

Colorado General Assembly adjourns May 8

Written by Marianne Goodland, State Capitol reporter

In his annual State of the State address last January, Gov. John Hickenlooper gave the General Assembly a wish list that included civil unions, universal background checks, tuition for undocumented students, Medicaid expansion, a comprehensive overhaul of the state's mental health system and school finance and a bill to support advanced industries.

He pretty much got what he asked for.

The 2013 General Assembly adjourned on May 8, completing most of its work on 700 bills and resolutions introduced throughout the 120-day session. Long-time observers and legislators commented that it has been one of the most partisan, controversial sessions in recent memory.

Some of the major issues from this year's legislature:

Tuition for undocumented students—On April 29, Hickenlooper signed into law Senate Bill 13-033, which allows any student who graduates from a Colorado high school with at least three years attendance, or obtains a general education diploma, to be eligible for in-state tuition at any Colorado public college or university.

The bill is the result of a decade's work by Democratic legislators and Hispanic activists, and in its final attempt gained the support of a handful of Republicans, including Sen. Greg Brophy (R-Wray).

The signing ceremony was held at Metropolitan State University of Denver. Sen. Michael Johnston (D-Denver) a co-sponsor of SB 33, told the story of a straight-A student who wanted to be an engineer but couldn't go to college because he was undocumented. To that student, and to the many others who will follow, Johnston said, "In Colorado, the doors are open and the dream is alive!"

Gun control—Democratic legislators held a news conference on Feb. 5 to announce a package of eight bills on gun control and related measures. Seven of those bills were eventually

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introduced, and five of them signed into law by the governor.

That includes universal background checks on all firearms sales, restrictions on the size of ammunition magazines, in-person training for concealed carry permits, requiring the purchaser of a firearm to pay for the background check and prohibiting people either under a protection order or convicted of domestic violence from possessing firearms.

The prohibition on large-capacity ammunition magazines is now the subject of a ballot initiative seeking its repeal.

Water—Hickenlooper also mentioned the state is working on a state water plan, with a completion date of 2015. Last week, the governor issued an executive order tasking the Colorado Water Conservation Board with leading that effort, in conjunction with the Basin Roundtables and Interbasin Compact Committee and a half-dozen state agencies.

The water plan should “support agriculture in rural Colorado and align state policy to the state’s water values,” according to the governor’s office. A draft plan is required by the end of 2014.

On the final day of the 2013 session, the General Assembly adopted a related resolution on protecting agricultural water supplies.

The resolution states that the legislature will work with the executive branch and Colorado water community to address water supply-demand imbalance and minimize the “dry-up of irrigated agriculture.” That effort should also include information and education to increase agricultural literacy.

The drought and last year’s wildfires put legislators to work on a host of water conservation bills during the session. More than a dozen bills were introduced to address water conservation, storage and legal issues.

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Most notable was SB 74, which clarified historic groundwater permits. Under the bill, if a decree entered prior to Jan. 1, 1937, establishes an irrigation water right and doesn't limit the number of irrigated acres, the lawful maximum amount would equal the maximum number of acres irrigated for the first 50 years after the original decree was entered. The governor signed SB 74 on April 4.

SB 74 was sponsored by the Interim Water Resources Review Committee, which includes Brophy and Rep. Jerry Sonnenberg (R-Sterling). The committee sponsored six bills during the session and lost only one—a bill that states that the federal government cannot demand water rights from a lessee as a condition for granting a special use permit.

House Bill 13-1013 was one of two measures from the water committee on a 2012 Forest Service directive that requires ski areas to turn over their water rights as a condition for renewal of leases.

A similar directive applies to forest lands used for agricultural purposes, such as grazing. A Denver District Court judge threw out the ski area directive because the Forest Service did not follow federal rules regarding public input.

Sonnenberg had agreed to allow HB 1013 to die on the House calendar at the end of the session, so long as the Senate voted on the related resolution, directing the Forest Service to work with affected stakeholders on the directives. However, the Senate failed to take up that measure on its final day, letting it die on the calendar.

School finance—The first major overhaul of the state's funding formula for public schools in 20 years passed on May 1 and will be signed into law on May 21.

SB 213 changes how pupil enrollment is calculated; provides funding for all-day kindergarten and half-day preschool; changes definitions of at-risk pupils and those enrolled in English Language Learning programs; provides minimum per-pupil funding; changes the calculation of state and local shares of total funding, including mill levy overrides; and includes a review of the funding investment and cost studies every four years.

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The finished products on gun control, civil unions, Medicaid expansion and school finance garnered no support from Republicans at the state capitol.

Republicans complained bitterly about partisanship and “back-room deals” made by majority Democrats. That included SB 252, the bill to boost renewable energy use by rural co-ops; and HB 1303, a comprehensive overhaul of the state’s elections process.

But Republicans had their successes, too. House Minority Leader Rep. Mark Waller (R-Colorado Springs) pointed to a bill that grants local governments the authority to offer economic tax breaks to companies that may move out of the state. Another bill, sponsored by Waller, reinstates merit-based scholarships for college students.

Senate Republicans pointed to bills signed into law on increased government accountability, protection for the state’s forests, water rights and enhancing school resource officer programs.

But their frustration over the partisanship was obvious in the last days.

“This will go down as the session that was the most extreme overreach ever in the history of Colorado,” Brophy said last week. “Never have I seen issue after issue, one on top of another, that are so contentious.”

Brophy theorized that the overreach is the result of Democrats having lost control of the House after the 2010 session, with their agenda stymied for two years.

“It ends up being an attack on rural Colorado: our values, our pocketbooks and our economy, under attack from this legislator and governor. It will cost us culturally, from a safety perspective, and it costs us part of our future,” Brophy said.

Brophy did note the success of getting major water legislation passed, as well as a late bill on renewable energy tax credits. SB 286 extends the period of time that a renewable energy

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company can claim tax credits.

“That’s an incentive approach to renewable energy policy rather than a mandate like SB 252,” Brophy explained. The bill got final approval on the last day of the session.

Sonnenberg pointed to the passage of HB 1130, which allows a longer period for temporary water leases, an effort to prevent “buy and dry” sales of water rights on agricultural lands. Another bill Sonnenberg co-sponsored, SB 41, designated storage of reservoir water as a “beneficial use,” on par with irrigation, dust suppression and recreational uses.

Without that designation, the state water engineer would be required to empty reservoirs every year, a requirement verified in a 2011 Colorado Supreme Court decision. Hickenlooper signed SB 41 into law on April 8.

Sonnenberg also noted his efforts to kill a bill that would have prohibited the routine tail-docking of dairy cattle, and he worked behind the scenes to change other bills or marshal opposition, such as with SB 252.

Sonnenberg said 2013 “has been the most partisan session” he’s seen in his seven years at the capitol, with more party-line votes than ever. “If a bill favors one side over another, those are not good decisions, and we’ve seen a lot of that this year,” and that includes bills he terms “anti-rural,” like SB 252.

But Sonnenberg also expressed hope on educating urban legislators on agricultural and water issues, and he’s invited first-time legislators to come to his district for that purpose. And while most legislators won’t be back at the capitol until next January, Brophy and Sonnenberg will be back this summer to continue work on the interim water committee.

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