



2015 Year End Report

2015 Session Summary

The legislature finally out on Wednesday, May 6 to end the session. The 2015 session didn't lack fireworks with both chambers dealing with controversial issues until the bitter end. Compared to previous sessions, the General Assembly introduced more bills with the total coming to 682. Almost half of those bills were killed in some manner even with bipartisan support.

With a Republican controlled Senate and a Democrat controlled House, one of the major hurdles the legislature overcame was passing the state budget for the next fiscal year. Nearly all state agencies were allocated additional monies for 2015-2016. The Department of Health Care Policy and Financing was the biggest winner receiving \$957.2 million more in total funds which includes both general funds and federal funds. The Department of Education received the biggest increase from the state general fund with a total of \$186.3 million more than last year. The budget successfully passed both chambers and was signed by the governor.

Another key bipartisan effort this year in the legislature was the workforce development package. Several key legislators from both chambers came together and worked across the aisle to address some of the workforce issues that Colorado is currently facing. Eight of the ten introduced bills have been sent to the governor and expect to be signed during a signing tour around the

state. The package of legislation looks to solve problems in career pathway enhancement for graduation high school students, concurrent enrollment for students who prefer to gain credits in an apprenticeship program, more resources to link unemployed Coloradans to job training, and more funding for mobile learning labs.

Although there were key successes during the legislative session, some issues were blocked by partisan gridlock that couldn't be compromised. Transportation funding was an issue that both Republicans and Democrats wanted to address this year, but neither party could agree on how to provide more funding. The Republican

sponsored option was to create a bonding bill to create 3.5 billion for highway projects statewide. While the Democrats opted to increase state budget potential by relocating the hospital provider fee (600 million) out from under

the Tabor revenue thus freeing up that 600 million for roads, schools, higher education and other programs. Both proposals died and budgeting will be even more difficult in the coming years if the legislature cannot find a solution.

Construction defects saw its demise for the second year in a row. Even with support from a multitude of groups and stakeholders, including bipartisan sponsors in each chamber, SB 177 was killed in the House committee on

- 682 bills introduced
- 301 bills killed
- 391 bills with bipartisan sponsorship

State, Veterans, & Military Affairs after hours of testimony. We certainly expect this issue to come back until some form of it is passed to help solve the cost of housing issues we have been seeing around the state.

Other business topics included both regulatory reform and revising the “Sue Your Boss” provisions in current statutes under the Civil Rights Division. Several regulatory reform bills dealing with first time violations, greater business input into rule making and possible fiscal notes from impacted parties were all considered and died in House committees.

Late efforts in the last few days of the session included a measure to revise TIF financing (tax Incremental financing), which allows local government incentives for growth, alternative construction defects bills, and disparity bill dealing with the results of contracts that are awarded to small, minority owned, or women owned business in the state. All these measures failed.

Other legislative fixes during the session dealt with school testing reform, police oversight bills, child welfare oversight, state water plan options, rural economic development incentives, drunk driving and a number of marijuana-related bills.

The dynamics of this session were much different than the most recent years. With each party controlling one chamber, compromise on issues was a little tougher. The makeup will be the same for the next legislative session, and we can expect more heated debate because it will be a presidential election year. As always, we will keep you up to date on all the events at the Capitol!

GreenCO Legislative Priorities

In preparation of the 2015 legislative session, GreenCO’s legislative committee developed several policy priorities as follows:

2015 Legislative Priorities:

- **Pesticide Applicators’ Act:** legislation to continue the Pesticide Applicators’ Act in the Colorado Department of Agriculture was a top priority for GreenCO. GreenCO helped lead a broad coalition of industry groups affected by this law to reauthorize

the law according to state/industry recommendations. Certain aspects of the current law were under intense scrutiny by environmental advocates and others who desired much stricter regulation including pesticide bans. The reauthorization bill was introduced early on in the session with bi-partisan support from both chambers. The Senate took most of the recommendations into consideration and passed the bill quickly. The House sponsor, KC Becker (D – Boulder) held onto the bill for several weeks and met with many stakeholders, including GreenCO, to discuss outstanding issues. A number of changes to the bill resulted in the House regarding violations, additional training for some applicator segments, and expansion of the committee that advises the Department of Agriculture on pesticide application.. Although the state recommended continuing the Act for nine years, the legislature compromised and will revisit the Act in eight years.

