House, supporters indicated the 2019 red flag bill will be dramatically different than the version rejected in the Republican-controlled state Senate last May.

The 2018 measure was spurred by the ambush slaying of Douglas County Deputy Zachary Parrish III on Dec. 31, 2017. He was shot dead by a veteran who had been diagnosed with PTSD and who had been determined by officers on the scene as having mental health issues. The man died in a shootout with police.

As described by lawmakers, this year's "Extreme Risk Protection Order" bill would allow law enforcement officers to remove guns and ammunition from a person deemed a risk to themselves or to others.

Under the measure, once law enforcement removes guns from someone, a judge would be required to hold a hearing within 14 days to determine if the respondent is mentally stable.

In contrast to last year's measure, the burden of proof would be on the respondent, but that person would be provided with legal counsel, also a change from last year. If deemed mentally stable, the weapons would be returned.

But if the person is deemed a risk to themselves or others, law enforcement could hold the weapons for up to 364 days, double the number of days in the 2018 bill.

The bill's sponsors are House Majority Leader Alec Garnett, D-Denver, who co-sponsored the 2018 measure, and newly elected Rep. Tom Sullivan, D-Centennial, whose son, Alex, died in the Aurora Theater shooting in 2012.

"This is why I'm here," Sullivan said at Thursday's news conference, "to make sure what happened to my family doesn't happen again."

A year ago, five states had red flag laws, but in the wake of the Florida shooting, eight more states have passed those laws. Colorado should be the next state to adopt that law, supporters said.

Douglas County Sheriff Tony Spurlock, Parrish's boss, said the bill is about saving lives, including those who are in danger of suicide.

Spurlock said the bill's changes from 2018 came at the request of the state's judicial department, which asked for a longer time period to accommodate the courts. The longer time period to retain weapons is at the request of mental health professionals, to give more time to help those who need mental health treatment. Supporters also noted that most states with red flag laws have those longer time periods.

Noticeable in their absence this year in the bill's rollout: Republicans.

Last year, GOP Assistant Minority Leader Cole Wist of Centennial took heat for his caucus and from Republicans statewide for backing the bill, and it made him a target of Rocky Mountain Gun Owners (RMGO), who called him a traitor during the 2018 election season.

'Reasonable' bill to raise caps on lawsuit damages begins path through Legislature

Denver Business Journal

A proposal to increase the caps on certain lawsuit damages is facing bipartisan opposition, but not the kinds of furor it has brought out from the business community in past years.

Senate Bill 109, sponsored by Senate Majority Leader Steve Fenberg, D-Boulder, progressed quickly through its first hearing in the Senate Judiciary Committee Monday on a 3-2, Democratic-led partisan vote. But even opponents such as the Colorado Civil Justice League acknowledged that the bill was not as onerous as they expected.

The measure increases by inflation the caps on damages for unlawful alcohol service, non-economic loss or injury and wrongful death, which have sat since the start of 2008 at \$468,000 or at \$936,000 in cases that are determined to be extreme. SB 109 also would adjust those damage limitations every two years for inflation — a change that Fenberg said simply mirrors the automatic raising of other figures to reflect cost of living, from minimum wage to the amount of gifts that can be given to legislators.

What the bill does not do is increase the caps for medical-malpractice damages, which sit at \$300,000 for non-economic damages such as pain and suffering and \$1 million for an overall ceiling. Fenberg said he intentionally left that issue out of his bill because he felt it was contentious enough to be discussed on its own.

“I think it’s a much larger conversation than this,” he said after the hearing. “Med-mal is a much more political hot-button conversation ... It just seems to me like these are the pretty obvious changes that aren’t wrapped up in politics.”

While Fenberg said that he has no plans to add medical-malpractice damages to the bill, the House sponsor of SB 109, Democratic House Majority Leader Alec Garnett of Denver, said that he could consider adding those damages to the list of damages whose caps are increasing in this bill. He said he doesn’t see doing anything above and beyond a rise by the level of inflation, however.

The movement of a lawsuit-damage-caps bill through the Legislature reflects the new dynamics at play since the Democrats won back the Senate after four years during the November election and now control both chambers of the General Assembly and the governor’s office. Several business groups have said that they must concentrate their energy on more extreme measures that they have a chance to amend rather than fighting bills like this that are very likely to pass — and that Fenberg and Garnett emphasized as a “reasonable approach” to reflecting the rising cost of living.

GOP lawmaker wants Colorado Lottery funds to be used for education

Colorado Politics

Republican state Sen. Jerry Sonnenberg of Sterling will sponsor a bill for a referred measure that would tap lottery funds to pay for K-12 education, he announced Monday.

