

ALEC in Colorado

Uncovering the Influence of the American Legislative Exchange Council (ALEC) in the Colorado Legislature

Acknowledgements

The Common Cause Education Fund is the research and public education affiliate of Common Cause, founded in 1970 by John Gardner. Common Cause is a nonpartisan grassroots organization dedicated to upholding the core values of American democracy. We work to create open, honest, and accountable government that serves the public interest; promote equal rights, opportunity, and representation for all; and empower all people to make their voices heard in the political process.

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Common Cause has grown into a nationwide network of more than 850,000 members and supporters, with a national office in Washington, DC, and offices in 30 states. Colorado Common Cause is headquartered in Denver; more information on the organization and our work is available at www.commoncause.org/colorado.

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What Is ALEC?

ALEC brings together corporate representatives and elected officials to create and lobby for passage of "model bills" that often benefit the corporations' bottom line. The bills typically are drafted and refined at ALEC meetings that are closed to the public and press, then introduced in state legislatures, usually without any public acknowledgement of ALEC's role in creating and pushing them. ALEC and ALEC member corporations often pay legislators' travel expenses to attend ALEC conferences; in other cases, the expense is often passed on to taxpayers.

ALEC lobbies on a variety of issues, including taxes and budgets, climate change and the environment, workers' rights and collective bargaining, healthcare, telecommunications policy, and education.

ALEC was founded in the 1970s but was unknown to most Americans until 2011, when watchdog groups including the Center for Media and Democracy and Common Cause publicized its lobbying on behalf of vote-suppressing voter ID legislation and "Stand Your Ground" laws. Since then, ALEC's attacks on workers' rights, environmental safeguards, and implementation of the Affordable Care Act, along with its work to force the calling of an Article V convention that could rewrite the U.S. Constitution, have been exposed, along with other pieces of its policy agenda.

ALEC's Funding

Corporations and special interests fund nearly all ALEC's operations. ALEC's funders include1:

Energy Future Holdings American Bail Coalition

ExxonMobil American Dental Association FedEx American Electric Power

Guarantee Trust Life Insurance Company Anheuser-Busch

Altria Group K12 Inc.

Koch Industries Asian American Hotel Owners Association Marathon Oil

National Cable and Telecommunications Association Automotive Trade Association Executives

Bayer National Federation of Independent Business National Rural Electric Cooperative Association Boehringer Ingelheim

BNSF Railway NetChoice **Novartis** Caterpillar

Peabody Energy Centaur Gaming

Charter Communications Pfizer Chevron **PhRMA**

Comcast Reynolds American Cox Communications State Farm Insurance Diageo Takeda Pharmaceuticals

UPS Dow Chemical Company Verizon Duke Energy VISTRA Energy Eli Lilly

Amid controversies about ALEC's secretive operations and agenda, and public pressure from Common Cause and our allies, more than 100 major companies have left ALEC since 2011². The departing firms include Coca-Cola, Pepsi, Procter & Gamble, Kraft, Johnson & Johnson, McDonalds, Mars, Walmart, CVS, Best Buy, Hewlett-Packard, Walgreens, General Motors, Ford Motor Company, General Electric, Bank of America, Visa, Microsoft, Google, Facebook, Yahoo, eBay, BP, and T-Mobile.

Coors & Koch Foundation Funding

ALEC receives funding from private and public foundations, along from individual donors. Members of the beer-brewing Coors family, known for contributions to conservative causes, have been major ALEC funders. Tax documents from two foundations controlled and run by the Coors family, the Castle Rock Foundation and the Adolph Coors Foundation, indicate the Coors have directed at least \$830,000 to ALEC since 1995.

DONOR	RECIPIENT	CONTRIBUTION	YEAR
Castle Rock Foundation	American Legislative Exchange Council	\$50,000.00	1995
Castle Rock Foundation	American Legislative Exchange Council	\$50,000.00	1996
Castle Rock Foundation	American Legislative Exchange Council	\$25,000.00	1997
Castle Rock Foundation	American Legislative Exchange Council	\$25,000.00	1998
Castle Rock Foundation	American Legislative Exchange Council	\$50,000.00	1999
Castle Rock Foundation	American Legislative Exchange Council	\$50,000.00	1999
Castle Rock Foundation	American Legislative Exchange Council	\$50,000.00	2000
Castle Rock Foundation	American Legislative Exchange Council	\$50,000.00	2001
Castle Rock Foundation	American Legislative Exchange Council	\$50,000.00	2002
Castle Rock Foundation	American Legislative Exchange Council	\$50,000.00	2003
Castle Rock Foundation	American Legislative Exchange Council	\$50,000.00	2006
Castle Rock Foundation	American Legislative Exchange Council	\$50,000.00	2009
Castle Rock Foundation	American Legislative Exchange Council	\$50,000.00	2010
Castle Rock Foundation	American Legislative Exchange Council	\$50,000.00	2011
Adolph Coors Foundation	American Legislative Exchange Council	\$50,000.00	2012
Adolph Coors Foundation	American Legislative Exchange Council	\$40,000.00	2013
Adolph Coors Foundation	American Legislative Exchange Council	\$40,000.00	2015
Adolph Coors Foundation	American Legislative Exchange Council	\$50,000.00	2016
TOTAL		\$830,000.00	

SOURCE: Review of IRS 990s of Castle Rock Foundation and Adolph Coors Foundation

ALEC also receives significant funding from corporations, nonprofits, and foundations founded, controlled, and funded by Charles and David Koch, the Kansas-based billionaire industrialists and conservative mega-donors. The Kochs regularly host conservative donor retreats at exclusive hotels and resorts in Aspen and Colorado Springs. According to tax records, the Kochs' foundations, along with secretive, donor-advised funds such as the Donors Capital Fund and Donors Trust, have funneled over \$1.5 million to ALEC since 1997. The total does not include individual donations the Kochs may have made to ALEC, or any funding from the Kochs' privately-held corporation, Koch Industries, and its subsidiaries.

