



## CACI Lobby Team Legislative Summary

### WORKING DOCUMENT - NOT BOARD APPROVED

June 6, 2008

#### **HB 08-1001 Advancement of Bioscience Discoveries (Riesberg/Bacon)**

Governor's bill to encourage bioscience research grants and advancements. Funding to be transferred from the Limited Gaming Fund that would have otherwise been transferred to the Clean Energy Fund for five years. Amended to modify the structure of the existing Bioscience Discovery Evaluation Grant Program and adds early-stage bioscience companies as possible recipients of program grants if those companies have a licensed technology from a Colorado research institution of higher education. Grants shall be provided in amounts of up to: \$150,000 to offices of technology transfer (OTTs) for each project focusing on life sciences, engineering, material sciences, computer sciences, photonics or nanotechnology; and \$250,000 to early-stage bioscience companies for each project accelerating commercialization of therapeutic or diagnostics products, bioscience technologies for agriculture and biofuels. Funds to be allocated 30 percent to OTTs and 30 percent to early-stage bioscience companies. Remaining third to be used by Office of Economic Development and International Trade (OEDIT) to support partnerships between the bioscience industry and research institutions to commercialize therapeutic or diagnostics products, bioscience technologies for agriculture and biofuels.

Position: Support

Status: Signed into law 4/24

#### **HB 08-1020 Offers of Settlement (Madden/Veiga) KEY VOTE**

Bill favors the plaintiff in pre-trial settlement proceedings by requiring a defendant to pay the plaintiff's pre-offer costs after the plaintiff has rejected a settlement offer. If the plaintiff recovers in a judgment after the defense made an offer, the defense may still be required to pay the plaintiff's costs incurred.

Position: CACI opposes bill – worked with Civil Justice League to amend or kill. Requested gubernatorial veto.

Status: Signed into law 2/21/08

#### **HB 08-1065 Authority of a County to Enforce County Ordinances within the Boundary of the County (Noise) (May/Tochtrop)**

This bill allows a political subdivision to bring a civil action to abate violations of the statute on noise abatement and provides for penalties/fines for such violations. Allows the board of county commissioners to designate areas where the ordinance applies.

Position: Secured amendment from sponsor to exempt all commercial activities. Neutral with amendment

Status: Signed into law 3/17/08

**HB 08-1082 Sealing of Criminal Justice Records and Making an Appropriation (Ferrandino/Bacon)**

Reduces the number of years from 15 to 10 for filing a petition to seal criminal and arrest records for an offense that was not charged or was dismissed. Also extends the sealing of records procedure to convictions if the petition exceeds 10 or more years after final disposition of the proceedings. Allows records to be unsealed if the defendant is convicted of a subsequent criminal offense or if the circumstances change substantially. Does not deny access to those records required by law to conduct a criminal background check but does prohibit employers and others from requiring disclosure of information contained in sealed conviction records.

Position: Concern that the bill could affect employers' ability to gain information on a potential employee's background. Mountain States Employers Council conveyed no impact because employers don't usually review backgrounds past 10 yrs. Neutral

Status: Signed into law.

**HB08-1097 Leave for Civil Air Patrol Service (Lambert/Romer)**

Requires public employers to give 15 days' leave to employees who wish to respond to civil air patrol emergencies. Makes failure to comply a private cause of action and awards attorney fees and costs to prevailing party. Amended in committee to include private employers.

Position: Worked successfully to narrow the scope of the private cause of action to apply only to Civil Air Patrol employees, rather than all employees that volunteer.

Status: Signed into law 4/24

**HB 08-1099 Cleanup of Environmental Control Water Solid Waste (McNulty/Tochtrop)**

Authorizes the Water Quality control Commission, rather than the State Board of Health, to hear appeals of penalties imposed for certain violations; removes the 45-day requirement for the CDPHE to notify permit applicants that their applications are incomplete and extends time frames by 15 days for providing notice for and holding public meetings and for making determinations on permit applications requiring a public hearing.

Position: Member concern that this bill eliminates timeframes for the Department which would result in delay of issuing permits. Negotiated with the department and secured an amendment that requires the Department to deem an application complete or incomplete within 90 days and gives the permittee an additional 90 days to complete the application process.

Status: Testified in S. HHS on 3/14/08. Signed into Law

**HB 08-1138 Penalties on Taxpayer Preparers (Borodkin/Isgar)**

Provides for penalties for certain types of income tax preparers. CACI Tax Council member Bruce Nelson testified in H. Finance. A CACI amendment was adopted to the bill which ensured that persons preparing a return on behalf of their employer will be exempted from the bill.

Position: Neutral

Status: Signed into Law on 4/14/08.