The measure has yet to be introduced in the Senate.

“We have enough outhouses at soccer fields,” the Sterling lawmaker said in a statement. “The state has spent billions of dollars on parks and recreation, and now it is time to make education funding a state priority. Let’s allow the voters to decide which is a higher priority — education or recreation?”

Under the resolution, beginning in the third quarter of the 2020-21 fiscal year, any dollars intended to go to Great Outdoors Colorado that aren’t legally committed to paying off bonds would instead be transferred to the State Education Fund.

Sonnenberg's measure is planned for 2020 because it seeks a constitutional amendment; that means it will compete with ballot measures and a presidential and Senate race in Colorado. As a constitutional amendment, the measure also would need 55 percent approval from voters.

Sonnenberg and his Republican colleagues have been trying for years to tap lottery proceeds. The senator tried tapping lottery funds for education late in the 2010 session in an effort that almost mirrors his 2019 proposal. Back then, however, the plan was to tap such funds to stave off a fiscal emergency. What killed the bill in 2010 was opposition from the teachers' union, Sonnenberg told Colorado Politics, because it wasn't enough.

Nine years later, Sonnenberg is hoping that the revenue the measure could tap for education — perhaps around \$66 million, although the dollar amount hasn't yet been announced by the fiscal analysts — becomes part of an array of tools to help fund education.

The governor's request to pay down the state's debt to K-12 — a \$77 million request supported by both then-Gov. John Hickenlooper and now by Gov. Jared Polis — isn't that much higher than what he's suggesting, Sonnenberg pointed out, adding that this kind of money is huge for rural school districts.

Rural districts benefited from a \$30 million boost in funding in the 2017-18 budget and in last year's appropriation.

Whether Sonnenberg finds support from Democrats, whose votes will be essential for the measure to move forward, is another matter. So far, they're noncommittal.

Colorado bill banning conversion therapy for minors passes first test in House

The Denver Post

Mathew Shurka told a Colorado House committee that he hardly spoke a word to his mother and sisters for three years because a therapist who promised to cure him of his "same-sex attractions" told him he had "too many female role models in his life."

Shurka said he thought about suicide during those years in conversion therapy. He quit going when he was 21 and now travels the country testifying against the practice.

He was in Colorado on Wednesday when state lawmakers took the first step toward banning conversion therapies that claim to change the sexual orientation or gender identity of minors.

House Bill 1129 would prohibit mental health professionals from practicing these kinds of therapies on patients under 18 and make advertising conversion therapy a deceptive trade practice under the Colorado Consumer Protection Act. It passed out of a House committee on an 8-3 vote, with one Republican joining Democrats in supporting the bill.

"I find myself in a very interesting position here as the youngest member on this panel and also a Republican," said Rep. Colin Larson, R-Littleton. "This is a generational issue, to be frank with you."

Larson, 32, said he grew up with friends who were openly gay and never gave it a second thought. He voted yes, he said, to protect other kids like his childhood friends from being pressured into conversion therapy as minors.

"This protects them until the age of 18 so they have the ability to grow up and explore who they are and not be forced to do anything until they are a legal consenting adult," Larson said.

Rep. Larry Liston, R-Colorado Springs, voted no Wednesday because of concerns about the legality of the bill. Several people who testified against a ban argued that it would infringe on the free speech of therapists and the rights of parents and kids who want to seek out this kind of counseling.

A Republican-controlled Colorado Senate voted down four previous iterations of the bill, but with Democrats now in control of both chambers Rep. Daneya Esgar, D-Pueblo, thinks this is the year it will pass.

Federal court denies restraining order in Colorado 'forced pooling' challenge

Colorado Politics

A U.S. District Court judge in Denver has rejected a request to order a halt to an oil and gas development project in Broomfield in a lawsuit challenging Colorado's "forced pooling" laws.

Colorado's forced-pooling statutes enable oil and gas operators to obtain an order from the state to combine the mineral rights of a group of property owners into a cohesive drilling unit — even if individual property owners in the unit do not consent to leasing or selling their mineral rights.

An oil and gas company must offer fair payment to property owners to lease the mineral rights in a drilling unit it is trying to put together. If landowners decline to sign the lease offers, the operator can request the Colorado Oil & Gas Conservation Commission (COGCC) grant a forced-pooling order to consolidate the mineral rights.

Thirty-four states have such laws, which are seen as a tool to ensure the orderly and efficient development of oil and gas resources, according to the National Council of State Legislatures.

