

2023 ANNUAL REPORT



Overview of the 2023 Legislative Session

OVERVIEW

Colorado Chamber Gets Results for Business in the 2023 Legislative Session



A MESSAGE FROM THE PRESIDENT & CEO

Colorado's economic competitiveness is slipping on the national landscape. We are seeing a direct correlation of that deterioration based on laws and regulations that continue to be adopted by state leaders and the competitiveness data and surveys we've conducted. The outcome of this Legislative Session required a great deal of work and collaboration to ensure that Colorado's business climate did not further deteriorate and the Colorado Chamber will be working diligently through its Vision 2030 towards establishing a healthier business environment in Colorado.



Loren Furman

President & CEO

The Impact of the 2023 Legislative Session on Business? Better Than Expected.

By Ed Sealoever

When Democrats swept the November elections and claimed their largest majorities in legislative history the feeling was that business could be in for a long 2023 session.

And by any measure, it was a very long one, with legislators working late nights and weekends from March through early May and the Colorado Chamber of Commerce having to dispatch its lobbyists constantly to explain opposition to bills. But, as the dust settled on a 120-day session that ended on May 8, the number of bills that made their way to Gov. Jared Polis' desk that significantly bother business leaders were surprisingly few.

Over the course of four months, the Colorado Chamber — working often with other business groups and local government associations — managed to fully kill an array of bills that threatened to boost operational costs or difficulty.



Ed Sealoever

Vice President of
Strategic Initiatives &
Editor

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By bipartisan votes, legislators put down proposals to overhaul scheduling in the retail and restaurant sectors, let local governments implement rent control measures, require unprecedented record sharing in the gig transportation sector and offer expanded unemployment benefits when the Unemployment Insurance Trust Fund remains insolvent. A bill to study implementation of a single-payer healthcare system died on the Senate calendar near the end of session, and a circulated proposal that could have added over \$130 million in costs to the state's workers' compensation system never received introduction.

And on several bills that could have produced seismic results in their original forms, the Colorado Chamber worked to negotiate them down to mutually acceptable levels or eliminate damaging provisions.

Senators stripped an antitrust update law of a provision that could have spawned construction-defects litigation against single-family homes. A bill to ramp up air quality permitting requirements significantly for minor sources of pollution morphed into an interim legislative committee to study the issue. Even a bill to broaden the definition of sexual harassment passed after long-running negotiations and major changes.

The number of bills that the Colorado Chamber opposed was fewer this year than the number of bills that it supported. Legislators passed two measures to pump \$70 million into getting students degrees and credentials in labor challenged sectors, created tax incentives for semiconductor makers and approved new tax breaks for employers who help workers save for home purchases.

In addition to facing the most heavily partisan Legislature in recent memory, the Chamber went into the session dealing with 33 new representatives or senators, creating a great unknown as to how those first-year officials would interact with it. And, particularly because 31 of the 33 new legislators were in the House and brought with them more liberal or conservative ideologies than holdover officials, that chamber proved more willing to pass legislation without significant changes from its introduced form.

As a result, it fell to a handful of more moderate or pragmatic Democratic senators, many of whom worked closely with the Colorado Chamber, to make major changes to business-opposed bills or to strike the bills altogether.

Loren Furman, President and CEO of the Colorado Chamber, acknowledged that getting to an acceptable outcome from this session took a lot of work and a lot of collaboration with organizations from the Colorado Restaurant Association to the Colorado Municipal League and several other business groups. But at a time when Colorado's economic competitiveness is slipping on the national landscape, the bills that passed aren't likely to lead to significant further deterioration in that area, she said.



By the Numbers: The 2023 Legislative Session



681

Bills introduced in the 2023
Legislative Session



\$130+ Million

Saved by the Chamber for
the business community on
a Workers Compensation
Proposal



\$270 Million

Saved over the next 5 years in
Unemployment Insurance
cost for businesses through
the defeat of HB 1078

ON THE ISSUES

Costly Restrictive Scheduling Bill Defeated After Unprecedented Business Backlash

Restaurants and retailers faced a major test early in the 2023 legislative session — a bill, known as the Fair Workweek proposal, that would have upended how they could schedule workers for shifts and wielded heavy penalties if the schedules would have changed.

But after a massive mobilization effort that included sending hundreds of emails per day to members of the House Business Affairs and Labor Committee and getting several hundred restaurant workers to pen a letter to legislators, House Bill 1118 died in its first committee. The overwhelming defeat reverberated with public officials across the spectrum — to the point where the two finalists in the Denver mayoral race both said in a Colorado Chamber of Commerce forum that they would not consider implementation of a similar law locally.

The 8-2 defeat of HB 1118 represented an early significant win for the Colorado Chamber and others in a session in which it expected to be on the defensive often after Democrats captured a record Capitol majority during the 2022 election. And it showed quickly that working across the aisle remained possible, as statements from several Democrats as they voted to kill the bill indicated that while they continue to look for ways to protect workers against employer excesses, they felt this proposal just went too far.

The Fair Workweek bill, sponsored by Denver Democratic Reps. Emily Sirota and Serena Gonzales-Gutierrez, would have required restaurants, retailers and food-and-beverage manufacturers with at least 250 employees to give workers their schedules two weeks in advance and pay them extra if they sought either to cut or add hours after those postings. It also would have required that employers in those sectors offer part-time workers more hours before hiring new employees to fill open jobs, and it would have penalized employers who retaliated against workers for asserting their new rights to predictive scheduling.

Supporters, including a wide range of worker-advocacy groups, argued that unpredictable scheduling creates financial hardships for workers who can't depend on the same pay from week to week and makes it difficult to schedule childcare or medical appointments. In a seven hour hearing on Feb. 16, workers told stories of being required to work six hours beyond their shift parameters, being unable to spend time with their children and facing health issues from long shifts without rests.

“The restrictive scheduling bill was one of the worst bills for business we’ve seen from the legislature in years, and that was reflected by the significant backlash from business owners across the state. This proposal would have imposed harsh penalties on employers for things out of their control, stripping away much-needed flexibility for both businesses and their employees. We applaud members of the committee for standing up for local businesses in their districts and statewide, and we look forward to continuing to be a collaborative partner on labor and employment legislation moving forward.”



LOREN FURMAN
President & CEO
March 2, 2023, Chamber
Press Release

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“Through our partnership with the Colorado Chamber of Commerce we accomplished a major victory in striking down the restrictive scheduling bill. This proposal would have stripped away much-needed flexibility that our employees value and could have led to fewer available jobs for workers.”