ALEC's Illegal Lobbying & Charitable Status

ALEC is registered with the IRS as a 501(c)(3) charity, a status that allows its corporate members and funders to deduct their contributions to it on their corporate tax returns. The deductions act as a taxpayer-funded subsidy to ALEC's self-interested lobbying. Despite ALEC's well-documented influence in the state policy-making process, ALEC continues to insist it is not a lobbying group to keep its tax status.

Common Cause filed a whistleblower complaint³ with the IRS against the ALEC in April 2012, charging the organization with tax fraud by operating as a lobby while registered as a 501(c)(3) charity. The complaint included thousands of pages of ALEC records as exhibits detailing how ALEC abuses charity laws, massively underreports lobbying, and obtains improper tax breaks for corporate funders at the taxpayers' expense.

Since 2012, Common Cause and the Center for Media and Democracy have filed three supplemental complaints, with reams of evidence documenting ALEC's tax fraud:

- **July 2013 submission⁴:** This filing exposed ALEC's corporate-funded "scholarship" schemes, under which corporations secretly pay legislators' travel and hotel expenses for ALEC conferences.
- May 2015 submission⁵: This filing includes over 200 pages of new evidence, including statements and letters from 20 past and present corporate members and/or sponsors of ALEC explicitly admitting that they joined and maintained their membership to influence legislation and gain access to lawmakers.
- October 2016 submission⁶: This filing documented ExxonMobil's use of ALEC for nearly two-decades to lobby state legislators and promote the company's climate change denial policies.

Colorado Legislators With ALEC Ties

ALEC hides the identities of its legislative members but claims that nearly one-quarter⁷ of the nation's 7,300 state legislators are involved in the organization. Nearly all of ALEC's known legislative members are Republicans.

Bill Cadman, the former president of Colorado Senate, was an ALEC member during his time in the legislature, serving as ALEC's state chair⁸ and on its national board⁹. ALEC's current Colorado state chairs¹⁰ are Sen. Kevin Grantham, R-2nd District, and Rep. Lori Saine, R-63rd District. ALEC state chairs are the organization's main representatives in the states, often charged with raising money for ALEC and the "scholarships" it uses to pay travel expenses for legislative members to attend ALEC conferences. The chairs also lead colleagues in introducing and pushing ALEC legislation and communicating ALEC's goals in the state. ALEC also has influence in Colorado's congressional delegation; U.S. Sen. Cory Gardner, a Republican, and Reps. Scott Tipton (R-3rd District), and Rep. Doug Lamborn (R-5th District) are all alumni of ALEC.¹¹

Campaign finance documents, media reports, and other public records indicate the following Colorado legislators have ties to ALEC:

Legislator	Chamber	District	Party	ALEC Ties
Randy Baumgardner	Senate	8	R	Paid \$100 in ALEC dues from campaign account in 2016 ¹²
Susan Beckman	House	38	R	Paid \$200 in ALEC dues from campaign account in 2017 ¹³
J. Paul Brown	House	59	R	Attended 2011 ALEC conference ¹⁴
Perry Buck	House	49	R	Paid \$100 in ALEC dues from campaign account in 2015 ¹⁵
John Cooke	Senate	13	R	Paid \$100 in ALEC dues from campaign account in 2014 ¹⁶
Bob Gardner	Senate	12	R	Paid \$100 in ALEC dues from campaign account in 2009 ¹⁷
Kevin Grantham	Senate	2	R	ALEC State Chair; Signed ALEC's 2014 letter to Google ¹⁸
Stephen Humphrey	House	48	R	Paid \$100 in ALEC dues from campaign account in 2013 ¹⁹
Kent Lambert	Senate	9	R	ALEC 2013 National Legislator of the Year ²⁰ ; Signed ALEC's 2014 letter to Google ²¹
Lois Landgraf	House	21	R	Paid \$600 ALEC registration fee from campaign account in 2015 ²² ; Paid \$100 in ALEC dues from campaign account in 2015 ²³ ; Signed ALEC's 2014 letter to Google ²⁴
Timothy Leonard	House	25	R	Paid \$100 in ALEC dues from campaign account in 2016 ²⁵
Larry Liston	House	16	R	Paid \$200 in ALEC dues from campaign account in 2008 ²⁶ ; paid \$474 ALEC conference fees from campaign account in 2011 ²⁷
Kevin Lundberg	Senate	15	R	ALEC 2013 National Legislator of the Year ²⁸ ; Attended ALEC's 2014 conference in Washington, DC ²⁹
Paul Lundeen	House	19	R	Paid \$100 in ALEC dues from campaign account in 2015 ³⁰
Vicki Marble	Senate	23	R	Paid \$200 in ALEC dues from campaign account in 2016 ³¹
Kevin Priola	Senate	25	R	Paid \$100 in ALEC dues from campaign account in 2011 ³²
Kim Ransom	House	44	R	Paid \$100 in ALEC dues from campaign account in 2015 ³³
Lori Saine	House	63	R	ALEC State Chair; Paid \$400 ALEC registration fee from campaign account in 2015 ³⁴
Jerry Sonnenberg	Senate	1	R	Received ALEC scholarships in 2006 and 2007 ³⁵
Jack Tate	Senate	27	R	Paid \$100 in ALEC dues from campaign account in 2015 ³⁶
Kevin Van Winkle	House	43	R	Paid \$100 in ALEC dues from campaign account in 2016 ³⁷
James Wilson	House	60	R	Paid \$100 in ALEC dues from campaign account in 2015 ³⁸