**HB08-1161 Increase Regulatory Authority of Mined Land Reclamation Board and Ensuring the Protection of Ground Water and Public Health (Kefalas,Fischer/Johnson)**

Expands the requirements to obtain permits for in situ uranium mining to include ongoing monitoring of the land and surface and ground water, ensure reclamation, proof of non ground water contamination. Adds factors that authorize the Mined Land Reclamation Board to deny permits. Adds factors that require the Board to deny a permit.

Position: Work with Mining Association to narrow scope/impact.

Status: Signed into law.

**HB08-1164 Advancement of New Solar Energy Technologies (Solano/Schwartz)**

Expands the authority of the Public Utilities Commission (PUC) to encourage utilities to exceed minimum renewable resources standards, give full consideration to the likelihood of new environmental regulation and risk of higher future costs from emissions when considering resource acquisition, especially with respect to solar. Allows the PUC to consider a number of factors, including increased tax base, jobs and economic activity associated with development of utility-scale solar electric generation. Directs the PUC to determine the appropriate amount of utility-scale solar energy projects to be acquired in the context of energy storage, reduced performance or financial risk, reduced water consumption associated with traditional electricity generation, stabilizing future electricity costs, and reducing long-term risk related to potential carbon regulation or taxation.

Position: Support electric cooperative opposition to bill due to the likelihood that the bill will increase utility rates.

Status: Signed into Law.

**HB 08-1173 Institutional Funds Act (McGihon/Shaffer)**

Adopts the Uniform Prudent Management of Institutional Funds Act.

Position: Opposed as introduced.

Status: Signed into Law. Jim Tatten testified in opposition to HB 1173 in Senate Finance , opposing the right of “any person” to file suit. Neutral as amended by the Senate Finance Committee on 3/18. Senate Finance amended the bill to take out the “citizen suit” provision.

**HB08-1178 Spam Reduction Act (M. Carroll/Hagedorn)**

Conforms electronic communications in Colorado with the federal CAN-SPAM Act of 2003. Allows for damages in certain circumstances for violations for commercial electronic mail messages.

Position: Monitor for impact

Status: Signed into Law.

**HB08-1180 Eligibility for Unemployment Insurance Benefits For Individuals who Leave Employment to Accompany an Active Duty Military Family Member Who has been Transferred (Stephens,Looper/Shaffer)**

This bill assisted military spouses by removing the limitation that an employment transfer must be during time of war, armed conflict or medical-related purposes in order to receive unemployment insurance benefits. The bill extends UI benefits to spouses of military personnel so that these individuals will qualify for such benefits. The bill creates a fiscal impact of approximately \$1 million per year to the UI Fund, but, the filings do not affect a business' experience rating and the funds will be used to create new jobs.

Position: Neutral

Status: The bill passed in the House, but was amended in the Senate Business Affairs Committee to include a sunset provision. A Conference Committee was appointed based on the new sunset language. An agreement was reached and the House and Senate adopted the Conference Report. The bill is effective upon signature of the Governor. Signed into law June 2.

**HB08-1183 Modifications to the Program that Allows Performance Based Incentives for New Job Creation (Hodge/Veiga)**

Loosens the standards of eligibility for the job creation tax credit created in 2007 (HB1017) by reducing the time for the number of new jobs created to 5 new jobs in 6 months in rural areas and 10 new jobs in 6 months for urban areas. Strike-below approved in H. Business Affairs and Labor allowed the Commission to establish the criteria by which the incentives are allocated

Position: Support for new job creation

Status: Signed into law 5/20. Effective 90 days following adjournment.

**HB 08- 1189 Prohibition of Strikes against Employers whose Employees are in the State Personnel System (Riesberg/Gibbs) KEY VOTE**

Limits prohibition of strikes to employees that are within the State Personnel System.

Position: Support. Testified in H. Business Affairs & Labor and S. State Affairs

Status: Signed into law 4/3

**HB08- 1207 Environmental Preferences (Kefalas/Bacon)**

Repeals requirement that the state procure environmentally preferable services. Bases the 5% ceiling for increased costs of procuring environmentally preferable products on the bid price instead of quoted price. Amended in S. State Affairs to clarify that, upon issuance of ITB, the bid will state that the environmental preferences are available.

Position: Amendment was adopted in House that addressed member concerns. Neutral.

Status: Signed into Law

**HB08-1222 Expansion of the Definition of Renewable Energy Resources to Include Certain Types of Hydroelectricity (McNulty/Harvey)**

Expands the definition of renewable energy resources to include pumped hydroelectricity and low-impact

Hydroelectricity. Amended to a study of the issue

Position: Support for potential of reduced utility rates

Status: Signed into law 5/21.

**HB08-1225 Business Personal Property Tax Exemption (Rice/Williams)**

Incrementally increases the threshold for exemptions from business personal property taxes up to \$7,000 beginning January 1, 2013. Adjusts the amount of the threshold for exemption for inflation biennially after that.