**Large Colorado
Retailer**

Discussing the
Chamber's work on
HB 1118

But restaurant leaders pressed legislators not to take away their ability to offer flexible scheduling in an industry to which they said people are attracted by the opportunities to swap shifts for reasons ranging from attending parent-teacher conferences to snagging last-minute concert tickets. The Common Sense Institute estimated that the cost of compliance for companies that need to call in workers to cover for sick colleagues or send staff home early in the event of a snowstorm could have reached as much as \$1 million each annually, and a group of 641 servers and bussers sent a letter saying such changes would hurt them.

Democratic Reps. William Lindstedt of Broomfield and Naquetta Ricks of Aurora said their issue was with the harm the bill could do specifically to restaurants that suffered significant financial losses in the first year-and-a-half of the pandemic and continue to struggle with rising costs and labor shortages. And committee chairwoman Rep. Judy Amabile, D-Boulder, said that after operating a business for 25 years, she understood the damage that such a one-size-fits-all policy could do both to companies and the workers who rely on them for paychecks.

Several committee members said they had been contacted by more people on HB 1118 than they had on any other proposal of this legislative session, showing the success of the Colorado Chamber outreach. Rep. Ryan Armosgast, R-Berthoud, estimated that he was getting 100 emails each day from constituents on the topic and that 98 of them were asking for a “no” vote.

The Chamber, which helped organize a coalition of 65 industry groups against HB 1118, said after the vote that the harsh penalties in the proposal made it “one of the worst bills for business we’ve seen from the Legislature in years” and lauded its defeat. Similarly, the Colorado Restaurant Association said that what made the legislation so bothersome was the fact that the proposed scheduling requirements would have been among the strictest in the country, and the organization said that it was “incredibly relieved.”

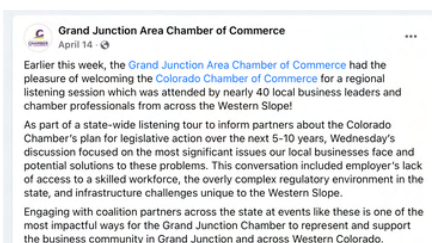
ON THE ISSUES

Building the Workforce of the Future: Housing Affordability & Colorado's Talent Pipeline



It's become an often repeated fact that there are two job openings for every unemployed Coloradan, and the labor shortage has forced employers to delay expansions or cut back on existing operations. A lack of skilled workers and the inability for staffers to afford to live in homes near their jobs are two of the most cited reasons for the problem.

Colorado legislators in 2023 took on housing in a wide range of proposals and attempted in two bills to boost the pipeline of workers for some of the most labor-deficient sectors. And while the affordable housing push produced results that were mixed at best, the bills seeking to increase the talent base in priority industries scored some of the most bipartisan support of the legislative session.



First the good news: Gov. Jared Polis quickly signed House Bill 1246 and Senate Bill 205, setting the workforce-development bills up to be making a significant impact by the end of 2024 at the latest. HB 1246 sets aside \$45 million to let students seeking degrees and credentials in hard hit fields such as health care, construction, law enforcement and education get them for free, while SB 205 spends \$21 million to offer \$1,500 scholarships for continuing education to some 14,000 students graduating from high school in the 2023-24 school year.



The Colorado Chamber of Commerce backed both of those efforts, arguing they are needed to upskill workers, particularly as the state has experienced a 10% drop just since 2019 in the number of high school graduates seeking any kind of advanced degree or certificate.



"We must ensure that students across the state are educated to their greatest potential and all of Colorado's jobs have access to a pool of talent," Meghan Dollar, senior vice president of governmental affairs for the Colorado Chamber, told the Senate Education Committee while speaking for SB 205.

HB 1246 puts \$38.6 million to tuition and fees in targeted fields, \$5 million for two community colleges to offer new nursing programs and \$1.4 million for expansion of construction apprenticeship programs. SB 205 prioritizes scholarships for students seeking credentials in fields identified by the Colorado Office of Economic Development and International Trade while funding career-advising services in K-12 schools and a marketing program to tout the offering.

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While groups ranging from education organizations to labor councils to other business groups cheered the workforce bills, reaction to the plethora of housing bills often was less enthusiastic.

Polis in mid-March rolled out his cornerstone housing bill, one that sought to spur more multifamily construction along busy and transit-oriented corridors by making such buildings a use by right and overriding local restrictions. SB 213 also sought to allow owners of properties zoned for single-family housing to build accessory dwelling units on them and to put middle housing ranging from duplexes to six-plexes on there.

The Colorado Chamber supported the goal of the proposal — namely, to generate more housing stock and to use that competition in the market to slow the rising costs of residences — but found members divided on whether SB 213 was the correct vehicle to achieve that aim. Municipal governments and homeowners' groups objected strenuously to the pre-emption of local authority. The bill died on the calendar when legislators couldn't work out a compromise between the ambitious House version and the study-focused Senate version. A major concern with SB 213 for some Colorado Chamber members was its failure to reform construction-defects law that continues to make it easy for condominium owners' associations to sue builders and, in doing so, scares most builders away from putting up condos.

HB 1192, which largely was an update to Colorado's antitrust law, originally included a section that would have expanded the Consumer Protection Act in such a way that attorneys could file construction-defects lawsuits on single-family homes, which could paralyze that market. The Colorado Chamber lobby team worked with senators like Republican Bob Gardner and Democrat Dylan Roberts to remove that section from the bill, however, and avert potential disaster.

House Democrats introduced a host of bills that sought to expand tenants' rights, and the Colorado Chamber opposed one in particular — HB 1115, which would have eliminated the statewide prohibition on local governments passing rent-control laws. That bill died in a Senate committee, with Roberts casting the deciding vote against it.

The Colorado Chamber also opposed HB 1190, which would make Colorado the first state to grant local governments a right of first refusal on sales of apartment complexes at least 30 years old, letting them step in and purchase them for the same price that a prospective buyer offers. Polis vetoed the bill, saying he worried that it could chill the market for multifamily construction at a time when Colorado needs more apartments rather than less.

Chamber leaders supported HB 1189, which would create a 5% tax credit for employers who contribute as much as \$100,000 a year to special savings accounts that workers use to save to buy a home.



"Businesses cannot recruit employees they need if there is no housing stock for the employees," Dollar said. "Laws that restrict the growth of residential housing stand in the way of increasing this much-needed supply in Colorado."



MEGHAN DOLLAR
SVP of Government
Affairs
April 11, 2023, Denver
Business Journal

ON THE ISSUES

Chamber Plays Defense on Overreaching Environmental Bills

While the number of environmental regulations proffered by Colorado legislators in 2023 fell compared to recent sessions, the magnitude of one of those proposals in particular — House Bill 1294 — was such that it became a primary focus for the Colorado Chamber of Commerce.

That's not to say the Chamber didn't engage on a range of legislation, as they sought amendments on a proposal to set water-quality fees by rule and an omnibus bill affecting everything from carbon sequestration to gas-powered lawn equipment and other efforts. But it was HB 1294 that went beyond mere regulations and created an existential crisis, and over a one-month period of constant negotiations, the bill morphed from a massive regulatory upgrade to a proposal that will launch an interim legislative committee.