ALEC "Model" Bills in Colorado

ALEC's "model" bills attempt to write benefits to its corporate donors into state law. The bill sponsors typically copy text almost directly from ALEC materials without acknowledging ALEC's role in the drafting process. The organization has a long record of success in getting its proposals enacted. Below are just a few pieces of ALEC's agenda that have been enacted in Colorado.

- 1981 -- Colorado passed legislation based on ALEC's "Animal and Ecological Terrorism Act" that prohibited any act that would make agricultural operations more difficult.³⁹
- 1985 Colorado approved bills that made it illegal to interfere with the operations of oil and gas companies and legislation dealing with tort reform.⁴⁰⁴¹
- 1989 Colorado passed a law that would prevent banning plastic bags. 2014 legislation to overturn the law failed.⁴²
- 1992 ALEC has championed Colorado's voter-approved TABOR law by encouraging states to adopt similar measures and even made a federal model bill based on Colorado's law.⁴³
- 1999 -- Colorado prohibited enacting a minimum wage and a few years later made it illegal for local governments to enact gun safety laws.⁴⁴
- 2016 -- Colorado preempted local bans on mining with toxic chemicals.⁴⁵
- ALEC's finger prints can be seen in Colorado bills that would allow the state to have jurisdiction over federal lands and limit pollution-stopping measures, although these were less successful.⁴⁶

ALEC's influence in state legislatures is apparent throughout the nation and particularly in Colorado, where its model legislation has become extremely prominent. The charts on the following pages spotlight Colorado state bills, primarily from 2016-2017, that include language that appears to have been copied from ALEC model legislation.

Although the bills cover a wide range of special interests, the underlying theme is their propensity to satisfy corporate needs. Corporate members of ALEC expect their interests to be advanced by state legislators who join the organization. ALEC has admitted that it is designed in part to strengthen relationships between "business leaders" and legislators.⁴⁷

COLORADO BILL	ALEC BILL
HJR17-1034 ⁴⁸ Call Constitutional Convention For Term Limits Sponsor: Saine, Singer, Lundberg Session: 2017	Model Application Under Article V of the U.S. Constitution to Propose a Congressional Term Limits Amendment ⁴⁹
Section 1. The Colorado General Assembly hereby makes an application to Congress, as provided by Article V of the Constitution of the United States of America, to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a Member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a Member of the United States Senate.	Section 1. The legislature of [INSERT STATE NAME] hereby makes an application to Congress, as provided by Article V of the Constitution of the United States of America, to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a Member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a Member of the United States Senate.
Section 2. The Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the Senate of the United States and to the Speaker, Clerk, and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to the members of said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several States, requesting their cooperation.	Section 2. The Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the Senate of the United States and to the Speaker, Clerk and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several States, requesting their cooperation.
Section 3. This application shall be considered as covering the same subject matter as the applications from other States to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject.	Section 3. This application shall be considered as covering the same subject matter as the applications from other States to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject.

COLORADO BILL	ALEC BILL
HB17-1053 ⁵⁰ Warrant Or Order For Electronic Communications Sponsor: Landgraff Session: 2017	Model Act for Digital Contents Warrants ⁵¹
Introduction: The bill also requires the governmental entity to give the customer notice of the search warrant and the disclosure unless the court orders that the notice need not be given due to specified circumstances. The bill prohibits any evidence obtained in violation of the bill from being introduced as evidence or used to obtain a search warrant or court order and provides immunity to an electronic communication service or remote computing service for complying with or objecting to a search warrant.	Introduction: (The bill) also requires the governmental entity to give the subscriber notice of the search warrant and the disclosure unless the court orders that the notice need not be given due to specified circumstances. The bill prohibits any evidence obtained in violation of the bill from being introduced as evidence or used to obtain a search warrant or court order.
Introduction cont.: The bill provides that a governmental entity may only require an electronic communication service or remote computing service provider to disclose the contents of an electronic or wire communication pursuant to a valid search warrant or court order for production of documents. The warrant or order must include a finding of probable cause to search and seize or produce the electronic or wire communication.	Section 1: A governmental entity may require disclosure by a provider of an electronic communication service or remote computing service of the contents of an electronic communication or wire communication stored, held, or maintained by that service only pursuant to a valid search warrant. The search warrant must be issued by a court of competent jurisdiction using the procedures described in the State warrant procedures. No warrant shall issue unless the court finds, based on sworn affidavit, that there is probable cause to search for and seize the electronic or wire communications.
 Subsection 7. Exception to Warrant Notice Requirement. a governmental entity that is seeking a warrant under subsection (2) of this section may include in the application for the warrant a request for an order: that the governmental entity not be required to give the notification required by Subsection (3) of this section for the period of time that the court finds there is reason to believe that the notification may have an adverse result described in section (b) herein, but not to exceed 90 days; and directing the provider of an electronic communication service to which a warrant under subsection (2) of this section is directed not to notify any other person, except to obtain the advice of counsel, of the warrant for the period of time that the court finds there is reason to believe that the notification may have an adverse result described in section (b) herein, but not to exceed 90 days. 	 Section 1. Exception to Warrant Notice Requirement. a governmental entity that is seeking a warrant under subsection (2) of this section may include in the application for the warrant a request for an order: that the governmental entity not be required to give the notification required by Subsection (3) of this section for the period of time that the court finds there is reason to believe that the notification may have an adverse result described in section (b) herein, but not to exceed 90 days; and directing the provider of an electronic communication service to which a warrant under subsection (2) of this section is directed not to notify any other person, except to obtain the advice of counsel, of the warrant for the period of time that the court finds there is reason to believe that the notification may have an adverse result described in section (b) herein, but not to exceed 90 days.

