

## *The CACI Advantage*

**Thursday  
August 31, 2006**

**By  
Dan Pilcher  
CACI Senior Vice President  
& Chief Operating Officer**

**[dpilcher@COchamber.com](mailto:dpilcher@COchamber.com)  
303.866.9600**

### **CACI Executive Committee Votes to Oppose Minimum-Wage Constitutional Amendment 42**

Last Thursday, August 24<sup>th</sup>, the CACI Executive Committee voted to oppose Amendment 42, the minimum-wage increase proposal that will be on the November 7<sup>th</sup> General Election Ballot.

The measure is being pushed by organized labor. The Colorado Secretary of State's Web site lists Steve Adams as the head of *Coloradoans for a Fair Minimum Wage* as the registered issue committee supporting the proposal. Adams is president of the Colorado AFL-CIO.

Although some business leaders see no reason to oppose a simple increase in the minimum wage (as was recently approved by the U.S. House of Representatives), the CACI Executive Committee unanimously agreed that the minimum wage in Colorado should (a) not be placed in the Colorado Constitution and (b) should not have a built in annual escalator for "cost-of-living" increases.

CACI strongly believes that the Colorado General Assembly should retain the ability to adjust the minimum wage based on changing economic conditions and, consequently, a rigid-increase formula should not be placed in the state Constitution where the legislature will have no ability to address it.

An organization, *Respect Colorado's Constitution*, has been formed to oppose Amendment 42. CACI members can obtain more information about the organization by calling 303.495.3699. CACI members who want to actively help *Respect Colorado's Constitution* fight the proposal, including public speaking to organizations and writing letters to newspaper editors, can call Jan Rigg at 303.829.2876 for assistance. *Respect Colorado's Constitution* plans to launch a Web site, and CACI members will be informed of its URL.

More information on this ballot measure can be found in the Colorado Legislative Council's objective analysis, which gives both sides of the issue:

<http://www.leg.state.co.us/lcs/0506initrefr.nsf/89fb842d0401c52087256cbc00650696/751519b390c6b4af87257189006f6fe7?OpenDocument>

For more than four decades, CACI's position has been that any type of proposed mandate on employers should be under the purview of the General Assembly--and not be placed with a rigid formula in the Colorado Constitution.

## Longmont Chamber of Commerce to Host First CACI Regional Meeting Sept. 14<sup>th</sup>

For more than forty years, CACI has served as the state chamber of commerce. As listed in a prior issue of *The CACI Advantage*, about 30 local chambers of commerce are CACI members:

<http://www.cochamber.com/resources/localchambers.asp>

In addition, CACI serves as the umbrella organization for the local chamber executives' professional development association, the Colorado Chamber of Commerce Executives:

<http://www.cochamber.com/resources/executives.asp>

Consequently, with the special session of the legislature on immigration receding in the rearview mirror, CACI is embarking on a series of meetings with local chambers of commerce and with trade associations (see following article) to strengthen a two-way dialogue about how CACI and these important business organizations can positively affect the November 7th elections for the statewide business community. CACI's strategy is three-fold:

1. Work to elect and re-elect pro-business state legislators through CACI's endorsements and financial support of CACI's Colorado Business Political Action Committee;
2. Engage in a dialogue on Colorado's critical business issues with the two gubernatorial hopefuls, Democrat Bill Ritter and Republic Bob Beauprez, which will culminate on Oct. 23<sup>rd</sup> with a debate between the two candidates at the CACI Annual Meeting (see below); and
3. Oppose Amendments 38 and 42.

To kick off this effort, the first event will be hosted by the **Longmont Area Chamber of Commerce** and sponsored by **Intrado** and **The Pratt Management Company LLC**. The breakfast event will be held from 7:30 a.m. to 9 a.m., Thursday, September 14<sup>th</sup> at the Radisson Hotel & Conference Center, 1900 Ken Pratt Boulevard, Longmont. The speakers will include:

- Nelson Miner, Chair, Longmont Area Chamber of Commerce Board of Directors, Prime Real Estate
- Kathy Millisor, President & CEO of the Longmont Area Chamber of Commerce.
- Al Timothy, CACI Board Chair and Vice President, Government Affairs, Coors Brewing Company
- Lucille Mantelli, CACI Board Chair-Elect and Director, Communications & Public Affairs, Eastman Kodak Company, Windsor
- Chuck Berry, CACI President
- Darrell Shull, Vice President and Executive Director, BIPAC, The Prosperity Project, Washington, D.C.

Topics to be covered include:

- Local ballot issues & the Longmont business community
- Longmont Area Chamber's governmental affairs program
- Priority state business issues from Longmont's perspective
- Governor's race & the new Administration
- Legislative races & control of the Colorado General Assembly

- November ballot initiatives that matter to business
- 2007 legislative session top issues for business

For more information about the event, contact Bonnie Finley at CACI at 303.866.9643 or via e-mail at [bfinley@COchamber.com](mailto:bfinley@COchamber.com)

### **Colorado Petroleum Association to Host CACI Board Sept. 26<sup>th</sup>**

To help CACI better understand the particular issues that concern important sectors of the state's economy, the CACI Executive Committee has directed CACI staff to initiate a series of meetings with trade associations, some 30 of which are CACI members and actively participate, in particular, on the CACI Governmental Affairs Council, which meets every other Tuesday at lunch during the legislative session.