In its initial form, HB 1294, sponsored by Democratic Reps. Jennifer Bacon of Denver and Jenny Willford of Northglenn, required that projects that qualified as minor sources of pollutants must undergo extensive modeling to be considered in permit requests. It also sought to require such modeling results to be combined with the cumulative pollution impacts of all similarly owned projects in a two-square-mile area, which particularly would have affected oil and gas wells.

The bill also sought to launch rulemaking on numerous proposals, including the limitation of single-occupancy-vehicle travel to large employment sites, the regulation of emissions from indirect sources like warehouses and shopping malls and the use of electric fracking equipment.

And it would have required prompt investigation by the Colorado Department of Public Health and Environment of all citizen complaints despite staffing issues at the agency, plus offered citizens the ability to sue and appeal decisions to the Colorado Air Quality Control Commission.

At the bill's first hearing in mid-April, sponsors bumped most of the air-quality permitting upgrades back to subjects for the interim committee to study but still sought to launch several rulemaking hearings and bolster investigation requirements and lawsuit actions. During later debate on the House floor, they removed the timelines for investigations and eliminated several other provisions, including one to require new permits for any modifications to facilities that could increase emissions.

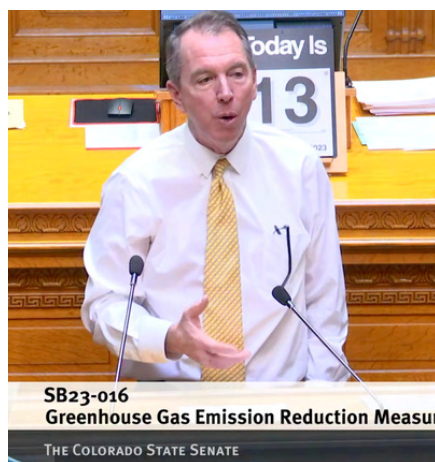


"[HB 1294] will bury the Air Pollution Control Division in complaint investigations and expose it to liability," said John Jacus, a clean-air expert and partner at Davis Graham & Stubbs who is the board chairman for the Colorado Chamber of Commerce. "The bill is deeply flawed and incapable of reclamation in the limited time left in this session."



JOHN JACUS
Board Chair
April 21, 2023, The Sum
& Substance

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Finally, on the next-to-last day of the session, Senate sponsors removed the definition of “cumulative impacts” for regulators to consider in air-quality permit decisions and required state officials just to complete an ongoing process of creating such a definition. And they removed the ability for residents claiming injury from pollution to file lawsuits and request that the judge substitute the AQCC as the plaintiff, though the bill continues to allow residents to submit evidence of pollution violations for CDPHE investigations.

“We’re pleased that through the work of our coalition of business and government entities, HB 1294 has gone from an omnibus bill with several problematic provisions, such as a private right of action, to a significantly pared-back version with a focus on rulemaking and an interim committee,” said Meghan Dollar, chamber senior vice president of governmental affairs.



With legislators having passed 55 laws over the previous four years dealing with environmental regulations, most of their effort this session was focused instead on regulation of utilities or on the creation of clean-energy incentives, though even those often were two-edged swords.

Senate Bill 16, for example, directs state officials to seek from the U.S. Environmental Protection Agency the ability to regulate Class VI injection wells, which could streamline the process of permitting carbon capture and sequestration efforts. But the bill, which offers consumers incentives to purchase electric lawn equipment rather than gas-powered mowers, also creates new interim emissions-reduction goals and speeds up decarbonization efforts, once again moving the regulatory goalposts for affected companies.



Legislators amended the section of SB 16 dealing with injection wells nine times, including adding a provision allowing local governments to add fees to well operators to pay for local emergency equipment vehicles on the off chance there are accidents at such wells.

Another bill promoting carbon management, HB 1210, specifically bars incentives for enhanced oil recovery, while SB 285, which broadens the authority of the Colorado Oil and Gas Conservation Commission, removes carbon capture from its purview. HB 1281, which regulates and offers incentives for development of clean hydrogen, requires incentive-eligible hydrogen to be produced by electrolyzers powered only by solar or wind energy, which could raise its costs 185% and offset any benefit of tax credits.

ON THE ISSUES

Negotiations and Compromise on Labor and Employment Legislation



"The 2023 legislative session brought a myriad of substantial legislation impacting the labor & employment landscape in Colorado. In a tough political climate, the Colorado Chamber still defeated or heavily amended bills that would have negatively affected its members," said Colorado Chamber Labor & Employment Council Chair Stacey Campbell. "The Chamber's unwavering commitment to fostering a thriving business environment saved their members millions of dollars and made Colorado a better place to do business."



Stacy Campbell
Chair
Labor & Employment
Council

Legislators this session changed the legal definition of harassment, increased regulations in the state's equal pay law, and expanded the uses of mandatory paid sick leave.

The story of continuing regulatory increases was one that played out again in 2023, much like it has since Democrats won control over the House, Senate and governor's office in 2019. This year, however, the Chamber, working in conjunction with legislators and with other business groups, were able to transform potentially seismic bills into ones that are likely to have much smaller impacts on businesses' operational abilities.

Foremost among the proposals with far-ranging impacts was Senate Bill 172, the Protecting Opportunities and Workers' Rights (POWR) Act that returned after being defeated in 2021 and failing to get introduced in 2022 because of an impasse in negotiations. Sponsored again by Democratic Sen. Faith Winter of Westminster, the bill sought to broaden the definition of harassment beyond the standard of "severe or pervasive" behavior accepted by courts and make it harder for employers to claim an affirmative defense.

While SB 172 may result in an increase in legal actions against employers for harassment — an outcome that bill sponsors seek to enable in order to protect workers from corrosive atmospheres — it isn't likely to open a floodgate of lawsuits now, legal experts have said.

A key focus of the Colorado Chamber was the defeat of House Bill 1078 which would have used Colorado's insolvent Unemployment Insurance Trust Fund to create new payments for children of unemployment-benefit recipients. The bill would have further strained the state's business-funded unemployment insurance system, which is already facing significant solvency issues, by adding millions in new costs to the system.

Colorado Chamber lobbyists were among advocates who forced major changes also to House Bill 1032, which originally would have let plaintiffs in disability-rights lawsuits seek emotional damages of as much as \$500,000 and made courts award attorneys' fees to prevailing plaintiffs. With the bill facing potential defeat in the House, its sponsor bumped it back to creating a task force of business leaders, plaintiffs' lawyers and defense attorneys to study the issue, though it does allow for the filing of lawsuits before plaintiffs have exhausted administrative remedies.

