



***End-of-Session Report on 2009 Legislative Session***

**By  
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***Labor & Employment Bills***

***HB 1001 – Job Growth Incentive (Sponsors: Rep. Rice; Sen. Heath)***

***Bill Status:*** *Signed by Governor.*

***CACI Position:*** *Support.*

- HB 1001 was an economic development priority for the Governor this session. To participate in the job incentive program created through this new law, a business must apply to the Colorado Economic Development Commission and approval will be made based on satisfaction of certain criteria. If approved, the business will be eligible for a corporate income-tax credit of up to half of its annual FICA taxes on new workers. The tax credit would be calculated on a year-to-year basis for five years according to the number of FTEs on the payroll of the business at the end of the year. In order for the tax credit to be granted, a company would have to prove that, if it wasn't for this program, the company would move or expand its operations in Colorado. CACI lobbied and testified in support of HB 1001 on behalf of employers.

***HB 1057 – Parental Leave Requirements (Sponsors: Rep. Kerr; Sen. Bacon)***

***Status:*** *Signed by Governor.*

***CACI Position:*** *Oppose.*

- This bill mandates companies with 50 or more employees to provide up to 18 hours of paid or unpaid leave in a year to allow workers to attend their child's academic activities. The worker can take no more than six hours in one month and can elect to use paid sick, vacation or personal leave. The leave can only be used for parent-teacher conferences and for meetings on special-education purposes, drop-out issues or other disciplinary issues, and the employee must provide notice of the need for the leave at least one week in advance. CACI worked on several amendments that were adopted to the bill to lessen costs and administrative burdens on employers, and to ensure that employers could refuse the leave if it caused a disruption in a business' operations. CACI members including Christy Herron and Dan Block provided significant help by testifying against the bill on behalf of CACI and employers statewide.

**HB 1076 – Renumeration Resulting From Employee’s Separation (Sponsors: Rep. Pace; Sen. Tochtrop)**

**Bill Status:** Signed by Governor.

**CACI Position:** Neutral.

- This bill requires that all types of payments a claimant receives when leaving employment be treated the same for the purposes of when a claimant can begin receiving UI benefits. Any UI payments received are divided by the claimant's average weekly wage to calculate postponement of claim payments on a week for week basis. The bill also provides that benefits will not be reduced for claimants who also receive social security. CACI worked with the Dept. of Labor & Employment and received assurance from the Department that employers’ UI surcharge rates would not be increased due to the passage of this bill based on the current level of the UI Trust Fund.

**SB 76 – Employment & Training Technology Fund (Sponsors: Sen. Heath; Rep. Court)**

**Status:** Signed by Governor

**CACI Position:** Neutral

- This bill creates the Employment & Training Technology Fund within the Dept. of Labor & Employment, and transfers revenue to that fund for the purpose of replacing the current tax and benefits systems. Those systems are used to collect and distribute unemployment insurance taxes and benefits. To pay for the update of the systems, 20 % of employer surcharge taxes which are currently deposited into the UI Trust Fund will be transferred to the Technology Fund. If the balance of the trust fund falls below \$25 million, the executive director is required to transfer money back to the Trust Fund from the Technology Fund to ensure that the UI Trust Fund remains solvent. CACI worked on this bill with the Department and the sponsors to ensure that employers’ UI surcharge rates would not be increased due to the passage of this bill and to maintain the solvency of the UI Trust Fund.

**SB 247 – Expansion of Benefits for Unemployed Workers (Sponsors: Rep. Pace; Sen. Tochtrop)**

**Status:** Signed by Governor.

**CACI Position:** Neutral based on amendments adopted.

- This bill is known as the UI Modernization Act, and allows the state to receive and expend \$137 million provided through the federal "American Recovery and Reinvestment Act of 2009." The bill allows for unemployment insurance benefits to individuals who leave a job for certain compelling family reasons including: 1) to accompany a spouse whose employment location has changed; 2) to care for a family member who is ill or disabled; and 3) domestic abuse. CACI worked with the Dept. of Labor & Employment and the Governor’s staff to ensure that the expanded benefits will not affect an employer's premium; to ensure that the scope of the benefits aligned with Federal requirements; and to require the Department to submit a report to the Legislature outlining the status of the UI Fund and this new UI program.

