

2019 Legislative Guesstimates

As you know, there has been a sea change in the political landscape since the end of last session! In the election a week and a half ago the State swung from purple to solidly blue. The Governor, Treasurer, Secretary of State, and Attorney General are all Democrats. The State Senate shifted from 18-16-1 in favor of the Republicans to 19-16 in favor of the Democrats. Finally, the State House remained blue, but the margin widened from 37-28 to 41-24. Additionally, the Colorado House is majority female, for the first time ever. Now, while the changes mean some VERY exciting prospects – Speaker KC Becker, for example, many of the legislators are brand new and have little understanding of environmental issues. It will take a while for them to learn the ins and outs of policy details. Further, not all Democrats are really green, so environmental progress is not a foregone conclusion. Lastly, we would be wise to remember that the state is still split, even if the government isn't. Getting ahead of the public can have severe consequences, as we learned with the gun control bills a few years ago. Incremental progress is always preferable to no progress!

Now – here's a look ahead at what's coming so far – but note there is A TON of stuff still percolating.

Water

- Expanding the ISF leasing statute- Rep Roberts – current law limits the program to three years of use, which must occur within ten years. The bill would expand that to five years in any ten year period.
- Funding the Water plan – There are several proposals in drafting; including a proposed tap fee on new development, a possible increase in sales tax, and a dedication of a portion of proposed tax revenue from sports betting. None of these are ready for prime time yet. There will likely be other proposals as well. Finding money for the water plan is something in which a whole lot of varied players have an interest.
- Mining – the bill from last year to prohibit self bonding and reliance on perpetual water treatment will be back – and its prospects are much better this time!

- Severance tax – buckle up. There will be a “hull passel” of bills designed to shore up severance taxes – both in terms of making it a less volatile funding stream, and in terms of limiting access by the legislature in lean economic years. It would also be very unsurprising to see attempts to increase severance taxes, and to reduce the offsets with ad valorem taxes.

Climate change

Expect to see a busy year here! Everything from previous years will be back. Some highlights include:

- Streamlining the mission of the COGCC – the key piece here will be removing the requirement that the agency foster oil and gas development
- Conflict of interest – Ensuring that the members of the COGCC are not also being paid by the industry while they serve.
- Creating/Meeting Climate change goals – expect creation of goals for carbon/methane reduction; and a map toward meeting them.
- Governor’s energy office – expect a renewed focus on renewables.
- Hydro – a perennial threat when discussing renewable energy

Recycling

- Expect plastic bag fees, or outright bans.
- Expect increased targets for consumer and industrial recycling

Transportation

- Funding will be a huge battle in light of the defeat of both ballot measures
- Expect clarification of HOT lanes
- Increased push toward EVs, including expansion of infrastructure
- Possible expansion of state tax credit for EV.

- Make consideration of GHG emissions part of future planning efforts

Public Lands

- Wildlife Crossing zones- increased penalties
- Conservation easements – both offense and defense here. Kimmie Lewis is back, and there are a lot of new legislators who don't understand how the program works.
- State Lands reform – possible adjustment of multi-use/ limits on oil and gas leasing. Authority for renewables leasing

That's it for now. Clearly we are looking toward a much more dynamic and positive session than the last few years. There will be a huge need for education of new legislators throughout the session, which will make the process a little more cumbersome than usual. Also, as always, we need to remember that defense will still be a huge requirement, especially given the "statement" bills from the other side. While it is expected that we will be able to dispose of bad bills expeditiously, keep in mind that they don't die on their own!