COLORADO BILL	ALEC BILL
SB17-062 Student Free Speech Public Higher Education Campuses ⁵² Sponsor: Neville, Bridges, Humphrey Session: 2017	Forming Open And Robust University Minds (Forum) Act ⁵³
Section 2(a): "Expression" means any lawful verbal or written means by which individuals may communicate ideas to one another, including all forms of peaceful assembly, protests, speaking verbally, holding signs, circulating petitions, and distributing written materials.	Section 2: Expressive activities protected under the provisions of this Act include, but are not limited to, any lawful verbal or written means by which individuals may communicate ideas to one another, including all forms of peaceful assembly, protests, speeches and guest speakers, distribution of literature, carrying signs, and circulating petitions.
Section 4: An institution of higher education shall not designate any area on campus as a free speech zone or otherwise create policies implying that its students' expressive activities are restricted to particular areas of campus. An institution of higher education shall not, except for the purpose of enacting time, place, and manner restrictions permitted pursuant to subsection (5) of this section, restrict the right of students to engage in expression in a student forum.	Section 3: The outdoor areas of campuses of public institutions of higher education in this state shall be deemed traditional public forums. Public institutions of higher education may maintain and enforce reasonable time, place and manner restrictions narrowly tailored in service of a significant institutional interest only when such restrictions employ clear, published, content, and viewpoint-neutral criteria, and provide for ample alternative means of expression. Any such restrictions shall allow for members of the campus community to spontaneously and contemporaneously assemble and distribute literature.
Section 3(b): Nothing in this section grants students, faculty, or staff of the college or university the right to materially disrupt previously scheduled or reserved activities in a portion or section of the student forum at that scheduled time.	Section 4: Any person who wishes to engage in non-commercial expressive activity on campus shall be permitted to do so freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the public institution of higher education, subject only to the requirements of section 3 herein.

COLORADO BILL	ALEC BILL
SB17-053 ⁵⁴	Asbestos Claims Transparency Act ⁵⁵
Asbestos Litigation Trust Transparency Priorities Sponsor: Sonnenberg Status: 2017	AND
Status, 2017	Asbestos and Silica Claims Priorities Act ⁵⁶
1 (1) "asbestos" means chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, asbestiform winchite, asbestiform richterite, asbestiform amphibole minerals, and any of these minerals that have been chemically treated or altered, including all minerals defined as asbestos in 29 cfr 1910 at the time the asbestos action is filed.	(1) "Asbestos" means chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, asbestiform winchite, asbestiform richterite, asbestiform amphibole minerals, and any of these minerals that have been chemically treated or altered, including all minerals defined as asbestos in 29 CFR 1910 at the time an asbestos claim is made.
(2) "asbestos action" means a claim for damages or other civil or equitable relief presented in a civil action arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium, wrongful death, mental or emotional injury, risk or fear of disease or other injury, costs of medical monitoring or surveillance, and any other derivative claim made by or on behalf of a person exposed to asbestos or a representative, spouse, parent, child, or other relative of that person.	(2) "Asbestos claim" means any claim for damages, losses, indemnification, contribution, restitution, or other relief of whatever nature (including punitive damages) arising out of, based on, or in any way related to the alleged health effects associated with the inhalation or ingestion of asbestos, to the extent such claims are recognized under state law including, but not limited to: (a) Loss of consortium; (b) Loss of support; (c) Personal injury or death; (d) Mental or emotional injury; (e) Risk or fear of disease or other injury; (f) The costs of medical monitoring or surveillance; or (g) Any claim made by or on behalf of any person exposed to asbestos, or a representative, spouse, parent, child, or other relative of the exposed person
(4) a defendant shall be afforded a reasonable opportunity to challenge the adequacy of the prima facie evidence before trial.	(3) The defendant shall be afforded a reasonable opportunity to challenge the adequacy of the proffered prima facie evidence.
a plaintiff must include with the detailed narrative medical report a sworn information form containing all of the following: (a) the name, address, date of birth, social security number, marital status, occupation, and employer of the exposed person, and any person through which the exposed person alleges exposure;	(B) New Claim Required Information.— (1) In general The claimant in any civil action alleging an asbestos or silica claim filed in this State on or after the effective date of this Act shall include a sworn information form containing all of the following- (a) The name, address, date of birth, social security number, marital status, occupation, and employer of the claimant, the exposed person, and any person through which the claimant alleges exposure;
(b) the plaintiff's relationship to the exposed person or person through which the exposure is alleged; (c) the specific location and manner of each alleged exposure, including the specific location and manner of exposure for any person through which the exposed person alleges exposure; the beginning and ending dates of each alleged exposure; and the identity of the manufacturer of the specific asbestos product for each exposure; (d) the identity of the defendant or defendants against whom the plaintiff asserts a claim; (e) the specific asbestos-related disease claimed to exist; and (f) any supporting documentation relating to subsections (2)(a) to (2)(e) of this section	(b) The claimant's relationship to the exposed person or person through which the claimant alleges exposure; (c) The specific location and manner of each alleged exposure, including for persons alleging exposure through another person, the specific premises at which such other person was exposed; the beginning and ending dates of each alleged exposure; and the identity of the manufacturer of the specific asbestos or silica product at issue; (d) The identity of the defendant or defendants against whom the claimant asserts a claim; (e) The specific asbestos-related or silica-related disease claimed to exist; and (f) Any supporting documentation relating to subparagraphs 4B.1(c-e).