**HB 1117 – Unearned Compensation for Executives (Sponsor: Rep. Frangas)**

**Status:** Bill died on 2/17/09 in House Business Affairs Committee.

**CACI Position:** Opposed.

- This bill would have eliminated benefits for the top five executives of **any** publicly traded company whose compensation exceeds \$1 million if the company is “undercapitalized.” CACI lobbied against this bill based on the broad “undercapitalization” language which captured any business that operates with negative earnings on their books. CACI also opposed the bill based on language allowing a shareholder or other parties to file a right of action and recover compensation for damages. The types of damages were undefined in the bill and would have encouraged frivolous lawsuits. The bill was defeated in the first committee, and significant help was provided by CACI member, Larry Marquess who testified on behalf of CACI against the bill.

**HB 1170 – Unemployment Insurance/Lockout (Sponsors: Rep. Casso; Sen. Tochtrop)**

**Bill Status:** Vetoed by Governor on 5/19/09.

**CACI Position:** Opposed.

- This bill allowed an employee to receive unemployment insurance benefits while the employee is defensively locked out in response to a union-initiated labor dispute. CACI opposed this bill and requested a veto due to its expansion of UI benefits beyond their intent of providing those benefits to workers who have lost their job due to no fault of their own. Current law has provided a balanced approach in offering UI benefits based on which party initiated the labor dispute thereby providing protections for both parties. Since this law has been in effect, there have been no labor disputes in multi-employer bargaining in **10 years**. Significant help was provided by CACI member, Sybil Kisken who testified on behalf of CACI against the bill.

**HB 1208 – Prevailing Wages for Public Works Projects (Sponsor: Rep. Soper)**

**Status:** Bill died on 2/18/09 in House Business Affairs Committee.

**CACI Position:** Opposed.

- This bill required a contractor who is awarded a contract for a state project that costs \$100,000 or more to pay prevailing wages and benefits to its workers based on the federal Davis-Bacon Act. The bill also penalized a contractor for not paying prevailing wages and allowed for a private right of action by a worker or organization. CACI lobbied against this bill due to the mandate on contractors to pay a certain amount of wages and benefits. CACI also opposed the bill based on the increase in costs to taxpayers of 10% for construction of public works projects. The bill was defeated in the first committee.

**HB 1210 – Sick Leave (Sponsors: Rep. McGihon; Sen. Carroll)**

**Status:** Bill died on 3/3/09 in House Business Affairs Committee.

**CACI Position:** Opposed.

- HB 1210 would have mandated that employers provide specific amounts of sick leave based on the size of their business. For companies with over 15 employees, the bill required 1 hour of sick leave for every 30 hours worked. For companies with up to 15 employees, the bill required 1 hour of sick for every 60 hours worked. The bill also allowed a roll-over of paid sick leave to subsequent years. CACI lobbied against this bill since virtually all employers currently provide paid sick leave and accommodate

employees with requested time off for being sick or for appointments. This mandate was unnecessary and very costly to employers. The bill died in the first committee.

**HB 1310 – Employee Misclassification (Sponsors: Rep. Levy; Sen. Heath)**

**Bill Status:** Signed by Governor.

**CACI Position:** Neutral based on pro-business amendments adopted.

- This bill penalizes employers who willfully misclassify employees as independent contractors in violation of the CO Employment Security Act. If after receipt of a written complaint, the Dept. of Labor & Employment (CDLE) may investigate, and if a violation is found, the employer is required to pay back taxes plus interest. If the violation was made with willful disregard of the law, the director may impose a fine and prohibit an employer from contracting with the State for up to 2 years. The bill allows employers to request an advisory opinion from the CDLE to seek guidance on properly classifying an employee. The bill also requires the CDLE to conduct a statewide study on misclassifications and report back to the Legislature. Significant amendments were pursued by CACI including increasing the standard of a violation to a “willful disregard of the law” and ensuring that employers could seek guidance from CDLE on proper classifications. CACI member, Dan Block provided help in testifying on this bill on behalf of CACI and employers statewide.

