



Justifications: Master Document

Updated: 3/6/12

Support:

SB12-005 Economic Development Business Retention and Expansion Program / NEWELL—MASSEY (Support 1/31/12)

In an effort to retain and grow existing businesses in Colorado, this bill would direct the Colorado Office of Economic Development and International Trade (OEDIT) to develop and administer a Colorado business retention and expansion program under the office's statewide economic development plan. The bill describes the office's specific duties under the program, including a requirement that the office annually report on the program to the Colorado General Assembly.

The Denver Metro Chamber of Commerce promotes regionalism in economic development and applauds this effort by the bill's creators to further support and grow businesses currently operating in the state. Therefore, the Chamber supports this legislation.

SB12-006 Efficiencies In State Regulatory System/NEVILLE—HOLBERT (Support 1/17/12)

This legislation would require the Committee on Legal Services (COLS) to appoint a task force to review the state's regulatory system and make recommendations related to whether:

- a. The current system creates a regulatory advantage to one segment of an industry at the expense of another;
- b. The existing availability of cost-benefit analysis needs strengthening in order to produce meaningful measures of adverse impacts on consumers and private industry;
- c. The enforcement practices of the current system, if any, create perverse incentives or unreasonably punitive fines and penalties on private parties;
- d. Economic conditions merit a downsizing of the regulatory body with resulting reduction of financial compliance costs;
- e. A particular regulated industry is regulated in an outmoded form of regulation that is no longer advisable;
- f. Currently regulated industries are regulated by other means;
- g. Continued regulation of the regulated industry is justified;
- h. The current system regulates fewer businesses than it did in a previous state fiscal year; and

- i. Compliance costs could be reduced or eliminated at no risk to the public welfare or environment and at no risk of creating or protecting a monopoly.

The Denver Metro Chamber works diligently to ensure regulations on Colorado businesses are fair to all parties affected and not overly burdensome in relation to the size and complexity of the regulated industries. A streamlined and appropriately scaled regulatory process increases the ease of doing business for employers and in turn allows for increased growth and the addition of valuable jobs. For this reason, the Chamber approves of the review process proposed in this bill.

SB12-026 Agency Rules With State Mandates On A Local Government/CADMAN (Support 1/17/12)

This bill seeks to reduce the burden of unfunded state mandates on local governments by eliminating them whenever possible. It prohibits any state agency from promulgating a rule creating a state mandate on a local government unless:

- a. The state mandate is specifically required by federal or state law;
- b. The agency consults with local governments prior to promulgation of the rule; and
- c. The state provides the funding necessary for compliance with the state mandate.

Under this proposal, a rule-making agency is required, among other stipulations, to develop a process to actively solicit the input of elected officials and other representatives of local governments affected by the development of such rules.

The Denver Metro Chamber supports this legislation because it approaches large infrastructure projects and systemic improvements in areas like education, health care and transportation through a regional lens. When local governments are burdened by unfunded mandates from the state, they are less able to lead or support these crucial regional issues. For this reason, the Chamber supports this legislation as it seeks to minimize the number and impact of these mandates.

SB12-035 Spaceflight Entity Limited Liability / HODGE (Support 1/24/12)

This bill would shield a spaceflight entity from liability unless injury is caused intentionally or by gross negligence by the entity. Further, it would require individuals participating in commercial spaceflight to sign a waiver of liability before taking part.

SB-35 encourages the potential of horizontal take-off commercial spaceflight in Colorado, recognizing the strength of the state's aerospace industry and the recent application from Front Range Airport to be designated a spaceport by the United States government.

SB12-083 Dynamic Modeling for Fiscal Impact Of Bills / SCHEFFEL—DELGROSSO (Support 1/31/12)

This bill would change the process by which Legislative Council (Leg Council) staff obtains a dynamic economic forecasting model to be used to analyze the economic effects of bills that change tax policy in Colorado. Specifically, the bill requires the director of research to solicit

and accept proposals to develop or procure such a model and to present the proposals to the Leg Council Executive Committee.

The Denver Metro Chamber has long championed the development of more accurate tools to analyze the full impacts—both positive and negative—of tax policies enacted by the General Assembly. This bill would make the process of developing such a tool easier, and thus the Chamber supports this legislation.

SB12-086 Study Cost Of Regulatory Compliance / CADMAN (Support 1/31/12)

This bill would create a legislatively appointed task force to study, over the course of two years, the cost of regulatory compliance for businesses in Colorado subject to the state's regulatory system and report its findings to the General Assembly. The bill establishes who would be appointed to the committee and by whom the appointment would be made, as well as the qualifications required for each of the members of the task force.

In its public policy work, the Chamber focuses much of its effort on improving the business climate for companies operating in Colorado, including reducing overly burdensome taxes, fees and regulatory burden. Because the work product of this legislation would provide a more precise accounting of the cost to businesses of complying with state regulations, the Chamber supports this legislation.

SB12-144 Ofc Econ Dev Strategy Grow and Retain Key Industries/ Heath and Scheffel – Summers and Ryden (Support 2/14/12)

This bill instructs the Colorado Office of Economic Development (OED) to create a strategy to grow key industries located in Colorado. To create this strategy, the bill tasks the OED with forming a network working group for each targeted industry composed of stakeholders from each of the industries. The OED is further directed to assist the working groups in their development and implementation of business plans for each industry. In addition, a report on the key industries strategy and each business plan will be included in the Colorado Office of Economic Development's annual report to the General Assembly.

