



# 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.*

**"A dream doesn't become reality through magic; it takes sweat,  
determination and hard work."  
- Colin Powell**

The First Regular Session of the Seventy-second General Assembly convened on Jan. 4, 2019. As of today, there have been 261 bills in the House and 206 bills in the Senate introduced. Expect weekly newsletters from Axiom during the legislative session, and your Capitol Watch bill tracker URL will be sent every Friday.

**-Team Axiom-**

## **Colorado legislative Democrats make a move on climate change**

*Colorado Politics*

Democratic leaders in the Colorado legislature are moving fast on climate change two-thirds of the way through the 120-day session.

Republicans and industry interests are certain to take on the legislation, but Democrats hold majorities in both chambers of the General Assembly, and a willing a governor in Jared Polis. Polis campaigned on clean energy and environmental awareness.

On Thursday House Speaker KC Becker, D-Boulder, and Rep. Dominique Jackson, D-Aurora, introduced a bill to authorize a state plan to curb carbon and "ensure that Colorado leads on climate action."

Meanwhile the Senate Transportation and Energy Committee approved a bill backed by Sen. Kerry Donovan, D-Vail, to better collect and track data on emissions.

"People in my district depend on clean land, water and air for their personal enjoyment and livelihood, but climate change is putting that at risk," Donovan said in a statement.

"This bill is an important step towards protecting our environment while ensuring that the businesses powering our local economies can continue to operate in the years ahead."

The Air Quality Control Commission would collect greenhouse gas emissions data statewide for a forecast that would come with recommendations to make reductions.

The commission would have until July 1, 2020, to get the system in place.

Senate Bill 96 is sponsored in the House by Rep. Chris Hansen, D-Denver.

House Bill 1261 — sponsored in the upper chamber by Sens. Faith Winter, D-Westminster, and Angela Williams, D-Denver — is aimed at creating jobs, the economy and spurring innovation while cutting air pollution, the sponsors said in a press release Thursday evening.

Lawmakers could put goals to reduce carbon pollution into state law, and use new rules to get industry to reduce carbon emissions, as well.

“Climate change is real,” Becker said in a statement. “It’s happening. And we have a moral and economic imperative to act now.

“As a mother, a defender of clean air and water, and legislator, I am committed to ensuring our state is making responsible investments in our future and working to preserve our unique quality of life. I cannot think of a more important challenge for our state to tackle than climate change.”

The Democrats listed impacts of climate change on Colorado: poor air quality, wildfires, drought, diminished snowpack and shallow rivers, all drains on the state’s tourism-dependent economy.

“We can cut carbon pollution and create good-paying jobs at the same time,” stated Jackson, who chairs the House Energy and Environment Committee.

“Colorado must lead and we must take action now for our communities of color — who are on the front lines of climate change — and for our children, and our grandchildren.”

## **Lawmakers plan to ask Colorado voters to permanently end TABOR refunds**

### *Colorado Politics*

Colorado lawmakers want to ask voters for an end to refunding excess tax revenue so that it can be spent on the state’s roads and schools.

A bill being introduced Wednesday would put a question on the November ballot asking voters to let the state keep revenue it otherwise would have to refund under the 1992 Taxpayer’s Bill of Rights, House Speaker KC Becker of Boulder said.

A companion bill would allocate a third of any excess revenue equally to transportation infrastructure, K-12 schools and higher education each year.

Coloradans voted in 2005 for a five-year time-out on TABOR refunds. The Democrats’ proposal would make that permanent if approved by voters, Becker said.

Becker called it “a common sense first step,” but not a permanent solution, to funding schools and roads that have been underfunded for years because of TABOR which requires voter approval to raise taxes.

Democratic Sen. Lois Court of Denver and Republican Sen. Kevin Priola of Henderson, who joined Becker in announcing the initiative, said they hoped to build bipartisan support in the Democratic-controlled Legislature. Becker read a message from Democratic Gov. Jared Polis endorsing it.

Colorado voters consistently have rejected ballot measures asking them to raise state taxes for education and other priorities. In November, they defeated an education tax hike and competing measures to raise money for the state’s deteriorating roads.

TABOR, a constitutional amendment, allows government to ask voters to raise taxes or keep excess revenue, and many local municipalities have done so. In November, voters in suburban Lakewood authorized the city to keep excess revenue for public safety and other purposes.

TABOR sets an annual revenue limit that can trigger tax refunds based on a formula that involves population and inflation. It's blamed by many Democrats for contributing to a \$9 billion backlog in road projects and a multimillion-dollar debt to schools — all at a time when Colorado's economy is one of the nation's strongest.

Colorado Republicans, in contrast, credit TABOR and its tax limits for the strong economy.

Republicans began this legislative session wanting to build on a bipartisan effort last year that could generate \$2.8 billion for transportation through bonding and direct spending. That measure will go before voters in November. If it fails, a 2017 law kicks in authorizing \$1.9 billion in bonding for roads.

Priola said he hopes to generate Republican support for Wednesday's initiative. He noted that Colorado hasn't raised its 22-cents per gallon gasoline tax, a primary funding source for roads, since 1993.

"The power of TABOR is that you can go to the voters and let the voters decide," Priola said.

The measure approved by voters in 2005, known as Referendum C, allowed the state to hold onto revenue that exceeded the state's TABOR cap for five years.

Transportation advocates, such as Sandra Hagen Solin of Fix Colorado Roads, said Becker's proposal is a "cherry on top" of anything we can get in funding but not the solution. Still, she said, "We're encouraged by any effort to direct additional funds to transportation."

The Colorado Department of Transportation estimates it needs \$9 billion over the next decade for its wish list of major road and bridge projects. The 2019-20 state budget scheduled to be introduced next week includes about \$30 million for transportation, which Solin called a drop in the bucket.

She doesn't expect to see transportation to rise on Polis' priority list, at least this year.

Estimates on how much would be available from Becker's "Son of Ref C" measure differ.

The governor's Office of State Planning and Budgeting has a rosier projection of around \$350 million in 2019-20 and as much as \$700 million the following year.

The General Assembly's economists are pretty close on that \$350 million for 2019-20, but that's where they diverge. They don't believe there will be any surplus available in 2020-21.

Solin said the latest forecast shows there will be little if anything available for higher education, education and transportation past this next budget year.

And that's the problem, Solin told Colorado Politics. This is only one-time money, she said and intermittent at that, which means the state can't bond against it or rely on it for large-dollar transportation projects. "It won't make a meaningful dent," she said, in the state's \$9 billion transportation backlog.

The state budget should include a more meaningful amount of money for transportation, coupled with a continued discussion of new revenue sources, she said.

"We've engaged in discussions with leaders on what that looks like, and whether they're ready for prime time this legislative session or next remains to be seen," Solin said.

"We have to recommit ourselves to making transportation funding a priority in this state," but it's not a top priority for the governor, at least for now, she added. "Once he's able to check the box on the things he's had as his highest priorities, he can re-focus some energy around transportation."

The hope for bipartisan support already may have hit a roadblock. House Minority Leader Republican Patrick Neville of Castle Rock sent out a news release that claimed the measure would spell the "ELIMINATION" of TABOR.

"Democrats can't pay for all of their empty promises made in the last election, so now they want to permanently eliminate your tax refunds to pay for their expensive programs," Neville said. "It is egregious that the Democrats want to forever take away your consent on what is done with your tax dollars."