**SB 37 – Subsequent Injury and Major Medical Funds**

**Status:** Signed by Governor.

**CACI Position:** Support.

- SB 37 is one of the few significant pro-business pieces of legislation passed this Session. Currently, employers are required to pay a workers’ compensation insurance surcharge collected by the CDLE. That revenue is deposited into two state funds used to pay benefits for those injured or disabled on the job. Recently, the Legislature has used revenue in these funds to help balance the state budget. Consequently, employers have paid 3 times the amount owed for injured workers’ claims. CACI lobbied in support of SB 37 because it changes the way that employer surcharge revenue is collected and paid out for claims. The employer surcharge tax collected will now be determined annually by CDLE so that employer dollars will only be used for the payment of current claims. CACI lobbied and testified in support of SB 37 in the interest of employers so that they would not be forced to pay multiple times for the same claims.

**SB 110 – Re-Authorization of Civil Rights Division (Sponsors: Sen. Morse; Rep. Levy)**

**Status:** Signed by Governor.

**CACI Position:** Opposed amendments for expanded remedies.

- SB-110 was originally a non-controversial “sunset” bill that would reauthorize the Colorado Civil Rights Commission and the Colorado Civil Rights Division until 2018. However, the plaintiffs’ attorneys requested a provision be included in this “sunset” bill that added expanded remedies to employment claims. Under current law, a plaintiff who wins an employment discrimination claim can recover actual economic damages. This amended version would have hurt large and small businesses by allowing plaintiffs to pursue compensatory, punitive damages and attorney’s fees based on the size of the business. CACI worked with the CO Civil Justice League (CCJL) to remove the expanded remedy language in the Senate which was successfully done in the Senate Judiciary Committee. When the bill was sent to the House, the amendment was put back on the bill and CACI and CCJL lobbied the House members to remove the amended

language which was accomplished. CACI member Steve Guterrez provided help in opposing the expanded remedies amendment on behalf of CACI.

**SB 180 – Collective Bargaining for Public Safety (Sponsors: Sen. Tochtrop; Rep. Casso)**

**Status:** Vetoed by Governor on 6/4/09.

**CACI Position:** Opposed.

- This bill would have mandated that firefighters in local fire departments that have more than 25 firefighters in their unit to form a union and collectively bargain. The bill would have mandated unionization where voters had already rejected collective bargaining for firefighters through local elections. CACI lobbied with the CO Municipal League in opposition to this bill based on the precedent it would create for mandating collective bargaining on private employers. The bill was vetoed by the Governor based on the opposition shared by local government officials.

**SB 273 & SB 281 – Pinnacol (Sponsors: Sen. Shaffer; Rep. Weissman)**

**Status:** SB 273 died on 5/4/09 on House Floor; SB 281 was signed by Governor.

**CACI Position:** Oppose.

- The most explosive issue this Session impacted Pinnacol Assurance - a mutual insurance company that provides Workers' Compensation insurance. SB 273 would have raided \$500 million from Pinnacol, while SB 281 would have restructured Pinnacol's board and operations. Both bills were prompted by leadership in an effort to backfill an \$800 million budget shortfall. After significant lobbying and grassroots by CACI, SB 273 was defeated and SB 281 was amended requiring a performance audit and study committee. The audit will review executive compensation, rate structure, and injured workers' claims experience, while the committee will examine Pinnacol's operations.

