



Under the Dome, Week 5

Highlights of the Week

The legislature tackled several key issues this week including construction defects, health care reform, equity in education funding, guns, and abortion. Wednesday afternoon the Senate President went before the Senate Business, Labor and Technology Committee to present the first of many construction defects bills expected this session. SB 045, requires the court to apportion the cost of defense, including reasonable attorney fees, among all insurers with a duty to defend. While organizations such as the Colorado Civil Justice League and insurers testified in support of the bill, the Associated General Contractors and Colorado Association of Homebuilders were opposed to the bill as written. After almost four hours of debate, the bill passed the Senate Business Committee on a 6-1 vote.

The Senate Finance Committee spent Tuesday evening going back and forth on the merits of Connect for Health Colorado, the state run health care exchange. Sponsor Senator Smallwood explained to the committee that his bill did not repeal the Affordable Care Act in Colorado but instead got rid of an expensive state program that has been inefficient. The majority of witness testimony came from those who opposed the bill including the Colorado Children's Campaign and Mental Health Colorado, although the National Federation of Independent Businesses did testify in support. The bill passed the Finance Committee on a party line vote and will likely pass the Senate, though House leadership has already expressed opposition.

The confirmation of board appointees, which typically consists of ten minutes of niceties, lasted nearly two hours when the Senate Agriculture Committee considered the Governor's Public Utilities Commission appointees Jeff Ackerman and Wendy Moser. The PUC has regulatory oversight for transportation, rail, utilities, telecom, energy and water. Both appointees were grilled about the Clean Power Plan, utility rates, and clean energy by members on both sides of the aisle. Both appointments were approved by the committee (although not unanimously) and then were approved by the whole Senate on Friday at the end of the day's floor work. On Friday, the full Senate also gave preliminary approval to Senator Neville's S 062 which aims to protect freedom of speech of students on college campuses. Senator Neville offered an amendment at the request of the University of Colorado so they would no longer oppose the bill. The amendment was adopted by the Senate and the bill was approved on a voice vote. The final recorded vote will happen on Monday.

In the House, the State, Veterans, and Military Affairs Committee heard three different bills to repeal Colorado's gun control laws. HB 1036 would have allowed a person with a concealed carry permit to carry a concealed handgun on the property of a public elementary, middle, junior high, or high school, HB 1037 would have added a place of business to the locations that may be defended with deadly physical force, and HB 1097 would have repealed the prohibition on the sale, transfer, and possession of large-capacity ammunition magazines. All three bills died on a party line vote. The next day, Senate Majority Leader Holbert's bill, SB 005, which allows a county sheriff to provide a handgun safety training course to any employee of any public elementary, middle, junior high, or high school who also possesses a permit to carry a concealed permit, was read over the House desk and assigned to the House State Affairs Committee.

Bills of the Week

Energy Storage Equipment Freshman Senator Steve Fenberg introduced SB 089 in the first week of the legislative session. The bill required the Colorado Public Utilities Commission (PUC) in the Department of Regulatory Agencies (DORA) to adopt rules governing the installation and use of electricity storage systems by residential and small commercial customers of utilities regulated by the PUC. After pushback from utilities, Senator Fenberg offered a strike below amendment to try to handle the concerns. Despite the changes, there was still strong opposition to the bill which was echoed during the Senate Business Committee that went late into the evening on Wednesday. A motion to move the bill to the Agriculture Committee died on a 2-5 vote. The bill was postponed indefinitely.

Remedies for Sales and Use Tax Remittance Senator Neville and Representative Pabon introduced SB 112 which clarified that a statute permitting a taxpayer who has remitted sales or use taxes to one of two jurisdictions that claim the taxes may join the two local governments in a hearing before the Department of Revenue to avoid double taxation and insure the correct jurisdiction receives the taxes. The bill is aimed to prevent businesses from paying taxes twice and has the strong support of the business committee. SB 112 is assigned to the Senate Finance Committee, which Senator Neville chairs.

Increasing Access to Telehealth in Colorado The House Health Insurance and Environment Committee unanimously supported HB 1094 in committee this week. The bill makes a few changes to Colorado's current telehealth law including prohibiting carriers from denying telehealth coverage based on the type of technology used and clarifying that telehealth includes health care services provided through audio-visual communication or the use of a HIPAA-compliant application via a cellular telephone. Sponsors Representative Buck and Representative Valdez worked with the Colorado Hospital Association to add an amendment which clarified that a patient's home is an acceptable place of service for telehealth. The bill will next be heard on the House Floor.

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