COLORADO BILL	ALEC BILL
HB17-1313 ⁵⁷ Civil Forfeiture Reform Sponsored: Herod, Humphrey, Kagan, and Neville Session: 2017	The Reporting Of Seizure And Forfeiture Act ⁵⁸
Section One	Section One:
a under state and federal forfeiture laws and subject to the due process provisions provided in both state and federal law as applicable, state and local law enforcement agencies are authorized to seize money and other property and to use forfeiture proceeds as permitted and expressly limited by both operation of state and federal law and applicable asset forfeiture policies and guidelines; b it is the responsibility of state legislators to monitor seizures by law enforcement agencies, forfeiture litigation by prosecutors, and their expenditures of forfeited proceeds when such money is received by a law enforcement agency or prosecutor's office; and c this section provides legislators and the public with the information necessary for basic oversight of law enforcement agencies and prosecutors' offices that seize property, obtain the proceeds of such seizures through the	Under state and federal forfeiture laws, state law enforcement agencies can seize money, vehicles, and other property, have them sold and use the proceeds to fund agency budgets. It is the responsibility of state legislators to monitor forfeiture. This bill provides legislators with the information necessary for basic oversight of members of the executive branch—law enforcement agencies—who seize and forfeit private property under state and federal forfeiture laws.
asset forfeiture process, and expend the proceeds of such forfeitures under both state and federal laws.	

Section 1(4):

- (4) -- the executive director shall establish, maintain, and amend as necessary and post on the department's website a biannual reporting form for use by seizing agencies to report the information required by subsection (5) of this section.
- (5)-- information from each case in which an agency received any forfeiture proceeds specifying:
- (i) the name of the seizing agency and, if seized by a multijurisdictional task force, the name of the lead agency; (ii) the date of the seizure;
- (iii) the place of the seizure, whether a home, business, or traffic stop, and, if a traffic stop on an interstate or state highway, the direction of the traffic flow, whether eastbound, westbound, southbound, or northbound;
- (iv) the basis for the law enforcement contact;
- (v) the type of property seized: (a) if currency, the amount of the currency; and (b) if property other than currency, any make, model, or serial number related to the property and the estimated net equity of the property;
- (vi) whether a state or federal criminal case was filed in relation to the seizure and, if so, the court in which the case was filed, the case number and charges filed, and any disposition of the criminal case;
- (vii) if forfeiture is sought under federal law, the reason for the federal transfer, whether adoption, joint task force,

Section Four:

The Commissioner shall establish and maintain a case tracking system and searchable public website that includes the following information about property seized and forfeited under state law and under any agreement with the federal government.

- (A) Name of the law enforcement agency that seized the property;
- (B) Date the property was seized;
- (C) Type of property seized, including year, make, model and serial number, as applicable;
- (D) Location of the seizure: home; business; traffic stop including street name and traffic direction where seizure occurred, such as eastbound, westbound, southbound or northbound:
- (E) Estimated value of the seizure;
- (F) Criminal offense alleged that led to the seizure (include under state or federal law):
- (G) Crime for which suspect was charged (include under state or federal law);
- (H)Criminal case number;
- (I) Outcome of related criminal action, such as whether: no charges were brought, charges dropped, a plea bargain was reached, a conviction was obtained or an acquittal was issued.
- (J) If forfeiture not processed under state law, reason for the federal transfer: adoption or joint task force;
- (i) returned to the owner
- (ii) partially returned to owner
- (iii) destroyed
- (iv) sold after forfeiture or
- (v) retained after forfeiture by law enforcement;
- (S) Date of forfeiture decision; and

COLORADO BILL	ALEC BILL
SB17-055 ⁵⁹ Prohibit Discrimination Labor Union Participation Sponsor: Neville, Everett Session: 2017	Right to Work Act ⁶⁰
"labor organization" means any organization, agency, employee representation committee, or union that exists for the purpose, in whole or in part, of dealing with employers concerning wages, rates of pay, hours of work, other conditions of employment, or other forms of compensation.	The term "labor organization" means any organization of any kind, or agency or employee representation committee or union, that exists for the purpose, in whole or in part, of dealing with employers concerning wages, rates of pay, hours of work, other conditions of employment, or other forms of compensation.
on and after the effective date of this section, an employer shall not require any person, as a condition of employment or the continuation of employment, to: a. become or remain a member of a labor organization; b. pay dues, fees, assessments, or other sums of money to 23 a labor organization; or -2- 055 1 c. pay to a charity or other third party an amount equivalent to, or a pro rata portion of, dues, fees, assessments, or other charges prohibited in subsection (1) (b) of this section in 4 lieu of requiring payment to a labor organization.	No person shall be required, as a condition of employment or continuation of employment: A. to resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization; B. to become or remain a member of a labor organization; C. to pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization; D. to pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization; or E. to be recommended, approved, referred, or cleared by or through a labor organization.
a written or oral agreement, understanding, or practice, implied or expressed, between a labor organization and employer that violates the rights of employees as guaranteed by this article 3.3 is void	Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the rights of employees as guaranteed by provisions of this chapter is hereby declared to be unlawful, null and void, and of no legal effect.