**SB 23 – Verification of Work Eligibility/E-Verify (Sponsors: Sen. Schultheis; Rep. Lambert)**

**Status:** Bill died on 2/9/09 in Senate State, Military & Veterans Affairs Committee.

**CACI Position:** Opposed.

- This bill required all non-governmental employers to participate in the federal E-Verify program for verifying work eligibility status of all new employees. The bill allowed any person to file a complaint with the Attorney General or county/city attorney alleging that an employer intentionally or knowingly employed an unauthorized alien. The bill also included stiff penalties for companies who did not use the program, but failed to provide a "safe harbor" provision for companies already complying with federal immigration law.
- CACI lobbied and testified against this bill as yet another mandate on businesses, and that it forced employers to be immigration police where the federal government maintains primacy over immigration policy. CACI argued that the E-Verify system was intended to be a voluntary program by Congress - not mandatory, and that by allowing any person to file a complaint against an employer, it could create a "free-for-all" complaint filing process. The bill was defeated in the first committee of reference.

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### Taxation Bills

#### **HB 1093 – Additional Income Tax Reporting Requirements (Sponsors: Rep. Levy; Sen. Veiga)**

**Status:** Signed by Governor.

**CACI Position:** Neutral based on taxpayer friendly amendments requested by CACI.

- This bill requires the disclosure of Real Estate Investment Transactions (REIT's) and Regulated Investment Companies (RIC's) on an income tax return and applies penalties for failure to disclose the transactions. CACI requested a veto of similar legislation (HB 08-1408) in the 2008 Legislative Session due the broad reporting requirements and unreasonable penalties in that bill. The Governor vetoed HB 09-1408, and subsequently, the House sponsor came to CACI at the beginning of the 2009 Session to work on a compromise for HB 09-1093. CACI worked with the sponsors and the DOR to ensure that the legislation was limited to specifically REIT's and RIC's transactions, as well as limit the reporting requirements and the amount of the penalties.

#### **HB 1101 – Administration of Sales Tax Collections (Sponsors: Rep. Benefield; Sen. Veiga):**

**Status:** Signed by Governor.

**CACI Position:** Neutral based on taxpayer friendly amendments requested by CACI.

- This bill as amended imposes a penalty on vendors that fail to submit a timely sales tax return to the Department of Revenue, or who incorrectly account for the amount of sales taxes due on their return. The penalty is consistent with current law and is equal to 10 percent of the sales taxes due or that was incorrectly accounted for, with a minimum penalty of \$15. The original bill was considerably broad and created excessive penalties on taxpayers. CACI worked with the DOR and the sponsors to ensure that the bill was amended to limit penalties to a timely return and to only apply to the jurisdictions that taxpayers fail to account for on their tax return.

#### **HB 1219 – Interest on Tax Overpayments (Sponsors: Rep. Judd; Sen. Sandoval)**

**Status:** Signed by Governor.

**CACI Position:** Neutral based on amendments requested by CACI.

- This bill reduces the amount of interest the Department of Revenue currently pays on overpayments made through corporate tax returns. The bill prohibits the payment of interest on overpayments that are not made to satisfy a bona fide estimate of tax liability. CACI worked with the Department of Revenue and the sponsors on amendments to the bill to require a shared burden of proof on the DOR and the taxpayer regarding the intent of the overpayment.

#### **HB 1366 – Elimination of the Capital Gains Exclusion (Sponsors: Sen. Romer; Rep. Pommer)**

**Status:** Signed by Governor.

**CACI Position:** Oppose.

- This bill as introduced would have completely eliminated the capital gains income tax incentive that individuals currently receive on real or tangible property if they invest in CO and hold those investments for five years. CACI sought to amend this bill to ensure that taxpayers who made that 5-year commitment would be “grandfathered” to allow them to keep that tax incentive. Although the CACI “grandfather” amendment was not adopted, the sponsors understood the impact the bill had on businesses and out-of-state

investors, and proposed various other amendments to clean-up the bill. The bill now provides that upon Jan. 1, 2010, taxpayers can receive a capital gains tax exclusion for the first \$100,000 of gains on their assets if held for 5 years or more for:

- Real property purchased between 5/5/94 and 1/1/2010, and sold after 1/1/2010;
- In-State tangible personal property purchased after May 5, 1994;
- Out-of-state tangible personal property purchased after Jan. 1, 2010.