## **Latest attempt to tame TABOR tries to steer a different route**

*Colorado Politics*

Colorado's latest "de-Brucing" proposal -- a measure that would let the state spend excess tax revenue that otherwise would be refunded under the Taxpayer's Bill of Rights -- doesn't go down the same road as its 2005 predecessor.

The earlier measure was Referendum C, a five-year reprieve from TABOR's spending caps that Colorado voters approved 14 years ago.

One of the knocks against Ref C was that the revenue it freed up never really went to its identified purposes: health care, public education, roads and bridges, and fire and police pensions. Instead, the revenue -- from individual and corporate income and sales tax -- went into the general fund and wasn't specifically set aside for those purposes.

On the flip side, however, the lack of a mandate about where the money was supposed to go may have spared the state much more painful budget cuts when the Great Recession hit three years after the measure passed.

Now comes House Bill 1258, introduced Wednesday by Speaker of the House KC Becker of Boulder and a long list of cosponsors.

Becker told Colorado Politics Thursday that the bill was set up in part to address one of the complaints lodged against Ref C, that it didn't really go where voters were told.

"We've heard loud and clear is people want to know that you're going to follow through on where the money is spent," she said. "At least in the near term, we don't think it's a lot of money. It's not like we're creating new programs. It's for core government functions. It's a responsible allocation about money; we're being clear about where the money is going and there will be an annual audit."

HB 1258, if passed by the General Assembly and signed by Gov. Jared Polis, will appear on the November 2019 ballot.

Under the measure, any revenue that would otherwise go to taxpayer refunds under TABOR would instead be specifically directed toward higher education, public education and transportation.

The measure orders one-third of those dollars into the Highway Users Tax Fund (HUTF), with at least 10 percent of those dollars dedicated to transit. Another 22 percent would go to counties and 18 percent to cities and incorporated towns for their road and bridge projects. The rest would go to the state highway fund, which is tapped by the Colorado Department of Transportation for its projects.

A "general fund exempt account" set up under Ref C will hold the other two-thirds, which will be appropriated to public schools for one-time purposes. The bill suggests it could go to attract and retain educators, improve teacher training or books and technology for student learning. School districts are not allowed to bank those dollars in their reserve accounts.

The bill doesn't dictate how higher education should use its extra funds.

There's a year lag between when the dollars come in and when they go out to their designated purposes. That lag time gives the state controller time to prepare a financial report that will outline the amount of money coming in over and above the state's TABOR revenue limits, a requirement similar to one in the 2005 measure.

How much would be available varies depending on which revenue forecast you look at. One from Legislative Council economists estimated at one time that as much as \$350 million could be available in 2019-20 and nothing after that. Another estimate, from the governor's Office of State Planning and Budgeting, more or less agreed with the first-year numbers but indicated there could be as much as \$700 million available the following year.

Another big difference between Ref C and House Bill 1258: The latter would be permanent. The 2005 measure was a five-year timeout that allowed the state to keep all excess revenue.

"There's a lot of support for the bill, and those who will fund the campaign say 'if we're going to do this we don't want to do this again in 10 years,'" Becker said. She wasn't quite ready to say who those supporters are, but said that should come out in the next week.

### **Vote on Colorado paid family leave bill delayed after businesses push back during 7-hour hearing**

*Denver Business Journal*

Colorado business groups that largely missed the first legislative hearing on a paid family leave bill that was held last week during a blizzard came out in force Tuesday to challenge the assumptions of backers of the proposal, saying that the vast majority of small businesses oppose the plan, that a large number of businesses provide paid leave and that it also will be the workers of this state who end up paying heavily for this program.

During a hearing before the Senate Finance Committee that lasted more than seven hours, supporters and opponents of Senate Bill 188 gave differing poll numbers, differing figures on the prevalence of paid-leave programs and very different stories on how this proposal, which is one of the key initiatives of legislative Democrats, would affect Coloradans.

Committee members did not take a vote on the bill, as sponsoring Democratic Sens. Faith Winter of Westminster and Angela Williams of Denver said they want to consider a multitude of suggestions for changes to the bill and will likely return to it only after the Senate debates the state budget next week.

"We're looking at changes. We've always said that we want this to work for business — and we want this to be universal coverage," Winter said as she left the committee hearing. "We've been negotiating for hours and hours and we will continue to negotiate."

SB 188 would create a program that workers for both public and private employers can use to take partially paid leave of 12 to 16 weeks to take care of themselves or family members during a serious illness, to bond with new babies or to deal with needs arising from military service. Employers and employees would pay equally into the system, workers would receive between 50 and 90 percent of their regular pay during their absence and companies would be required to return them to their positions after the leave.

Supporters said that providing paid leave will improve retention of employees who do not have to choose between getting paid and dealing with family needs, will decrease infant mortality while allowing mothers to bond properly with infants and will allow smaller employers a more level playing field in competing for workers with deep-pocketed companies.

Business groups, however, said that the additional costs and mandates upon small companies will slow hiring dramatically. Colorado Ski Country USA said that companies that hire seasonal workers like ski resorts will be put at a distinct disadvantage, particularly as an employee has to work 680 hours in a year — 17 40-hour weeks — to qualify for the leave but does not have to have worked any minimum number of hours for the particular company for which they are working when they take the leave. And the Colorado Chamber of Commerce noted that other states that have

implemented similar programs, including New Jersey and California, have had to raise payroll taxes or borrow money from other parts of state government in order to keep the programs solvent when claims were far higher than expected.

“Now you want us to pay additional premiums for more insurance. We don’t have that,” said Barry Walter, owner of the Barry E. Walter Sr. Company, a 29-employee Fort Morgan manufacturer that makes replacement plumbing parts. “Be honest and let the workers of the state know this will be funded by them whether the worker pays (the whole fee) or not, because the money is coming from what would be pay raises for them.”

While it’s unknown what changes could be in play, at least two areas of contention seemed to generate a high level of conversation by opponents and to catch at least some attention from majority Democrats on the committee.

One is the broad definition of “family member” in the bill, which states a worker can take time off to care for “any other individual with whom the covered individual has a significant personal bond that is like a family relationship, regardless of biological or legal relationship.” Erin Bennett Leighton, a campaign director for family-security organization MomsRising, said that less than 0.5 percent of all leaves in California and Rhode Island were taken by people to care for family members who were not a child, spouse or parent. But business leaders warned that the broad definition could lead to abuse, and Sen. Pete Lee, D-Colorado Springs, asked a particular number of questions about why the language was different than FMLA family definitions of parents, spouses and children.

## **Family medical leave bill gets first real hearing but stalls over amendments**

*Colorado Politics*

The Senate Finance Committee hearing on Senate Bill 188 Tuesday took a very different look than the hearing in the Senate Business, Labor and Technology Committee a week ago.

For one thing, people who opposed the bill finally got to testify against it on the record.

Tuesday night's seven-and-a-half hour hearing on the FAMLI family medical leave bill ended without a vote, allowing the bill's sponsors more time to work on amendments pertaining to private programs and the bill's definition of family.