Position: Benefit is likely to county assessors who will no longer have to collect the tax on property valued below \$7,000. No benefit to CACI members. Concern is that legislators will mistakenly believe this is a true exemption and the issue of BPPT has been resolved.  
Neutral

Status: Signed into law 5/20.

**HB08-1227 Sunset Continue Public Utilities Commission (Madden/Tapia)**

In addition to reauthorization of the PUC, the bill as introduced would have expanded the authority of the PUC to allow amicus curiae briefs to be filed by numerous state departments, required "net metering" and solar rebates from non-PUC-regulated rural-electric cooperatives and municipal utilities and imposed direct fining authority for violations with no criteria for imposition of the fines. The bill would have also allowed the Office of Consumer Counsel (OCC), whose role is to protect consumers' rates, to intervene on environmental concerns in adjudicatory matters affecting gas or electric utilities. Also shifted the burden of proof to existing taxi cabs to show that new cab services would be "detrimental to the public interest" likely causing excess supply, reduced driver income, and potential loss of service in areas of marginal demand (i.e., rural and mountain communities). Qwest secured an amendment that gave the PUC authority to oversee base telecommunications rates rather than the current formula tied to the productivity index. CACI worked to secure the following amendments: Penalties are capped at \$150,000 in a six-month period or one percent of gross operating revenue over a 12-month period, whichever is less, and can only be imposed after proof that the violation occurred "intentionally"; expanded authority of the OCC was eliminated; and supported cab companies' amendment that placed the burden of complying with requirements for a certificate of public convenience and necessity (CPCN) on the applicant rather than existing cab companies in counties over 70,000 population.

Position: Oppose portions of the bill that exceed reauthorization. Neutral with amendments.

Status: Signed into law. Effective July 1, 2008.

**HB08-1261 Exemption From Sales Tax of the Sale of Aircraft to be Removed from the State (Buescher/Bacon)**

Exempts from sales tax the sale of a new or used aircraft to a person who is not a resident of the state for registration and primary use outside the state.

Position: Support. Governor's business agenda bill.

Status: Signed into law 5/20.

**HB08-1276 Workplace Accommodations for Nursing Mothers (A. Kerr/Gibbs)**

Establishes a standard for an employer to provide reasonable paid or unpaid break time or allow an employee to express breast milk for her nursing child for up to 2 years after birth and to make reasonable efforts to provide a private location in which to express milk in the workplace.

Position: Ensure that reasonable efforts to make accommodations is deemed compliance and language provides sufficient protection for employers.

Status: Signed into law. Testified in H. Business Affairs.

**HB08-1325 Colorado Nonimmigrant Agricultural Seasonal Worker Pilot Program (Looper/Tapia)**

Implement nonimmigrant agricultural seasonal worker pilot program for expediting H-2A visas. Places requirements on employers to pay costs of visa application, transportation, housing, workers' compensation insurance, and other costs.

Position: Determined that employer mandates do not exceed those required by Federal law.

Status: Signed into law 6/5.

**HB08-1379 Extending the Deadline for the Colorado Oil and Gas Conservation Commission to Promulgate Rules Concerning a Consultation Process with other State Agencies (Curry/Isgar)**

Extends the deadline for the Colorado Oil and Gas Conservation Commission to promulgate rules concerning a consultation process with the Department of Public Health and Environment and the Division of Wildlife until July 16, 2008

Position: Support oil and gas position

Status: Signed into law 5/21

**HB08-1380 Single Sales Factor (Jahn/Shaffer)**

This bill removes the current 2-factor and 3-factor methodology for attributing net income to Colorado in calculating a business' corporate income tax. The bill changes that methodology to be replaced with a single sales method which is based solely on a company's sales.

Position: Neutral – This position is based on a division among CACI's membership who either supported the bill or opposed the bill based on the positive or negative tax impact to their companies. The CACI Tax Council worked for months on draft versions of the bill with the Governor's staff and proponents of the bill to satisfy concerns raised by CACI members.

Status: The bill passed in the House on a 61-2 vote with the two "no" votes by Rep. Bruce and Rep. Weissman. The bill passed in the Senate on a 34-0 vote. Signed into law 5/20 and will be effective January 1, 2009 unless a referendum petition is filed.

**HB08-1389 Increased Oversight of Insurance Rates (M. Carroll/Sandoval)**

Requires prior approval of rate increases with the Commissioner of Insurance. Creates reporting requirements for health and automobile insurance companies and establishes criteria by which the commissioner of insurance must disapprove rate increases. Creates a private right of action to sue.

Amended to exclude automobile insurers. Amended to remove some provisions that the health insurance companies opposed, such as allowing the Insurance Commissioner to use the “loss ratio” the amount paid out in claims, as a standard by which to deny a rate increase.

Position: Opposed

Status: Signed into law 6/5. Testified in House Business Affairs & Labor. CACI letter sent to Senate Business, Labor & Technology Committee in opposition to the bill.

