

South Metro Denver Chamber of Commerce 2011 Legislative Session Report Card

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Making an Impact

The 2011 General Assembly concluded its 120 day legislative session on May 11, 2011. As has been the case for the last few years, creating a balanced budget was by far the most difficult task faced by Colorado's 100 legislators.

Throughout the session, the South Metro Denver Chamber of Commerce's Legislative Affairs Committee met biweekly to consider bills and to hear from area legislators.

In total, SMCC supported 24 bills, opposed 17 and monitored or remained neutral on another 24. These positions were taken after much consideration and thoughtful, respectful debate on occasion.

All area legislators were invited to meet with us: we were pleased to host House Speaker Frank McNulty, Rep. Kathleen Conti, Rep. Chris Holbert, Sen. Linda Newell, Sen. Mark Scheffel, and Sen. Nancy Spence.

SMCC also hosted a Day at the Capitol on March 29, where attendees were invited on the floor of both the House and the Senate and heard from Rep. Mark Waller, Assistant Majority Leader.

Individual Highlights:

Health Care	2
Econ. Dev.	3
Support Bills	4
Oppose Bills	5
LAC Members	6

Business Taxes

Over the last several months, legislators considered four different bills to minimize the negative impacts of the business personal property tax.

SMCC supported all four bills. Unfortunately all were killed in the Senate.

It is difficult to find a legislator, regardless of party affiliation, that thinks the business personal property tax works well. Almost everyone agrees it is cumbersome and onerous. The challenge has been that it provides a

significant source of revenue for many local government entities. Cities, counties and school districts have a very limited ability to replace the revenue generated by the BPPT.

SMCC had more success with our support of HB1293 which reversed last year's legislation to impose state sales tax on software. The reversal of this confusing and detrimental piece of 2010 legislation came as part of the budget deal between House Republicans,

Senate Democrats and Governor John Hickenlooper.

SMCC supported two other tax relief measures for business: HB 1265 which extends the period of time during which a taxpayer can claim a sales tax refund and HB1109 which gives local governments authority to exempt tele-communications equipment from local sales tax. Both passed.

A Health Benefit Exchange for Colorado



SB200 by Sen. Betty Boyd and House Majority Leader Amy Stephens was the watershed piece of health care legislation debated during the 2011 session.

SB200 establishes a governing structure for a Colorado health exchange to benefit the small business and individual insurance market.

The bill was controversial

for some because of its relationship to the federal Affordable Care Act. Under the federal law, if a state fails to create and implement a health insurance exchange, individuals and small businesses in that state will have to use a federally run exchange.

SB200 was endorsed by the SMCC in April. Chamber and LAC members sent emails and

made calls to encourage area legislators to support the bill. Paul Archer testified on behalf of the SMCC at the House Health and Environment Committee hearing.

SB200 passed the Senate on a partisan vote but picked up significant bipartisan support in the House. The Governor is expected to sign the bill into law soon.

“When the South Metro Chamber speaks, legislators listen.”

~Sen. Nancy Spence



Elections, Redistricting and Reapportionment

The SMCC has historically supported common sense election reform, particularly of the ballot initiative process. One of the first pieces of legislation endorsed by SMCC in 2011 was SCR001.

SCR001 would have made it more difficult to amend the Colorado Constitution. It also put limits on the Legislature’s ability to alter statutory

change passed by the voters through the initiative process.

Though the proposal was introduced with bipartisan sponsorship, changes added in the House were not accepted by the Senate and the proposal died.

A title has been filed through the initiative process, however, so voters may still have a

chance to weigh in this November.

There was no bipartisan agreement on how to redraw the state’s Congressional districts, so the courts will now take over.

New state legislative districts will be drawn by a Reapportionment Committee and will be finalized late in 2011.

Who Can Sell Beer?

Colorado’s liquor laws include multiple provisions for 3.2 beer and allow only liquor stores to sell full-strength beer, wine and spirits. These laws have been the subject of extensive debate at the Capitol in recent years

In 2011, SMCC supported HB1284 which would have eliminated the 3.2 beer distinction. The bill was supported by grocery and convenience stores but opposed by liquor store owners and craft brewers.

SMCC supported HB1284 because it embraced free

market principles in an equitable fashion and enhanced consumer choice.

Unfortunately, the bill died on the House floor. Look for more action on this topic in 2012

Economic Development

SMCC believes that there is a role for state government in fostering an environment that encourages growth in the private sector. Legislation aimed at creating incentives to stimulate investment and job creation in the private sector can be worthwhile as long as the cost of the legislation is reasonable relative to the predicted return.