The Denver Metro Chamber of Commerce supports the economic development approach taken by SB12-144 to foster Colorado's key industries. Targeting industry clusters for growth and retention is a significant and important step in crafting an economic development strategy that will foster job creation and increase stability and global competitiveness of these key industries. This bill would assist the state in focusing on industries in which Colorado has a clear competitive advantage.

SB12-172 – Multi-state Student Assessments / JOHNSTON & ...--(NONE) (Support 5/1/12)

The State Board of Education (State Board) is charged with adopting a system of assessments aligned with state standards in a variety of subjects. SB172 directs the State Board to join a consortium of states that is developing a common set of assessments. The consortium will

develop reading, writing and mathematics assessments, while the State Board will develop its own science and social studies assessment.

The Denver Metro Chamber of Commerce supports SB172, which will allow Colorado to determine student progress using multi-state standards that align with Colorado's common core standards. Such multi-state standards will grant Colorado the ability to track student progress in comparison with the other states that may be

SB12-177 – Unemployment Ins. Rates Revenue Bonds / JAHN--LISTON & ... (Support 5/1/12)

Currently, the Colorado Housing and Finance Authority is authorized to issue unemployment revenue bonds for the unemployment compensation fund. SB177 establishes a bond payment structure that allows Colorado employers to receive positive recognition in the calculation of unemployment insurance premium payments for bond repayment in the event that such bonds are issued. The bill's legislative declaration makes clear that nothing in the bill is intended to increase or decrease state unemployment benefits.

Prudent management of the unemployment compensation fund is in the best interest of employers and employees. As such, the use of financial tools like bond financing should be used to address the current deficit of the unemployment compensation fund and to produce savings for Colorado businesses. Currently, the Colorado Department of Labor and Employment, with the support of the business community, is exploring the option of issuing unemployment revenue bonds to manage the current debt of the unemployment compensation fund. The Denver Metro Chamber of Commerce supports SB12-177 as it statutorily confirms that debt repayments will count toward improving the experience rating of Colorado's employers.

HB12-1001 Rule Review Evaluation Of Educator Effectiveness/MURRAY—JOHNSTON (Support 1/17/12)

Businesses in Denver and across Colorado are the end users of the product of the State's education system, which is tomorrow's workforce. With this perspective, the Denver Metro Chamber has taken an increasingly active role in advocating for increased accountability on the part of the State's educators and administrators. Nowhere is this support more evident than in its role in the passage of Senate Bill 10-191, passed in 2010, which seeks new ways of measuring the effectiveness of the State's principals and teachers.

As part of that legislation, the Colorado General Assembly is to review and approve rules adopted by the Colorado Board of Education implementing a statewide system to evaluate the effectiveness of said education professionals.

This bill, HB12-100, recommends the approval of those rules, which were adopted on November 9, 2011.

Because the Chamber was actively engaged in supporting SB10-191, it will also support the approval of the rules that will lead to its implementation. The Chamber supports this bill.

HCR12-1001 – State Personnel System / FERRANDINO & VAAD – JOHNSTON & KING K
(Support 3/13/12)

House Concurrent Resolution 12-1001 submits to Colorado voters the proposed constitutional amendments to modernize the state personnel system for approval. In addition to the changes contained in HB12-1321, HCR12-1001's proposed amendments include: (1) allowing non-state resident individuals to be appointed non-resident for positions that involve work that will be performed primarily at location within 30 miles of the state border; (2) creating a three-year term for members of the state personnel board and imposing a two-year term limit for board members; and (3) adapting the current veterans' preference to the new comparative analysis system and eliminating the prohibition on a veteran using the preference more than once.

The Denver Metro Chamber of Commerce supports HCR12-1001 as its proposed amendments would modernize and increase the efficiency of the state's personnel system. HCR12-1001 is necessary to submit many of the changes set forth in HB12-1321, which the Chamber supports. Colorado will benefit from a modernized personnel system that allows the state the flexibility to fill positions with the most qualified candidates and gives it the ability to reward state employees on their merits.

HB12-1002 The CLEAR Act & Application Permit Rules/SONNENBERG—JAHN (Support 1/17/12)

This bill would create the CLEAR Act, which stands for "Creating Level Expectations For Application Review." The bill would amend the State Administrative Procedure Act (APA) to state that the rules of a state agency that are in effect on the date that a new or renewed permit application is filed are the rules that govern the application.

If statutes have changed since the application but revisions to the rules to implement the new statute have not yet been made, the agency must grandfather in the application under existing rules. An exception is made when the statutory changes materially affect the health and safety of the public.

This legislation helps to streamline and simplify the permit application process and ease the burden on Colorado businesses that require permits to operate in the State. For this reason, the Denver Metro Chamber supports this legislation.

HB12-1007 Regulatory Analysis Requirement for Rules / SZABO—GRANTHAM (Support 1/31/12)

Currently, a state administrative agency must issue a regulatory analysis of a proposed rule 15 days before the rule-making hearing, if such a request is made. This bill requires state agencies to always conduct an analysis for a proposed rule, regardless of requested formal request. This bill also requires each regulatory analysis to include the impact the proposed rule would have on jobs in Colorado. If the proposed rule change is only a change in format, a grammatical change, or an

organizational change, no regulatory analysis will be required. No additional appropriations of state funds should be used to implement this bill.

