

## 2nd half of legislative assembly will be about following the money

Written by K.C. Mason

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For most of northeast Colorado's delegation, the second half of the 120-day General Assembly will be about following the money.

Republican Reps. Cory Gardner of Yuma, Jerry Sonnenberg of Sterling and Kevin Priola of Henderson, along with Sens. Greg Brophy, R-Wray, and Mary Hodge, D-Brighton, mostly completed their work on personal bills during the first half with varying degrees of success.

That clears the deck for what is expected to be continued contentious debate over government spending as lawmakers look for more cuts in the remaining 15 weeks of this year's budget, and try to squeeze increasing demand for spending next year into declining state revenue.

Monday's Colorado Supreme Court decision that upheld a two-year-old freeze on property tax mill levy for schools may only intensify the debate. The School Finance Act of 2007 shifts the burden of public school funding to local school districts and away from state funding.

The 6-1 opinion overturned a Denver District Court ruling that the mill-levy freeze amounted to a tax policy change that required voter approval under the 1992 Taxpayer's Bill of Rights (TABOR).

Judge Christina Habas said at the time that earlier votes in most school districts to remove the TABOR revenue limits should not be interpreted as voter approval of a higher property tax rates.

The high court disagreed, saying only one election at the local level is required to fulfill the requirements of TABOR, which limits the amount of tax revenue any government entity can keep and spend without voter approval.

While Hodge agreed with Gov. Bill Ritter and the rest of the Democrats that the ruling was a victory for children, Gardner was among the Republicans most vocal in their criticism, calling it "judicial activism" and another step in dismantling TABOR.

"We knew this (challenge) was an uphill battle based on the composition of the Colorado Supreme Court and their efforts over the past several years to undermine TABOR," Gardner said. "The Colorado Supreme Court has no interest in ever allowing a vote on this tax increase."

Sonnenberg agreed, saying there is little he and Republicans can do to change things.

"The Democrats have control; they have the governor's seat and now they are getting what they wanted," Sonnenberg said. "The truth is, it doesn't make much difference what the Legislature does anyway because the Supreme Court is legislating from the bench."

Brophy said he expected the decision to "embolden the left with their attempts to push 228 through without a vote of the people."

Senate Bill 228, which is scheduled for a final vote in the Senate this week, would repeal the 1991 Arveschoug-Bird amendment (named for its sponsors) that limits annual increases in general fund spending to six percent.

Priola, who is serving his first term in the Legislature, was reluctant to opine on the Supreme Court ruling, but generally agreed with other Republicans that it dismantled taxpayer protection against tax increase.

"I was surprised it was so lopsided," Priola said. "I thought it might have been a little closer."

For a rookie, Priola had a highly successful first half of the session, with three of the four bills he introduced reaching the governor's desk. They included protection from predators for homeowners facing foreclosure; creation of a special license for practicing dentistry at the University of Colorado Medical Center; and allowing non residents to become directors of a water districts in limited circumstances. None was controversial.

"I didn't come down here on a crusade to change the world," Priola said. "I believe the voters

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want me to pursue prudent laws and changes in statute that don't raise their taxes and that result in better government."

Priola also is the House sponsor with Hodge of one of two bills aimed at giving South Platte River irrigators more access to augmentation water for replacing past pumping from the river. Senate Bill 147 is scheduled for House floor debate on Friday and will go to the governor if passed.

House bill 1174, which Hodge sponsored with Rep. Riesberg, D-Greeley, also has reached Ritter's desk.

"House Bill 1174 is pure forgiveness for pre 1974 depletions," said Hodge. "Senate Bill 147 is for those who don't have augmentation plans in yet. It lets them use leased water for substitute water supply plans to pay back depletions."

Hodge had only one of her bills killed during the first half of the session. It would have limited the amount of price increases for tickets to concerts and sporting events that are re-sold over the Internet.

"The Broncos got involved and it got a lot of attention," Hodge said. "They said I was taking away the right of season ticket holders to resell their tickets for whatever they could get."

Brophy has seen four of his five bills killed in committee, but still has active a measure than changes the traffic rules for bicyclists and is the Senate sponsor of a house bill dealing with background checks for gun sales.

As for his low success rate, Brophy said he often argues for principle, such as trying to get a moratorium on the new oil and gas rules or preventing the use of eminent domain for a possible new freight railroad on the eastern plains.

"You can come up here with the attitude that you want to get a lot of bills passed or stand on your principals and attempt to advance those issue," Brophy said. "At least you are bringing them up and letting the debate be held."

Gardner, who is widely expected to announce soon for the 4th Congressional District seat currently held by U.S. Rep. Betsy Markey, D-Colo., also has had three of his five bills killed. One dealt with the impact on private property rights of some of the new oil and gas rules aimed at protecting wildlife.

Gardner will be at the forefront of continued budget debate.

"Given the massive budget problems the state is facing and given the severe economic problems facing businesses across Colorado, the Democrat majority is a complete failure," he said. "We spent the first two months killing jobs, raising taxes and forcing new fees down Colorado's throat."

Sonnenberg also lost four of the six bills he introduced this year. Killed were measures dealing with horse racing, fire protection services in urban renewal areas, increasing the penalty for careless driving resulting in death and moving sales tax revenue to car sales directly into the Highway Users Tax Fund.

Sonnenberg said this year's session has been his most difficult in three years in the Legislature.

"I don't think the discussion we've had (as Republicans) are valued," he said. "We are not doing things to stop the recession; we're only making it worse. We're doing no more than creating more dependency on government and when I went to school we called that socialism."