

LAW WEEK

COLORADO

2013 Legislative Agenda: A Perspective

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ON JANUARY 9, the 2013 Colorado legislative session opened with a political party “trifecta” and many newly minted elected officials.

The Democratic Party secured the advantage for this session following the recent election that gave their party control of the House, Senate and governor’s office. The challenges that can result from single-party control, no matter which party it is, include the controlling party pushing their favorite — and many times extreme — measures and sometimes resetting legislation that was passed during the previous session. Many times, this state of affairs can create a challenge to the governor’s office to put some measure of control on its own party. Most will comment that a “balanced” legislature normally results in a more productive session than one controlled by just one political party.

Added to single-party control are changes that occurred within the legislature, particularly the large number of new faces in the House, along with new leadership. The learning process for these newly minted legislators will impact the process and resulting productivity of this year’s session.

Recreational marijuana regulation, civil unions for same-sex couples, gun-control, health care, immigration, education reform and funding (both K-12 and higher-ed), oil and gas regulations, state infrastructure projects, tax deductions for victims of the 2012 wildfires, enterprise zones and union/labor issues are just a few of the many issues that



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will likely see the light of day during this session. Although the budget itself should see some relief based on recent revenue results, how the funds are expended will become a major source of debate.

It is within this context that we face several likely measures that will impact how business is conducted in Colorado, at least for the near-term. With a tentatively recovering economy, “Do no harm” will likely be a controlling sentiment.

As an attorney who also serves on the executive committee, the board of directors and the legislative policy committee of the Denver Metro Chamber of Commerce, my perspective involves legislation that impacts businesses and their issues. The chamber’s specific policies support a strong economy and usually

center on matters revolving around the principle that our economic “house” is supported by three pillars: education, infrastructure and health care; all supporting a roof of economic development.

A couple of examples...

From an economic-development perspective, how we put in place measures to deal with the newly passed Amendment 64 regarding recreational marijuana usage in the workplace will impact all employers and send a signal to prospective and existing businesses about how our state will address this voter-mandated new law. Hopefully, we can mitigate what could otherwise be perceived as a negative image to major employers looking for a new home for, or expansion of, their business.

We have had enterprise zone tax credit incentives that advance business expansion and resulting jobs creation in Colorado for years, and the system is under review to attempt closing several loopholes that invite abuse while, at the same time, retaining the benefits that these incentives provide to businesses in their job-creation efforts. Carefully crafted legislation can move this forward.

Having a competitive and well-educated work force is a major issue to new and growing businesses, as well as to companies considering where they will locate. In this context, the quality of education that we provide to our workforce is critical and legislative measures that deal with these issues will be followed closely, including the early childhood issues that incubate our later

graduating workforce.

Matters impacting the cost of health care are always a concern to employers, and, with the impending Affordable Care Act beginning to insert itself into our system, new regulatory schemes including “health care exchanges” will continue to be followed closely. Medicaid expansion and potential savings in conjunction with federal incentives are anticipated issues.

Gov. John Hickenlooper, in his state-of-the-state address, indicated that our economy is back but needs certain measures to support its continued recovery. Proposed measures include the need for standardized oil and gas regulations at the state level, an innovation grant program to provide entrepreneurs resources to grow their businesses, a reform of the state’s enterprise-zone system, funding to promote film production, and modest funding in his budget to continue attracting new investment. He also requested the legislature tackle education reform and expand Medicaid eligibility while reducing costs. Finally, he requested the legislature work with him to explore and potentially address the process of amending our constitution to prevent a continuing series of measures that result in more expensive and less thought-out ballot-box governance.

Suffice it to say, this session will be interesting... •

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