The Chamber supports this bill as it creates a more informed rule-making process in Colorado.

HB12-1012 -Increase Agency Displacement Expenses Payment Cap / WILLIAMS A.—
GUZMAN (Support 2/21/12)

The bill increases the amount that the Colorado Department of Transportation can provide to a farm, nonprofit organization or small business that is displaced by a CDOT project, increasing the amount payable for the displaced entity's actual reasonable reestablishment expenses from \$10,000 to \$50,000.

The Denver Metro Chamber of Commerce supports this bill as it will serve to lessen the burden of those entities impacted by Colorado Department of Transportation projects. When small businesses are displaced by transportation projects, it is important to make them whole to the best of the state's ability.

HB12-1013 Interventions for Middle School Students/FIELDS –HUDAK (Support 1/17/12)

The Chamber supports this proposal because it recognizes that identifying young people at risk for dropping out of school as soon as possible is critical to their future success. This bill relies on behavior and data to make that identification, and enables school districts to build programs that best meet their needs. Colorado's future workforce requires a high school diploma, at minimum, to be successful. This bill creates one more opportunity to ensure Colorado's children get the education they need and deserve.

HB12-1029 Economic Stimulus Personal Property Tax Exemption / HOLBERT-SCHEFFEL
(Support 1/24/12)

The Denver Metro Chamber recognizes that the State of Colorado is in a long-term budget crisis and that current tax revenues are well below previous years. That said, this proposal would amount to a trial run for eliminating the personal property tax and would enable some data to be gathered on whether the elimination of the personal property tax would yield investment in the state by existing Colorado companies and companies looking to relocate into the state.

The Chamber supports this proposal with the anticipation of a possible influx of capital investment into Colorado.

HB12-1061 The Skills for Jobs Act/Kagan (Support 1/17/12)

This bill requires the state department of higher education, the state department of labor, regulatory agencies and any other entity the higher education department deems appropriate, to produce an annual report regarding state workforce projections and education credential production. The report will be expected to project the state's workforce needs for the next three years and the expected production of higher education degrees over that same period of time.

Further, the report will show the needs that are not being met by state degree and certificate production and identify institutions, public or private, that can address those needs through new programs or expansion of existing ones. Higher education institutions will be encouraged to use the report in master planning of course of study offerings.

The Chamber supports this measure, as education is one of the organizations identified pillars of economic development. Moreover, this proposal seeks to respond to the needs of the business community and to provide students with the skills that employers need today.

HB12-1072 Higher Education Prior Learning Assessments/MASSEY—BACON (Support 1/17/12)

This bill requires the Colorado Commission on Higher Education to develop criteria for awarding academic credit for a student's prior learning through work experience, military service, community involvement or independent study, and to define a process to assess prior learning.

The Chamber supports this bill because it seeks to provide credit for the experience students have gained in the workforce, allowing them to build upon those skills in the classroom. Further, it will assist those returning from military service in finding jobs with the skills they bring home. Lessons learned in military service and life experience often transfer into the tools businesses need.

HB12-1119 Limitations—Success Act to limit State Agency Fines/Coram-Giron (Support 3/6/12)

The bill, known as the Success Act, limits the discretion of a state executive branch agency to impose a fine for a minor violation of a state law or agency rule if violator made a good faith effort to satisfy all regulations and the violation is remedied within a statutory defined period of days. The bill also clarifies that violations that pose a threat to the public health are not deemed "minor" under the bill.

The Chamber supports HB12-1119 as it will allow businesses to correct minor violations when such violations were made in a good faith effort to comply with applicable laws and rules, allowing businesses to avoid paying costly and unnecessary fines. In these tough economic times, such savings could contribute to a business' growth and success. In addition, the bill would create a timeline that the state must follow when notifying contractors of violations, which will allow for quick action to remedy such violations.

HB12-1120 Create Unemployment Insurance Division In DOLE / Swerdfeger – Tochtrop (Support 2/7/12)

Currently, the Division of Employment and Training within the Department of Labor and Employment administers both the unemployment compensation program and the workforce

development program. With the intention of increasing efficiency within the Department of Labor and Employment, this bill creates a new division of unemployment insurance that would have sole administrative responsibility over the unemployment compensation program. The Division of Employment and Training would continue to oversee the workforce development program.

The Denver Metro Chamber supports this effort to increase the overall efficiency of the Department of Labor and Employment. The creation of a new division of unemployment insurance would allow the Division of Employment and Training to have the ability to direct its full attention and resources to fostering a healthy employment environment in Colorado.

HB12-1129 Moneys for Small Business Development Centers / TYLER—JAHN (Support 1/31/12)

This bill would require the legislature to appropriate \$300,000 to the state office of economic development in order match federal money to support and, where necessary, reopen state small business development centers.

The Denver Metro Chamber of Commerce counts as an affiliate the Denver Metro Small Business Development Center, which is the most successful such center in the state. It knows the value of small business – more than 90 percent of Colorado’s businesses employ fewer than 50 people. It is the backbone of our economy and must be supported.

The small business development center network provides vital resources to these businesses, including seminars, training and one-on-one consulting, much of which is done at no charge.

To fail to take advantage of federal money available to support Colorado’s small businesses would be doing our state a disservice. For that reason and those stated above, the Chamber supports HB12-1129.