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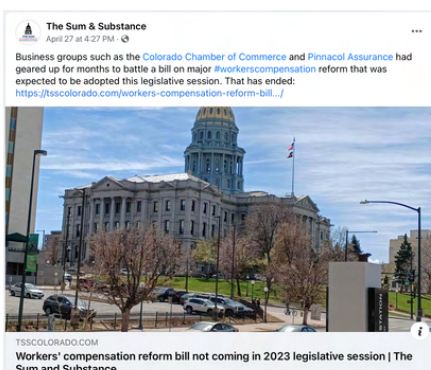
While some other workplace regulation proposals presented smaller potential issues for employers, Colorado Chamber lobbyists worked to fix what they considered to be problematic provisions in those bills.

SB 17 expands employees' allowable uses for state-mandated paid sick leave to include caring for kids whose schools are closed due to inclement weather or power outages, evacuating their residences during natural disasters and dealing with the death of a family member. Chamber leaders didn't push for changes to the substance of the bill, noting that most employers already allow paid leave in such instances, but led the effort to change the source of funding for the bill.

That measure was one of six that proposed enforcement using money from the Employment Support Fund — a fund within the Colorado Department of Labor and Employment seeded by unemployment-insurance taxes that helps to pay for local workforce-training grants and administration of the Unemployment Insurance Trust Fund. While technically allowed under a 2001 state law, the use of such funds to uphold labor regulations has been rare, and legislators scuttled plans for such appropriations this year after business groups and CDLE Executive Director Joe Barela complained about the idea.

The one proposed employment regulation that legislators did little to adjust was SB 105, an update to the Equal Pay for Equal Work Act that was passed in 2019 and implemented in 2021. The law requires employers to post salary ranges in job advertisements, mandates that they post openings where every worker can see them and bars companies from asking about applicants' past salaries as a way to stop historical underpayment of female employees.

Roughly 100 national employers advertising remote jobs in 2021 posted that Coloradans need not apply, in order to get around the provisions of the law. Business leaders and Gov. Jared Polis pushed for changes like exemptions for companies with no physical presence in this state. However, SB 105 did little to roll back requirements of the law, noting only that out-of-state employers don't have to notify Colorado workers of job openings unless they can be done remotely, and it doubled from three to six years the amount of back pay that employers violating the law can be required to reimburse.

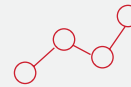


By the Numbers: The Colorado Chamber's Exposure and Reach



130

Business groups joined
Colorado Chamber led
coalitions



45+

Newspaper and TV mentions
of the Chamber's legislative
work



4,500+

Contacts with legislators using
the Chamber's Grassroots Tools

KEY TAKEAWAYS

Looking Ahead...

While business leaders can feel rightly that they won a good number of battles during the 2023 legislative session, chances are high that they will have to gear up to fight them again in 2024.

Since the session ended, some legislators have taken to traditional and social media to complain that they didn't feel they accomplished enough with the record majorities that they held. While some expected-to-be-resurrected fights will come on subjects outside of the business lens supporters are likely to double down next year on several failed bills.

It's almost certain, for example, that an effort to permit local governments to enact rent-control ordinances will return after it passed the House on a significant 40-24 vote and then died in a Senate committee by a one-vote margin.

Because of the gusto with which it came out of the gate, the Fair Workweek law is another bill that is a candidate to be revived, though its overwhelming defeat in committee signaled that a revived bill with largely the same details still has little chance to advance. Some representatives said they'd be more interested in a proposal that exempts restaurants — an idea that co-sponsoring Rep. Emily Sirota flatly rejected in March — while some proponents have suggested moving from a statewide to city-by-city approach.

Because the bill to remove the schedule of injury payments from Colorado's workers' compensation system did not get introduced this year, chances are high that proponents will continue to discuss it during the off-season to see if they can reach any consensus. The Colorado Chamber, however, have warned that the \$130 million plus in costs that the scuttled proposal would have added to workers' comp policy premiums is a non-starter.

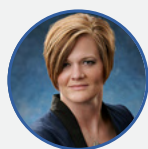
And while HB 1294 moved from a revamp of Colorado's air quality permitting program to a bill creating the Legislative Interim Committee on Ozone Air Quality, ideas from that yet-to-be-scheduled committee could become bills. The final version of the bill took the unusual step of barring the committee from introducing the usual five bills that can come from interim groups, but each of its members, like all legislators, still have five bills they can submit on their own.



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The Colorado Chamber has "taken a hard line to ensure that we're protecting policy for business when other organizations may not have, given the politics."



BEVERLY RAZON
Chair
Healthcare Council



But the failures of other bills could create opportunities for business leaders to push for more market-oriented solutions as well.

The foremost area where that is likely to happen is in affordable housing, where the Colorado Chamber and other groups signaled support at a conceptual level for legislation that could spur more housing across the state but did not engage as thoroughly when Governor Jared Polis' signature Senate Bill 213 devolved into a fight between municipalities and the state. The governor's efforts to make changes in law that could boost housing stock won't end, and interim conversations will need to involve groups such as chambers, economic-development organizations and home builders if he's hoping to find consensus.

The failure of that bill may lead to more conversations as well around further construction-defects reform, particularly as a range of SB 213 opponents warned that land use changes without tort reform would keep hoped-for products like condominiums off the market still. It's unknown whether Gov. Polis and legislative leaders would be willing to wrap such reform into another omnibus housing bill or whether the governor would back a separate bill on the topic.

Even with the 2024 election looming, the huge margins for Democrats in both the House and Senate make it tough for Republicans to win back a large margin at the Capitol before 2026, making this more of a four-year cycle for potential bills than a two-year cycle.

With so many policies being defeated or getting watered down this session, questions remain on whether some first-year legislators will push harder for ideologically rigid bills next year. Colorado Chamber President and CEO Loren Furman said she hopes that whatever comes will be negotiated with stakeholders over the interim rather than introduced and attempted to jam through in the closing months of the session, as was the case with too many bills this year.

"It creates a lack of opportunity for diplomacy, for collaboration, for having a thoughtful process in policy. And that is a critical step for making good policy," Furman said. "And that's one of the reasons why you see such a contentious atmosphere at the Legislature right now."

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As the statewide voice of business, we're focused on a strategic vision to elevate Colorado's competitiveness. We want to be the preferred place where dynamic business leaders choose to invest and innovate, bringing their best ideas and creating jobs and opportunities for Coloradans... [W]e're asking lawmakers to prioritize regulatory certainty and allow businesses to thrive.



LOREN FURMAN

President & CEO

Discussing the Chamber's Competitive Landscape Report on January 12, 2023

GETTING RESULTS FOR BUSINESS

The Chamber's 2023 Legislative Agenda: Progress and Status on Key Issues

Charting a Vision to Improve Colorado's Business Climate

In advance of the 2023 Legislative Session, the Colorado Chamber of Commerce released a set of legislative priorities to address the most important statewide issues facing Colorado employers. The Chamber's 2023 Legislative Agenda outlined both short-term and long-term goals that we believe will put Colorado in a position to tackle ever-evolving economic challenges now and into the future.