With this general philosophy in mind, the SMCC supported the following 2011 bills to encourage economic development.

1. HB1045 by Rep. Kefalas and Sen. Newell to modify the Colorado Innovation Investment Tax Credit.

2. HB1170 by Rep. Baumgardner to extend

the income tax credit for alternative fuel refueling facilities.

3. SB47 by Sen. Heath and Reps. Gerou and Riesberg to create the Colorado Bioscience and Clean Technology Innovation Reinvestment Act.

HB1045 and SB47 passed both Chambers. HB1170 died in the House Finance Committee.



Reducing Government Oversight

Several pieces of legislation were introduced this session that would have increased government oversight or regulation of Colorado businesses. SMCC took a strong stance against these proposals.

1. SB43 which would have imposed requirements on

pharmaceutical manufacturers who sell self-injectable medications.

2. SB68 to expand the definition of unfair trade practices and enhance plaintiff rights.

3. SB72 to create remedies in state law for employment discrimination cases.

4. SB185 to require state vendors to notify the state if they outsource work internationally.

5. HB1139 would have required that a creditor first attempt to collect from collateral when a secured loan is in default.

We are pleased to report that all five of these bills died.

Unemployment Insurance Solvency

The Colorado Unemployment Trust Fund is insolvent, owing approximately \$500 million to the federal UI program.

HB1288, which SMCC supported and which passed the legislature, allows the fund to repay its debt and rebuild at a slightly faster rate to save employers' from

potentially higher costs in interest and penalties.

The authors of the bill tried to craft a balanced approach so that the debt could be repaid before federally mandated penalties are imposed and so that a new UI Trust Fund rate chart could be constructed that more accurately reflects the Colorado economy. At the

same time, authors did not want to harm employers' ability to recover and create jobs.

HB1288 was a bipartisan bill supported by most business organizations.

It remains to be seen if the bill will fulfill its intent and what the specific impact will be on a business by business basis.

"I look forward to growing our relationship. Thanks for the great communication this year!"

~Rep. Kathleen Conti

South Metro Chamber Supported 24 Bills in 2011

"I'm grateful to the South Metro Chamber for your "yes" position on HB1044 and HB1113. Your support makes a real difference."

~Rep. Chris Holbert

Bill #	Sponsors	Short Title	Final Status
HB11-1044	HOLBERT / RENFROE	Sunrise Process Modifications	Died
HB11-1045	KEFALAS / NEWELL	CO Innovation Investment Tax Credit	Passed
HB11-1072	MCNULTY / MORSE	Designated Rep Of Initiative Proponents	Passed
HB11-1095	NIKKEL / LUNDBERG	Protect Security SOS Web Site	Passed
HB11-1103	KERR A.	Incentivize Certain Wind Turbine Systems	Died
HB11-1106	GARDNER B. / ROBERTS	Recover Actual Damages Personal Injury	Died
HB11-1109	LISTON / GIRON	Telecom Equip Local Sales Tax Exemption	Passed
HB11-1141	HOLBERT / SCHEFFEL	Econ Stimulus Bus Prop Tax Exemption	Died
HB11-1170	BAUMGARDNER	Extend Credit For Alt Fuel Facilities	Died
HB11-1263	PRIOLA / SCHEFFEL	Business Personal Property Tax Exemption	Died
HB11-1265	STEPHENS / JOHNSTON	Sales & Use Tax Refund Claims	Passed
HB11-1284	LISTON / CADMAN	Sale Of Full Beer	Died
HB11-1288	LISTON / MORSE	Unemployment Insurance Solvency Reform	Passed
HB11-1290	LISTON / HEATH	Deferred Dep Loans Nonrefund Orig Fee	Died
HB11-1293	STEPHENS / JAHN	Repeal HB 10-1192 Related To Software	Passed
SB11-019	KING K. / STEPHENS	Small Employer Health Ins Payments	Governor Signed
SB11-026	SCHEFFEL / HOLBERT	New Business Personal Prop Tax Exemption	Died
SB11-047	HEATH / GEROU	Bioscience & Clean Tech Reinvestment	Passed
SB11-056	LUNDBERG / BALMER	Use Tax Exemption Out-of-state Retailers	Died
SB11-098	KING S.	Phase-out Business Personal Property Tax	Died
SB11-116	MITCHELL / KERR A.	Business Fiscal Impact Statements	Died
SB11-126	GIRON / MIKLOSI	Unsubsidized In-state Tuition	Died
SB11-200	BOYD / STEPHENS	Health Benefit Exchange	Passed
SCR11-001	SHAFFER B. & ... / MURRAY & ...	Ballot Measures	Died

