



Legislative Newsletter



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*An up-to-date review of Colorado government and politics especially for the Aurora Chamber of Commerce.
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"Security is mostly a superstition. It does not exist in nature, nor do the children of men as a whole experience it. Avoiding danger is no safer in the long run than outright exposure. Life is either a daring adventure, or nothing."

- Helen Keller

Legislature could help Colorado redistricting overhaul get on the ballot

Colorado Politics

After opposing groups made peace on changing how Colorado draws political boundaries, lawmakers will now have a say in the matter.

Senate President Kevin Grantham, R-Canon City, and Sen. Stephen Fenberg, D-Boulder, are sponsoring legislation that would put the question on the ballot in November. Colorado voters, then, would decide if the General Assembly should continue to wrangle over congressional and legislative boundaries, or whether those maps should be the work of independent commissions who stress competitiveness over political advantage.

Fair Districts Colorado, the group that first proposed the change, and People Not Politicians, made up of suspicious groups that blocked them, worked out their differences last month. Together they filed paperwork to collect signatures to get initiatives 170 and 171 on the ballot.

If the legislature provides what's called a referred measure on the November ballot, it would save the groups a lot of time and money, if they don't have to collect at least 98,402 verified signatures.

The groups are proposing:

- Independent commissions to draw district maps for the General Assembly and U.S. House members. Each commission would have balanced representation with Republican, Democrat and unaffiliated members, with safeguards to ensure unaffiliated members do not have ties to either major party.
- Criteria to prohibit gerrymandering while respecting federal voting laws on "communities of interest" for racial and ethnic minorities, as well as rural communities. Mapmakers will aim to keep municipalities and counties within the same district or districts.
- Less partisanship in the map-drawing process with the help of non-partisan staff and the public, plus a requirement for a super-majority to adopt a final map. Legal challenges will face more scrutiny.
- "Robust" transparency and public-participation guidelines.

The left-leaning fair elections group Common Cause did a more detailed breakdown of the proposals, which you can read by clicking here.

The state redraws statehouse and congressional districts after the census every 10 years. The legislature draws the boundaries, and the party in the majority tends to exert its will, until the maps wind up in court. In the process, Democrats and Republicans have carved out districts of enough like-minded voters to ensure safe for their incumbents, a shadowy process called gerrymandering.

That gives the major parties tremendous power in deciding who gets elected and ensuring those officeholders stick to party doctrine or face a primary, according to critics.

"I am pleased to see legislators on both sides of the aisle supporting these important measures designed to protect us from gerrymandering," former House Speaker Frank McNulty, R-Highlands Ranch, one of the leaders of Fair Districts Colorado, said in a statement.

"We need our representatives to step up now to avoid the kind of bitterly divided fights that were waged during the last two redistricting cycles. Coloradans across the political spectrum will benefit from a process that is fair, transparent, less partisan, and ultimately more effective."

Stated People Not Politicians' Joe Zimlich, chief executive of the Bohemian Group: "Colorado deserves a process that allows people to choose their politicians. A process that allows broad public involvement, a process that will create fair and competitive districts, and will not give either political party an advantage."

Colo. Supreme Court ruling kicks Doug Lamborn off the ballot

Colorado Politics

In a stunning decision, the Colorado Supreme Court ruled Monday that Republican U.S. Rep. Doug Lamborn didn't gather enough petition signatures to qualify for the June primary ballot and will not be able to run for a seventh term.

Five GOP voters in Lamborn's 5th Congressional District sued to remove the incumbent from the primary last month, charging that some of the paid circulators hired by his campaign to gather petition signatures weren't Colorado residents, as the law requires.

A Denver District Court judge mostly sided with Lamborn earlier in April, but in Monday's ruling, the high court overturned a portion of the lower court's ruling.

"The Secretary (of State) may not certify Representative Lamborn to the 2018 primary ballot for CD5," the ruling concludes. "We recognize the gravity of this conclusion, but Colorado law does not permit us to conclude otherwise."

