The 69th General Assembly is now open for the people's business in Denver. The 120-day legislative session, which began Jan. 9, featured opening day speeches by House and Senate leaders. The session ends on May 8.

Last Thursday, Jan. 10, lawmakers heard from Gov. John Hickenlooper in his annual State of the State address. Hickenlooper's third address as governor focused on an agenda of early childhood education, gun control and mental health, a statewide water plan and constitutional reform. He also pleaded with legislators to pass a civil unions measure and to grant in-state tuition to illegal immigrants.

Sen. Greg Brophy (R-Wray) was on the committee that escorted the governor to the House podium for the address. The speech was interrupted many times by applause, sometimes by the entire chamber and sometimes only by Democrats.

Brophy softly applauded when the governor called for passage of legislation on in-state tuition for illegal immigrants. But like the rest of the Republican caucus that includes Rep. Jerry Sonnenberg (R-Sterling), Brophy sat silently when the governor discussed more background checks for gun sales.

Hickenlooper recognized many of the first responders who fought the Colorado wildfires that burned throughout the summer or responded to the Aurora theater shooting in July.

"We have an obligation to prevent similar tragedies, to do good, to bring light to darkness," Hickenlooper said. To the issue of gun violence, he asked that lawmakers consider a universal background check for all gun sales and that other laws be examined to keep guns out of the hands of dangerous people.

"We have to do a better job of identifying and helping people who are a threat to themselves and others," which he said should include a comprehensive overhaul of the state's mental health system.

Both Brophy and Sonnenberg have said the Colorado Bureau of Investigation should get out of the business of conducting background checks for gun sales. They would prefer the process be turned over to the federal government.

Noting the state is still in drought, the governor has set a goal of creating a state water plan by 2015, one that focuses on conservation. “While expanding reservoir capacity makes sense, and rotational fallowing of agricultural land shows great promise, every discussion about water should start with conservation,” he said.

One issue that the governor didn’t mention, and which caught Sonnenberg’s attention, was agriculture. “Nothing referencing agriculture and its contribution as the 2nd largest industry and conservation is the answer to water. Dang,” he tweeted after the speech.

The first days of the 2013 session saw the introduction of more than 100 bills, with more than a dozen dealing with water, agriculture and county governments. Legislators can expect to see 500 to 700 bills during the session.

One bill to watch is Sonnenberg’s House Bill (HB) 13-1013. The bill would tell landowners and the courts that they cannot take away the water rights of those who lease their lands. According to Sonnenberg, the issue arose during the summer’s interim Water Resources Review Committee hearings. It’s based on a 2012 rule, issued by the U.S. Forest Service, which seeks water rights related to ski areas that lease federal lands. The rule is already the subject of a federal lawsuit.

Sonnenberg also is the chief House sponsor of an accompanying measure, House Joint Resolution 13-1004, which claims the federal rule is in conflict with Colorado’s Constitution regarding prior appropriation. The resolution states that the Forest Service does not have the authority to require leasees to transfer their water rights.

But the problem goes beyond the 22 affected ski areas in Colorado. According to the resolution, the Forest Service also has held up permits for ranchers who lease land for cattle and sheep grazing, also seeking those water rights.

Both measures are unanimously supported by the 10-member bipartisan water resources committee, which includes Brophy.

Next, a Western Slope lawmaker has introduced a bill to grant the Solid and Hazardous Waste Commission exclusive authority to regulate the “beneficial use of produced water for dust suppression on unpaved roads in rural areas.” This refers to groundwater produced during oil and gas operations.

HB 1018 requires the commission to establish rules and standards for use of that water. The bill states the standards must prevent the discharge of pollutants into the state waters and minimize public exposure to naturally-occurred radioactive materials that come from the produced water. Rep. Don Coram (R-Montrose) is the bill’s sponsor. The commission is part of the Colorado Department of Public Health and Environment.

Senate bills introduced on the first day of the 2013 session include Brophy’s Senate Bill (SB) 03-016, which would allow someone to drive an autonomous vehicle.

Under SB 16, a person may drive using a “guidance system” but must safely operate that vehicle in accordance with traffic laws, have an override switch and return control to the driver when the driver steers or brakes.

Under the measure, drivers would be allowed to use cell phones and to text while using a vehicle with a guidance system.

And in line with the governor’s request for water conservation measures, Sen. Gail Schwartz (D-Snowmass) and Rep. Randy Fischer (D-Fort Collins) have introduced SB 19, which would encourage water users to increase the efficiency of their water utilization.

Sonnenberg is the ranking (senior) Republican on the House Agriculture, Livestock and Natural Resources Committee. The 13-member committee has nine new members this year, reflecting the House change from Republican to Democrat control, and the 65-member House has 29 new lawmakers. The nine newcomers include eight brand-new legislators and first-time committee member and former Speaker of the House Rep. Frank McNulty (R-Highlands Ranch). Sonnenberg also will serve on the legislative audit and appropriations committees.

Brophy is the ranking Republican on the five-member Senate Agriculture, Natural Resources and Energy Committee. He also serves on the Committee on Legal Services, which is in charge of the Office of Legislative Legal Services, which includes the legal staff who draft the bills. Brophy has been a member of that committee since 2008.

Holyoke Enterprise January 17, 2013