HB12-1135 Teacher Involvement Teacher Preparation Programs / MURRAY (Support 1/24/12)

The Denver Metro Chamber supports House Bill 12-1029 as part of a comprehensive package of education bills this session. This proposal would require that student teachers are placed with highly effective teachers as part of their preparation to become full-time teachers in Colorado school districts. The work of the cooperating teacher, i.e. the supervising teacher of the student, would be included in the cooperating teacher’s evaluation at the end of the school year. This proposal is common sense in that student teachers should be mentored by teachers who are rated highly effective so that the skills passed along to new teachers are those of expert, experienced professionals.

those needs through new programs or expansion of existing ones. Higher education institutions will be encouraged to use the report in master planning of course of study offerings.

The Chamber supports this measure, as education is one of the organizations identified pillars of economic development. Moreover, this proposal seeks to respond to the needs of the business community and to provide students with the skills that employers need today.

HB12-1154 Regional Economic Development Through Partnerships / Coram and Hamner – Jahn and White (Support 2/28/12)

This bill directs the Colorado Office of Economic Development (OED) with advancing a regional approach to economic development within Colorado's 14 regions. In each region, the OED is tasked with either creating a new regional development partnership or assisting in expanding an existing one. The bill instructs regional economic development partnership boards to develop three year regional economic development plans, work with partnerships to implement plans, and provide annual progress reports to the state regional economic development council.

The Denver Metro Chamber of Commerce supports HB12-1154 as the organization has long promoted the strategy of utilizing regions to foster economic development in Colorado. This bill provides legislative support for this regional approach to economic development, as well as affirms the Administration's plan entitled, "Colorado Blueprint: A bottom-up approach to economic development."

HB12-1238 Ensuring K-3 Literacy Education/Massy and Hamner (Support 2/14/12)

This bill repeals the Colorado Basic Literacy Act and re-enacts it with new requirements for literacy. The bill impacts students enrolled in Kindergarten through third grade and requires that students who have been recommended for retention twice, and who are functionally illiterate, be retained in the third grade unless the district superintendent of their school recommends otherwise. The bill provides for new reading programs that are research-based and appropriately tested.

The Denver Metro Chamber of Commerce recognizes that a successful business future for Colorado relies on an educated workforce. Reading at grade level by the end of the third grade is a strong indicator of a student's likelihood to graduate high school. In fact, 90 percent of students who are functionally illiterate in third grade drop of school before graduation. Early literacy is key to the success of our future workforce; thus, it is a high priority for the Chamber.

HB12-1241 Review Enterprise Zone Designations / FERRANDINO – (None) (Support if amended 2/21/12)

As introduced, this bill directs the Colorado Office of Economic Development and the Colorado Economic Development Commission to review enterprise zone designations at least once every five years to confirm whether those enterprise zones still meet the criteria necessary for such designation. Currently, a new enterprise zone may be designated on the showing of a population of no more than 115,000 for urban zones and 150,000 for rural zones and the meeting of one of a

list of statutory-listed criteria. The bill would change the requirements for designating new enterprise zones to meet the population requirement and two of the statutory-listed criteria.

The proposed amendment would remove the requirement that a new enterprise zone show that it meets two of the statutory-listed criteria. In addition, the amendment creates a 13-member enterprise zone review task force that shall review such issues as the criteria for designation of and the tax credits available to enterprise zones with the goal of assessing their effectiveness in achieving the purpose of enterprise zones and expanding economic development in such zones. The task force will report its findings on or before November 1, 2013, along with any recommendations, to the finance committees of the House of Representatives and the Senate, as well as the House Economic and Business Development Committee and the Senate Business, Labor and Technology Committee.

The amendment also requires the director of the Colorado Office of Economic Development and the Colorado Economic Development Commission to review the enterprise zone designations at least once every five years to ensure that any existing zones continue to meet the statutorily required criteria for enterprise zones. This amendment also states that these entities may make necessary modifications to existing enterprise zone designations based on these reviews, which is currently within these entities' authority.

The Denver Metro Chamber of Commerce opposes the bill as introduced because enterprise zone designation tax credits encourage positive investment activity and spur economic development. Especially in these difficult economic times, government should not remove or place more barriers to tools like enterprise zone designations that create a positive economic impact.

Should the proposed amendments be accepted, the Denver Metro Chamber of Commerce will modify its position to support HB12-1241. The Chamber supports the removal of the proposed arbitrary increase in the number of criteria needed to obtain an enterprise zone designation. Due to the importance of enterprise zones to Colorado's economic development, changes to the designation process should be based on data, which the Chamber is hopeful that the enterprise zone task force will compile. In addition, as enterprise zone tax credits should only be granted to businesses located in geographic areas that truly meet the statutory criteria for such zones, the Chamber supports a periodic review of enterprise zones to ensure that tax credits are appropriately designated.

HB12-1300 Sunset Continue Professional Review Committees / GARDNER B.—AGUILAR
(Support 4/24/12)

This bill would continue the functions of professional review committees for 7 years per the recommendations of sunset review report issued by the Department of Regulatory Agencies (DORA) examining professional review committees and the committee on anticompetitive conduct. Currently, professional review committees have the authority to review and evaluate the quality of patient care and professional conduct of physicians licensed in Colorado. The bill would extend this review authority to physician assistants and advanced practice nurses.

The Denver Metro Chamber of Commerce supports HB12-1300 as professional review works to increase patient safety by providing a confidential process for reporting physicians suspected of incompetent practice and encouraging other physician to participate in the professional review.