**HB08-1395 Property Tax Exemption for Property Leased by Governmental Entities (Marostica/Windels)**

Allows a property tax exemption to the state, a political subdivision, or a state-supported institution of higher education that leases real property, with or without the right to purchase the property, as long as the governmental entity uses the property for governmental purposes. Amended to include notification requirements.

Position: Neutral – no impact

Status: Signed into law 5/29

**HB08-1398 Severance Tax Trust Fund (Buescher/Johnson)**

Changes the reserve requirement regarding transfers from the account and removes obsolete provisions.

Position: Determined no impact

Status: Signed into law 6/2

**HB08-1407 Strengthening Penalties for the Unreasonable Conduct of an Insurance Carrier (Romanoff/Gordon)**

Increases penalties for acts of “bad faith” and creates a private cause of action and allows a claimant to recover double the actual damages sustained. Life insurance and workers’ compensation companies were amended out of the bill.

Position: Oppose

Status: Testified in House Business Affairs & Labor. Signed into law 6/4.

**SB08-037 Increased Flexibility of CDPHE in Enforcing the Hazardous Waste Laws (Tupa/Fischer)**

CDPHE omnibus bill to revamp the environmental covenants to allow institutional controls when dealing with the Federal Government. Also makes a change requested by the Capitol Development Committee regarding the time frame for funding for brownfield cleanup. Revamps the hazardous waste fees to fairly allocate federal dollars by removing the caps and changing the formula, but maintaining the concept behind the fee structure.

Position: CACI industrial waste committee negotiated changes to the environmental covenant section and recommends CACI remain neutral with those changes. Testified in Senate HHS on behalf of industrial waste committee

Status: Signed into law 3/27/08.

**SB08-055 CDPHE Air Pollution Control Division Fee Increase (Hagedorn/Madden)**

Generation of additional program revenue of \$1.7 million through increases in: regulated pollutant emissions fees; hazardous air pollutant emissions fees; hourly fees for permitting time by Department staff; air pollutant emission notice filing fees; and increasing the CFC registration cap for refrigeration systems and appliances. Adds 5 new FTE (3 for permit and inspection and 2 for climate change). One-half of revenue increases to come from stationary and one-half to come from mobile sources. Intention is to fund department functions for 5 years.

Position: Environment Council worked with Department to justify fees. Recommend neutral position.

Status: Testified in Senate and House committees. Signed into law 5/20.

**SB 08-082 Retail Liquor Sales on Sunday (Veiga/Jahn)**

Allows existing liquor retail stores to sell beer, wine or liquor on Sunday.

Position: Neutral

Status: Signed into Law.

**SB08-114 Required Acts of Employee Leasing Companies by the Department of Labor & Employment (Veiga/Scanlon)**

Requires an employee leasing company to pay wages and unemployment taxes for all covered workers. Applies the contract provisions of the Workers' Compensation Act of Colorado" to employee leasing companies and work-site employers equally. Imposes specified financial criteria and fees on employee leasing companies.

Position: Determined no impact. NAPEO bill.

Status: Signed into law 5/20

**SB 08-116 Requirement that Employers allow Employees who are Volunteer Firefighters to leave Work (Kester/Looper)**

Protects jobs of employees who leave work to respond to emergency summonses as volunteer firefighters for employers with more than 50 employees. Amended in LG to provide that the employer can determine whether the employee is vital to the operations of the business.

Position: Determine impact

Status: Senate concurred with House amends on 3/14. Signed into law 4/8.

**SB 08-122 Prohibits Action Against Employee for Wage Sharing (Windells/T. Carroll)  
KEY VOTE**

Makes it an unfair labor practice for an employer to act against an employee who discussed or inquired about his/her wages or others' wages. Broadly written to invalidate confidentiality agreements for non-disclosure of wages by HR employees and others who have access to wage information by virtue of their job functions.

Position: Worked on amends to mirror bill to federal laws.

Status: Signed into Law

**SB 08-128 Eliminate Sales Tax Cap (Isgar/Hodge)**

Eliminates the 6.9% limitation on the total amount of sales or use tax that may be levied by the state, any county, and any city or county.

Position: Determined that each county would have to get permission from their voters to increase the tax and legislature has traditionally given the authority to exceed the sales tax cap on a county-by-county basis. Neutral.

Status: Signed into law 5/21

**SB08-135 Health Insurance Standardized Benefits Card (S. Mitchell/Gagliardi)**

Requires state regulated health insurance carriers to issue standardized, printed cards listing specific information.

Position: Support

Status: Signed into law 6/3.

**SB 08-155 OIT Consolidation (Cadman/Kerr, A.)**

The bill implements the consolidation of the State's IT resources in an effort to streamline IT assets, personnel and IT projects. This legislation was modeled after other states' consolidation projects, and its intent is to provide one-stop business registration, on-line license renewals, and other improvements. The consolidation will be phased in over 3-4 years. The bill was amended to require production of a report by the Office of Information Technology that included information on the type of IT resources that are purchased, the purpose for their purchase and the cost of that purchase. The bill was also amended to include an appropriation.