Consequently, the Colorado Petroleum Association will host members of the CACI Board of Directors on Sept. 26<sup>th</sup> to help CACI better understand the most important issues that face this critical Colorado Industry.

### **CACI Members Step Forward to Sponsor CACI Annual Meeting, Monday, October 23<sup>rd</sup>, Which Will Feature A Colorado Gubernatorial Debate**

A number of CACI members have volunteered to sponsor the CACI Annual Meeting., and CACI appreciates their support of this important event. The sponsors are:

Gold Sponsors: **AngloGold Ashanti N.A. and Eastman Kodak**

Silver Sponsors: **The Boeing Company, CH2M Hill, Lockheed Martin, Pinnacol Assurance, Wells Fargo Bank N.A. and Expedx**

Sponsorships, however, are still available. CACI members interested in sponsorships should Denise Reeves, CACI Vice President of Events and Programs, at 303.866.9622 or via e-mail at [dreeves@COchamber.com](mailto:dreeves@COchamber.com)

Republican Bob Beauprez and Democrat Bill Ritter will debate critical business issues facing Colorado at the CACI Annual Meeting Luncheon, 12 Noon-1:30 p.m., Monday, October 23rd, at the Tabor Center Westin.

The Luncheon will be preceded at 10:00 a.m. by the Annual Meeting of the CACI Board of Directors, which will elect officers and new Board members.

### **CACI Responds to “Rocky Mountain Clean Air Action” Effort to Torpedo State Air Quality Standards**

For many years, CACI's Air Quality Committee has worked collaboratively with the Colorado Department of Public Health and Environment (CDPHE) to help the state meet and exceed all federal health-based, air-quality standards.

Recently, however, two petitions filed by Rocky Mountain Clean Air Action with the Region Eight U.S. Environmental Protection Agency (EPA) appear to be aimed at upsetting the proverbial apple cart, with serious implications for businesses across the state.

### The Petitioners

The petitioners are Jeremy Nichols and Rocky Mountain Clean Air Action, which describes itself in the petition as “a recently founded, volunteer organization dedicated to protecting clean air in Colorado and the surrounding region for the health of local communities.”

Rocky Mountain Clean Air Action’s address is 1536 Wynkoop, Suite B501, Denver CO 80202, telephone 303.454.3370, e-mail [jeremy@voiceforthewild.org](mailto:jeremy@voiceforthewild.org). The non-profit organization was formed this past July as a trade name for the existing Center for Native Ecosystems, Inc., whose registered agent is Jacob Smith, 1130 Tenth Street #101, Golden CO 80401. Smith, Jon Jensen of Boulder and Robert Ukeiley of Aurora formed the Center in March 1999.

Nichols describes himself in the petition as a Denver resident “who is deeply concerned about air quality in Colorado and its effects on the health and welfare of people, plants, and animals.” He is listed as a staff member of the Biodiversity Conservation Alliance, which is based in Laramie, Wyo.

### The Petitions

This summer, the two petitions have engaged the CACI Air Quality Committee, whose long-time chair is Dennis Arfmann, a partner with Hogan & Hartson LLP. As the lead organization responding to the actions by Nichols and Rocky Mountain Clean Air Action, CACI’s Air Quality Committee members include individual businesses and trade associations.

It appears to CACI that Nichols and Rocky Mountain Clean Air Action are primarily interested in loosening existing standards in order to bring litigation against Colorado businesses and the State of Colorado.

CACI, on the other hand, is focused on seeing that Colorado attains all federal and state health-based standards. CACI’s goal is to bring the proper balance to achieve environmental improvement at a justifiable, reasonable cost.

### First Petition: “Upset Exemption”

The first petition requests the EPA to require Colorado to revise its State Implementation Plan (SIP) to eliminate the “upset exemption provision” and allow citizens more access to the courts to sue Colorado businesses.

The “upset exemption” has been in Colorado’s rules for about thirty years. The current upset provision provides the Environment Division of CDPHE with the discretion to choose not to penalize companies for an air emission that is temporary, unpredictable, and unavoidable. In many cases, these emissions do not result in excess emissions. In all cases, to CACI’s knowledge, air quality standards have not been violated.

EPA initially approved the Colorado upset exemption provision because it recognized that industrial- and pollution-control equipment occasionally malfunctions. Technology is certainly improving Colorado’s air quality, but occasionally equipment does not work properly. The upset exemption is allowed only if the upset event is not due to poor maintenance or operator error and sufficient action is taken to avoid future occurrences.

The upset provision has worked well for industry and Colorado for many years, and the state's air quality has improved dramatically

The Rocky Mountain Clean Air Action and Nichols, however, want the EPA to label all upsets as violations and that some upsets will qualify for an affirmative defense (EPA has a ten-factor test).