This professional review process results in valuable information used to improve health care delivery and health services in Colorado.

HB12-1312 Pub Util Commn Elec Transmission Lines Certificate / Sonnenberg – Brophy (Support 3/6/12)

This bill specifies that the Colorado Public Utilities Commission (PUC) should not consider local land issues when determining whether to grant a certificate of public convenience and necessity (CPCN) for any proposed transmission lines and their facilities. Instead, local governments can address land issues, such as location, through their own land use regulations. HB12-1312 does not alter current law that grants the PUC the ultimate authority to issue a CPCN if it determines such an issuance is necessary and appropriate.

The Chamber supports this bill as it preserves local government land use law, while codifying PUC authority. This balance between local government and the PUC ensures that both local needs and statewide concerns are taken into account during the CPCN process.

HB12-1315 Reorganization of Governor's Energy Office / BECKER—STEADMAN (Support 4/3/12)

HB12-1315 reorganizes the current Governor's Energy Office, including renaming the office to the Colorado Office of Energy Development and providing a new mission for this reorganized and renamed entity. The bill charges the Office with promoting all Colorado energy, fostering economic development through job-creating energy advances, encouraging Colorado-based clean and innovative solutions that include traditional and renewable energy sources, increasing energy security, lowering long-term consumer costs and protecting the environment.

In addition, the bill creates the renewable energy fund, specifying that the fund be used to work with various stakeholders to promote such issues as (1) the renewable energy standard, (2) renewable energy like wind, solar, biomass, hydroelectricity, thermal gasification and geothermal, (3) energy efficiency technologies and (4) cleaner technologies by utilizing traditional Colorado-sourced energy. HB12-1315 also repeals the wind for school grant program, the Colorado clean energy development authority and the green truck grant program.

The Denver Metro Chamber of Commerce supports HB12-1315 as its proposed restructuring emphasizes government efficiency at a time when the initial funding for the Energy Office provided by the American Recovery and Reinvestment Act of 2009 federal stimulus bill is almost depleted. The Chamber supports the Colorado Office of Energy Development's mission to promote all Colorado energy, which supports this important industry cluster, as well as the creation of the renewable energy fund to explore and promote the use of renewable energy and related technologies.

HB12-1321 – Modernization of The State Personnel System Act / FERRANDINO & VADD – JOHNSTON & KING K (Support 3/13/12)

HB12-1321 sets forth a group of changes to modernize the state personnel system. The bill proposes to make constitutional amendments, as the state constitution establishes the state personnel system, as well as amendments to the statute that also governs portions of the state personnel system. The amendments to the state constitution are contingent on voter approval in the November 2012 election, which will be submitted to the voters by House Concurrent Resolution 12-001.

The proposed constitutional amendments include: (1) establishing that appointments and promotions will be based on objective comparative analysis of candidates instead of competitive tests; (2) expanding the positions exempt from the state personnel system; (3) increasing the number of candidates eligible for appointment from the three highest candidates on the eligible list to the six highest; and (4) establishes a four-month waiting period between temporary appointments for the same position.

In addition, the bill would replace performance awards with merit pay, which would provide salary increases for employees in the state personnel system based on performance evaluations and salary positions within the appropriate salary range. “Bumping rights,” which allow a separated employee to take the job from a person with less seniority, will also be eliminated over a five-year period.

The Denver Metro Chamber of Commerce supports HB12-1321, which would increase the efficiency of the state personnel system. The bill’s changes to the state constitution and the current state statutes would assist the state in attracting and retaining top talent in the state workforce by increasing flexibility in hiring processes and implementing a merit pay system. The Chamber supports this effort to modernize the state personnel system as all of Colorado benefits from a state workforce composed of qualified individuals who are appropriately compensated on their merits.

HB12-1351 Recycled Energy Includes Gas Derived from Waste / BECKER—TOCHTROP
(Support 5/1/12)

Recycled energy is an allowable type of eligible energy resource to meet renewable energy standards. HB1351 adds to the definition energy that is produced from synthetic gas derived from waste material through pyrolysis as the fuel source for generation.

The Denver Metro Chamber of Commerce supports expanding the definition of “recycled energy” to include gas derived from waste, which is a reasonable addition to the current group of energy that falls within this definition. In addition, this expansion could result in economic benefit to rural areas of Colorado that produce such energy.

**HB12-1360 – Surplus General Fund Transfer to Econ Dev Fund / GEROU & ...--
STEADMAN & ... (Support 5/8/12)**

The Colorado Economic Development Commission maintains a Strategic Fund, which provides cash incentives to companies that expand or move to Colorado and that pay wages above the average wage in the county where they locate. Funding for this economic development tool was not included in the appropriations in the budget bill. HB12-1360 would restore the moneys

already promised to companies for the 2012 fiscal year by directing the state treasurer to transfer up to \$4 million to this fund. That money would come from the amount that the June 2012 economic forecast for the 2011-12 fiscal year exceeds the March 2012 economic forecast.

The Strategic Fund is considered to be the most important economic development incentive fund in Colorado. Without the ability to provide these performance-based incentives, Colorado will lose job-creating opportunities from companies choosing to relocate or expand to other states over Colorado. Therefore, the Denver Metro Chamber supports HB12-1360.