Position: Support

Status: Signed into law 5/22.

**SB08-184 Creating a Clean Energy Finance Program (Romer/Levy)**

Creates the Colorado clean energy finance program to provide below market-rate clean energy loans in limited amounts to homeowners to finance home repairs to improve energy efficiency. Participating public and private lenders may loan a maximum of \$12,500. Requires the Governor's Energy Office to administer and market the program and measure and report on energy, emissions and gross and net cost savings resulting from improvements. Funding comes from General Fund appropriations plus gifts, grants or donations.

Position: Determined no impact

Status: Signed into law 5/27.

**SB 08-193 Public Contracts for Services (McElhany/Judd)**

Requires CDLE to create an employee verification program to apply to employers who seek public contracts. Requires all public contracts to include a provision requiring a contractor to use the federal electronic employment eligibility program or the CDLE program to verify employment eligibility.

Position: Determine impact

Status: Signed into law 5/13

**SB08-194 Concerning Public Health (Hagedorn/McGihon)**

Repeals statutes concerning county and district health departments, local boards of health and regional health departments. Amendment in Senate HHS expanded the authority of local entities to administer and enforce laws pertaining to public health, air pollution control, solid and hazardous waste, water quality control and other provisions. Worked to successfully amend language to ensure there is no new expansion of authority.

Position: Oppose amendment. Would add a layer of local health department enforcement to the already rigorous state authority. Neutral with clarifying language.

Status: Signed into law 6/13

**SB08-217 Centennial Care Choices Program to Reform the Health Care System (Hagedorn/McGihon)**

Requires the state department of health care policy and financing to request proposals to health insurance companies for the development of value benefit plans (VBP's), with recommendations for legislation in 2010 to be proposed based on the RFP's. The VBP's would include a premium subsidy program for low-income individuals, a mandate that individuals obtain health insurance with enforcement through the state tax code, evidence-based medicine as a basis for patient care, dedication of a revenue source and a ballot question if necessary.

Position: Determine impact

Status: Signed into law 6/13

**SB08-228 Increased Public Disclosure of the Contents of a Notice of Intent to Conduct Mining Operations (Schwartz/Curry)**

Requires information submitted to the mined land reclamation board in a notice of intent to conduct prospecting to be made public record. Amended to protect proprietary information.

Position: Oppose if proprietary mining information is not protected

Status: Signed into law 6/2.

**SB08-241 Concerning Claims made under the Workers' Compensation Act of Colorado for Work-related injuries (Tochtrop/Marshall)**

Allows a claimant to obtain an additional prosthetic device with good cause, clarifies that the medical services fee schedule applies to all medical services related to a claim, regardless of who provided the service, and amends the apportionment and reduction of awards provisions.

Position: Support position of workers' compensation insurers - neutral

Status: Signed into law 6/2.

**HB08- 1141 Require Sufficient Water Supply (Curry/Bacon)**

Requires local governments to determine whether developers have demonstrated that the water supply is sufficient for the purpose of the proposed development. Approval is based on various factors including a letter from the State Engineer. Provides for reporting requirements by the developer on the project's water requirements. Also requires disclosure of the state engineer's letter prior to property sale. A strike-below amendment was adopted which requires that building permit applications for developments of greater than 50 single-family equivalents must include specific evidence of an adequate water supply and defines "adequate water supply." The bill requires the developer to submit information to the local government as part of the permit application.

Position: Monitored

Status: The bill is effective upon signature of the Governor or upon the bill becoming law without signature.

**HB08-1249 Emergency Telephone Services Charge (Rice/Kester)**

Makes the 911 service charge applicable to prepaid wireless and internet-based phone systems. Sets standards for collection of fees.

Position: Determined no impact to CACI's telecommunication providers

Status: Signed into Law

## Bills PI'd, Vetoed or Deemed Lost

### **HB08-1091 Production of Documents (Judd/Veiga)**

DOR bill that, as introduced, would have allowed DOR to demand production of information from a taxpayer in order to determine tax liability by issuing an information document request (IDR). Failure by the taxpayer to produce or provide access to the information request would preclude the taxpayer from introducing the information in any subsequent administrative or court proceedings or audits.

Position: Neutral - Tax Council opposed bill as introduced and worked with DOR extensively in an effort to come to a neutral position. A strike-below amendment was developed as a compromise, and CACI Tax Council member Neal Pomerantz testified to the amendment.

Status: Passed 3rd reading in House on a vote of 42-21. Gov's office told DOR to hold bill. Bill was PI'd in the Senate on 3/18.

