



2013 Legislative Session Report

The 2013 General Assembly adjourned in early May. This session saw 31 new legislators: 28 representatives and 3 senators. The Democrats controlled the House, Senate and Governor's office, and a large majority of bills this year fell to party line votes.

As the session began, House and Senate leadership talked about helping business and economic recovery. By the end of the session, major efforts had been underway by the Democrats to reform business policy. This agenda was carried out in phases; this report outlines some of the details with special attention paid to business policy.

Social Reform:

The legislature was focused a great deal on social reform and civil issues, including

- Civil unions
- Gun control legislation
- Education and school finance
- Criminal sentencing and death penalty
- Immigration Issues (drivers' licenses and children/education issues)
- Health insurance provisions and finance (Health Exchanges and expansion of Medicaid funding)
- Amendment 64 implementation

What came with this social reform effort was also an effort to continue to reform business policy and practices in Colorado. Topics that were introduced for action this session were:

- Enterprise zone tax credit reform
- Economic development efforts
- Oil and gas industry regulation
- New standards for renewable energy
- Business regulation via new mandates and fees
- Unemployment and work comp issues
- Sales and use tax studies and changes

Bills with positive impacts for businesses:

Enterprise zone tax credits and economic development fared well in 2013 session which has a positive impact on business. The following bills were passed into law:

- HB-1142- Enterprise zone tax credit changes
- HB-1265- Enterprise zone employee tax credit increases.
- HB-1001- Strategic industry economic development

- HB-1080- Aircraft tax credit changes
- HB-1002- Small business development centers funding
- HB-1193- Develop export markets via Colorado companies

These bills will provide new credits and business incentives that could assist in the investment and growth of our businesses in Colorado.

There were several other bills intended to have positive impacts on business in general and member companies, including:

- SB-052 – A positive effort to deal with construction defects. This bill was defeated.
- SB-147 – Clarifications to work comp liability issues. This bill passed.
- SB-258 – Aids development in water projects. This bill passed.
- HB-1019 – Regulatory reform aimed at minor violations. This bill was defeated.
- HB-1110 – Creates a level tax for all motor vehicles. This bill passed.
- HB-1025 – Aids employers in dealing with work comp expenses. This bill passed.
- HB-1288 – Establishes a study to create a uniform statewide sales/use tax system. This bill passed.

Bills with negative impacts for businesses:

- SB-018- Limits the use of credit checks when hiring. This bill passed.
- SB-025- Unionization of fire fighters; sets aside the local vote on public unions. This bill passed.
- SB-252- Creates new renewable energy standards for rural-urban Colorado and will result in higher energy costs. This bill passed.
- HB-1136- Creates new liabilities for employers in civil rights actions. This bill passed.
- HB-1222- Expands the defined population for FMLA benefits and creates a new benefit period. This bill passed.
- HB-1269- Changes the mission and makeup of the Oil and Gas Commission and could deflate industry growth. This bill was defeated.
- HB-1292- “Keep Jobs in Colorado” allows for best-value contracting with new reporting requirements for bidders. Unfortunately, it creates new mandates for public contracting and increases state program costs by \$500,000 and at least 1% increase in contract costs to agencies. This bill passed.
- HB-1304- Would have created new unemployment benefits for striking workers during a union lockout. This bill was defeated.
- HB-1285- Adds costs to the work comp system. This bill passed.

Impact of the bills above are based on an analysis of fiscal notes and industry cost analyses for each issue. Of the bills noted as positive, those that passed will provide some benefit for businesses; of those noted as negative, there is potential for significant impact on revenue and growth.