**SB 228 – Elimination of 6% Gen. Fund Growth Limit (Sponsors: Rep. Marostica; Sen. Morse)**

**Status:** Signed by Governor.

**CACI Position:** Oppose.

- This bill as amended eliminates the “ratchet down” effect of the current law that says the maximum growth of the General Fund can only be 6% above the prior year’s fund. SB 228 restricts the growth of the Fund to no more than 5 percent of the state’s personal income annually and provides that 2% of General Fund monies will be dedicated to transportation for 5 years beginning in 2012 if personal income from the year before is greater than five percent (approximately \$160 million per year). In March, the CACI Board unanimously voted to oppose SB-228 and CACI lobbied against the bill based on concerns that limited funding would be available for transportation and capital construction due to this change in statute. The bill was ultimately passed by the General Assembly and signed by the Governor.

**SB 85 – Phase-out of Business Personal Property Tax (Sponsors: Sen. Scheffel; Rep. Priola)**

**Status:** Signed by Governor.

**CACI Position:** Support.

- This bill was originally introduced as a phase-out of business personal property tax from 2009 through 2027 for all locally assessed property. CACI worked with the sponsors and CACI’s state-assessed members to ensure that the bill also included an amendment for an exemption of the tax for state-assessed companies. The bill was later amended to include a 40-year phase out to off-set the larger fiscal impact created by including state-assessed companies. The bill as amended passed out of its 3 committees of reference which was largely due to the support of Senate President Groff and the addition of Democratic sponsors (Sen. Williams and Rep. Rice).
- Once the bill got to the Senate floor, many Senators did not support the bill based on concerns that local governments would not have the resources to backfill the tax even with the time provided through the 40-year phase-out. Incoming President Shaffer did a motion, which passed, to send the bill back to S. Appropriations where it was amended to limit the bill to an interim study committee. The bill passed with this study committee language in the Senate and the House. The charge of the committee is to examine:
  - BPPT exemptions that eliminate or phase-out the tax;
  - Analyze the fiscal impact on the state and local governments; and
  - Identify methods to reimburse local governments for the BPPT loss.

**SB 212 & SB 275 – Temporary Reduction and Elimination of Vendor Allowance**

**(Sponsors: Sen. White; Rep. Pommer; Sen. Tapia; Rep. Ferrandino)**

**Status:** Both bills signed by Governor.

**CACI Position:** Oppose.

- SB 212 as introduced would have eliminated the vendor allowance of 3 1/3% for retailers for 3 years. This is an allowance that retailers currently keep for

reimbursement of reporting the tax they've collected from multiple tax jurisdictions. The bill was part of the Governor's Budget Recommendations and was sent to the Senate Appropriations Committee the same day the bill was introduced. CACI and the CO Retail Council rallied several CACI and Retail Council members to testify against the bill in S. Appropriations committee which subsequently helped get many amendments passed to alleviate the impact to retailers. Those amendments included reducing the elimination of the allowance from 3 years to 2 years, and allowing mid-size to larger businesses to keep 1.35% of the allowance, while smaller businesses that collect less than \$300 in state sales and use tax would be exempt. SB 212 was signed by the Governor.

- Later in the Session when additional budget forecasts were released, an \$800 million budget shortfall was determined. The Joint Budget Commission then proposed an entire elimination of the vendor allowance for 2 years, thereby superseding the efforts made in SB 212. CACI and the Retail Council worked with the sponsors and the Joint Budget Commission members again and were successful in getting language in the bill that reduced the elimination of the allowance by six months thereby allowing retailers to receive their current allowance of 3 1/3% beginning June 30, 2011. An amendment proposed by CACI and the Retail Council was also adopted providing that if future budget forecasts indicate sufficient revenue to fund an increase in General Fund appropriations up to the 6% limit for FY 2010-11, then the vendor fee returns to a 3 1/3 percent level on January 1, 2011. SB 275 has been signed by the Governor.