### **HB 08-1104 Concerning Violations of Traffic Rights-of-Way Resulting in Bodily Injury or Death. (Marostica/Brophy)**

Provides for a new traffic offense known as the "aggravated right-of-way offense." If a violation of this offense occurs that creates bodily injury or death, a penalty of a Class 1 misdemeanor is applied. House amendments stripped in Senate Judiciary.

Position: Trash haulers raised concerns about potential impact to truck drivers.

Status: Laid over to May 8. Deemed Lost

### **HB08-1107 Energy Efficiency (Levy/Veiga)**

Would increase business and residential costs up to 2% of retail sales for energy efficiencies. The money could be used for the purchase of light bulbs, appliances, etc.

Position: Support co-op members in opposition

Status: PI'd 4/8

### **HB 08-1154 Internet Sale Auction Act (Borodkin)**

This is the e-fencing bill that prohibits the sale of certain items on the internet in an effort to reduce organized retail crime.

Position: Support Colorado Retail Council position. Chris Howes attempting to work on compromise language with E-Bay, which opposes the bill. [Neutral]

Status: PI'd 2/14/08

### **HB08-1165 Increase in the Regulatory Authority of the Mined Land Reclamation Board Over Mining (Fischer,Kefalas/Shaffer)**

Requires the Mined Land Reclamation Board to take human health and environmental risks into consideration in the permitting process, prevent and mitigate significant adverse environmental impacts, recognize reasonable accommodation and protect the public health, safety and welfare of the

environment and wildlife resources. Requires the operator to bear the costs of enforcement.

Position: Work with Colorado Mining Association on business impacts - oppose

Status: Testified in House Agriculture. PI'd 4/2

**HB08-1169 Clean Energy Fund for Development of Renewable Energy Curricula (C. Gardner/S. Mitchell)**

Permits expenditures from the clean energy fund through block grants to develop community college curricula for alternative and renewable energy job training.

Position: Monitor for impact

Status: PI'd 2/8/08

**HB08-1187 Prohibition of Strikes Against Public Employers (B. Gardner/Spence)**

Prohibits every public employee and every employee organization from any strike activities against a public employer.

Position: Support

Status: PI'd in House Business Affairs & Labor

**HB08-1218 Grant of Authority to Counties to Enter into Intergovernmental Agreements for the Creation of Electric Power Authorities (Rose )**

Includes counties in the statutes allowing cities and towns to contract with each other and with cities and towns in adjacent states for the creation of power authorities.

Position: Oppose if the additional layer negatively impacts siting or permitting of utility facilities. Steve Balcerovich testified in committee.

Status: PI'd in House Local Government 1/18/08

**HB08-1230 Mobile Machinery Comply Tier 2 Emissions (Fischer/Tapia)**

Requires certain diesel mobile machinery to meet Tier 2 emission standards.

Position: Oppose.

Status: PI'd in House HHS on 3/6/08.

**HB08-1239 Actions for No Background Check (Green)**

Removes immunity from liability for public entities who fail to conduct background checks in certain circumstances.

Position: Ensure that the bill does not apply to private-sector employers.

Status: Withdrawn 2/12 by sponsor.

**HB080-1258 Allocation Among Local Governments to the Costs of an Independent Audit Undertaken to Ensure Compliance with Property Tax Obligations of a County (Benefield/Johnson)**

Authorized local boards of county commissioners to contract for independent audit services to audit personal property to allow contingency fees from the audits. The bill was not applicable to public utilities.

Position: Tax Council expressed concerns about contingency fee language, the ability for private entities to have access to taxpayer records, and the expansion on the scope of audits. Proponents narrowed scope to eliminate contingency fee provision. The bill also changed a court decision that would allow assessors to go back and reassess the value of the property. CACI Board Chair Alan Poe and other tax council members testified against the bill.

Status: PI'd in H. Finance on 2/13/08 after bill sponsor moved to PI.

**HB08-1272 Methods to Improve Enforcement of Immigration Laws in Colorado (King/Penry)**

Directs the governor's designee to negotiate with the federal department of homeland security on changes to memoranda of understanding concerning immigration enforcement in Colorado.

Position: No impact. Neutral

Status: PI'd 2/14/08

**HB08-1277 Improper Use of Property for Collections (Bruce)**

Restricts the ability of public and private parties to place liens on property and on property tax bills.

Position: Determine Impact to CACI members

Status: PI'd in House Finance 2/19/08

**HB08-1279 Government Land Use Regulations (Bruce)**

Requires developers to pay impact fees and allows petition rights by electors to limit or end land use regulations.

Position: Determine Impact to CACI members

Status: PI'd in House LG

**HB08-1315 Volunteer EMT Pension Plan (Gallegos)**

Requires local governments to establish pension plans for voluntary EMTs.

Position: Ensure that private employers not impacted

Status: PI'd 4/4

**HB08-1323 Qualification Standards for Contractors that Perform Public Construction Contracts (Soper)**

Requires any entity seeking a public works contract to submit a contractor responsibility certification form as a condition of performing the work.