In January, the anti-fracking group Colorado Rising -- led by former state lawmaker Joe Salazar -- sued the state, Gov. Jared Polis and the COGCC on behalf of homeowners in Broomfield's Wildgrass neighborhood opposed to proposed drilling by Extraction Oil and Gas near their homes.

The suit challenged the constitutionality of the state's force-pooling laws, saying it "grants exclusive privileges to private gas and oil operators" and injures property owners by not letting them negotiate with Extraction.

Tuesday, U.S. District Judge Brooke Jackson refused to issue a restraining order halting the Broomfield project, Greg Avery of the Denver Business Journal reports.

Jackson ruled after being assured that drilling won't begin until June -- after a March hearing on Extraction's pooling application before the COGCC.

The case comes against the backdrop of a policy debate over whether the COGCC should do more to take public health and safety into account in regulation the state's fossil-fuel industry.

The state Supreme Court ruled in January that state law does not allow regulators to make public health and the environment their top priority when setting rules for oil and gas drilling. That led Democrats who control the Legislature and the governor's office to say they plan to change the law.

Legislature kills attempt to roll back new Colorado vehicle fuel-efficiency standards

Denver Business Journal

The effort to stop Colorado's low-emissions vehicle regulations from going into place is now solely in the hands of the courts.

Democrats on the state Senate Health and Human Services Committee on Wednesday killed a bill that would have prohibited the state from adopting emissions regulations that are tougher than federal standards or that mirrors California's emissions rules. Senate Bill 53, sponsored by Sen. John Cooke, R-Greeley, died on a 3-2 party-line vote.

In November, the Colorado Air Quality Control Commission unanimously agreed to adopt California's standards requiring more fuel-efficient cars be sold in Colorado beginning in 2022. Commissioners and supporters of the plan,

which was ordered to be presented to the CAQCC by then-Gov. John Hickenlooper said it will improve air quality and will save consumers money in fuel in the long run, overriding concerns particularly from automobile dealers that the new standards would lead to an increase in the average new-vehicle sticker price of more than \$2,100.

Last month, shortly after Cooke filed SB 53, the Colorado Automobile Dealers Association filed a lawsuit asking a court to throw out the new standards, claiming that the decision was made in an arbitrary and capricious manner and that the commission skirted the balance of power that should have required the Legislature to make any decision. That lawsuit remains underway.

Cooke sought a quicker way of tossing the CAQCC decision, arguing that Hickenlooper's executive order calling for the rules was inappropriate because it created new law and saying that tying the state's fuel-efficiency standards to California's was a "flawed, deceptive process." He noted as well that while just 48 percent of the new vehicles bought in California in the first quarter of last year were SUVs or light-duty trucks, 74 percent of purchases in Colorado in the same time were those types of heavier vehicles — a statistic that he argued showed that California had no concept of what the vehicle market in Colorado is like.

"Our mantra on these issues is: Markets, not mandates," added Jep Seaman, a lobbyist for the Alliance of Automobile Manufacturers, which supported this bill and noted that more than 500 models of vehicles now achieve the fuel-efficient standard of 33 miles-per-gallon or better.

Environmental groups in particular called for the low-emissions vehicle mandates to be left in place, however, saying that they not only will bring down Colorado's already high ozone levels but will save residents money in the long run. Jan Douglas of the state chapter of the Sierra Club said that studies have shown vehicles meeting California's fuel-efficiency standards will reduce gas purchases \$3,400 over their lifetimes as well as impacting both health and climate change positively.

"Passing this bill would undo countless hard work and would prevent us from further action to protect our health," said Jenny Gaeng, a field organizer with the group Conservation Colorado.

Colo. Senate committee approves bill prohibiting drivers from using cellphones behind the wheel

Colorado Politics

A bill that will require motorists to keep their hands on the wheel and not on their cellphone won unanimous approval from the Colorado Senate Transportation and Energy Committee on Thursday.

Democratic Sen. Lois Court of Denver rewrote Senate Bill 12 in between its first committee hearing on Jan. 24 and its final committee vote Thursday.

Court told the committee last month that the law would not prohibit the use of a cellphone while driving. The law would apply only when the car is in motion and when a driver is holding a cellphone in his or her hands. It also would apply to other electronic devices such as laptops, tablets, computers, electronic games, cameras and the like.

"To activate it, go for it. Don't be holding it," she said.

While the bill won support from county sheriffs and bicycle and motorcycle aficionados, Court took heat from the committee over the penalties that would be imposed for violations. As introduced, Court's bill would have levied a \$300 fine and four points against the driver's license, and higher penalties for subsequent violations.

The version approved by the committee inserted stronger definitions for emergency use and lowered the fines. A first offense would be \$50 and two points, a second would be \$150 and four points, and a third or subsequent violation would be \$300 and also at four points.