Last week’s hearing took place during the #bombcyclone snowstorm, and the testimony was almost entirely from those who supported the bill. The bill’s sponsors -- Democratic Sens. Faith Winter of Westminster and Angela Williams of Denver -- and the committee’s chair, Sen. Jessie Danielson of Wheat Ridge, solicited those who couldn’t make it to the Capitol to send in emails and they would read them during the hearing.

That promise was quickly broken. Instead of reading the emails, the senators just read the names of those who sent them in and whether they supported or opposed the bill.

Opponents showed up in force on Tuesday, with a pledge from committee chair Sen. Lois Court of Denver that she would allow more latitude on testimony. She kept her word.

The bill would set up an insurance pool to provide partial wage replacement benefits to eligible workers who need to take time off work, and would primarily benefit low-wage workers. The program is set up as an enterprise -- a state-owned business -- which would allow the state to collect up to \$922 million in revenue by 2021-22 to pay claims without pushing state revenue limits over the Taxpayer's Bill of Rights cap, which would trigger a refund to taxpayers.

But the bill is raising concerns for Colorado businesses, who pointed out in testimony Tuesday that the program will end more generous family leave programs provided in a tight labor market.

Jenifer Waller of the Colorado Bankers Association said her members offer better benefits, including longer paid leave, to their employees than is provided in the bill, which allows for up to 12 weeks of paid leave. That paid leave is calculated on a sliding scale that is dependent on how much the employee earns weekly.

Waller told the committee her members would have to get rid of their more generous programs; otherwise they would be paying twice for leave, once to the government and also into their own programs.

She added that the way the bill is structured, state and local government employees plans would be subsidized in part by private industry.

That's because the bill gives those entities, as well as businesses with less than 50 employees, a break on the cost of the program, although the benefits paid would be the same as for any employee at any business.

Loren Furman of the Colorado Chamber of Commerce noted in her remarks that two of the four states with these programs -- New Jersey and California -- have had solvency issues. And virtually every organization representing local governments, including the Colorado Municipal League, Colorado Counties, Inc, the Northwest Council of Governments and the Special Districts Association, oppose the measure.

"This looks like a payroll tax," said Richard Orff, representing the Associated Governments of Northwest Colorado. "We won't litigate it tonight, but it will be litigated."

Orff pointed out that Garfield County, for example, offers up to 26 weeks of paid leave, but would have to get rid of that more generous program since it would be duplicative.

## **LEGISLATIVE ALERT: Paid Family Leave Bill Will Cost Every Employer and Employee**

*Colorado Chamber of Commerce*

A new bill was heard this week in the legislature, called the Family and Medical Leave Insurance (FAMLI) bill or SB 188. The Colorado Chamber of Commerce is very concerned about this bill's impact on businesses and workers in this state.

The FAMLI bill requires all public and private sector employers and workers to participate in and finance a family and medical leave program that would be administered by the Department of Labor and Employment.

Previous versions of this bill have been attempted in the past and have died on a bipartisan vote, in part due to the steep price tag. This bill is a \$1 billion program, with all employers and employees in Colorado responsible for funding it.

An overview of our concerns are as follows:

- There are no exemptions for paying for the program: It will be mandatory for employers of all sizes, both public and private to pay a fee regardless of whether they already offer a paid leave program now. All workers will be required to pay for the program.
- The bill fails to align with the Federal Family & Medical Leave Act (FMLA), which could result in potential "stacking" of leave in which a worker could be on leave for six months or more – 12+ weeks under FAMLI and 12 weeks under FMLA based on expansion of the definition of "family member" and the reduced amount of time required on the job – only 3 months.
- A worker can take up to 12 weeks of leave in a 52-week period. For a "separate qualifying event," the worker can take another four weeks of leave.
- Every employer will be required to maintain the position for the full duration of a worker's leave while finding temporary skilled workers to replace those on leave.
- An employer who has benefits that meet or exceed the program's benefits cannot require a worker to take the employer's current benefits. Both employer & employee will be required to pay for the program regardless of existing benefits.
- Employers will be required to administer the program but won't be reimbursed for admin costs.

This bill was heard on Tuesday, March 19th in the Senate Finance Committee at the State Capitol, but laid over for action. If you share our concerns with this bill, we're asking that you consider reaching out to sponsoring and Senate Finance legislators on SB 188.

Prime Sponsors:

Senator Angela Williams, [angela.williams.senate@state.co.us](mailto:angela.williams.senate@state.co.us), 303-866-4864

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## **Here's how Colorado's new eco-devlo director's priorities differ from her predecessors**

*Denver Business Journal*

Now that she has two-and-a-half months under her belt as the executive director of the Colorado Office of Economic Development and International Trade, Betsy Markey has come up with three major areas of focus for her term moving forward: renewable energy, hemp and an increase in employee-owned businesses.

Those areas — each of which were 2018 election priorities for Democratic Gov. Jared Polis, who named Markey among his first Cabinet appointees in December — are not all that the former congresswoman wants to do in her new position, but they represent the biggest changes in focus from the four people who held the job under former Gov. John Hickenlooper. She said that she also hopes to continue predecessor Stephanie Copeland's outreach to economically lagging rural areas, to push for more participation in the federal opportunity-zones tax-incentive program and to defend the state's film-incentive program, which is a frequent target of legislative attacks.

Unlike Hickenlooper's quartet, each of whom had little-to-no governmental experience, Markey brings a background in both the public and private sectors. She operated Fort Collins website development firm Syscom Services with her husband and ran Huckleberry's coffee shop. But she also served two years as the representative of Colorado's 4th Congressional District and served as the state's U.S. Small Business Administration director during the final year of Barack Obama's presidency.



“I’ve always been interested in the intersection of business and government. I think we [at OEDIT] have been supportive of businesses. I think we’re always looking at ways of streamlining our regulations but also protecting the government’s interest,” Markey said in an interview. “It’s such a positive mission to get behind having the state work well economically.”

There are many things that Markey isn’t planning to change, in terms of how they work. She’s quickly become a fan of the job-growth incentive tax credit, which requires creation of at least 20 year-long jobs at at least the average county wage before any money is paid. And while she did not lay out how much money should be an annual part of the film-incentives program — a battle now happening in the Legislature — she said she supports its continued existence and its effect on the film-production industry.

The new OEDIT head does want to get her office more involved in the renewable-energy industry that largely has been the purview of the Colorado Energy Office in the past but has become a much bigger focus for Polis than it was for Hickenlooper. That will involve her office pitching Colorado’s growing renewable-energy sector more to companies looking to expand or relocate here, as well as supporting a government-wide push to establish more of an electric-vehicle infrastructure.

In the area of hemp, she said she wants to take advantage of a recent federal regulatory change to be able to promote both Colorado’s openness to hemp producers and the 800 producers that already are at work in this state. OEDIT will reach out to companies considering expanding to Colorado and will offer classes on the business of hemp production through its small-business development centers, she said.

## **Full-day kindergarten mostly funded — for now — in win for Gov. Jared Polis**

*Denver Post*

The Colorado lawmakers tasked with writing the state budget tentatively gave Gov. Jared Polis most — but not all — of the money he wanted to implement one of his main campaign promises: all-day kindergarten.

The powerful six-member Joint Budget Committee approved \$185 million of Polis’ request to pay for statewide full-day kindergarten Tuesday afternoon. Polis had asked for \$227 million.

