

STATE OF COLORADO

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June 4, 2018

The Honorable Colorado House of Representatives
State Capitol
200 E. Colfax Ave.
Denver, CO 80203



John W. Hickenlooper
Governor

Dear Members of the Colorado House of Representatives:

Today, I vetoed House Bill 18-1427, "Concerning a Prohibition on Conflicts of Interest on Members of the Sex Offender Management Board" at 3:01 PM. House Bill 18-1427 ("HB 18-1427") prohibits persons from serving on the Sex Offender Management Board ("SOMB" or "Board") if s/he may receive a financial benefit from standards adopted by the Board. We all support proper handling of conflicts. We veto this bill today, however, because it is redundant and overbroad.

First, HB 18-1427 unnecessarily duplicates existing law. On the matter of conflict of interest prevention, we are in agreement - so much so that we signed earlier legislation this session, House Bill 18-1198, requiring training for *all* boards and commissions on how to identify and manage conflicts. Furthermore, ethics and conflicts standards already exist for professionals serving on the Board. And other consequences exist that may include loss of professional licensure. Furthermore, on March 28, 2018, during the House debate on the Long Bill, it was announced that the Legislative Audit Committee will be requested to audit the SOMB, including potential conflicts of interest and the efficacy of the Board. We support each of these checks and safeguards against possible conflicts. But adding redundant language to the state statutes is neither effective nor useful.

Second, HB 18-1427 consists of unnecessarily broad language. As drafted, the bill bars from serving on the Board some of the very individuals most familiar with treatment modalities. The requirement singling out the SOMB is unprecedented among other professional boards. Such overbroad language may put public safety at risk as its likely effect is to transfer the adoption of best practices and standards onto uninformed non-professionals. If the HB 18-1427 language was applied to other boards and commissions, farmers might be kept off the Agriculture Commission, licensed doctors from the Medical Board, dentists and dental hygienists from the Dental Board.

Lastly, we are particularly puzzled by the rushed process in which HB 18-1427 was considered, and the lack of input from victim advocacy groups. The bill was introduced a mere ten working days prior to the General Assembly adjourning. Such brief consideration by the legislature gives us pause when evaluating the wisdom of this policy. It is even more confusing that the bill bypasses a heightened sunset review process imposed on the Board. The policy enacted in HB 18-1427 would have been far better evaluated by a full sunset review; complete with nonpartisan policy analysis by the Department of Regulatory Affairs Office of Policy, Research, and Regulatory Reform; and full evaluation by the

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appropriate committees of reference. Unfortunately, HB 18-1427 bypasses these thoughtful and thorough evaluations, and, instead, raced through the legislative process in mere days.

We are particularly alarmed that the bill drew opposition from leading victims rights groups - the Colorado Coalition Against Sexual Assault and the Colorado Organization for Victim Assistance. We take the victim advocacy community's opposition very seriously. Had greater time for consideration been allowed, perhaps the victims community's concerns might have been addressed.

That said, despite the issues with HB 18-1427, recent media reports raise important issues as to the need for better conflict of management interests. Therefore, today we direct the Board to conduct a thorough review of rules and policies pertaining to conflicts of interest, consistent with the directives of House Bill 18-1198. The review must: (1) provide a complete examination of existing laws, processes, and procedures regarding potential conflicts of interest; (2) evaluate improvements and enhancements to the Board's policies and operations; and (3) provide training to the Board members on identifying and managing potential conflicts. This directive will provide a more thorough process to ensure the public trust is protected, and unintended conflicts are avoided.

The Sex Offender Management Board serves an absolutely critical public safety function. For these reasons, we cannot allow HB 18-1427 to become law. Accordingly, House Bill 18-1427 is vetoed.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Hickenlooper", written in a cursive style.

John W. Hickenlooper
Governor