The Chamber's policy priorities were developed with direction from the organization's first annual survey of business leaders released in October 2022. The survey found that the top two concerns among Colorado CEOs are the state's regulatory climate and workforce issues. Below is an overview of the progress made on the Chamber's 2023 agenda.

"At the Chamber, we're focused on charting a path for a more competitive Colorado – and that starts with advocacy. This document represents the Chamber's guiding principles when it comes to policy positions on potential 2023 legislation. We believe these growth-focused priorities will improve our economic climate and help elevate Colorado as a top state for business."



MEGHAN DOLLAR

SVP of Government Affairs
Discussing the Chamber's Legislative Agenda released on December 15, 2022



Major Victories for Business

- ✓ **Better prepare students for the workforce.** The Colorado Chamber worked closely with legislators and the administration this year on workforce initiatives to bolster our talent pipeline. **HB 1246** and **SB 205** will help bridge the gap between the talent deficit facing many Colorado companies.
- ✓ **Expand apprenticeship programs.** **HB 1246** and **SB 205** specifically provide funding for apprenticeships programs in high-demand careers.
- ✓ **Support alternative, non-degree pathways to credentials.** **HB 1246** and **SB 205** specifically aim to promote non-degree pathways to credentials.
- ✓ **Support policies to increase workforce housing in Colorado.** The Colorado Chamber supported the passage of **SB 1**, **HB 1189**, and **HB 1255**. These policies will help increase workforce housing in Colorado as well as provide employees with opportunities to achieve homeownership. The Chamber also opposed and defeated **HB 1115** which would have diminished housing supply in Colorado.



Major Victories for Business CONTINUED

- ✓ **Ensure the solvency of Colorado's Unemployment Insurance Trust Fund to prevent premium hikes.** The Colorado Chamber of Commerce defeated **HB 1078** which created a dependent allowance as an additional benefit out of the UITF. The Chamber also brought attention to additional attempts to drain the UITF and the attached Employer Support Fund (ESF) to fund legislation like **SB 98** and **SB 105** and stopped those attempts.
- ✓ **Oppose legislation creating needless new private rights of action against business.** **HB 1192** as introduced would have increased legal exposure for businesses. The Colorado Chamber worked to amend **HB 1192** to remove that exposure.
- ✓ **Do No Harm. No new mandates and regulatory burdens on employers.** The Colorado Chamber along with our partners at the Colorado Restaurant Association led a large coalition including small businesses, retailers, and manufacturers in the defeat of **HB 1118** "Fair Workweek." The bill would have had a sweeping impact on Colorado's competitiveness and placed some of the most restrictive measures on employers in the country.
- ✓ **Support employee autonomy in commuting to work.** The Colorado Chamber defeated a provision in **HB 1294** which would have required the state to pass a "vehicle miles traveled reduction rule," which would have set the stage for another regulatory initiative targeting worker commutes.



Significant Progress

- ✓ **Support improvements to workplace harassment laws.** The Colorado Chamber lead negotiations on **SB 172**, the POWR Act, which updated Colorado's sexual harassment laws. As amended, **SB 172** is a significant improvement over the prior versions of the POWR Act that were introduced in prior sessions.
- ✓ **Oppose tax hikes that increase the cost of doing business in Colorado.** The Colorado Chamber supported **HB 1017** and **SJR 004** which continue ongoing efforts to streamline Colorado's complicated tax system.
- ✓ **Do No Harm. No new mandates and regulatory burdens on employers.** The Chamber opposed **SB 98** which would have significantly impacted members in the gig industries which was defeated. The Colorado Chamber also worked to improve **HB 1006**, **SB 58**, and **HB 1032** to minimize their impact on member employers.



Mixed Bag

- ✓ **Support improvements to the Equal Pay Act.** **SB 105** was introduced and passed in the 2023 legislative session. While the Chamber worked with the Governor's Office to improve the bill, there are still outlying issues in the Equal Pay Act that remain unresolved.
- ✓ **Ensure new and existing environmental regulations are cost effective and science based.** Both **HB 1294** and **SB 16** were significantly amended; however, they remain examples of the state moving the goal post on environmental regulations without science-based backing.



Mixed Bag CONTINUED

- ✓ **Avoid complex, costly new permitted schemes on manufacturing and industrial operations.** The Colorado Chamber worked with legislators and the administration to improve **SB 274** by putting guardrails on how water quality permitting fees are determined by CDPHE.
- ✓ **Promote flexibility, oppose new mandates in healthcare.** The Colorado Chamber opposed **HB 1209** and it was ultimately defeated. The Chamber also worked with members and legislators to get meaningful amendments to **HB 1201**, **HB 1224**, **HB 1225**, and **HB 1215**, but remained opposed to the latter three bills due to their impacts on Colorado's healthcare system.
- ✓ **Opposes efforts to limit or end oil and gas production in the state.** The Colorado Chamber worked with the industry to limit the impact of **HB 1294** and opposed **SB 201** which was ultimately defeated.

64

Total number of bills the Colorado Chamber took positions on in the 2023 Legislative Session

17

Total number of Chamber-supported bills that passed

11

Total number of Chamber-opposed bills that were killed



Unfinished Business

The Colorado Chamber worked diligently to improve Colorado's business climate during the 2023 legislation. This includes legislation that may have been introduced, but did not survive the process, or ongoing conversations outside of the legislature. Below are some examples of unfinished business that the Colorado Chamber will continue to pursue.

Allow for proper implementation of state family and medical leave program. The Colorado Chamber supported **HB 1104** which would have given more time for the implementation of FAMLI. While the bill did not pass, the Chamber will continue pressing to support businesses in the implementation of FAMLI.

Ensure clarity and alignment of state and federal paid leave regulations. The Colorado Chamber pursued a legislative solution to ease the confusion around the different types of leave available in Colorado. That did not result in legislation in 2023 but will remain a priority.

Allow business to innovate and lead on environmental sustainability. The Colorado Chamber continues to advocate for the role of business in establishing environmental goals for the state. The Chamber's Environmental Sustainability & Climate Action Task Force will develop those long term goals.

Support Improvements to the Equal Pay Act. Even with the passage of **SB 105**, the law remains difficult for Colorado's employers to implement. The Colorado Chamber will continue to work for improvements to the law for employers while maintaining the key intent of equal pay for equal work.