Position: Determine Impact to CACI members

Status: PI'd in House SA on 2/29/08.

**HB08-1331 Increase in the Base Period Wages Threshold Amount Required for Adjudication of a Claim for an Unemployment Insurance Benefit Award (Green/Veiga)**

This bill increased the base period wages threshold amount required for adjudication of a claim for an Unemployment Insurance benefit award from \$1,000 to \$2,500.

Position: Neutral

Status: This bill passed out of the House but was PI'd in the Senate on 4/30/08.

**HB08-1338 Repeal of CDPHE Monitoring Visibility for Public Lands (White/Keller)**

Would eliminate the oversight of emissions on Federal lands with respect to development of the Regional Haze State Implementation Plan (SIP). Members concerned that elimination of emission reporting on federal lands would adversely impact compliance on private land.

Position: Oppose

Status: PI'd in House HHS on 3/4/08

**HB 08-1341 Increase in the State Sales and Use Tax on Retail Sales of Alcohol Beverages to provide funding Children's Basic Health Plan (Frangas)**

Refers to the voters a measure to authorize a 2% increase in the state sales and use tax on alcohol beverages to pay for health care.

Position: Opposed to raising taxes on a specific industry sector

Status: PI'd 4/3. Testified in House Finance Committee

**HB 1362 Earned Income Tax Credit Program (Kefalas/Groff)**

HB 1362 created an earned income tax credit for individuals to be funded through two sources: 1) Revenues from the unemployment insurance surcharge tax; 2) \$47 million in funds from the TANF Block Grant.

Position: Opposed, and testified in opposition to the bill based on the anticipated impact to the UI Fund.

Status: PI'd in House Finance on 3/2/08

**HB 1408 Real Estate Investment Trusts (Levy/Veiga)**

This bill establishes administrative and auditing measures to allow the DOR to improve compliance with Colorado's corporate income tax reporting requirements by businesses. Based on concerns raised by CACI members with the bill, CACI worked with the CO Bankers Assoc and Xcel Energy to gain support for a CACI amendment offered by Rep. Balmer that aligned the bill with Federal requirements for "reportable transactions." The amendment was adopted with the support of all House Republicans and 8 Democrats: Reps. Rice, Borodkin, Hodge, Jahn, Stafford, Middleton, Scanlan, Frangas and Todd.

Adoption of the amendment removed significant, discretionary authority contained in the bill that would have given the DOR the power to determine various types of transactions taxpayers would have been required to provide to DOR.

Additional work was conducted with the Senate sponsor on an amendment that contained language that was problematic to CACI Tax Council members. Those concerns were resolved and an improved amendment was adopted which included addressing the effective date of disclosure of the reporting requirements.

Position: CACI requested veto on behalf of members.

Status: Vetoed 6/3

**HB08-1410 Requiring Health Insurance Plans to Cover Colorectal Cancer Prevention Services (A. Kerr/Tochtrop)**

Requires most health insurance plans to cover colorectal cancer screening and limits the cost sharing to ten percent of the cost of the screening. Exempts small group basic health plans.

Position: Determine impact

Status: Deemed PI'd

**HB08-1411 Prohibition of Incentives to Limit the Provision of Medically Appropriate Health Care Services (Marshall/Sandoval)**

Anti kick-back legislation. Prohibits a person or entity from providing remuneration to health care providers as an inducement to deny, reduce, limit or delay specific medically necessary and appropriate services to a covered person.

Position: Determine Impact

Status: PI'd Senate Appropriations 5/5

**HB08-1413 Reduction in Taxation of Fully Depreciated Business Personal Property (Lambert,Rice/Romer,Spence)**

Requires that fully depreciated business personal property be gradually phased out over the next 4 property tax years. \$9 million fiscal note.

Position: Support

Status: Testified in House Finance. PI'd in House Finance

**SB 08-019 Prohibits Shift of Financial Responsibility for Negligence in Motor Carrier Agreements (Tapia, McFayden)**

The bill prevents a party to a motor carrier agmt from transferring financial responsibility for its own negligence to another party by voiding a provision in a motor carrier agmt that holds a person responsible for negligence of another party. According to the motor carriers, current provisions in the agrmts require motor carriers to accept full responsibility for any incidents. Difficult to assume liability for actions of 3<sup>rd</sup> parties who are not party to the contract controlled by facility owner. Amended in Senate Transportation to give partial exemption to railroads and to clarify responsibility in transportation agreements off-site. Amended in Senate Transportation to give full exemption to railroads and return bill to Senate version.

Position: Oppose. Interferes with private party contracts. Sponsor attempting to work with oil and gas industry to narrow scope.

Status: Senate adhered. Deemed PI'd

**SB 08-072 Prohibit Credit Card Number Disclosure (Gibbs/A. Kerr)**

Expands the prohibition against disclosing more than the last 5 digits of a credit card account number or the expiration date on electronic credit card receipts to include handwritten or imprinted credit card receipts.