The bill now goes to the Senate Appropriations Committee based on its original fiscal analysis and a cost of \$20,250 in the first year.

Colorado Ethics Commission ups limit on gifts for officials; complaints against Hickenlooper advance

Colorado Politics

The Colorado Independent Ethics Commission voted unanimously on Monday to increase the value of gifts that elected officials, including state lawmakers, can accept.

It also rejected a request that it dismiss ethics complaints against former Colorado Gov. John Hickenlooper, filed by a former statehouse foe, and will move ahead with an investigation.

The commission is required to review the limit on gifts to officials every four years and increase the value if appropriate.

Amendment 41, which voters approved in 2006, set the value of gifts to lawmakers and other elected officials at \$50. That doesn't apply to lobbyists, who are prohibited under the ethics amendment from providing gifts of any kind to lawmakers.

Since then, the ethics commission has upped the value twice, to \$53 and, four years ago, to \$59. On Monday, the commission increased it again, to \$65.

In other commission action, commissioners consolidated two complaints against Hickenlooper filed by former Republican Speaker of the House Frank McNulty and his Public Trust Institute.

One complaint against Hickenlooper alleges he improperly accepted gifts of travel and conference costs in 2018. The then-governor traveled to Switzerland for a conference, to Dallas to officiate at a wedding, and to Wyoming, New Jersey, and Connecticut, primarily on private jets.

A second complaint, filed in December, alleged the governor traveled on a private jet to Washington, D.C., to attend a Brookings Institute meeting.

Shortly after the complaints were filed, Hickenlooper's office said both claims were politically motivated.

The commission rejected a motion from Hickenlooper's attorney, Mark Grueskin, to dismiss the McNulty complaints based on the statutory guidelines tied to Amendment 41 that apply to the purposes of a gift. The amendment, passed by voters in 2006, sets limits on gifts to officials and establishes various other ethics rules.

The General Assembly, in passing clarifying legislation tied to Amendment 41, said that qualifying gifts had to be for private or personal financial gain and offered with the intent of influencing an official act by the recipient.

But that's not language you'll find in Amendment 41. Commissioner Bill Leone, in arguing for rejecting the Grueskin motion, said the commission has always ruled based on the language of the constitution and not the statute.

"We've always taken the position the Constitution has to be applied as written," Leone said. "The Legislature is not empowered to change the elements of the constitution or add to it."

The commission dismissed the Grueskin motion on a 4-0 vote.

A date for a hearing has not yet been set; the next step is for the commission's executive director, Dino Ioannides, to begin a formal investigation.

Meanwhile, the commission has set an April 22 hearing date for a complaint filed against former Secretary of State Wayne Williams. But contrary to previous policy, the Secretary of State's Office has decided not to pay for the continuing legal expenses tied to the complaint, according to emails provided to Colorado Politics.

The complaint, filed on Oct. 22, alleges that Willilams used a discretionary fund in his office to purchase clothing, at a cost of \$2,427.86, between 2015 and 2017. Most of those clothing items were intended for use at the Denver Rustlers charity fundraiser at the Colorado State Fair in Pueblo. The fundraiser dates back to the mid-1980s.

Gov. Polis appoints new judge on Jefferson County Court

DENVER — Gov. Jared Polis today appointed Corrine Magid to the Jefferson County Court in the First Judicial District. Magid fills a vacancy created by the appointment of Ryan Stuart to the 18th Judicial District Court.

Magid has been the presiding judge for the municipal courts of the Cities of Golden and Northglenn since January 2014 and June 2014, respectively. She also serves as a part-time magistrate for the Denver County Court. She presides over municipal, traffic, juvenile, and misdemeanor cases, as well as felony bond hearings and civil abatements. Previously, she was a Senior Deputy District Attorney in Adams and Broomfield Counties (2008-2013), and a solo practitioner focused on estate planning and probate. Magid earned her B.A from Colorado State University in 2000 and her J.D. from Boston University School of Law in 2003.

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FOR IMMEDIATE RELEASE

Friday, Feb. 8, 2019

Gov. Polis appoints top position at Human Services, Personnel and Administration

DENVER— Gov. Jared Polis today announced appointments for top positions at the Colorado Department of Human Services and the Colorado Department of Personnel and Administration.

Michelle Barnes, executive director of the Department of Human Services

- Michelle Barnes was the President/Founder of Interim Leadership Solutions where she led organizations through leadership transitions serving as their interim CEO. Recent organizations included Food Bank of the Rockies, Senior Housing Options, and more. She previously served as the Vice-President at the Outdoor Industry Association. Prior to that, she spent a dozen years working in the high tech sector. She holds an MBA from UCLA and a BA from the College of William and Mary.