Oppose:

SB12-001 Contracting Preferences for Employing Coloradans / HUDAK—DURAN (Oppose 1/24/12)

This bill would require the state, when offering an invitation for bids or requests for proposal worth more than \$1 million, to grant a 3 percent preference to entities certifying that at least 90 percent of the employees who will perform the work of the contract are Colorado residents.

For construction contracts on public works projects, there is a required additional 1 percent preference given if the contractor offers health and retirement benefits and additional 1 percent preference if that contractor offers a federally qualified apprenticeship program.

For service contracts, meeting the above 3 percent preference, there would be an additional 2 percent preference required if that entity offers health insurance and retirement benefits.

While the Denver Metro Chamber inherently values efforts to generate activity for Colorado businesses, the Chamber asserts that such support cannot be achieved through stricter regulations on companies with which the state may conduct business.

The Chamber's overarching concern on preference legislation rests in the high likelihood of other states reacting to the passage of such legislation with similar bills of their own, which would in turn limit the ability of Colorado companies to contract with the governments of other states. In today's global economy, added regulations on types of companies that can do business in Colorado is not conducive to expansion of our economy.

SB12-003 Permissible Use of Credit Information by Employers / CARROLL—FISCHER (Oppose 1/24/12)

This bill would create the Employment Opportunity Act, which relates to how an employer or potential employer can utilize an employee's consumer credit information. The bill stipulates that employers may not use an employee's consumer credit information for employment services if the information is unrelated to the job. Employers would also be required to disclose to an

employee when the employee's consumer credit information was used to take adverse action against them.

If an employer violates these provisions, this bill would allow an employee to bring a suit for injunction or damages and requires the Colorado Department of Labor and Employment to enforce all laws related to employer use of consumer credit information.

Businesses should have access to pertinent information that could be helpful during the hiring process. For our members in the financial sector, for example, consumer credit information can be an especially important tool in evaluating someone's understanding of finance and budgeting. The Chamber therefore opposes this bill as it would deprive businesses of an important analytical tool.

SB12-004 Preference for U.S. Materials In Public Contracts / FOSTER—MIKLOSI (Oppose 1/24/11)

This bill would require any state agency that issues an invitation for bids or request for proposal for a project that includes more than \$1 million of materials, supplies, products, provisions or equipment to grant a 1 percent preference to a contractor that certifies that it has undertaken efforts to ensure those items are manufactured in the United States.

The Denver Metro Chamber opposes this measure because it acknowledges that procurement decisions should be determined by the markets for goods and services, not legislation. Additionally, the Chamber believes that legislation of this sort sends the wrong message to our national and international partners in an increasingly global economy.

SB12-053 Colorado Health Benefit Exchange Repeal / NEVILLE—LOOPER (Oppose 1/24/12)

This bill would repeal SB11-200 if the federal "Patient Protection and Affordable Care Act" is repealed or the United States Supreme Court rules that all or any part of the federal act is unconstitutional.

The Denver Metro Chamber supported SB11-200, which would create a Colorado Health Exchange, because it allows Colorado to control its own destiny by crafting a state solution and framework for Coloradoans to gain improved access to our health care system. The organization maintains its support for a state solution, recognizing that Colorado's business community must have every opportunity to control costs for its companies and their employees.

SB12-101—Authority of Local Improvement Districts/ Nicholson –Bradford (Oppose 2/14/12)

This bill allows a local improvement district that levies a sales tax to include noncontiguous areas. In addition, it allows a local improvement district to use sales tax revenue to fund public events and contains a procedure for property owners to petition for inclusion or exclusion from the local improvement district.

The Chamber opposes this bill as it further complicates an already difficult-to-navigate tax structure. This bill would create more hurdles and administrative burdens for businesses when remitting taxes, which increases the likelihood of expensive errors.

SB12-143 Local Business Database Ofc Economic Development / Carroll - Pabon (Oppose 2/7/12)

This bill would direct the Colorado Office of Economic Development to create an electronic database of Colorado local businesses by 2012. For inclusion in the database, a business would need to submit the requested information about the business, a certification that the business is local and pay a fee.

While the Denver Metro Chamber appreciates efforts to generate activity for Colorado businesses, it does not see the value or purpose in requiring the Office of Economic Development to create such a database. In addition, the Chamber has concerns with the proposed definition of "local businesses," as the Chamber opposes attempts to legislate preferences in today's global economy.

SB12-153 – Sunshine In Litigation Act / Morse -- (None) (Oppose 2/28/12)

This bill requires that information concerning a public hazard be disclosed unless the party objecting to the disclosure can obtain a protective order. A court may not issue such a protective order unless the court finds by clear and convincing evidence that a statutory list of criteria has been met. A public hazard is defined as “any device, instrument, or product ... that has caused injury to a person or his or her property and may foreseeably cause injury to one or more other persons in the future.”

The Denver Metro Chamber of Commerce opposes this bill, which severely limits a company's ability to protect its internal trade secrets during products liability litigation, regardless of the merits of the litigation. In addition, the Chamber has concerns regarding the bill's effect on a defendant's due process rights by forcing a determination of whether a product fits the definition of “public hazard” prior to a jury determination of the cause of the litigated injury. In addition, this bill would increase the number of motions heard by Colorado's already overburdened court system.