“We felt it was a more realistic way to fund at least the first year,” said Daneya Esgar, a Pueblo Democrat and vice chair of the JBC. “I think we realized that not 100 percent would be utilized in the first year. And in a tough budget year, we wanted to be realistic about what the cost may end up being.”

Here’s what she means: If the JBC allocated enough money to cover every kid who could attend kindergarten this fall, it’s likely that a substantial amount of money would be left over because not every school could implement a program that quickly and not every parent wants their child to attend all-day kindergarten. All those extra dollars wouldn’t go back into the general fund.

They’d get locked in the state education fund, and Esgar said the JBC wanted more flexibility in spending that \$42 million — especially with recent forecasts predicting a slowdown in the economy.

So, the JBC decided to give Polis an amount of money based on “utilization,” or how many kids they think will actually attend all-day kindergarten in the fall.

The vote was 5-1 with Sen. Bob Rankin, R-Carbondale, joining all of the Democratic members in supporting it and Rep. Kim Ransom, R-Littleton, objecting.

“Right now we have a lot of priorities and we’re taking on new obligations that I think will have to be kept up in the future, and I’m just concerned with the current forecast that we have,” Ransom said. “I don’t like to get into obligations that we may or may not be able to keep in the future.”

Polis and his team took to social media to declare victory soon after the \$185 million allocation was announced.

“We’re celebrating tonight,” said Lauren Larson, Polis’ budget director. “It’s exactly what we need.”

But it’s not final.

Sen. Rachel Zenzinger, D-Arvada, pointed out that this just a placeholder number, so the budget committee can move forward with their figure setting.

Zenzinger voted for the placeholder Tuesday afternoon but said she’s reserving judgment on whether to support the final, official allocation until she sees the all-day kindergarten bill that’s still being drafted. She’s still deciding whether all-day kindergarten deserves to go the front of the funding line, she said, when there is a long list of priorities getting cut in order to pay for this one.

“They are right now haircuts, and we are curious to know where that puts us given some of our other priorities, and it may not be enough,” Zenzinger said.

## **Colorado's urban and rural divide highlighted in another oil and gas hearing**

*Colorado Politics*

The story of a proposal to overhaul Colorado’s oil and gas industry is one of a rift between the state’s urban and rural communities, if opponents of Senate Bill 181 are to be believed. Conversely, proponents say it’s an attempt to value health, safety and the environment over cash and corporate development.

Both stories were told again and again during more than 12 hours of testimony Monday before the Colorado House Committee on Energy and Environment, which approved the sweeping and controversial bill along party lines, sending the measure to the House Finance Committee.

The measure, proposed by Sen. Steve Fenberg, D-Boulder, was approved along party lines in a Senate committee earlier this month and again on the chamber’s floor last week. That most recent vote came during the frigid “bomb cyclone” which devastated much of the state, Republicans complained.

In short, the proposed legislation does five things, said Rep. KC Becker, D-Boulder, who is co-sponsoring the measure in the House alongside Rep. Yadira Caraveo, D-Thornton:

- It hands local governments control over incoming industry developments and operations;
- ensures that those holding more than half of mineral rights interests in a common area consent to drilling;
- requires industry companies to restore land containing abandoned wells;
- directs the Colorado Oil and Gas Conservation Commission to prioritize public health and safety and the environment over fostering the industry;
- and requires increased emission monitoring for the industry.
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The bill “is not Proposition 112,” Becker said. “It doesn’t even mention setbacks. ... It is not a de facto ban at the state level or the local level.”

“This bill is not a moratorium,” she said, later adding, “This bill is not a job killer.”

Several local government representatives backed Becker, saying they support the measure and that city and counties across the state are well equipped to handle land use issues surrounding the industry.

Colorado, Coloradans and the fossil fuel industry can peacefully coexist, even with the proposed legislation, said John Messner, a Gunnison County commissioner.

“Our current regulations are more stringent,” Messner said. “And we have not denied any permits. We have a thriving oil and gas industry within Gunnison County and are able to balance that with health, safety, welfare and the environment.”

Others, however, begged to differ and cited fears that increasing the regulatory burden on the industry could send companies out of the state, leaving blue-collar families out in the cold.

For Trevor Smith, a self-proclaimed “frackhound,” the industry has been a blessing.

“I can afford to take my kids to the doctor when they are sick or to the dentist to keep their teeth clean,” Smith said. The work ensures he can provide his “kids a happy and healthy future.”

Smith’s story is one repeated throughout the state, he said.

“Think about my family and the thousands of others who are just like me,” Smith said.

The economic damage might not stop at families however, others said. Any damage to the oil and gas industry could curb property and other taxes collected by local governments, limiting the services they could provide.

Luis Lopez, a Las Animas County commissioner, expressed fears that such a downturn could force his government to close two days a week, which had been done in recent years due to a lack of revenue.

Rep. Larry Liston, R-Colorado Springs, apparently felt many of those statements fell on deaf ears.

“Your voice is trying to be heard, but most of the people here do not represent rural Colorado,” Liston told one witness.

After he repeated the complaint a second time, Becker reminded him that her district does include a rural portion of the state.

Concerns like Smith’s were often repeated throughout hours of testimony, though others, perhaps in equal numbers, refuted claims that increased regulation would cost the state and tax revenue. Some speculated that the changes could actually create jobs, while others noted that even if the measure is enacted, Colorado would still be an economically viable state in which industry leaders could invest.

After witness testimony concluded, Becker chided fellow lawmakers and other bill opponents, noting that while many took issue with the speed of the measure’s passing, she heard few substantial arguments against the proposal.

Because dissenters can not attack the bill’s contents, they attack its process, Becker said.

## **Adams County adopts new oil and gas moratorium over concerns state legislation will spark “rush” of applications**

*Denver Post*

Adams County commissioners on Wednesday once again halted new applications for oil and gas drilling permits over fears they’ll see a rush of applicants — this time due to the bill currently before the legislature that would vastly overhaul regulation of the industry.

All five county commissioners voted in favor of the moratorium, which comes as state legislators advance a bill that its backers say consists of “the most sweeping oil and gas reforms” the state has seen. The moratorium goes into effect immediately and can last as long as six months.

Senate Bill 19-181 would give local governments greater control to regulate the industry via their planning and land-use powers. The bill has been approved by the state Senate and is now moving its way through House committees.

The board's chair Steve O'Dorisio said the moratorium will provide a "time out" while Adams County's oil and gas regulations are revamped, pending the approval of the bill. He said commissioners approved the motion "because we are seeing the progress and the speed in which that legislation is going through."

"We're getting down to the wire on that bill," he said.

The commissioners took the vote just one day after the board publicly revealed it would consider the matter. During the hearing, the commission listened to more than two hours of public comments, with many of those opposing the moratorium having ties to the oil and gas industry.

"Adams County's commissioners have just given Coloradans a glimpse of the consequences that Senate Bill 181 will have in the state," said Ben Marter, spokesman for Colorado Petroleum Council, in a statement. "Again and again, proponents of this bill have explicitly denied any suggestions that the measure would permit municipalities and counties to do exactly what has happened in Adams County today."

Food and Water Watch, which pushes to stop hydraulic fracturing in the state, supported the board's vote.