COLORADO BILL	ALEC BILL
SB13-142 ⁶¹ Cede Federal Agricultural Public Lands Sponsored: Renfroe, Baumgardner, Scheffel, Grantham, Hill, Lambert, Harvey, Marble Session; Session: 2013	DISPOSAL AND TAXATION OF PUBLIC LANDS ACT ⁶²
(h) a 1934 federal law regarding grazing districts set 20 forth the assumption that these lands would ultimately be 21 disposed of by the united states;	WHEREAS, the 1934 Taylor Grazing Act declared that "In order to promote the highest use of the public lands pending its final disposal, the Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto and/or to modify the boundaries thereof, of vacant, unappropriated, and unreserved lands from any part of the public domain of the United States (exclusive of Alaska [and other territorial exclusions]) Nothing in this subchapter shall be construed as limiting or restricting the power or authority of any State as to matters within its jurisdiction"; and
(j) in 1976, congress changed these terms with the 26 "federal land policy and management act of 1976", which 27 declared public lands be retained in federal ownership unless -3- sb13-142 1 disposal of a particular parcel will serve the national interest. 2 this change in terms is seen as an abandonment of the solemn 3 trust obligation and resulted in an estimated fourteen million 4 dollar loss in public education funding for western states.	WHEREAS, in 1976, after nearly 200 years of trust history regarding the obligation of Congress to dispose of western lands to create new states and use the proceeds to discharge its public debts, the United States Congress stated in the Federal Land Policy Management Act, "By this Act, Congress declares that it is the policy of the United States that the public lands be retained in Federal ownership, unless it is determined that disposal of a particular parcel will serve the national interest"; and
(1) "agricultural public land" means land within the boundaries of the state that is used or could be used for agriculture except: -4- sb13-142 (a) land to which title is held by any individual, corporation, business trust, estate, trust, limited liability company, partnership, association, or other legal entity not including a state or local government or governmental subdivision or agency; (b) land to which title is held in trust by the state, a political subdivision of the state, or an independent entity, including all land owned and managed by the state board of land commissioners; (c) national parks; (d) land used for military purposes; and (e) land belonging to an indian or indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.	3) "Public lands" means lands within the exterior boundaries of this state except: (a) lands to which title [or other interest] is held by a person who is not a governmental entity; (b) lands owned or held in trust by this state, a political subdivision of this state, or an independent entity; (c) lands reserved for use by the state system of public education as [state code]; (e) a national park affirmatively ceded to the United States by state statute; (f) lands ceded to the United States in accordance with [state code for certain military related purposes]; (g) real property or tangible personal property owned by the United States if the property is within the boundaries of a municipality [this is intended to exclude from the definition of public lands property such as a court house, post office, or federal building – this definition should be reviewed by interested parties]; or (h) lands, including water rights, belonging to an Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.
(1) On or before December 31, 2014, in order to effectuate section 12 of the state's enabling act and to place the state on an equal footing with the original states in the union in all respects whatsoever, the united states shall cede or extinguish title to all agricultural public lands and transfer title to the state of colorado.	(1) On or before December 31, 2014, the United States shall: (a) extinguish title to public lands; and (b) transfer title to public lands to the state.

COLORADO BILL	ALEC BILL
HB 13-1048 ⁶³ Deadly Force Against Intruder At A Business Sponsor: Everett, Grantham Session: 2013	Castle Doctrine Act ⁶⁴
Notwithstanding the provisions of section 18-1-704, any occupant of a dwelling AND ANY OWNER, MANAGER, OR EMPLOYEE OF A PLACE OF BUSINESS is justified in using any degree of physical force, including deadly physical force, against another person when that other person has made an unlawful entry into the dwelling OR PLACE OF BUSINESS, and when the occupant OR THE OWNER, MANAGER, OR EMPLOYEE has a reasonable belief that such other person has committed a crime in the dwelling OR PLACE OF BUSINESS in addition to the uninvited entry, or is committing or intends to commit a crime against a person or property in addition to the uninvited entry, and when the occupant reasonably believes that such THE other person might use any physical force, no matter how slight, against any occupant of the dwelling OR PLACE OF BUSINESS	1. A person is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or herself or another when using defensive force that is intended or likely to cause death or great bodily harm to another if: a. The person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully or forcefully entered, a dwelling, residence, or occupied vehicle, or if that person had removed or was attempting to remove another against that person's will from the dwelling, residence, or occupied vehicle; and b. The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.
Any occupant of a dwelling AND ANY OWNER, MANAGER, OR EMPLOYEE OF A PLACE OF BUSINESS using physical force, including deadly physical force, in accordance with the provisions of subsection (2) of this section shall be IS immune from criminal prosecution for the use of such force.	2. A person who uses force as permitted in Section (1) [and other state codes which are affected/amended by this legislation and which refer to the use of force including deadly force is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, except when:

The following bills do not share verbatim language with ALEC models, but do share a similar intent:

COLORADO BILL	ALEC BILL
SB14-035 ⁶⁵ Renewable Energy Standard Repeal Subject: Concerning measures to reduce the cost of compliance with Colorado's renewable energy standard, and, in connection therewith, repealing recent increases in the renewable component for cooperative electric associations. Sponsor: Harvey, Saine, Humphreys Session: 2014	Electricity Freedom Act ⁶⁶
SB16-046 ⁶⁷ Do Not Implement Clean Power Plan Until Stay Lifted Subject: Concerning management of the process of responding to the federal environmental protection agency's rules for the regulation of carbon dioxide emissions from electric generating units in a manner that maximizes colorado's ability to control its affairs. Sponsor: Cooke Session: 2016	Act Requiring Approval Of State Plan To Implement EPA's Carbon Guidelines ⁶⁸
HB13-1089 ⁶⁹ Academic Freedom Act Subject: Concerning The Creation Of Academic Freedom Acts Sponsor: Humphrey, Buck, Everett, Holbert, Joshi, Nordberg, Saine, Wilson Session: 2013	Environmental Literacy Improvement Act ⁷⁰
HB17-1089 ⁷¹ Parent Choice in Low-Performing School Districts Subject: Concerning measures that apply to chronically low-performing school districts Sponsor: Lundeen Session: 2017	The Parental Choice Scholarship Program Act (Means Tested Eligibility) ⁷²
SB15-045 ⁷³ Tuition Tax Credit Subject: Concerning tax credits for private school tuition. Sponsor: Lundberg Session: 2015	Great Schools Tax Credit Program Act ⁷⁴

End Notes

- This list was compiled by reviewing the CMD's list of ALEC funders (http://www.sourcewatch.org/index.php/ALEC_Corporations); CMD's reporting from ALEC's 2014 (http://www.prwatch.org/news/2014/07/12557/polluters) and 2016 (http://www.prwatch.org/news/2016/07/13128/ exxonmobil-top-sponsor-alec-meeting) conferences, and reviewing information on ALEC's website (http://www.alec.org/).
- 2 Sourcewatch.org: Corporations that Have Cut Ties to ALEC, http://www.sourcewatch.org/index.php/Corporations_that_Have_Cut_Ties_ to_ALEC
- 3 CommonCause.org: ALEC Whistleblower Complaint, http://www.commoncause.org/issues/more-democracy-reforms/alec/whistleblowercomplaint/
- CommonCause.org: ALEC Whistleblower Complaint 2013 Supplemental Submission: http://www.commoncause.org/issues/moredemocracy-reforms/corporate-accountability/alec/whistleblower-complaint/supplemental-complaint/
- CommonCause.org: ALEC Whistleblower Complaint 2015 Supplemental Submission: http://www.commoncause.org/issues/moredemocracy-reforms/corporate-accountability/alec/whistleblower-complaint/supplemental-complaint-2015/
- CommonCause.org: ALEC Whistleblower Complaint 2016 Supplemental Submission: http://www.commoncause.org/issues/moredemocracy-reforms/corporate-accountability/alec/whistleblower-complaint/supplemental-complaint-2016/
- 7 ALEC.org: About ALEC, https://www.alec.org/about/
- http://www.prwatch.org/files/sunshine_week_letter_to_cadman.pdf
- The Denver Post, "The evolution of Bill Cadman, who will lead the Colorado Senate," January 3, 2015, http://www.denverpost. 9 com/2015/01/03/the-evolution-of-bill-cadman-who-will-lead-the-colorado-senate/
- 10 ALEC.org: State Chairs, https://www.alec.org/about/state-chairs/
- 11 ALEC.org: Alumni, https://www.alec.org/about/alumni/
- 12 http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=643024&filingid=224517
- http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=641865&filingid=223672 13
- The Durango Herald, "Control of health-care cost crucial to state's budget," December 13, 2011, https://durangoherald.com/ articles/32587-control-of-health-care-cost-crucial-to-state-8217-s-budget
- http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=555104&filingid=189285.15
- http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=549541&filingid=165235 16
- http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=104742&filingid=71108 17
- https://www.alec.org/app/uploads/2016/05/2014-09-23-Letter-to-Google-letterhead-final.pdf 18
- 19 http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=467232&filingid=153201
- 20 http://www.kentlambert.com/
- 21 https://www.alec.org/app/uploads/2016/05/2014-09-23-Letter-to-Google-letterhead-final.pdf
- 22 http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=559257&filingid=189254
- 23 http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=562693&filingid=189255
- 24 https://www.alec.org/app/uploads/2016/05/2014-09-23-Letter-to-Google-letterhead-final.pdf
- 25 http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=630499&filingid=217831
- 26 http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=107355&filingid=64591
- 27 http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=388992&filingid=114489
- 28 The Reporter-Herald, "Kevin Lundberg wins national legislative award," August 16, 2013, http://www.reporterherald.com/news/larimercounty/ci_23876881/kevin-lundberg-wins-national-legislative-award
- 29 Colorado Pols, "ALEC: Keeping Kevin Lundberg Relevant (Among Other Things)

ALEC: Keeping Kevin Lundberg Relevant (Among Other Things)," December 11, 2014, http://www.coloradopols.com/diary/65946/aleckeeping-kevin-lundberg-relevant-among-other-things #s thas h.eb Xiy Gvw. 8uRK tBRF. dpbs

- 30 http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=565635&filingid=189355
- 31 http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=638524&filingid=202227
- 32 http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=390740&filingid=114621
- $33 \quad http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=560497\&filingid=189246$
- 34 http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=580516&filingid=189264
- 35 Buying Influence: ALEC Scholarships By State, http://www.alecexposed.org/w/images/a/a3/BUYING_INFLUENCE_ALEC_Scholarships_ by_State.pdf
- 36 http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=558070&filingid=189441
- 38 http://tracer.sos.colorado.gov/PublicSite/SearchPages/ExpenditureDetail.aspx?SeqID=556123&filingid=189237