- **State Water Issues/Plan:** With the release of the Colorado Water Plan in December of 2014, there are likely several policy items that will come from this. In 2015, SB-008 would have required the state to develop training programs for local government water and land use planners on best management practices for water conservation. GreenCO meet with Senator Ellen Roberts (R-Durango) and testified in support of the bill, which was signed into law. In the House, HB-1259 allowed for the collection of rainwater from residential roofs when used for outdoor purposes. The bill passed the House with some objection by Republicans. The Senate conducted a long hearing on the bill in Senate Agriculture Committee before dying on a partisan vote.
- **Construction Defects and Payment Reform:** Two major issues confronting construction industry are the liability issues around construction defects and the ability to find a common sense payment process in construction. GreenCO supports construction defects legislation that allows a more balanced process between home owner and builder/contractor. That balance must include remedies that reduce the liability for the builder, so we can see the planning and building of multi-family housing in Colorado. GreenCO is active in the

construction industry coalition working to find a workable payment reform option. The General Assembly considered SB 177 this year which would have required a Home Owner's Association (HOA) to use mediation or arbitration before filing a lawsuit. The legislation also required a majority of the homeowners to approve the HOA's proposed action before moving forward. SB 177 passed the full Senate but was killed in the House. We expect to see similar legislation around this topic until the system is more balanced. Sen. Scott (R – Grand Junction) introduced SB 091 early on in the session. The bill simply changed the statute of limitation for construction defects from eight years to four years. Unfortunately, this bill was also killed in the House.

- **Investment in Colorado Business:** GreenCO supports the investment by the state into Colorado businesses. By creating tax incentives and tax credits for capital investments made by businesses or the creation of new jobs, reduction in business regulations and reforming the process of regulating businesses in Colorado. Also supported is the reduction of business liability issues to include civil rights litigation issues by employees and the creation of a pro-business approach by Colorado government as it relates to penalties. SB 180 would have reformed the regulatory penalty process in the state for small businesses by issuing warnings for minor violations. SB 069 was introduced in order to repeal employee civil right liability expansion passed in 2013. The bill failed in the House.
- **Investment in infrastructure:** GreenCO supports the investment in Colorado infrastructure to include transportation, buildings, schools, and water projects. These investments provide the economic platform for growth in Colorado for the long term. HB 1109 would have changed some of the statutory requirements of SB 09-228, which guarantees general fund revenue to be put towards transportation. The bill required that five years of money be transferred

to transportation purposes even if the years were not consecutive. The bill failed in the House Appropriations Committee for fiscal reasons. However, SB 272 was introduced late in the session and would have created a bonding scenario similar to T-Rex project in 1999. The bill would have required a vote of the people in the 2015 election to extend the current transportation bond and receive \$3.5 billion without raising any taxes. This bill also failed in the House.

- **Sales Tax Policy Work:** GreenCO supports the effort in Colorado to provide a standard set of definitions for sales and use tax by local government. GreenCO also supports finding those practices and interpretations that are either unproductive or punitive to Colorado businesses in the sales tax programs and seeking uniform solutions to eliminate these practices.
- **Work Force Development/Education:** GreenCO supports the funding of schools and higher education, and also supports expanding vocational/technical/skilled trade career education. The legislature came together to develop a package of bills in the 2015 session that enables these career choices in K-12 and provides for expansion of training and education opportunities for these careers at both public and private applications. GreenCO supported a select set of these bills that were from the package of work force development bills and asked for minor changes to address the GreenCO related workforce issues that continue to grow in Colorado. The Legislative package of bills from both chambers received bi-partisan support and was passed. The goal is to create a pipeline for students between either high school or college graduation into jobs that have a hard time finding the skilled workers necessary.

GreenCO Priority Bill Outcomes

Active Engagement, Lobbying, & Testimony				
<p>GreenCO was heavily involved in multiple pieces of legislation this legislative session at the capitol. The following bills were priority bills, meaning we directed the lobbying team to actively engage with other stakeholders, lobby all members of the General Assembly, provide testimony during committee, create fact sheets to ensure GreenCO's position and engage in any and all amendments to bills.</p>				
Bill Number	Short Title	GreenCO Position	Outcome	GreenCO Actions
HB 1259*	Residential Precipitation Collection Rain Barrels	Support	Failed	GreenCO testified and worked with bill sponsors other stakeholders to provide fact sheets to support the bill..
SB 279*	Surety Requirement For Appealing Tax Bills Claimed Due	Support	Failed	This bill was tabled and designated to be discussed during the interim. GreenCO will be a part of the working group with other key stakeholders to address this issue in the 2016 session.
SB 119*	Pesticide Applicators Act Sunset/Reauthorization	Support	Passed	GreenCO was part of the original stakeholder group to develop this bill and actively worked to gain passage of this bill.. There were multiple amendments offered which GreenCO actively engaged in analyzing a taking a position.
SB 069*	Repeal Job Protection Civil Rights Enforcement Act	Support	Failed	In order to support a better environment for small business, GreenCO testified and worked with other stakeholders to support repealing legislation that passed in 2013.
SB 180*	Regulatory Reform Act 2015	Support	Failed	Regulatory reform at the state level will help all businesses. GreenCO testified and worked with other stakeholders to try and make small changes to the regulatory environment for GreenCO members.
SB 008*	Promote Water Conservation in Land Use Planning	Support	Passed	GreenCO supported the bill due to its call for water conservation and land use training for locals using BMP principles