THE SUM & SUBSTANCE

What Matters to Colorado Business

In February 2023, the Colorado Chamber of Commerce launched **The Sum & Substance**, an online news publication by **Editor Ed Sealover** giving readers an insider's perspective on the politics and policies impacting Colorado's economic climate. TSS breaks down what matters to Colorado business, cutting through the noise to provide fact-based, engaging content Coloradans can trust. Visit www.TSSColorado.com for more.

Most-Read Stories of the 2023 Session

1

"Ambitious" climate bill affecting utilities, PERA and lawn equipment clears Senate

April 14, 2023

2

Senate Democrats reject attempts to amend equal-pay proposal

April 13, 2023

3

Two bills are reviving the construction-defects fight at the Colorado Capitol

March 31, 2023



ABOUT ED SEALOVER

Ed Sealover spent 28 years reporting for newspapers including the Denver Business Journal and Rocky Mountain News. He received 140 state, regional and national awards, including being honored as 2020 Colorado Journalist of the Year by the state chapter of the Society of Professional Journalists. He is the editor of The Sum & Substance and also serves as vice president of strategic initiatives for the Colorado Chamber of Commerce.

THE MOST EFFECTIVE GOVERNMENT AFFAIRS TEAM FOR COLORADO BUSINESS

The Colorado Chamber's Legislative and Policy Experts



Meghan Dollar

Senior Vice President of
Governmental Affairs &
Political Operations



Stacy Campbell

Chair, Labor &
Employment Council



John Jacus

Board Chair
Chair, Energy &
Environment Council



Larry Hudson

Contract Lobbyist



Peggy O'Keefe

Contract Lobbyist



Beverly Razon

Chair, Health Care
Council



Landon Gates

Contract Lobbyist



Roberta Robinette

Chair, Governmental Affairs
Council



Ryan Woods

Chair, Tax Council

LEGISLATIVE ANALYSIS

By Meghan Dollar and Teresa Busk

The Colorado Chamber of Commerce has five policy councils that routinely meet during the legislative session to discuss strategy and take positions on bills.

Policy councils are at the core of the Colorado Chamber's work, offering a unique opportunity for members to add their expertise and judgment to our policymaking and influence legislation and regulations that impact business.

Below is an analysis of every bill the Chamber's policy council experts took a position on in the 2023 session.



MEGHAN DOLLAR
SVP of Governmental Affairs
& Political Operations



TERESA BUSK
Communications & Advocacy
Coordinator

ENERGY & ENVIRONMENT COUNCIL BILLS

HB 1039	Electric Resource Adequacy Reporting
Sponsors	Representatives Bird & Rodriguez; Senator Winter
Position	Support
Bill Status	Signed by the Governor on April 25, 2023

Chamber Analysis:

- This bill requires each load-serving entity in the state, or its designated wholesale electric supplier, to create a resource adequacy annual report by April 1 each year, beginning in 2024.
- The reports must be published online and delivered to the entity's regulatory oversight entity.



HB 1161	Environmental Standards for Appliances
Sponsors	Representatives Willford & Kipp; Senators Cutter & Winter
Position	Monitor
Bill Status	Signed by the Governor on June 1, 2023

Chamber Analysis:

- This bill expands the list of appliances subject to statutory Water and Energy Efficiency Standards.
- The bill also phases in prohibitions on the manufacture, distribution, or sale of certain fluorescent lights and heating appliances. Manufacturers of heating appliances are subject to disclosure and testing requirements.

HB 1216	Natural Gas Pipeline Safety
Sponsors	Representatives Story & Froelich; Senator Danielson
Position	Amend
Bill Status	Signed by the Governor on June 7, 2023

Chamber Analysis:

- This bill directs the Public Utilities Commission (PUC) in the Department of Regulatory Agencies to adopt rules regarding the positioning, inspection, and maintenance liability for natural gas pipelines by March 1, 2024.



HB 1221	Water Quality Data Standards
Sponsors	Representatives Soper & Mauro; Senator Simpson
Position	Amend
Bill Status	Dead

Chamber Analysis:

- This bill would have required the Department of Public Health and Environment (CDPHE) to issue written guidance specific to total maximum daily load development for pollutants discharged into state waters, with input from stakeholders, by January 1, 2025.

HB 1242	Water Conservation in Oil & Gas Operations
Sponsors	Representatives Boesenecker & Joseph; Senators Cutter & Priola
Position	Amend
Bill Status	Signed by the Governor on June 7, 2023

Chamber Analysis:

- This bill requires that oil and gas operators report specified information on water use in oil and gas operations to the Colorado Oil and Gas Conservation Commission (COGCC).
- The bill also requires the commission to adopt new rules and create a consortium to study the use and recycling of produced water in oil and gas operations.



HB 1247	Assess Advanced Energy Solutions In Rural Colorado
Sponsors	Representatives Lukens & Winter; Senators Roberts & Pelton
Position	Monitor
Bill Status	Signed by the Governor on May 20, 2023

Chamber Analysis:

- This bill directs the Colorado Energy Office (CEO) to conduct two studies of electric transmission and advanced energy solutions. The studies must include specific energy generation and storage solutions, regional economic impacts, and potential, prerequisite regulatory changes. One study must focus on parts of Montrose County; the other must focus on southeastern Colorado.

HB 1281	Advance the Use of Clean Hydrogen
Sponsors	Representatives Titone & Vigil; Senators Cutter & Priola
Position	Oppose as introduced; Neutral
Bill Status	Signed by the Governor on May 22, 2023

Chamber Analysis:

- This bill requires the Public Utilities Commission (PUC) to initiate a proceeding and adopt rules addressing the appropriate regulatory framework for potential clean hydrogen projects.
- The bill also creates a refundable income tax credit for qualified users of clean hydrogen. The credit is \$0.33 to \$1.00 per kilogram, depending on the lifecycle greenhouse gas emissions resulting from the clean hydrogen's production.
- The chamber opposed the bill during the process due to concerns regarding economic viability. Those concerns were quelled, and the Chamber took a neutral position.



HB 1282	Protect Consumers From Additional Entities
Sponsors	Representative Kipp; Senator Priola
Position	Oppose
Bill Status	Dead

Chamber Analysis:

- This bill would have added a public utility to the definition of "person" in the Colorado Consumer Protection Act.
- In doing so, the bill would have afforded consumers protections against any public utility that violates the Act.
- The Chamber opposed the bill due to concerns with identifying specific industries in the Consumer Protection Act.

HB 1294	Pollution Protection Measures
Sponsors	Representatives Bacon & Willford; Senators Winter & Gonzales
Position	Oppose
Bill Status	Signed by the Governor on June 6, 2023

Chamber Analysis:

- This bill creates an interim committee to investigate how Colorado can reduce its ozone levels. It also forces state regulators to parse out ozone sources to determine their cumulative impacts.
- The bill also creates citizen complaint processes under the Air Quality Control Commission (AQCC) and the Colorado Oil and Gas Conservation Commission (COGCC).
- The Chamber opposed this legislation due to its far-reaching impact on industries throughout Colorado.