"This measure will give the county government time to evaluate the new law, should SB 181 pass, and give the community a chance to weigh in on the issue," said Jason Harrison, an organizer. "The people most directly affected by the dangers of oil and gas drilling should have the right to decide what happens in their communities."

A draft of Adams County's moratorium resolution says there "is real potential for oil and gas developers to rush to submit local government applications between now and the implementation of Senate Bill 19-181..."

And with the changes proposed in the bill, the county says it will need to "re-evaluate its oil and gas development regulations," which it estimates could take about six months.

One oil and gas company filed a permit for 22 new wells on Wednesday, which O'Dorisio said "proves" why commissioners moved so quickly to halt new applications. Permits for about 111 wells might be affected by the moratorium as the applications have — so far — only been filed with the state and not Adams County.

Drilling operations for another 300 wells will proceed despite the vote because their permits have been completed, O'Dorisio said.

The commissioners approved a similar ban in October on oil and gas permit applications ahead of the 2018 midterm election. At that time, the county was concerned about a potential rush of permits it would receive from companies if a ballot measure to increase setbacks for wells from buildings and waterways was approved.

That ballot measure failed, and Adams County lifted the moratorium in November.

## **Jeff Robbins named director of Colorado Oil and Gas Conservation Commission**

### *Colorado Politics*

The acting director of the Colorado Oil and Gas Conservation Commission, Jeff Robbins, was promoted Tuesday as the agency's new director, according to a release from the Colorado Department of Natural Resources.

Robbins was appointed acting director in mid-January and has practiced law in Colorado since 1996 for a private firm and as county attorney for La Plata and Archuleta counties, the release said. He also represented Adams and Boulder counties and the cities of Aurora, Dacono, Lafayette and Timnath on oil and gas cases.

“Jeff’s expertise in the oil and gas industry has already proven to be a tremendous asset to the commission,” Dan Gibbs, executive director of the Colorado Department of Natural Resources, said in the release. “We are excited to be able to appoint him as COGCC’s new director.”

Robbins said in the release he is honored by the promotion and gave thanks to Gibbs for the opportunity.

The agency’s mission could change drastically under Senate Bill 181, which proposes sweeping changes in Colorado’s oil and gas industry.

The bill would redefine the mission of the agency to prioritize public health and safety and the environment over fostering the industry and would shift the regulatory paradigm statewide, handing more control to local governments.

Both Robbins and Gibbs testified before a House committee Monday afternoon before the group approved the measure without any new amendments.

During that hearing, Robbins said — contrary to the measure’s opponents — that the bill does not establish a moratorium or a ban on drilling operations across the state.

Nor does the measure enact statewide setbacks for operations, akin to Proposition 112, which state voters shot down on Nov. 6, he said.

## **Students at some Colorado online schools move around a lot. A bill to track them better advances**

*Chalkbeat Colorado*

Lawmakers and education officials will take a closer look at turnover in online schools under a bill that passed the Senate Friday. While online schools educate a relatively small portion of Colorado students, enrollment is growing, and some of these schools have among the highest mobility rates in the state.

But there’s disagreement over how much detail the information collected should include. Senate Bill 129 passed in a 21-14 vote, with all but two Republicans opposing it.

State Sen. Tammy Story, the Conifer Democrat sponsoring the bill, wants to see more accountability for what happens to students in online schools. She said the measure will require reporting of the grade level students are at when they enter online schools and when they leave, in addition to whether they graduate, transfer to another school, or pass a high school equivalency exam.

But state Sen. Paul Lundeen, a Monument Republican, said he would like to see information about how students progress during their time in online schools.

“In public education the online environment is one of those places where we serve students who are struggling in the traditional environment,” Lundeen said during Thursday’s brief debate on the measure. “Understanding the growth that we’re getting ... becomes very important.”

He said policy makers need to know how students are performing in literacy and math. Merely tracking grade levels isn’t enough.

“That information is helpful but it’s not really precise enough to get at the issues I was raising,” Lundeen said.

“Chalkbeat is my go-to education news source. Typically, Chalkbeat is the place to find out about district news before you hear about it anywhere else.” — Amy M.

But Story said tracking at what grade level students are performing at entry and exit would give enough information on student growth.

It's true that turnover is higher among online schools than at traditional schools. Chalkbeat Colorado received school-by-school turnover data from the Colorado Department of Education for the 2017-18 school year.

Turnover was about 12 percent among brick-and-mortar schools, compared with 31 percent at the state's 44 online schools.

That's an improvement from past years, when a 2011 Chalkbeat and I-News Network investigation determined that half of online school students left within a year of enrolling during the 2008-09 school year.

Problems arise, that series noted, when online schools receive full-year funding for a student who may attend for only a few months. If a student transfers to a traditional brick-and-mortar school, the funding doesn't follow them.

That's a problem in a state where school funding is limited.

## **Seeking better results, Colorado lawmakers want to tell schools how to teach reading**

*Chalkbeat Colorado*

Concerned about the high number of Colorado students who don't read at grade level, some lawmakers want to dictate how schools teach reading. A bipartisan bill introduced Monday in the Colorado Senate would also require that teachers get new certifications in reading instruction and move state dollars earmarked for struggling readers to programs that help schools improve their teaching methods.

The proposal is unusual in its level of legislative involvement in the details of classroom teaching. It lays out the components of effective reading instruction and would require schools to focus on those elements: phonemic awareness, phonics, vocabulary development, reading fluency, and reading comprehension. Schools would have to develop reading education plans and report back to the state on how they are teaching reading.

"We have to do something," said state Sen. Bob Rankin, a Carbondale Republican and a sponsor of the legislation. "Sixty percent of our kids cannot read, at third grade, at grade level, and it makes a difference in the rest of their schooling and then their whole life. It's a national problem. ... But we know that there's a science and there's methodology and there's evidence-based programs that work."

Senate Bill 199 represents a major update to the READ Act, 2012 legislation that aims to get students reading proficiently by the end of third grade. Schools must test students in reading from kindergarten through third grade, identify students with "significant reading deficiencies," and develop individualized plans to help those students.

While the READ Act describes evidence-based reading instruction, it only requires schools to provide it to students identified as being significantly below grade level. The READ Act gives schools additional money for struggling readers, which amounted to \$33 million this year — an extra \$835 per student for 39,600 identified students.

However, since Colorado began implementing the READ Act, the percentage of students with significant reading deficiencies has actually increased slightly. While some of that increase is attributed to better identification of struggling readers, lawmakers and state education officials are frustrated that the additional spending has not gotten more students on track.

That's why lawmakers landed on this new approach. There are few parallels in other content areas. Colorado follows the principle of local control, with the state setting academic standards and school districts choosing curriculum and textbooks.

“I am very much for local control, but when you keep putting money into something with no results, well, you’re getting to the definition of insanity,” said state Rep. Jim Wilson, a Salida Republican and a sponsor of the bill. Wilson is also a former school district superintendent.

The legislation tackles this tension head on, saying that the legislature’s obligation to “provide for the establishment of a thorough and uniform system of free public schools” gives it the authority to tell school districts their reading instruction must be based on research and evidence. The declaration notes the Colorado Supreme Court has found that neither local control nor state authority is absolute, and each must be balanced against other interests.