SB12-178 Renewable Energy Standards CO Credits Removal / GIRON—SWERDFEGER (Oppose 5/1/12)

SB12-178 removes various renewable energy standard in-state preferences, including those for wholesale distributed generation, the one-and-one-half kilowatt-hour multiplier for community-based projects and policies to provide incentives to qualifying retail utilities to invest in eligible energy resources.

The Attorney General's office brought SB178 forward in an effort to address alleged constitutional issues with Colorado's renewable energy standard and the relevant statute's preferences granted to renewable energy generated in Colorado. The Chamber understands the constitutionality concerns and, as a general practice, does not support Colorado preference. However, the bill in its current version could have the unintended consequence of increasing future energy costs to Colorado businesses. Consequently, the Chamber is opposed to SB 12-178.

SB12-181 – Building & Construction Contracts / TOCHTROP--KERR J. (Oppose 5/1/12)

SB12-181 creates statutorily mandated terms and conditions for building and construction contracts. The bill prohibits such contracts to include waivers of a right to a mechanic's lien, as well as provisions making contracts subject to the laws of another state. In addition, SB181 requires payment to subcontractors within seven days after work completion and limits retainage to no more than 5 percent of the payment. SB181 does not apply to public building and construction contracts.

Contracts contain the terms of an agreement settled upon by the two contracting parties. The Denver Metro Chamber of Commerce opposes SB181 as it interferes with the ability of parties to set their own contract terms and requires certain conditions that do not reflect the practical workings of either the construction industry or general business practices.

HB12-1039 Pay-as-you-go Requirements / HULLINGHORST (Oppose 1/31/12)

This bill prohibits the appropriations committee in both the House and the Senate from passing a bill that either requires a tax expenditure, causes a decrease in state revenue or increases general fund spending before the passage of the long appropriations bill. Bills that cause a decrease in state revenue or increase general fund spending are exempt if they specifically identify offsetting decreases in state spending or increase in state revenue.

The Chamber opposes this bill as it would eliminate the usage of incentives to create sustainable development, which would harm overall economic growth in Colorado.

HB12-1049 Parental Rights Regarding Statewide Education Assessment/SOLANO—AGUILAR (Oppose 1/17/12)

The Denver Metro Chamber opposes this proposal because it would allow parents to remove students from assessments without consequence. Colorado schools need to assess their students in order to identify children who need help to continue their academic success. Without testing, it is difficult to determine how many students are not proficient in the basic skills of reading, writing and mathematics. Those children who need assistance cannot be identified, and the principal of a literate society is at risk. The Chamber supports parental autonomy, but that support is overridden by the need for a future workforce that will be able to meet the demands of the mid 21st century and beyond.

HB12-1113 Preferences in State Public Contracts / LEE (Oppose 1/31/12)

This bill requires the state, when offering bids or requests for proposals for a construction contract for a public project worth more than \$500,000, to grant a 3 percent preference to

contractors who can certify that at least 90 percent of the employees who will perform the contract are Colorado resident.

An additional 1percent preference will be added if the contractor can certify that it offers health care and retirement benefits to the employees who will carry out the contract or if the contractor can certify that their employees will have access to a federally qualified apprenticeship training program.

For service contracts that meet the above 3 percent preference, there would be an additional 2 percent preference required if that entity offers health insurance and retirement benefits.

This bill also requires the state, when awarding supply or service contracts through competitive sealed bidding or competitive sealed best value bidding, to subtract an amount equal to 2.5 percent of the price from the bid of each bidder that is a veteran or a veteran business.

For competitive sealed proposals for supply, service or professional service contracts, one of the evaluation factors stated in the proposal must be whether the bidder is a veteran or a veteran business.

While the Denver Metro Chamber values efforts to generate employment for Coloradans and veterans, the Chamber does not believe stricter regulations on companies is the correct approach.

The Chamber's overarching concern on preference legislation rests in the high likelihood of other states reacting to the passage of such legislation with similar bills of their own, which would in turn limit the ability of Colorado companies to contract with the governments of other states. In today's global economy, added regulations on types of companies that can do business in Colorado is not conducive to expansion of our economy.

HB12-1134 Prohibit Job Discrimination Against Unemployed / PABON--(NONE) (Oppose 1/31/12)

This bill would prohibit an employer from publishing, in print or on the Internet, an advertisement for any job vacancy that contains a provision stating that the qualifications for a job include current employment, that an application for employment will not be considered if the applicant is currently unemployed or that only applications submitted by job applicants who are currently employed will be considered.

Employers must have every opportunity to select candidates who best meet the qualifications for the open position they seek to fill. Within reasonable legal guidelines, hiring decisions are best left to the hiring organization.

The Chamber is supportive of job creation and putting Coloradans back to work, but into jobs for which they are qualified.

For these reasons, the Chamber opposes HB12-1134.

HB12-1251 Reforms to Urban and Rural Enterprise Zone Act / Hulinghorst — Heath
(Oppose 2/14/12)

For the income tax years beginning on or after January 1, 2014, this bill would limit the amount of income tax credit that a taxpayer may claim for qualified investments in an enterprise zone to \$5,000 of that taxpayer's income tax liability plus 50 percent of the remaining tax liability on amounts more than \$5,000 and up to \$500,000.

The Chamber's primary focus is putting Coloradans back to work. Thus, the Chamber opposes this limitation on the amount of income tax credit that a taxpayer may claim for qualified investments in an enterprise zone. Arbitrary caps on enterprise zones reduce their attraction for rural economic development and limit their usefulness as a tool for those communities in Colorado seeking to grow jobs.