SB 016	Greenhouse Gas Emission Reduction Measures
Sponsors	Representatives McCormick & Sirota; Senator Hansen
Position	Amend
Bill Status	Signed by the Governor on May 11, 2023

Chamber Analysis:

- Under this bill, Colorado must achieve net-zero carbon emissions by 2050. The bill inserts additional interim greenhouse gas reductions in law between now and then.
- The bill also offers 30% tax credits for electric lawn equipment that would be claimed by the retailer on a customer's behalf beginning in 2024.
- The bill authorizes the Colorado Oil and Gas Conservation Commission (COGCC) to regulate Class VI Injection Wells after publicly determining that the COGCC has the necessary resources to ensure the safe and effective regulation of these wells. It also permits the COGCC to also study whether to seek regulatory primacy for additional injection well classes by December 1, 2024.
- Increases penalties for utilities for delayed interconnects from up to \$2,000 a day to up to \$20,000 a day, with penalty factors. The bill contains several other provisions.

SB 192	Sunset Pesticide Applicators' Act
Sponsors	Representatives McLachlan & Kipp; Senators Roberts & Priola
Position	Support
Bill Status	Signed by the Governor on June 5, 2023

Chamber Analysis:

- This bill implements some of the recommendations of the department of regulatory agencies, as contained in the department's sunset review of the "Pesticide Applicators' Act".



SB 198	Clean Energy Plans
Sponsors	Representatives Weissman & Lindstedt; Senators Winter & Cutter
Position	Amend
Bill Status	Signed by the Governor on June 5, 2023

Chamber Analysis:

- The bill expands the applicability of Clean Energy Plans and requires verification and enforcement of the plans. For a Clean Energy Plan submitted on or after July 1, 2023, the submitting entity must base its greenhouse gas emission calculations on the resources it uses to supply electricity to its customers and the resources it owns that are not otherwise required to be included in another entity's Clean Energy Plan.
- The bill expands the requirements for Clean Energy Plans to certain entities that are not otherwise required to submit one to CDPHE. Cooperative retail electric utilities, certain wholesale power marketers, and new electric utilities must also submit a Clean Energy Plan in certain circumstances. The bill specifies timelines and procedures for submitting and verifying the plans.

SB 274	Water Quality Control Fee-setting by Rule
Sponsors	Representatives Dickenson & Lindstedt; Senator Winter
Position	Oppose as introduced; Amend
Bill Status	Signed by the Governor on May 17, 2023

Chamber Analysis:

- This bill requires the commission, after engaging with stakeholders, to set the fees by rule by October 31, 2025. The existing fees remain in place until January 1, 2026, unless the commission adopts rules to phase-in the new fees earlier.
- The bill requires the Department's Annual Report to include additional information on fees collected, rules adopted, funding sources, and regulatory activities conducted until October 1, 2025. The bill also increases the cap on administrative expenses for the Small Communities Water and Wastewater Grant Program in CDPHE from 5 percent to 10 percent.
- The bill updates the membership of the existing Water Quality Control Commission by requiring that no more than five of its nine members be affiliated with the same political party, and by requiring specific sectoral experience.



SB 291	Utility Regulation
Sponsors	Representatives deGruy Kennedy & Martinez; Senators Fenberg & Cutter
Position	Oppose
Bill Status	Signed by the Governor on May 11, 2023

Chamber Analysis:

- The bill makes several changes to how utilities set rates and recover costs from consumers.
- The bill commissions two studies and directs the Public Utilities Commission (PUC) in the Department of Regulatory Agencies (DORA) to adopt rules regarding rate filings.
- The bill limits certain costs that utilities may recover from ratepayers, including half of annual compensation for the board of directors, tax penalties or fines issued against the utility, investor-related expenses, certain advertising expenditures, and lobbying or political contributions.
- The bill requires the PUC to commission a study on existing investor-owned electric utility tariffs and interconnection policies by July 1, 2024 and includes a number of other provisions.
- The Chamber opposed the bill due to the sweeping impact on investor-owned utilities in Colorado.



GOVERNMENTAL AFFAIRS

COUNCIL BILLS

HB 1011	Consumer Right To Repair Agricultural Equipment
Sponsors	Representatives Titone & Weinberg; Senators Hinrichsen & Marchman
Position	Oppose
Bill Status	Signed by the Governor on April 25, 2023

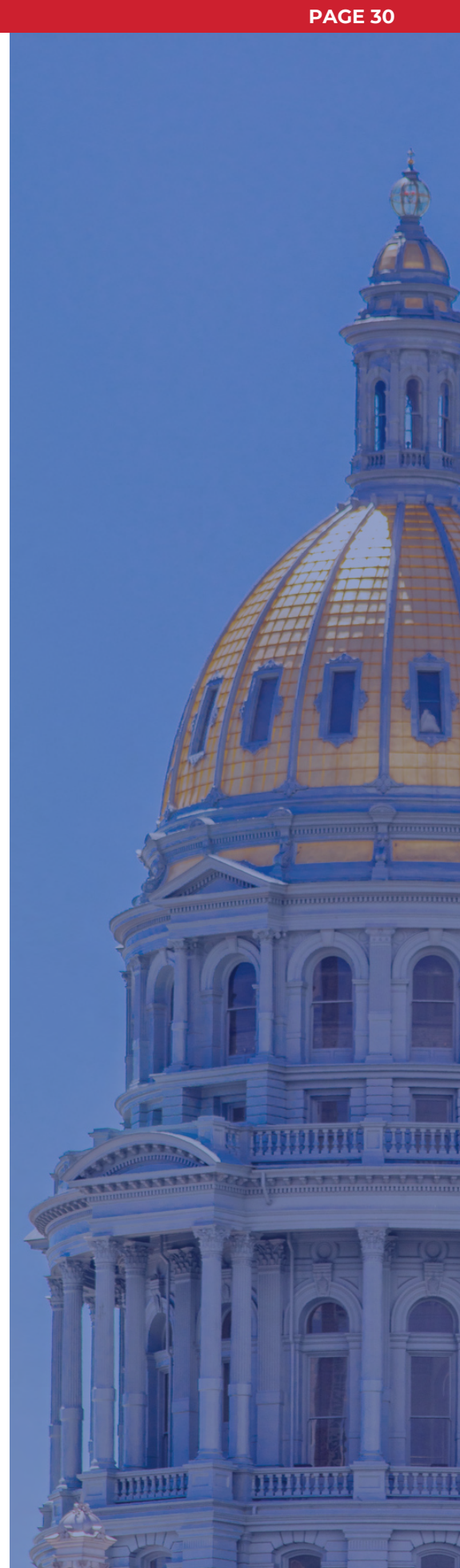
Chamber Analysis:

- This bill requires an agricultural equipment manufacturer to provide parts, embedded software, firmware, tools, or documentation to independent repair providers and owners of the manufacturer's agricultural equipment to allow an independent repair provider or owner to conduct diagnostic, maintenance, or repair services on the owner's agricultural equipment.
- This bill incorporates agricultural equipment into the existing consumer right-to-repair statutes.
- The Chamber opposed this legislation over concerns that the policy may continue to expand to other industries.