- 39 Common Dreams, "ALEC's Covert War on Democracy," July 3, 2017, https://www.commondreams.org/views/2017/07/03/alec-s-covert-war-democracy
- 40 See Common Dreams article above
- 41 The Denver Post, "Colorado should dump the American Legislative Exchange Council," February 18, 2014, http://blogs.denverpost.com/opinion/2014/02/18/colorado-dump-american-legislative-exchange-council/42703/
- 42 See Common Dreams article above
- 43 ALEC.org: Federal Tabor Resolution, https://www.alec.org/model-policy/federal-tabor-resolution/
- 44 See Common Dreams article above
- 45 See Common Dreams article above
- 46 The Colorado Independent, "What's ALEC? And why are so many Colorado lawmakers hooked on its ideas?," July 29, 2016, http://www.coloradoindependent.com/160431/whats-alec-and-why-are-so-many-colorado-lawmakers-hooked-on-its-ideas
- 47 ALEC.org: About ALEC, https://www.alec.org/about/
- 48 http://leg.colorado.gov/bills/hjr17-1034
- 49 ALEC.org: MODEL APPLICATION UNDER ARTICLE V OF THE U.S. CONSTITUTION TO PROPOSE A CONGRESSIONAL TERM LIMITS AMENDMENT, https://www.alec.org/model-policy/draft-model-application-under-article-v-of-the-u-s-constitution-to-propose-a-congressional-term-limits-amendment/
- 50 https://leg.colorado.gov/bills/hb17-1053
- 51 ALEC.org: MODEL ACT FOR DIGITAL CONTENTS WARRANTS, https://www.alec.org/model-policy/model-act-for-digital-contents-warrants/
- 52 http://leg.colorado.gov/bills/sb17-062
- 53 ALEC.org: FORMING OPEN AND ROBUST UNIVERSITY MINDS (FORUM) ACT, https://www.alec.org/model-policy/forming-open-and-robust-university-minds-forum-act/
- 54 http://leg.colorado.gov/bills/sb17-053
- 55 ALEC.org: ASBESTOS CLAIMS TRANSPARENCY ACT, https://www.alec.org/model-policy/asbestos-claims-transparency-act/
- 56 ALEC.org: ASBESTOS AND SILICA CLAIMS PRIORITIES ACT, https://www.alec.org/model-policy/asbestos-and-silica-claims-priorities-act/
- 57 https://leg.colorado.gov/sites/default/files/documents/2017A/bills/2017A_1313_signed.pdf
- 58 ALEC.org: THE REPORTING OF SEIZURE AND FORFEITURE ACT, https://www.alec.org/model-policy/reporting-seizure-forfeiture-act/
- 59 http://leg.colorado.gov/bills/sb17-055
- 60 ALEC.org: RIGHT TO WORK ACT, https://www.alec.org/model-policy/right-to-work-act/
- $61 \quad http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/3BC575329E0E94BB87257A8E0073C714?open\&file=142_01.pdf$
- 62 ALEC.org: DISPOSAL AND TAXATION OF PUBLIC LANDS ACT, https://www.alec.org/model-policy/disposal-and-taxation-of-public-lands-act/
- 63 The Denver Post, "Deadly Force Against Intruder At A Business HB 13-1048", http://extras.denverpost.com/app/bill-tracker/bills/2013a/hb_13-1048/
- $64 \quad https://object.cato.org/sites/cato.org/files/wp-content/uploads/text_of_alec_castle_doctrine_act_3.pdf$
- 65 The Denver Post, "Renewable Energy Std Repeal SB 13-252 SB 14-035", http://extras.denverpost.com/app/bill-tracker/bills/2014a/sb_14-035/
- 66 ALEC.org: ELECTRICITY FREEDOM ACT, https://www.alec.org/model-policy/electricity-freedom-act/
- $67 \quad http://leg.colorado.gov/sites/default/files/documents/2016a/bills/2016A_046_01.pdf$
- 68 ALEC.org: ACT REQUIRING APPROVAL OF STATE PLAN TO IMPLEMENT EPA'S CARBON GUIDELINES, https://www.alec.org/model-policy/act-requiring-approval-state-plan-implement-epas-carbon-guidelines/
- $69 \\ http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont/35B3E6449F0D1CB987257AEE00581D2A?Open\&file=1089_01.pdf$
- 70 ALEC.org: ENVIRONMENTAL LITERACY IMPROVEMENT ACT, https://www.alec.org/model-policy/environmental-literacy-improvement-act/
- 71 https://leg.colorado.gov/bills/hb17-1089
- 72 ALEC.org: THE PARENTAL CHOICE SCHOLARSHIP PROGRAM ACT (MEANS-TESTED ELIGIBILITY), https://www.alec.org/model-policy/the-parental-choice-scholarship-program-act-means-tested-eligibility/
- $73 \quad http://www.leg.state.co.us/clics/clics2015a/csl.nsf/fsbillcont/81A0DE617019730A87257DA200618AEF? Open&file=045_01.pdf$
- 74 ALEC.org: THE GREAT SCHOOLS TAX CREDIT PROGRAM ACT (SCHOLARSHIP TAX CREDITS), https://www.alec.org/model-policy/the-great-schools-tax-credit-program-act-scholarship-tax-credits/



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