Position: Determine impact

Status: Postponed Indefinitely on 1/30/08 in Senate Business & Labor

**SB 08-056 Discrimination Against Employees Based Upon Labor Union Participation (Harvey/Lambert)**

Prohibits an employer from requiring any person, as a condition of employment, to join a labor organization or pay dues, fees, or assessments. Makes all-union agreements an unfair labor practice.

Position: Determine impact

Status: Died on 3-2 vote in Senate State Affairs on 2/5/08

**SB 08-083 Verification of the Work Eligibility Status of New Employees Through the Federal Electronic Verification Program (Schultheis/Lundberg)**

Repeals the requirements that employers examine and retain records related to legal work status of new employees and requires all non governmental employers in the state to participate in the federal electronic verification program (e-verify program) in order to verify the work eligibility status of new hires. Sen. Schultheis may kill the bill if CDLE adds the program to its website and encourages employers to use the program. E-verify is same as Federal Basic Pilot Program.

Position: Oppose. Testified in Committee.

Status: PI'd in Senate State Affairs on 2/7/08.

**SB08-086 Prohibition of Activities Related to the Creation of Partnership Agreements with the State by Employee Organizations (S. Mitchell/C. Gardner)**

Prohibits state employees from entering into collective bargaining units

Position: Determine impact

Status: PI'd in Senate State Affairs on 2/7/08.

**SB08-124 Risk of Damage to Underground Facilities Caused by Excavation (Williams/Gagliardi)**

Exempts landscape maintenance less than 12 inches deep by hand or 4 inches deep by machine from the requirement to notify before digging (UNCC).

Position: Determine impact to members

Status: PI'd in House Local Government on 3/4/08.

**SB08-141 State Water Quality Pretreatment Program (Tapia) KEY VOTE**

Proposed to transfer authority for pre-treatment permitting from the EPA to the CO Department of Public Health and Environment and triple existing fees.

Position: Oppose – sent CACI alert. Participated in stakeholder meeting and requested sponsor PI bill

Status: PI'd at sponsor's request in S. HHS on 2/8/08.

**SB 08-164 Medical Malpractice Claims (Groff/T. Carroll) KEY VOTE**

Bill eliminates existing limits on medical malpractice claims for non-economic losses and increases the limit on economic losses. Increases the limitation on damages for acts or omissions occurring between July 1, 2003 and June 30, 2008, from 250,000 to \$300,000. For acts or omissions occurring after July 1, 2008.

Position: Opposed. Health Council Steering Committee opposed bill. CACI worked with COPIC and implemented a grassroots effort in opposition to the bill.

Status: Bill passed in the Senate, and was heard in H. Judiciary on 3/12 for testimony only. The sponsor continued to lay the bill over until 4/30 during which he finally PI'd the bill.

**SB 08-182 Hospitals Essential Services (Boyd/McGihon)**

Requires licensed hospitals to give notice before a change in services.

Position: Oppose

Status: Department already has the authority to require this, according to Senator Boyd. PI'd 3/20

**SB 08-185 Interchange Prescribed Immunosuppressant (Hagedorn)**

Prohibits pharmacists from interchanging drug products unless a pharmacist obtains prior consent from the prescribing practitioner and the purchaser.

Position: Oppose

Status: PI'd 3/14

**SB 08-209 I-70 Traffic Mitigation Pilot Program (Romer/McFadyen)**

Creates the I-70 congestion management pilot program designating one or all I-70 lanes as HOT lanes in high congestion areas and charging tolls for vehicles with less than three people. Temporarily reversing existing lanes and creating funding from tolls in HUTF.

Position: Determine impact

Status: PI'd 3/28

**SB08-213 Colorado Tolling Enterprise Powers (McElhany/M. May)**

Authorizes tolls on all or any portion of one or more existing or new lanes on I-70 between Floyd hill and the Eisenhower-Johnson tunnel. Toll revenues to be used to expand capacity.

Position: Neutral

Status: Deemed Lost

**SB08-222 Increase in Moneys Transferred from Sales and Use Tax Holding to the Highway Users Tax Fund that Must be Spent for Transit Purposes (McElhany)**

Increases the percentage of SB97-1 diversion required to be spent for transit-related purposes from 10 percent to 20 percent beginning in 2990/10.

Position: Determine Impact

Status: PI'd in Senate Transportation 4/16

**SB08-244 Transportation Infrastructure (Tapia/Rice)**

Imposes motor vehicle registration fee to fund road and bridge repairs.

Position: Determine Impact

Status: PI'd 5/2

**SB08-149 Sale of Alcoholic Beverages at Retail (Shaffer/Pommer)**

Allows beer and wine sales by grocery stores.

Position: Determine impact to members

Status: PI'd in Senate Judiciary