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### **Energy & Environment Bills**

#### **HB 1056 – Increased Penalties for Violations of Solid Waste Disposal Laws (Sponsors: Rep. A. Kerr; Sen. Bacon)**

**Bill Status:** Signed by Governor

**CACI Position:** Neutral.

- This bill increases the penalties for violations of solid waste disposal laws and grants administrative authority to the Department of Public Health & Environment (CDPHE) to impose those penalties without going to court. CACI worked with the CDPHE to address concerns with the legislation raised by our members on the Energy and Environmental Council who currently comply with the Solid and Hazardous Waste Act. As part of those discussions, CACI received assurances from the Department that the bill would not weaken the self-audit laws. Additionally, the penalties provided in the bill are identical to those for air and water quality violations. CACI testified on the bill based on the work between the CACI Energy & Environment Council and CDPHE.

#### **HB 1259 – Imposition of Impact Fees by Local Governments (Sponsors: Hullinghorst)**

**Status:** Bill died on 2/18/09 in House Finance Committee.

**CACI Position:** Oppose.

- This bill would have created an expansion of the authority of a local government to charge impact fees on new development within its jurisdiction and, pursuant to an intergovernmental agreement, to charge impact fees on behalf of a school district or other special districts. This bill was strongly opposed by many of CACI members based on the potential for additional fees on development and was defeated in the first committee.

**HB 1193 – Motor Carrier Indemnification Agreements (Sponsors: Rep. McFadyen; Sen. Tochtrop)**

**Bill Status:** Bill died on 3/19/09 in Senate Transportation Committee.

**CACI Position:** Opposed.

- This bill provided that a motor carrier transportation agreement can hold a negligent party responsible for indemnifying other parties, but only based on the indemnifying party's negligence. The bill also required that a provision in an agreement that holds a person or the person's surety or insurer responsible for the negligence of another party is void. CACI opposed and testified against HB 1193 because the bill dictated how businesses should contract with each other. The bill also established a precedent which would force other contracts and indemnity agreements to be nullified.

**HB 1255 – Limitations Imposed by Oil & Gas Conservation Commission (Sponsors: Rep. C. Gardner; Sen. Kopp)**

**Bill Status:** Bill died on 2/20/09 in the House Agriculture, Livestock Committee.

**CACI Position:** Supported.

- This bill would have ensured that the Division of Wildlife's (DOW) role is to consult on wildlife issues in regard to oil and gas regulation. In the oil and gas rules currently adopted, there are no standards for consultation with the DOW and instead the DOW is given vast new regulatory authority over oil and gas operations. CACI and many of CACI's oil and gas members lobbied and testified in support of this bill and stated that the authority and decisions regarding oil and gas operations should be vested with the Colorado Oil and Gas Conservation Commission. Despite those efforts, the bill was defeated in the House Agriculture Committee.

**HB 1350 – Energy Improvements and Jobs Creation Act (Sponsors: Miklosi; Sen. Heath)**

**Status:** Bill died on 4/27/09 on the House Floor.

**CACI Position:** Opposed.

- This bill would have created a New Energy Improvement District to administer and finance a new energy improvement program for energy efficiency and renewable energy improvements. The improvements would be financed by bonds issued by the district that are paid by special assessments levied on homes that choose to participate in the program. CACI worked with the CO Bankers Association in opposition to this bill based on concerns that energy efficiency loans might be taken out by homeowners who may at this time be unable to pay the loan on their current mortgage. Such efficiency loans would fall on the banks to finance if a homeowner is unable to pay for the energy improvements. The sponsor laid over the bill during the House 2<sup>nd</sup> Reading, thereby killing his own bill.

**SB 003 – Expansion of Emissions Program (Sponsors: Sen. Bacon; Rep. Fischer)**

**Status:** Signed by Governor.

**CACI Position:** Support.

- The bill expands the current Vehicle Inspection and Maintenance Program to Weld and Larimer Counties, and ensures that Colorado is complying with the U.S. Environmental Protection Agency (EPA) standards for ground-level ozone. CACI worked with the CO Petroleum Association and other CACI stationary source companies (power plants, oil refineries and manufacturers) in support of this bill based on their continued efforts to

reduce emissions and continue to upgrade emission-reduction technology in CO. CACI lobbied and testified in support of this bill.