South Metro Chamber Opposed 17 Bills in 2011

Bill #	Sponsors	Short Title	Final Status
HB11-1070	SOPER / TOCHTROP	Public Works Prevailing Wages	Died
HB11-1132	LEE	On-bill Energy Efficiency Impr	Died
HB11-1139	KERR J.	Collect Loans From Collateral	Died
HB11-1149	ACREE / HARVEY	Identity Verification Of	Died
HB11-1191	TYLER	Utility Resource Usage Data	Died
HB11-1199	GARDNER B. / BACON	Limit Gov Fee Install Solar	Passed
HB11-1228	SOLANO / SCHWARTZ	Economic Devel Through	Died
SB11-032	JOHNSTON	On-bill Fin Prog For Energy Cost	Died
SB11-043	STEADMAN	Sharps Safe Disposal	Died
SB11-060	BOYD / GARDNER B.	3.2 Beer For On- premises	Passed
SB11-068	CARROLL / SOLANO	Increase Consumer	Died
SB11-072	CARROLL / LEVY	Civil Rights Enforcement Act	Died
SB11-119	GUZMAN / PABON	Appeal Valuation Commercial Real	Governor Signed
SB11-130	JOHNSTON / KERR A.	Transparency Bldg Energy	Died
SB11-179	CARROLL / MIKLOSI	Worker Identification Off-	Passed
SB11-185	JOHNSTON / DURAN	Notice Of Outsourced Jobs	Died
SB11-233	HODGE	Video Lottery Terminals	Died



"I can't tell you how proud I am every time I mention SMCC at the microphone or in committee. Thanks to everyone for the essential input!"

~Sen. Linda Newell

South Metro Chamber Legislative Report Card



Brandeberry McKenna Public Affairs is pleased to serve as the lobbying firm for the South Denver Metro Chamber of Commerce. We look forward to growing our partnership. Thank you for the opportunity to serve as the voice for SMCC at the Colorado State Capitol.

Jenifer Brandeberry

A handwritten signature in black ink that reads 'Jenifer Brandeberry'.

Julie McKenna

A handwritten signature in black ink that reads 'Julie McKenna'.

Jennifer Mello

A handwritten signature in black ink that reads 'Jennifer Mello'.

2011 Legislative Action Committee Members

Thank you to the following Chamber members for their service on the Legislative Action Committee

Committee Chair: Jeff Wasden - PROformance Apparel
Chamber Coordinator: Bart Sayyah

401(K) Squared - Rich Behr
Advance America - Lindsey Zimmerman
Aloah Kincaid, CPA - Aloah Kincaid
Alperstein & Covell PC - Neil Ayervais
Arapahoe Community College - Matt McKeever
Arapahoe Library District - Eloise May
Bellco Credit Union - Laura Higgins
City of Castle Pines - Councilmember Maureen Shul
City of Centennial - Councilman Ron Weidmann
City of Greenwood Village - Councilman Dave Kerber
City of Littleton - Councilman Phil Cernanec
Citywide Banks - Tom McDermott
Clifton Gunderson - Jason Carroll
Colorado School Finance Project - Tracie Rainey
Computer Skills Group - Jeff Burns
COPIC - Beverly Razon
CSU Global Campus - Chelsie Fisher
DaVita - Bill Myers
Gates Corporation - Brett Stone
Grillo Commercial Real Estate - Mark Grillo

Hornbrook Real Estate - Lynn Hornbrook
Inman, Flynn, Biesterfeld & Brentlinger P.C. - Mike Sutherland
Lawrence Construction - Polly Lawrence
Littleton Adventist Hospital - Geoff Lawton
Littleton Public School Board - Renee Howell
Polsinelli Shughart - Peter Moore
RE/Max Professionals - Bill Bradish
Safeway - Kris Staaf
South Suburban Parks & Rec - John Ostermiller
Sterling Ranch - Harold Smethills
Swedish Hospital - Trent Lind
The Williams Law Office - David Williams
Terracare - Dean Murphy
Wells Fargo - Bret Duvall
W.J. Shepard - Bill Shepard
Xcel Energy - Thomas Ashburn
SMDCC - John Brackney