Kara Veitch, executive director of the Department of Personnel and Administration

- Kara Veitch began her role with state government as the deputy executive director of the Department of Personnel & Administration in July 2013. Kara has more than 18 years of leadership, legal, and executive experience, having worked as an attorney for Children’s Voices, Inc., and as a partner at Isaacson Rosenbaum, P.C. She also served as associate director of the Colorado Forum, where she advised Colorado’s top business leaders on constitutional, fiscal, and educational challenges facing the State. She holds a Master of Business Administration, a Juris Doctorate, and a Bachelor of Arts - all from the University of Colorado.

FOR IMMEDIATE RELEASE

Friday, Feb. 8, 2019

Gov. Polis orders flags lowered to honor former U.S. Rep. John Dingell

DENVER— Gov. Jared Polis today ordered flags lowered to half-staff on all public buildings statewide now until sunset on Saturday, Feb. 9, 2019 to honor former U.S. Rep. John Dingell, and as ordered by President Trump. Former Rep. Dingell died on Thursday, Feb. 7, 2019.

The full text of the President's proclamation:

Office of the Press Secretary

FOR IMMEDIATE RELEASE

February 8, 2019

DEATH OF JOHN DAVID DINGELL, JR.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

As a mark of respect for the memory and longstanding service of former Representative John David Dingell, Jr., of Michigan -- the longest-serving Member of Congress in our Nation's history -- I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, February 9, 2019. I also direct that the flag shall be flown at half staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of February, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

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IMMEDIATE RELEASE

Monday,

Feb. 11, 2019

**Governor Polis Announces New Office to Help Colorado Communities Realize Opportunity Zone Investment
OEDIT and DOLA to support newly-established unit**

DENVER — Governor Jared Polis has announced the formation of a dedicated office within the Office of Economic Development and International Trade (OEDIT) to cultivate active investment in Colorado's 126 federally designated Opportunity Zones.

"Colorado has earned national recognition for our thoughtful and inclusive approach designating Opportunity Zones, and we are committed to ensuring that we realize the maximum potential," said Governor Jared Polis. "It's vital that we continue to build on this momentum and collaborate with communities and investors to make these opportunities a reality to create good jobs."

The new team will be led by recently named Opportunity Zone Program Director Jana Persky and charged with engaging stakeholders to facilitate active investment in designated Colorado tracts. The office will provide procedural guidance and technical knowledge to enable communities to secure much-needed investment and is funded through an Economic Development Commission allocation.

"I am encouraged and excited by the work already being done by local communities to ensure they present an attractive package to opportunity funds," said OEDIT Executive Director Betsy Markey. "With the continued support of Governor Polis, our Opportunity Zones are positioning Colorado's rural communities to be strong contenders for this new investment opportunity."

The office is partnering with the Colorado Department of Local Affairs (DOLA) to support communities in developing Opportunity Zone strategies, with the goal of attracting capital to projects that will have a positive community impact.

"DOLA has been working in partnership with local communities and leaders and OEDIT to identify where their designated areas can achieve its full potential," said DOLA Executive Director Rick Garcia. "Through the Opportunity Zone program, equitable distribution will be possible in some of our rural areas of the state which will provide them with the opportunity to continue along the path towards economic innovation throughout Colorado."

To help facilitate Opportunity Zone investments, the office will offer grants to support economic modeling, prospectus development, and other technical assistance needed to help community-oriented projects come to fruition.

OEDIT, in conjunction with Startup Colorado and the Blackstone Entrepreneurs Network, has also launched CO-Invest.co to connect investors and opportunities - including opportunity zones - to leverage the speed and reach of technology to further facilitate the investment opportunities.

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FOR IMMEDIATE RELEASE

Thursday, Feb. 14, 2019

Gov. Polis statement on tentative agreement between DCTA and DPS

DENVER — Gov. Jared Polis today issued the following statement on the tentative agreement between Denver Public Schools and the Denver Classroom Teachers Association:

"I am pleased that after months of negotiations, both sides stepped up, worked together, and found a solution that works for our district, our educators, our parents, and most importantly our children.

While it's unfortunate that this agreement was not reached prior to the strike, today's results are a testament to Denver Public Schools and the Denver Classroom Teachers Association's commitment to working together in the best interest of our children.

Denver's kids are the biggest winners in today's agreement, and I think everyone is relieved that the strike is over and students and teachers will be back in school working together to build a brighter future for themselves and our community."

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