Key GreenCO Issues:

GreenCO’s legislative committee met every two weeks during the course of the session. The committee discussed and took position on 72 bills this session and was active on several issues within that body of bills, as follows:

- **HB-1090**- Construction Contract Pay Reform – this bill would have changed contract payment terms, retention and other issues. The bill was defeated but is likely to come back next session. This has been a GreenCO supported issue for many years.
- **Eleven water bills** were on the GreenCO list this year with topics that included gray water use, long term storage, conservation efforts, pilot projects for municipal water use, well permits, diversion points and water conservation project funding, the list of issues on water were extensive this session. Project funding was passed with special focus on Chatfield increased storage capacity.
SB-183- Xeriscape Policy Issues in HOA's. This bill passed with GreenCO-authored amendments that included the BMPs.
- **SB-23** increases damages under the Colorado Governmental Immunity Act and will required contractors to carry higher insurance premiums. The bill passed.
- **HB-1292**- Keep Jobs in Colorado Act- See previous page. This bill is really a preference-bidding bill that does more damage than just creating preference to “best value” contracting. Due to the labor standards mandated by the bill for Best Value bids, small contractors will no longer be able to compete for these public contracts. Costs to contractors and the taxpayers will go up and the bill creates half million dollar expenditure for state oversight of the process. The bill will not create new jobs in Colorado but will increase project costs and limit small contractor access to contract bids. Along with four other associations, GreenCO has requested the Governor veto this legislation.
- **HB-1136**- Civil Rights Process Liability for Businesses- creates significant new liabilities for business owners by allowing for damages and attorney fees to be awarded which have not been allowed under current law. The estimates by some industry sources place the cost of mitigation at \$100,000.
- **HB-1304**- Unemployment Benefits for Striking Workers- Lockout- The bill was set to grant unemployment benefits to striking workers who are in a lockout action. Fiscal note listed the impact to the Unemployment Fund as high as 9 million per week during a strike and over 50 million in month. With the efforts and costs businesses had to pay to bring solvency to this fund, this is a major policy setback to Colorado businesses.

2013 GreenCO Legislative Score Card

GreenCO conducted interviews for the 2012 General Election for the Colorado General Assembly and made 11 endorsements. These candidates were deemed to be the better business candidates and best fit for GreenCO policy issues. GreenCO choose to interview those key races in 2012 that were the key races in the House and Senate to help determine the leadership in both houses.

House:

HD-03- Brian Watson over Kagan. Kagan won and had a 26% support level in 2013 session for GreenCO priority bills.

HD-11- Jonathan Singer. Singer won and had 22% support level in 2013 session for GreenCO priority bills.

HD-17- Mark Barker over Exum. Exum won and had a 22% support level in 2013 session for GreenCO priority bills.

HD-23- Enstrom over Tyler. Tyler won and had a 26% support level in the 2013 session for GreenCO priority bills.

HD-28- Attwood over Pettersen. Pettersen won and had a 22% support level for GreenCO priority bills in 2013 session.

HD-29- Ramirez over Kraft Tharp. Tharp won and had a 26% support level for GreenCO priority bills in 2013 session.

HD-33- Pigot over Primavera. Primavera won and had a 26% support level for GreenCO priority bills in 2013 session.

HD-50- Skip Carlson over Young. Young won and had a 24% support level for GreenCO priority bills in 2013 session.

Senate:

SD-19- Lang Sias over Hudak. Hudak won and had a 22% support level for GreenCO priority bills in 2013 session.

SD-22- Summers over Kerr. Kerr won and had a 22% support level for GreenCO priority bills in 2013 session.

SD-26- Dave Kerber over Newell. Newell won and had a 26% support level for GreenCO priority bills in 2013 session.

SD-32- Aguilar was interviewed and endorsed as she “Friend to GreenCO”, she had a 24% level of support for GreenCO priority bills in the 2013 session.

The 11 candidates that won these key races voted in the 20% range in support for GreenCO priority issues. None of these winners have shown themselves to be a friend to business or GreenCO policy issues.

Click the link below for an online report for voting record of the legislators who were in the races GreenCO participated in during the 2012 elections. The outcome on many of these major policy bills shows that who GreenCO selected for these races that and **won** fared much better than others who were elected but **not endorsed**. In reviewing five major bills that had votes to record for GreenCO, the following support levels were found for GreenCO positions.

Bills:

HB-1136; HB-1269, HB-1292, HB-1304 and SB-183

Support Levels for GreenCO Positions:

House: 20% Support Senate: 25% Support

Click Below:

[GREENCO VOTE SCORCARD](#)