It's too late for Lamborn to qualify for the ballot any other way - effectively ending his tenure in Congress, which began in 2006 when he won a crowded primary in the heavily Republican district centered in El Paso County.

Four other Republicans are running for the seat and will appear on the primary ballot - El Paso County Commissioner Darryl Glenn, state Sen. Owen Hill, retired Texas state judge Bill Rhea and former Green Mountain Falls Mayor Tyler Stevens.

Colorado House rearranges public-pension reform plan - with some surprises

Denver Business Journal

A Colorado House committee stripped an expanded defined-contribution plan from a major public-pension reform bill last Monday and replaced proposed increased contributions from both employees and state government with payments made from the state budget's surplus funding, setting the House and Senate versions of the measure up for a collision course in the closing weeks of the 2018 legislative session.

Senate Bill 200 attempts to close a \$32 billion unfunded liability in the Public Employees' Retirement Association plan that threatens to lower the state's bond ratings and eat up more of the general-fund budget that business leaders would like to put to transportation and education. It attacks an issue that unnerves business groups, fiscal watchdogs and public-employee groups - and seeks to do so despite a significant ideological gulf between ruling House Democrats and Senate Republicans on who should pay for a gap that has built steadily over the past 18 years.

As sponsored by Republican Sens. Jack Tate of Centennial and Kevin Priola of Henderson, SB 200 came out of the Senate in late March on a largely partisan vote, taking steps that GOP leaders called necessary to shore up the problematic fund. It increased employee contributions to PERA by 3 percent, lowered annual cost-of-living adjustments and raised the age of retirement for newer employees. It also expanded the pool of workers who could buy into a 401(k)-style defined-contribution plan rather than the standard defined-benefit plan.

On Monday, sponsoring Democratic Reps. K.C. Becker of Boulder and Dan Pabon of Denver passed 11 amendments that substantially changed the character of the bill. And while the removal of the expansion of the defined-contribution plan was expected - leaders of the powerful Colorado Education Association teachers' union have asserted it is a non-starter for them because they believe it threatens the long-term stability of the defined-benefit plan - other changes seemed to surprise a number of observers and earned the bill a modicum of bipartisan support.

The key amendment removed the 3 percent increase in employee contributions to the plan and did not attempt to reinsert the 2 percent increase in contributions by government employers that many Democrats had sought. Instead, it set aside \$225 million from this year's \$1.3 billion budget surplus to cover for the annual costs of both employer and employee contribution increases and used that money as a seed for similar appropriations in future years, creating an automatic-adjustment mechanism that would increase both government and worker contributions and lower retirees' cost-of-living adjustments if the reform begins to fall short of its goal to eliminate the unfunded liability within 30 years.

Several Republicans objected to the proposal, with GOP Rep. Kevin Van Winkle of Highlands Ranch saying that betting on the general fund to be able to cover that increase in spending every year without predicting a future recession was akin to "looking at the state economy with rose-colored glasses." It was a mirror argument to one Democrats have made in regard to a Republican proposal to sell \$3.5 billion in bonds and secure repayment with \$250 million in annual set-aside from the general fund - a plan that House Speaker Crisanta Duran, D-Denver, has argued is a irresponsible mortgaging of funds that may be needed for other areas during future economic downturns.

Republican lawmakers propose more changes to Colorado Civil Rights Commission - and they meet more pushback *Denver Post*

The partisan battle over the future of the Colorado Civil Rights Commission continued at the state Capitol last Wednesday, with Republicans introducing a series of new proposed changes to the panel and Democrats and advocacy groups pushing back.

House Bill 1256, the legislation to renew the commission and the Civil Rights Division that it's housed under, got its first hearing in the GOP-controlled Senate, where it was heavily amended in the Judiciary Committee.

Sen. Bob Gardner, R-Colorado Springs, passed changes that would alter who can appoint members of the panel, streamline the option of court involvement in cases and create a mechanism for legislative audit of the commission and more transparency on the cases it takes.

Specifically, under Gardner's amendments, the governor would get to appoint four members to the commission while the four others would be chosen by lawmakers in the governor's opposite party in the House and Senate.