Nonetheless, local districts, particularly those in rural areas that already struggle to attract qualified teachers and specialists, are likely to raise concerns. Many educators already chafe under the testing and reporting requirements of the READ Act, and the Senate bill goes a step further — asking for more information about how dollars are spent and what teachers are doing in the classroom.

Colorado currently spends about \$42.5 million a year on the READ Act, and Rankin said he expects this new legislation to spend the same amount of money but allocate it differently.

The proposal comes amid widespread concern about low reading levels in Colorado and around the nation. Some states, like Michigan, are planning to hold back students who can’t read at grade level by third grade, and in Memphis, Tennessee, officials have proposed holding back second-graders who don’t read at grade level. This approach is controversial, given the stigma of repeating a grade and ongoing questions about whether it actually helps students.

In Colorado, state regulators are already scrutinizing how teachers learn to teach reading. A recent report called out the University of Northern Colorado for instruction that does not align to state standards; other teacher prep programs will face review soon.

The bill would create a new certification process within the Colorado Department of Education for paraprofessionals, teachers, and reading coaches. The state education department already lays out standards for reading instruction as part of elementary education, special education, and reading specialist licenses, but there’s no specific certification related to reading instruction. The department does not currently certify paraprofessionals, or classroom aides.

## **Colorado lawmakers earmark \$30M more for roads and transportation, disappointing advocates**

*Denver Post*

Colorado lawmakers have recommended adding \$30 million for transportation to next year’s state budget — a figure that falls short of what road advocates and a Republican leader had sought.

But the Joint Budget Committee, which is finishing up its work on the 2019-20 budget this week, has faced competing priorities in deciding how to divide up excess revenue forecasted by economists. In a separate vote Tuesday, the JBC approved a \$185 million recommendation for the first year of Gov. Jared Polis’ full-day kindergarten initiative, falling short of his \$227 million request.

The additional transportation money would come on top of \$200 million for road maintenance and improvements that already was promised for the coming fiscal year, which starts July 1, due to decisions made in prior legislative sessions.

“It’s what we could afford,” Sen. Dominick Moreno, the Democratic JBC chair, told *The Denver Post*.

The committee’s four Democrats and two Republicans approved the \$30 million addition unanimously.

Still, Sen. Chris Holbert, the Republican minority leader — who had pushed for \$136 million more for roads — expressed disappointment Wednesday: “Clearly, roads and bridges are not a priority for (Democrats), even with \$1.18 billion more in hand” due to the forecasts.

Sandra Hagen Solin, a spokeswoman for the Fix Colorado Roads coalition of business groups, called the amount insufficient relative to the state's transportation backlog: "\$30 million ... is a very disappointing amount in light of the magnitude of the \$9 billion need." She said the group would "continue to work with legislative leaders this year and in future sessions to solve this crisis."

But Rep. Daneya Esgar, a Pueblo Democrat on the budget committee, said she was "proud we have been able to continue investing in roads, bridges and transit while boosting investments in K-12 education," despite limited money available in the budget forecasts.

The legislature has explored other options to raise money for transportation projects, including asking voters to relax taxpayer refund rules and seeking new revenue sources such as fees or taxes.

But action on those still is uncertain, as is whether lawmakers will allow a previously approved \$2.3 billion transportation bonding question to appear on the November ballot.

### **Esgar's bill targeting 'out-of-network' charges earns unanimous vote**

*Pueblo Chieftain*

With strong bipartisan support, the House approved major legislation to stop people from receiving costly "out-of-network" medical bills Thursday.

House Bill 1174 by Rep. Daneya Esgar, D-Pueblo, and Rep. Marc Caitlin, R-Montrose, received a unanimous voice vote Thursday after more debate and additional amendments.

In a session that has been marked by some bitter partisan conflict, the "out of network" bill has been a model of cooperation as Esgar and Caitlin have amended the measure throughout the process to address issues from hospitals, insurance companies and physicians.

"As a legislator, my job is to find a way to ensure Coloradans aren't dealing with these surprise medical bills through no fault of their own," Esgar said after the vote. "I am responding to the concerns of families, individuals and seniors who have been hit by these surprise and often expensive bills. We think this is a strong bipartisan solution to this problem."

HB 1174 is aimed at the sometimes shocking medical charges that come from a provider outside an insurance company's approved network. That can often happen in emergency room situations and can reach tens of thousands of dollars.

Both Republican and Democratic lawmakers emphasized this was a real problem for their constituents.

Republican Minority Leader Patrick Neville seemed to sum it up best Thursday when he told the full House: "There is more good now in this bill than any other concerns I still have, so I urge a yes vote."

There will be a formal third-reading vote today, though one thing heard loud and clear on the bill is that even state legislators have been hit with unexpected, expensive bills.

Rep. Dominique Jackson, D-Denver, said she was discussing the problem with a constituent when her own phone rang with an unexpected out-of-network claim of \$3,000 for her care.

"How would you like being told you need to cough up another three grand?" she asked her colleagues.

There were other horror stories during the House committee hearing earlier this month, like patients being billed \$90,000 for emergency room expenses from an out-of-network doctor they didn't know had participated in their care.



“No one disagrees that we need to do something about this problem,” said Rep. Betty Ransom, R-Parker, who was still opposed to the bill Thursday and claimed it might force doctors to leave the state.

Essentially, the bill says consumers won't be liable for out-of-network medical bills when they were unaware of them. The bill says those doctors will be paid based on an average reimbursement rate that insurers are paying for the same service.

One issue that was resolved on the floor Thursday was language that said providers might have to accept the Medicare reimbursement rate, plus 25 percent — a fee that doctors in particular opposed.

Esgar agreed to an amendment from Neville eliminating that possible rate.

Esgar has been working on the legislation for more than a year, earning repeated praise from both sides of the aisle for accommodating so many concerns.

Though Caitlin is a co-sponsor, he has credited Esgar for being the primary mover on the bill.

## **Red-flag bill heads to Senate for floor debate**

*Grand Junction Sentinel*

DENVER — A controversial measure to allow judges to remove firearms from mentally ill gun owners on a temporary basis is on its way to the full Senate.

The so-called red flag bill, HB1177, would allow family members of troubled gun owners or law enforcement to petition a judge to remove any firearms from the person's possession if they can show the owner is a threat to themselves or others.

Currently, 14 other red and blue states have approved similar laws, with three others considering it, too.

Additionally, a bipartisan bill has been introduced into Congress to provide funding to encourage other states to implement similar laws, which are known as extreme risk protection orders.

Under them, petitioners must show that a gun owner has developed mental issues that otherwise would prevent them from purchasing firearms under other laws.

But only a judge could remove their firearms on a temporary basis, and the firearms must be returned when that gun owner can show they are fit to possess a weapon. The proposed measure also requires mental health treatment for the gun owners whose weapons are removed.

According to the San Francisco-based Giffords Law Center, which works to prevent firearm violence, extreme risk orders are based on long-standing domestic violence protection orders that all 50 states already have.

The group said in the states that have the new law, suicide by firearms are down.

"Indiana's firearm seizure law has associated with a 7.5 percent reduction in firearm suicides in the 10 years following its enactment," according to a 2018 study published by the American Psychiatric Association. "Enactment of Connecticut's law was associated with a 1.6 percent reduction in firearm suicide immediately after its passage and a 13.7 percent reduction in firearms suicides in the post Virginia Tech period, when enforcement of the law substantially increased."