*indicates priority bill

Asked to Engage by Other Key Stakeholders

There were several other bills introduced during the 2015 session that GreenCO was asked to engage in. Whether that meant lending support on a piece of legislation or expending political capital to kill unfriendly proposals, GreenCO was as an important source for information.

Bill Number	Short Title	GreenCO Position	Outcome	GreenCO Actions
HB 1109	Additional SB 09-228 Transfers To HUTF & Cap Construction	Support	Failed	The transportation community asked GreenCO to support this bill and add industry context.
HB 1197	Indemnity in Public Construction Contracts	Support	Passed	GreenCO was asked to provide industry specific feedback.
HB 1258*	FAMLI Insurance Program Wage Replacement	Oppose	Failed	GreenCO was part of the coalition that lobbied against the bill as it would have cost taxpayers and businesses millions.
HB 1300	Local Government Minimum Wage	Oppose	Failed	GreenCO worked alongside other business organizations to fight against this bill that eventually led to its demise.
HB 1385*	Review Process New Multi-Family Attached Housing	Oppose	Failed	After SB 177 was killed in the House, GreenCO was asked to engage in other construction defects legislation.
HB 1384	Funding Affordable Housing	Monitor	Failed	GreenCO monitored and worked with other stakeholders to continue the discussions around more affordable housing in the state.
SB 107	Classification of Independent Contractors	Monitor	Failed	GreenCO was invited to a number of stakeholder meetings to discuss the impact of independent contractor use in the industry.
SB 177*	HOA Construction Defect Lawsuit Approval Timelines	Support	Failed	GreenCO was a part of the Homeowner Opportunity Alliance that spearheaded this bill.
SB 269	Independent Contractor Unemployment Insurance	Monitor	Failed	The bill was introduced, and the Department of Labor has asked GreenCO to continue discussions about the use of independent contractors in Colorado.

SB 212	Storm Water Facilities Not Injure Water Rights	Monitor	Passed	Other key stakeholders requested GreenCO's input to provide any related impacts.
SB 224	Building Foundation Well Permit Exemptions	Monitor	Failed	Key stakeholders requested GreenCO's input to provide any related impacts.
SB 284*	Voter Approval TIF Payments Ag Land (TIF- tax incremental financing)	Oppose	Failed	A coalition opposing this bill asked GreenCO to engage in the process and provide feedback according to the direct impact on GreenCO members.
HB 1275	Career & Tech Ed in Concurrent Enrollment	Support	Passed	GreenCO was engaged in the entire workforce development package.
HB 1276	Skilled Worker Outreach, Recruitment, and Training	Support	Passed	GreenCO was engaged in this bill to provide industry perspective.

* indicates priority bill

GreenCO Legislative Scorecard

The "scorecard" bellows rates GreenCO's PAC donations and the voting records of the candidates we supported. For legislation to be considered against the voting percentage it had to be voted on for 3rd reading by either House or Senate or a vote in committee by GreenCO endorsed legislators. The bills that are listed are the bills that GreenCO-designate priority legislation that had a support position. Due to a number of bills being killed in the House, many House Representatives did not have the opportunity of voting on GreenCO priority bills.

GreenCO Scorecard						
Legislator	HB 1259	HB 279	HB 119	HB 069	HB 180	SB 008
Kit Roupe	Against GreenCO	N/A	Against GreenCO	N/A	N/A	Against GreenCO
Angela Williams	With GreenCO	N/A	With GreenCO	N/A	N/A	With GreenCO
Tracy Kraft-Tharp	With GreenCO	N/A	With GreenCO	N/A	N/A	With GreenCO
J. Paul Brown	Against GreenCO	N/A	With GreenCO	N/A	N/A	With GreenCO
Laura Woods	N/A	N/A	With GreenCO	With GreenCO	With GreenCO	Against GreenCO
Beth Humenik	N/A	With GreenCO	With GreenCO	With GreenCO	With GreenCO	With GreenCO

	Highlight indicates endorsement only
	With GreenCO
	Against GreenCO
	N/A