"We want to see the process improved," he said, calling his alterations "modest and reasonable structural changes."
"We want to see the commission more balanced. ... There's certainly a sense in the business community that the commission is complainant-oriented to the point that they're not getting equitable hearings."

He added: "The idea is to create a commission that is broad in its spectrum and its representation. Having voices from across the spectrum is important."

Democrats, however, have called for the Civil Rights Commission to be renewed as is, arguing that it has been operating as intended.

GOP lawmakers in the House sought to mandate that lawyers or former judges make up more than half of the panel's members and to limit its ability to adjudicate cases, both proposals of which were rejected by Democrats.

While Gardner's changes are less extensive, they still met backlash. "If it's not broke," testified Jill Wildenberg, public policy director at the Interfaith Alliance of Colorado, "don't fix it."

Colorado Springs school district cancels classes in anticipation of teachers attending rally

Colorado Politics

Colorado Springs School District 11 will be closed April 27 "in anticipation of high levels of teacher participation at a rally in Denver," Superintendent Nicholas Gledich said in a statement.

The cancellation of school is necessary because the district doesn't have "enough substitute teachers or administrators to cover the projected number of teacher absences," the statement says.

An afternoon rally is planned for Friday at the Colorado state Capitol to advocate for more state education funding, education news nonprofit Chalkbeat reported.

The Colorado Springs Education Association "is joining in support of the statewide education association in supporting this statewide teacher rally," Gledich's statement says. "As you may be aware, K-12 public education funding and the long-term stabilization of the Public Employees' Retirement Association (PERA) system are problematic in Colorado.

"Public education school boards, staff, parents, and other supporters have become increasingly vocal in their advocacy for increased funding for our statewide K-12 public schools and the stabilization of PERA. There is a belief among these groups that years of low funding is having a significant impact on our ability to attract quality candidates into the teaching profession and is impeding the ability to effectively deliver the high level of educational experience our students deserve."

Extracurricular activities will be held Friday unless otherwise announced.

"I apologize for any inconvenience this may cause our families, but I'm pleased to be able to make the announcement in advance so families may make needed arrangements," Gledich's statement said.

A 2-year-long battle over beer comes to a head Monday at the Capitol

Denver Business Journal

When debate begins Monday afternoon on a bill to change the way that beer is sold in Colorado, many liquor stores will be lined up one side to support the measure, while pretty much everyone else in the alcohol industry will be teaming up to oppose it.

Senate Bill 243, sponsoring by Republican Senate Majority Leader Chris Holbert of Parker and Democratic Assistant Senate Minority Leader Lucia Guzman of Denver, attempts to put some guardrails in place for Jan. 1, when low-strength beer becomes a thing of the past in Colorado and grocers and convenience stores are allowed as a class to sell full-strength beer for the first time since the end of Prohibition. The abolition from these stores of "3.2 beer," named for its reduced alcohol percentage by weight, was one of the provision of the ground-breaking 2016 bill that allowed grocers to

expand beyond selling beer, wine and spirits at just one location if they buy out the licenses of two liquor stores within their jurisdictions.

Many grocers and convenience stores thought the transition would be a simple one - take out low-strength beer at the end of one night and replace it with full-strength beer the next day. But the Colorado Licensed Beverage Association, the interest group representing most liquor stores in the state, has argued that such a move would decimate the population of roughly 1,600 independently owned retail locations and that there should be limitations on how much beer is sold in these locations and whether all existing stores should be able to make the transition.

And the CLBA has found powerful advocates in the No. 2 officials in each of the Senate caucuses, who have crafted a lengthy bill that regulates everything from the amount of shelf space allowed for beer in grocery and convenience stores to the age of people in those facilities who can sell the beer to the criteria grocers must meet to deliver the beer. While CLBA President/CEO Jeanne McEvoy said she would actually have liked to bill to go further in several areas (but still will support it), grocers, convenience store owners, brewers and beer distributors have been critical of the proposal since Holbert and Guzman first unveiled it at a heavily attended mid-February meeting - and now are broadening their criticism to include accusations of a conflict of interest regarding the chairwoman who will oversee the hearing on the bill Monday in the Senate State, Veterans and Military Affairs Committee.