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### **Health Care Bills**

#### **HB 1273 – Creation of Health Care Authority (Sponsors: Rep. Kefalas; Sen. Foster)**

**Status:** Bill died on 4/14/09 on the House Floor.

**CACI Position:** Opposed.

- This bill would have created a state authority charged with developing a single-payer health care system for CO. The authority would make recommendations including: establishing regional systems to administer medical coverage; incorporating insurance and establishing a financing system. CACI lobbied against this bill based on concerns with the limitations of a government-run health care system such as: longer wait-times for treatment; lack of competitive pricing and lack of choice of providers. Concerns were also raised by CACI regarding the elimination of approximately 25,629 Colorado jobs. The sponsor chose to lay over the bill until 7/5/09, thereby killing his own bill.

#### **HB 1344 – Increase Caps on Medical Malpractice Insurance**

**Status:** Bill died on 4/22/09 on House Floor (3<sup>rd</sup> Reading).

**CACI Position:** Opposed.

- The bill as introduced would have raised the caps on non-economic damages in medical liability cases from \$300,000 to \$460,000 and require an annual inflation adjustment in the future. The bill also subjected medical liability insurance companies to prior approval of their rates. The bill was amended in the first committee to eliminate the increase in the caps language while the other provisions remained in the bill. CACI lobbied against this bill based on the anticipated increase in doctors' medical malpractice rates from 7% to 10% which would have increased health care costs and decreased access, especially in rural areas and in high-risk specialties. The bill died during House 3<sup>rd</sup> Reading.

#### **SB 61 – Review of Qualifications of Health Care Professionals (Sponsors: Sen. Carroll; Rep. Primavera)**

**Status:** Bill died on 4/21/09 on House Floor (3<sup>rd</sup> Reading).

**CACI Position:** Opposed.

- This bill required that an internal review of claims, independent medical examination, or utilization review be conducted by a Colorado-licensed health care professional relating to workers' compensation, property and casualty, and health insurance benefits. The bill required that a health care professional be in good standing and have appropriate expertise in the same or similar specialty. CACI worked with health care providers and insurance companies in opposition to this bill based on the expected costs that would be passed on to employers. CACI lobbied and testified against the bill which was defeated during House 3<sup>rd</sup> Reading.

**SB 159 – Dependant Coverage for Unmarried Child to Age 30 (Sponsors: Sen. Sandoval; Rep. McGihon)**

**Status:** Bill died on 3/18/09 in House Business Affairs Committee.

**CACI Position:** Opposed.

- This bill required health insurance companies to extend dependent coverage to unmarried adult children from the current age of 25 years to the age of 30. The bill included private employers and state employees. CACI opposed this bill as another mandate on business, and argued that costs for insurance premiums would increase for employees if the bill was adopted. Additional arguments were that CoverColorado currently provides insurance coverage for adults between the ages of 25-30 who have serious medical conditions and therefore this bill was unnecessary. CACI lobbied and testified against the bill, and it was defeated in the House Business Affairs and Labor Committee.

**SB 244 – Mandated Coverage for Autism Disorders (Sponsors: Sen. Shaffer; Rep. Primavera)**

**Bill Status:** Signed by Governor.

**CACI Position:** Oppose.

- SB 09-244 mandates businesses to provide health-insurance coverage for their workers whose children have autism. The bill would mandate that group health-insurance policies that are regulated by the State would have to provide coverage for applied behavior analysis for autism spectrum disorders (ASD). CACI opposed this bill based on the mandate on businesses to provide this coverage which will raise healthcare costs for employers and employees that the State itself determined it could not afford. The bill does not include a mandate of coverage for a majority of state employees or the poorest and most vulnerable populations (Medicaid and CHP).
- During the final days of Session, a compromise was reached on the bill with specific health care providers, however, business organizations and others were not part of the compromise nor were they asked to participate in that process. CACI did not support the compromised version of the bill and requested a veto by the Governor. The Governor ultimately signed the bill on 6/2/09.