The National Rifle Association has opposed all red flag laws and proposed bills, including in Colorado, because they say the laws go too far.

The powerful gun rights group says it only can support such laws if due process rights are honored first showing clear and convincing evidence, so any law or proposal that allows for the taking of guns without a court hearing, as Colorado's bill does, is in violation of due process rights, the group says.

That's the only part of the Colorado bill that doesn't meet the NRA's expectations, its supporters say.

The bill, which cleared the Senate Appropriations Committee Tuesday on a party-line 6-4 vote, is expected to be debated on the floor of the Senate later this week.

The committee also approved several other measures high on the Democrat's priority list, such as SB3, a measure partly introduced by Sen. Don Coram, R-Montrose, to create a teacher loan forgiveness program, and SB5, a bill that would create a new program to import cheaper prescription drugs from Canada.

## **District court judge rules in favor of Senate GOP on bill reading**

### *Colorado Politics*

Senate Republicans prevailed Tuesday, at least temporarily, after a Denver District Court battle over whether a recent computer-assisted reading of a legislative bill is legal.

Judge David Goldberg issued a ruling Tuesday afternoon that grants a preliminary injunction against Senate Democrats and the secretary of the Senate, Cyndi Markwell, requiring that bills be read at "an understandable speed," although Goldberg did not define the speed.

In his ruling, Goldberg said the action sought by Senate Republicans was warranted and appropriate.

"The Court does not perceive this issue to be a political question," he wrote. "The Court does not concern itself with the legislation at hand, the majority or minority party, or the number of days remaining in the legislative session."

"Using multiple computers to read simultaneously different portions of a bill, any bill, at 650 words per minute is not within legitimate limits," he wrote. "The Court was unable to discern a single word from the tape played during the court proceeding. To 'read' the bill, which is a constitutional requisite, in such a manner renders it a nullity."

Goldberg said that granting the injunction will preserve the status quo until final resolution of the legal case takes place.

The court requires the Senate, including the Senate secretary, to "employ a methodology that is designed to read legislation in an intelligible and comprehensive manner, and at an understandable speed."

The issue dates back to March 11, when Senate Republicans asked that a 2,023-page bill, on recodification of a section of statute, be read at length. The move was viewed as a delaying tactic, one that Senate Minority Leader Chris Holbert said Tuesday is the only tool the minority has to slow down what it views as too rapid a process on controversial bills.

The reading of House Bill 1172, sponsored by Republican Sen. Bob Gardner of Colorado Springs, began with the Senate reading clerk reciting the bill for about two hours.

After that, Senate Democrats set up five computer-reading programs to finish the task; each read a different section of the bill. In all, the reading took about seven hours.

Senate Republicans obtained the aforementioned temporary injunction the following day.

The argument advanced by Republicans was that the Constitution requires each bill to be read at length twice — once prior to debate, known as second reading, and once before the final vote. Republicans contended that the reading was not intelligible, although there is no standard in law for what "intelligible" means.

The practice of getting around the "reading at length" requirement is old hat in the General Assembly. Usually, when someone asks that a lengthy bill be read in its entirety, the practice has been to line up a host of readers, all reading from different sections of the bill.

It's a tactic most often used by the minority party and has been used by Democrats and Republicans alike over the years, depending on who ran the chamber.

Attorney Chris Murray, representing the Senate Republicans, told Goldberg that if what happened on March 11 qualified as reading a bill at length, "anything would qualify," creating what he called "white noise." That would render the constitution's requirement null, he claimed.

The reading on March 11 violated the constitution in two ways, Murray said: It was not understandable, and it employed multiple readers.

"It's so far afield that it failed to function" as a reading, he added. "The powers that be in the Senate insisted on this and it gave my clients no opportunity" to be heard.

## **Petition for Colorado ballot measure on national popular vote for president is approved**

*Colorado Politics*

Colorado Secretary of State Jena Griswold's office has approved a petition for a ballot measure that would ask voters to weigh in on the issue of a national popular vote for president.

The law, signed by Gov. Jared Polis on March 15, adds Colorado to a list of 11 states that would commit their electors to the presidential candidate who wins the popular vote nationwide, regardless of who wins in each state.

The multistate compact would need approval by states with at least 270 electoral-college votes before it could be put into place, something even supporters say is unlikely before the 2020 election.

The petition for a statewide vote on the matter is being offered by opponents of the popular-vote law. According to a tweet Thursday from Dwight Shellman, a manager within the elections division, the petition was approved.

The challenge to Senate Bill 42 was launched by Mesa County Commissioner Rose Pugliese and Monument Mayor Don Wilson, who announced they would seek a petition drive on Feb. 21, before the bill had even passed the General Assembly.

The backers now have until Aug. 1 to collect nearly 125,000 signatures in order to get the measure onto the November 2020 ballot. They've also filed an issue committee -- Coloradans Vote -- that will accept contributions toward the effort.

If the petition drive is successful and a question is placed on the fall 2020 ballot, SB 42 will not take effect until the statewide vote takes place.

According to Shellman, the last time voters challenged a law passed by the General Assembly and signed by the governor -- a measure involving taxation of margarine -- was in 1932. It's unknown whether the challenge passed or failed.

## **Gov. Polis joins legislators to introduce full-day kindergarten legislation**

FOR IMMEDIATE RELEASE

Friday, March 22, 2018

DENVER — Gov. Jared Polis joined legislators today to introduce full-day kindergarten legislation and highlight the \$185 million set aside by the Joint Budget Committee to implement this legislation. These funds will fully fund anticipated full-day kindergarten enrollment at 1.0 this year and free up over 5,000 Early Childhood At-Risk Enhancement (ECARE) slots for preschool, representing the largest increase in early childhood education in the state's history.

“This week we made huge progress toward providing Colorado families with free, full-day kindergarten, said Governor Jared Polis. We are pleased that the Joint Budget Committee has recognized the enormous impact that free, full-day kindergarten would have in our state, and that legislators are introducing a bill to make this a reality. An investment in our children is an investment in our future.”

“Full-day kindergarten saves families money, frees up funding for over 5,000 free preschool slots, gives parents the option of going back to work sooner, and ensures that all children can get a strong start,” he continued.

This bill will fully fund full-day kindergarten through the School Finance Act formula. The bill also:

- Frees up resources for school districts that currently subsidize full-day kindergarten to spend on other priorities, including increasing teacher pay, decreasing class size, and purchasing new technologies.
- Provides access to free full-day kindergarten for families, saving Colorado parents up to \$500 per month on tuition fees.
- Narrows persistent achievement gaps by helping to provide free full-day kindergarten to every single child — regardless of their zip code.
- Allows school districts that currently use ECARE for full-day kindergarten to retain ECARE slots to use for full or half-day preschool within that district.
- Clarifies that nothing requires a child to attend full-day kindergarten or prohibits a school district from offering half-day kindergarten.

## **Colorado River Basin States Move Forward with Contingency Plan to Address Looming Crisis**

FOR IMMEDIATE RELEASE

Tuesday, March 19, 2019

DENVER— The seven Colorado River Basin States of Colorado, Arizona, California, Nevada, New Mexico, Utah, and Wyoming signed a letter to Congress today requesting legislation to implement a negotiated contingency plan that responds to the historic dry conditions and the effects of climate change on the Colorado River.