What it sets up is a full-blown rumble over the future of beer sales in Colorado - with failure to pass any kind of legislation meaning that grocers and convenience stores simply will begin selling full-strength beer without new regulations when calendars flip over to 2019.

"Full-strength craft beer is expanding in Colorado. So, the question is: On behalf of customers, how do we get the most choice, and how do we get the most convenience?" said John Brackney, a spokesman for a coalition of grocery and convenience stores and large brewers that is opposing SB 243. "This bill is very clearly an anti-free-choice and anti-capitalist effort to protect the former monopoly that liquor stores had. It's a protectionist bill that should be killed outright."

Louisiana's new higher education commissioner chosen

Seattle Times

BATON ROUGE, La. (AP) - Louisiana has a new higher education commissioner to oversee policy governing the state's public colleges and more than 200,000 students.

The Board of Regents on Wednesday chose Kim Hunter Reed, executive director of the Colorado Department of Higher Education, for the position.

Reed is returning to her home state. The Lake Charles native is a longtime fixture in Louisiana government and higher education. She previously worked as chief of staff at the Board of Regents, as a deputy chief of staff for former Gov. Kathleen Blanco and as executive vice president for the University of Louisiana System.

"We're all excited about the leadership she's going to bring to higher education," said Gov. John Bel Edwards. "I believe it's the perfect fit."

She enters the job as colleges again are threatened with budget cuts in the upcoming financial year that begins July 1, after reaching standstill funding this year for the first time in a decade.

Reed talked about the need to increase access to education and training, stabilize financing for campuses and present a "big and bright" vision for higher education.

The Regents board picked Reed over three other finalists for the job.

Joseph Rallo, a retired Air Force colonel who's worked as commissioner since January 2015, plans to retire from the position that pays him \$364,000 a year. He agreed to stay until June while his successor was chosen. Before moving to Louisiana, Rallo was the vice chancellor of academic affairs at the Texas Tech University System.

Report: Colorado has steady job growth, wage gains

Colorado Politics

Officials say Colorado's economy is growing at a steady rate.

The Denver Post reports a monthly update Friday from the Colorado Department of Labor and Employment says Colorado employers added 5,400 nonfarm jobs in March from February, down from the 9,200 jobs added in February from January.

But department senior economist Ryan Gedney says February's outsized gain, the fastest the state has seen since February 2012, was ahead of the 12-month average of 5,200 jobs added.

Trade, transportation and utilities added 2,500 jobs in March, making it the leader among sectors.

The report showed continued gains in pay, with the average weekly wage rising from \$27.26 an hour in March 2017 to \$28.38 last month. Over the year, the average workweek for all employees on private non-farm payrolls increased to 33.4 hours from 32.9.

Gov. Hickenlooper Announces Boards and Commission Appointments

Office of the Governor

Thursday, April 19, 2018 - Gov. Hickenlooper today announced a Boards and Commissions appointment to the Colorado Health Service Corps Advisory Council.

The Colorado Health Service Corps Advisory Council acts as the state advisory body of the Colorado Health Service Corps and reviews applications received from health care professionals to participate in the program, subject to available appropriations. The Colorado Health Service Corps is a state, federal, and private partnership that seeks to improve access to health care professionals by repaying the educational loans of providers who agree to practice in areas with a health professional shortage. The program emphasizes long-term retention of health professionals in underserved communities and seeks to increase health equity for all Coloradans.

For a term expiring Nov. 20, 2019:

- Ravid Moshe Gur, of Denver, to serve as a representative of a membership organization representing community behavioral health centers, and occasioned by the resignation of Brian Ross Turner, MPH of Littleton, appointed.

Calculator

Days Left to Sine Die: 16

House Bills Introduced: 417

Senate Bills Introduced: 272

Dead Bills: 145

Governor Signed: 149