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Committee

**COLORADO**  
**HOUSE OF REPRESENTATIVES**  
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14 May 2017

Via email: [columns@denverpost.com](mailto:columns@denverpost.com)

**Megan Schrader**  
Editorial Writer  
The Denver Post  
101 W. Colfax Ave., Ste. 800  
Denver, CO 80202

**RE: Wins in 2017 Colorado legislature took real leadership**

Dear Ms. Schrader,

Please see my comments below in response to the above-mentioned article and its specific references to the passage of HB17-267 (Rural Sustainability).

In the Denver Post's recent article, "*Wins in 2017 Colorado legislature took real leadership*" (13 May 2017), I applaud the editor's agreement that THE biggest bill of the session which passed, was "*pork-laden [and] earmark-riddled.*" But the quick take-away from the public was not it violates our single-subject Constitutional mandate for legislation (which it does), but that it brought the despised Washington-style politics to Colorado.

Our Colorado Constitution, in Article 5, Section 21, makes it quite clear that Coloradans don't want our legislators crafting log-rolling bills to force each other into winning and losing on every vote:

*Section 21. Bill to contain but one subject - expressed in title. No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.*

The Post's article succinctly stated seven unrelated topics contained in the bill, but there were still more. I wrote a letter to the Director of Legislative Legal Services challenging this issue. (Attached.)

While the Post article praised the “statesmen who put the state above party politics”, it conversely declared that the 26 Republicans who saw the unconstitutional issues in the bill and voted against it, failed to serve Coloradans. On the contrary, our rural legislators succumbed to the oldest political trick in the book: they voted out of fear.

First, the Governor set up The Play. He budgeted more than the \$1.3B revenue increase. (You would think that would be hard to do.) Then the Joint Budget Committee played into it by trying to cut, cut, cut, and finally came up with the idea how to legally deny Colorado taxpayers their long-anticipated \$239M refund. By lowering the State TABOR revenue by foregoing just enough Hospital Provider Fee and its federal dollar match to just fit under the refund cap, the \$239M could now be spent by the government instead of the people!

Now The Squeeze: the new problem created was that the hospitals needed these funds to pay for the ever-increasing Medicaid recipients. (One in four Coloradans receives “free” Medicaid.) Oh boy, it looks like some of the small hospitals were now going to close because the Ponzi scheme was coming to an end.

And The Win: HB17-267 comes miraculously just in time – on the Friday four days before the end of session. The bill was a “strike-below” – completely re-written in 76 pages. (The average bill is 4-9 pages.) To get passed before session ended, no amendments could muck up the process. That meant when the bill went to its House committee, the public’s input was not welcome. Neither were the numerous amendments offered by House Representatives during “debate”. At 1am on Tuesday morning, debate was abruptly shut down. I would know, I was in the Well and was denied the right to offer an amendment.

As if this were not enough Washington-swamp politics, the bill continued its unconstitutionality by pretending to create a “new” enterprise fund. The Constitution requires that the refund cap must be dollar-for-dollar reduced if an existing business is pulled out and into an enterprise so that the government budget does not grow and the taxpayers keep their limit. But HB-267 is so bold not just to direct the same \$800M income stream out of the State budget into a new enterprise, but it even pulls \$600M out of an existing State account to be in a new one!

I am sorry the ONE DAY of “debate” we had two days before the end of session were failed attempts to convince legislators of this unconstitutional bill. Maybe citizens will ask the Court to resolve the matter. And find out who wrote this bill.

Sincerely,



Timothy J. Leonard  
State Representative HD-25  
R-Evergreen