The stated intention if Nichols and Rocky Mountain Clean Air Action is to allow citizens to sue for all upset events and seek injunctive relief—which means in plain English to shut down the source.

CACI's Air Committee succeeded in encouraging the CDPHE to hold meetings of interested groups on the subject. On August 15<sup>th</sup>, CACI presented its position to the CDPHE and will comment at later meetings.

Numerous CACI members—businesses and trade associations--have participated in the CACI Air Quality Committee meetings to develop a strategy and communicate a position to the CDPHE that will not hamper the business community or diminish Colorado's good air quality.

#### Second Petition: Ozone "Non-Attainment" for the Denver-Fort Collins-Greeley Region and Discarding the Ozone Early Action Compact

The second petition that Nichols and Rocky Mountain Clean Air Action filed (a) urges the EPA to re-designate the Denver--Ft. Collins--Greeley area as "non-attainment" under the ozone standard and (b) to discard the "Ozone Early Action Compact."

CDPHE calls the Early Action Compact "the official planning document for reducing ozone levels and avoiding a non-attainment designation from EPA." The EPA agreed to the Compact as a way to achieve clean air one to two years earlier than required by the federal Clean Air Act.

Industry and environmentalists voluntarily entered into the Compact, which requires businesses to:

1. Develop and implement air pollution control strategies;
2. Account for emissions growth; and
3. Achieve and maintain the national eight-hour ozone standard.

CACI's Air Quality Committee is working to develop additional voluntary mitigation efforts to help keep the Front Range in attainment with the ozone standard.

Members interested in this issue should contact Donnah Moody, CACI Governmental Affairs Director, at 303.562.4551 or via e-mail at [dmoody@COchamber.com](mailto:dmoody@COchamber.com)

#### **CACI Members Pitch In to Help CACI Support Pro-Business State Legislative Candidates**

CACI wishes to thank the following individuals and companies for contributing to CACI's Colorado Business Political Action Committee (CBPAC) for the 2005-2006 election cycle of the Colorado General Assembly. CBPAC's mission is to endorse and support the election of pro-business state legislative candidates.

Ackerman Information Corp.  
Alpine Bank

American Family Insurance Colorado PAC  
American Furniture Warehouse  
AngloGold Ashanti, N.A.  
Anheuser-Busch Companies, Inc.  
Anthem Blue Cross & Blue Shield  
Antlers Condominium Association  
The Ball Corporation  
Berry & Kirscht, LLC  
Benson Minerals  
The Broadmoor (Broadmoor Hotel, Inc.)  
Ann & Gordon Brown  
Citywide Banks  
Colorado Committee for Automotive Retailers  
Colorado Container Corp.  
Colorado Printing Company  
Concentra Health Services  
Coors Brewing Company  
Corporate Advocates  
David Cribari  
Duke Energy Field Services  
Evergreen Analytical  
Great West PAC  
Clif Harald  
George Heinrichs  
High Country Beverage Corp.  
Holcim (US) Inc.  
The Howes Group  
HSBC  
Intermountain Rural Electric Association  
Intrado  
Keller-Lowry Insurance  
Rob LeVine  
Loveland Ready Mix Concrete  
Markley Motors  
Joel Midkiff  
Miller International  
Philip Morris USA  
Oakwood Homes  
Phelps-Tointon  
Quest Diagnostics  
Ringel & Boyle Policy Strategists  
Schuck Interests  
Summit Brick & Tile  
Qwest  
San Luis Valley Rural Electric Cooperative  
Sinton Dairy Foods Company  
Marvin Strait  
Univiar Aircraft Corp.  
USAA Insurance  
Waste Management  
Travis Webb

Wells Fargo Bank N.

The CACI lobbying team and members of the CACI Governmental Affairs Council this week and last week interviewed new candidates who are running for seats in the Colorado General Assembly. CACI thanks these members for their time and energy in participating in the interviews. As additional candidates are endorsed by the CACI Executive Committee, that information will be passed along to CACI members.

CACI, meanwhile, is still accepting contributions to CBPAC. Why is business support for CBPAC so important this year? CACI's ability to lobby the Colorado General Assembly during the 2007 and 2008 session will depend on the election of pro-business legislators.

There is another significant factor at play in this year's state legislative elections: term limits. Because of term limits, there will be a 25 percent turnover of incumbent lawmakers. CACI will thus have to educate 25 freshman legislators about business issues. As you can imagine, this effort will be much easier when the legislators are pro-business, not anti-business.

CACI's work on state legislative races also benefits other business organizations across the state that look to CACI for its leadership in assessing candidates and then endorsing and supporting pro-business candidates. And pro-business legislative candidates will use their CACI endorsement to seek additional support from other business organizations.

Every dollar counts in this year's legislative election campaigns. And that's why your support of CBPAC is needed. For the business community, the stakes could not be higher this November 7<sup>th</sup>.

For information about how you can support CBPAC, if you have not already done so, contact Denise Reeves, CACI Vice President for Events & Programs, at 303.8669622 or via e-mail at [dreeves@COchamber.com](mailto:dreeves@COchamber.com)