“Water is the lifeblood of the West. We all have a vested interest in the management of the Colorado River,” Governor Jared Polis said. “Thanks to the excellent work from each of the Basin States, we are in position to ensure lasting success for the Colorado River, its environment, economy, and future.”

The announcement comes on the deadline set by the Bureau of Reclamation Commissioner Brenda Burman for the Basin States to address the situation or provide her agency with input as to Colorado River operations and management.

Gov. Polis’s principal representative on Colorado River negotiations, James Eklund, echoed the call for action, “As we finish this race, we begin another... and our pace needs to quicken. Our exceptional snowpack this year merely signals that the more extreme swings in precipitation and the warmer temperatures of climate change require effective and efficient implementation of the tools we are creating in the contingency plan.”

While the state of California chose to join Colorado and the other Basin States in signing the letter to Congress, an important water user, the Imperial Irrigation District in Southern California unfortunately could not move forward at this time due to an outstanding request for federal assistance. “We support regional, state and local stakeholders in their efforts to obtain federal funding through existing and future programs to help address impacts to the Salton Sea. However, as negotiated, the DCP is not linked to and does not result in adverse impacts to the Salton Sea. The flexible tools found in the DCPs are needed now,” said Eklund.

The Colorado River provides water to approximately 40 million people and 5.5 million acres of irrigated agriculture in the Upper Basin (Colorado, New Mexico, Utah and Wyoming) and Lower Basin (Arizona, California and Nevada). The river originates in Colorado and Colorado contributes approximately 70 percent of its flow. Since 2000, the Basin has experienced historically dry conditions and combined storage in Lakes Powell and Mead has reached its lowest level

since Lake Powell initially filled in the 1960s. Last year's runoff into the Colorado River was the second lowest since 2000, and there is no sign that the trend of extended dry conditions will end any time soon even if 2019 provides above average runoff. Lakes Powell and Mead could reach critically low levels as early as 2021. Declining reservoirs threaten water supplies that are essential to the environment, economy, and overall health of the Southwestern United States.

### **Gov. Polis appoints new district court judge in 4th Judicial District**

FOR IMMEDIATE RELEASE

Tuesday, March 19, 2019

DENVER — Gov. Jared Polis today appointed Marcus S. Henson as a district court judge in the 4th Judicial District. Henson fills a vacancy created by the retirement of the Honorable Barbara Hughes.

Henson serves as an El Paso County Court Magistrate, a position he has held since 2017. His current docket is comprised primarily of civil matters, including domestic and juvenile cases, and he also presides over a criminal bond forfeiture docket. Previously, he served as a Deputy State Public Defender in the Colorado Springs Regional Office (2002-2010), and as a Supervising Deputy State Public Defender (2010-2017). Henson earned his B.A. from the University of Georgia in 1995 and his J.D. from Mercer University School of Law in 2002.

Henson's appointment is effective immediately.

### **Gov. Polis signs bills into law**

FOR IMMEDIATE RELEASE

Thursday, March 21, 2019

**DENVER— Gov. Jared Polis signed the following bills into law today.**

HB19-1047

Metropolitan District Fire Protection Sales Tax

Rep. Buentello/ Sens. Danielson & Garcia

Concerning the authority of a metropolitan district to levy a sales tax for the purpose of providing fire protection in the areas of the district in which the tax is levied.

HB19-1063

AT-risk Information Sharing Between County Departments

Reps. Kraft-Tharp & Larson/ Sens. Gardner & Lee

Concerning the ability to share information between county adult protective services with county child protective services as well as at-risk adults obtaining their own information.

HB19-1084

Notice To Property Owners Whether Area Blighted

Rep. Gray/ Sen. Zenzinger

Concerning a requirement that notice of a determination on whether a particular land area is blighted be given to owners of private property within the area.

HB19-1175

Property Tax Valuation Appeal Process

Rep. Gray/ Sen. Gonzales

Concerning the property tax valuation appeal process.

HB19-1077

Pharmacist Dispense Drug Without Prescription In Emergency

Rep. Roberts/Sens. Tate & Pettersen

Concerning authorization for a pharmacist to dispense a chronic maintenance drug to a patient without a current prescription in limited circumstances.

HB19-1034

Minimum Two Person Crew On Freight Trains

Reps. Sullivan & Esgar/ Sen. Danielson

Concerning a requirement that a common carrier engaged in the transportation of property by railroad have at least two crew members aboard a freight train while the freight train is moving.

SB19-019

County Fireworks Restrictions July 4th

Rep. Gray/ Sen. Fields

Concerning the power of a county to restrict the use of fireworks during the period between May 31 and July 5 of any year.

SB19-043

Increasing Number of District Court Judges

Reps. Herod & Carver/Sens. Gardner & Lee

Concerning an increase in the number of district court judges in certain judicial districts, and, in connection therewith, making an appropriation.

SB19-071

Child Hearsay Exception

Rep. Roberts/ Sen. Fields

Concerning expanding the admission of out-of-court statements of a child.

### **Gov. Polis signs bills into law**

FOR IMMEDIATE RELEASE

Monday, March 18, 2019

#### **DENVER— Gov. Jared Polis signed the following bills into law today.**

SB19 - 044

CDPHE Emergency Medical and Trauma Care System

Sen. Zenzinger/ Rep. Hooton

Concerning the statewide emergency medical and trauma care system in the department of public health and environment, and, in connection therewith, eliminating the requirement that the state board of health cooperate with the department of personnel in adopting certain criteria.

SB19 - 069

Nonpublic School Teacher Development Programs

Sen. Lundeen/ Reps. Wilson & Buentello

Concerning nonpublic schools' authority to operate certain teacher development programs.

### **Gov. Polis signs bills into law**

FOR IMMEDIATE RELEASE

Friday, March 15, 2019

#### **DENVER— Gov. Jared Polis signed the following bills into law.**

SB 19 - 111

Suppl Approp Dept Corrections

Sen. Moreno/ Rep. Esgar

Concerning a supplemental appropriation to the department of corrections.

SB 19 - 113

Suppl Approp Dept Health Care Policy & Fin

Sen. Moreno/Rep. Esgar

Concerning a supplemental appropriation to the department of health care policy and financing.

SB 19-081

Repeal Cancer Drug Repository Act

Sen. Zenzinger/Rep. Hooton

Concerning the repeal of the "Colorado Cancer Drug Repository Act".

SB 19 -042

National Popular Vote

Sen. Foote/Reps. Sirota & Arndt

Concerning adoption of an agreement among the states to elect the president of the United States by national popular vote.

SB 19-029

Income Tax Residency Presumption For Military

Sen. Crowder/ Rep. Landgraf & Sullivan

Concerning the Colorado income tax liability of an individual in active duty military service.

SB 19-057

Employee Information Student Loan Repayment Programs

Sen. Fenberg & Story/ Rep. McCluskie

Concerning information relating to employee eligibility for student loan repayment programs.

HB 19-1100

Prohibit Use Restriction On School District Property

Sen. Bridges & Lundeen/ Rep. Geitner

Concerning prohibiting a school district board of education from including a use restriction on certain transactions involving the school district's property that would restrict the property from being used as a school for any grade from preschool through the twelfth grade.

Sine Die: **May 3, 2019**