HB12-1257 Health Care Consumer and Provider Protections / KEFALAS – BOYD (Oppose 2/21/12)

This bill creates a series of additional regulatory requirements for health care providers and third-party administrators. Health care providers who offer outpatient health care or treatment will be required to disclose to their patients their right to request a non-discounted charge for treatment and will be required to make that information available to the patient before the treatment is scheduled. Additionally, health insurance carriers will be required to provide notice to policy holders of the relationship with the third-party administrator, the policyholder and the insurance carrier.

In addition, the bill prohibits third-party administrators from changing or adding any charges to a health care provider's insurance claims. It also requires a health care provider to disclose to patients all charges, fees and commissions paid to the third-party administrator, as well as any other administrative costs.

While the Denver Metro Chamber supports consumer protection and disclosure of pertinent information to health care policy holders, this bill creates excessive regulations that will unnecessarily burden health care providers and third-party administrators.

HB12-1260 Limit Enterprise Zone Investment Income Tax Credit / Labuda – (None)
(Oppose 2/14/12)

This bill would limit the amount of the income tax credit that may be claimed for qualified investments in an enterprise zone to the lesser of: (1) the taxpayer's actual tax liability for the income tax year up to \$5,000, plus 50 percent of any remaining tax liability on amounts more than \$5,000 or (2) \$250,000.

Enterprise zones provide financial incentives to potential investors, which fosters economic growth in rural areas. As such, the Chamber opposes placing arbitrary caps on the amount of income tax credit that may be claimed for qualified investments in an enterprise zone. Such caps will reduce the effectiveness of these enterprise zones in attracting investors, which will negatively impact the rural communities struggling under current economic conditions.

HB12-1286—Film Production Activities in Colorado/Massey – Ferrandino//Newell and White (Oppose 2/14/12)

This bill, which carries a \$3 million fiscal note, funds the Colorado Office of Film, Television and Media and places it within the Colorado Office of Economic Development. In addition, it creates a loan guarantee program. The bill requires in-state production activities to be composed of at least 50 percent Colorado residents for eligibility to claim a performance-based incentive for film production.

The Denver Metro Chamber appreciates efforts to create jobs for Colorado residents. However, the Chamber cannot support legislation that mandates preferences for Colorado residents in today's global economy. Such preference legislation sends a negative message to Colorado's partners and, if such legislation is passed in other states, will ultimately negatively impact the ability of Colorado residents to do business in other markets.

In addition, the Chamber has concerns that investing resources in the film industry, which does not create lasting and stable jobs within the state, does not represent the best use of Colorado's limited financial resources.

HB12-1296—Criminal Wage Theft/Singer—(None) (Oppose 2/28/12)

This bill creates the crime of wage theft for failing to pay an employee or falsely denying the amount of wages that are due. Depending on the monetary amount of earned and unpaid compensation, an employer could be subject to felony charges. An employer may plead an affirmative defense that it is unable to pay the earned and unpaid wages.

The Denver Metro Chamber of Commerce opposes this bill because significant civil penalties already exist within the Colorado Wage Claim Act, which exists to punish employers who wrongfully fail to pay wages due. Creating criminal liability in addition to the existing civil penalties is unnecessary to punish or deter employers for unpaid and earned wages.

HB12-1308 -- Funding For Economic Development Programs / Singer--(None) (Oppose 2/28/12)

HB12-1308 creates the Economic Stability Cash Fund for the Colorado Office of Economic Development to use to fund programs during times of state fiscal difficulty. The revenue stream for this fund is dependent on the passage of either HB12-1251 or HB12-1260, both of which propose caps to the amount of income tax credits that can be claimed by an investor for qualified

investments in an enterprise zone. If neither HB12-1251 nor HB12-1260 passes, there will be no revenue for this proposed fund, and this bill will not take effect.

The Denver Metro Chamber of Commerce opposes both HB12-1251 and HB12-1260 as they place arbitrary caps on the amount of income tax credits that can be claimed by an investor for qualified investments in an enterprise zone. Such caps will reduce the effectiveness of enterprise zones in attracting investors and limit their ability to function as a tool for economic growth, especially in rural communities. As such, the Chamber opposes HB12-1308, which is dependent on the implementation of these arbitrary caps, for the revenue to fund the Economic Stability Cash Fund.

HB12-1309 – Colorado Mandatory E-verify Act / SWALM & ...--KING K (OPPOSE 3/22/12)

HB12-1309, Colorado Mandatory E-Verify Act, would require that on and after January 1, 2013, all Colorado employers participate in the federal E-Verify program to verify the work eligibility status of each newly hired employee. This bill would replace the current state law requirement that employers, within 20 days of hiring a new employee, keep a copy of an affirmation that the employer: (1) has examined the legal work status of the newly hired employee; (2) has retained file copies of the Form I-9 identification and employment authorization documents; (3) has not altered or falsified the identification documents; and (4) has not knowingly hired an unauthorized alien. This bill would not affect an employer's responsibility to comply with all federal Form I-9 requirements.

The Chamber recognizes the importance of having a workforce composed of individuals legally eligible to work in the United States; however, HB12-1309 creates a mandate for all Colorado businesses and carries significant penalties for non-compliance. In addition, the Chamber has concerns that this mandate will place a larger compliance burden on smaller businesses with limited resources. Therefore, the Chamber opposes HB12-1309.