HB 1090	Limit Metropolitan District Director Conflicts
Sponsors	Representative Weissman; Senator Rodriguez
Position	Oppose
Bill Status	Dead

Chamber Analysis:

- This bill would have prohibited metropolitan district directors or board members who approve the issuance of debt from acquiring any interest in the debt individually or on behalf of an organization.
- The Chamber opposed this legislation because it would have made development of housing more challenging statewide.



HB 1115	Repeal Prohibition on Rent Control
Sponsors	Representatives Mabrey & Velasco; Senator Rodriguez
Position	Oppose
Bill Status	Dead

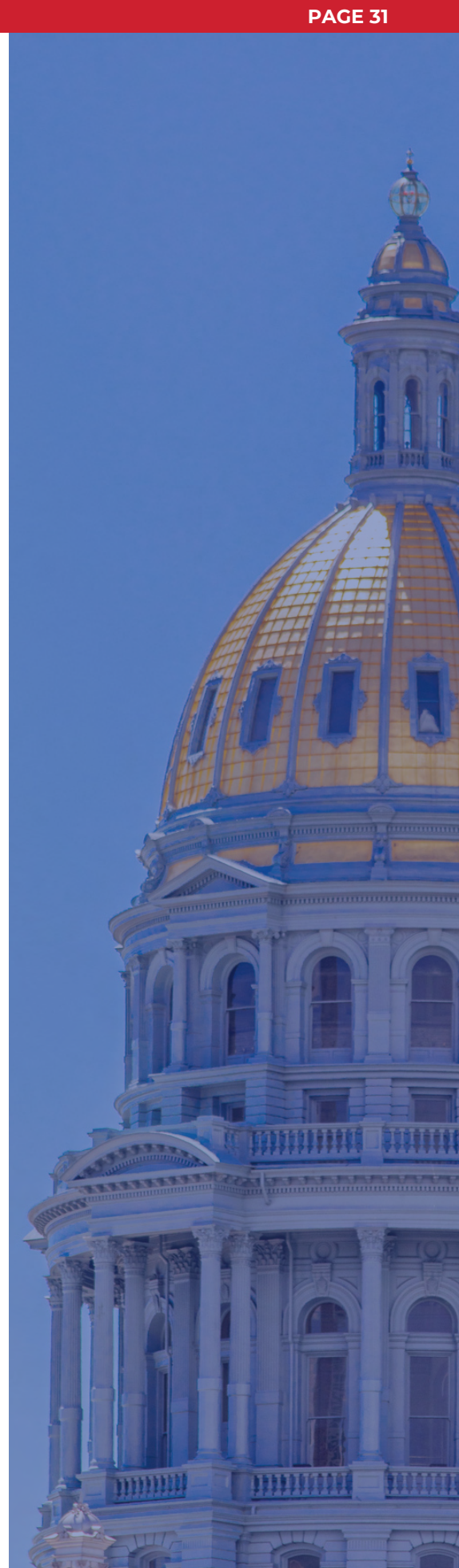
Chamber Analysis:

- This bill would have repealed Colorado’s 40-year ban on local governments enacting rent control policies.
- The Chamber has long opposed the repeal of Colorado’s ban on rent control.

HB 1189	Employer Assistance for Home Purchase Tax Credit
Sponsors	Representatives Bird & Weinberg; Senators Zenzinger & Mullica
Position	Support
Bill Status	Signed by the Governor on June 7, 2023

Chamber Analysis:

- This bill creates a state income tax credit for businesses that financially assist with an employee’s purchase of a primary residence.
- The amount of credit allowed is 5% of an employer’s contribution to an employee, but the credit is capped at \$500,000 for all contributions per year.



HB 1190	Affordable Housing Right of First Refusal
Sponsors	Representatives Boesenecker & Sirota; Senators Winter & Jaquez Lewis
Position	Oppose
Bill Status	Dead

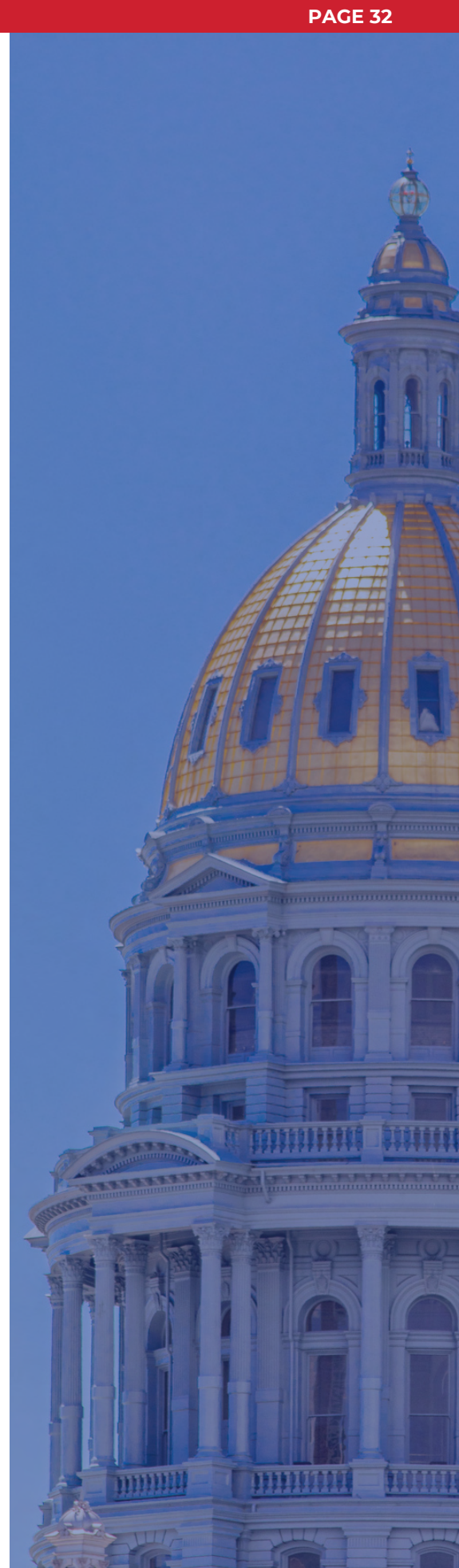
Chamber Analysis:

- This bill provides local governments with the opportunity to purchase multifamily properties — defined as five units or more in rural areas and 15 units or more in urban and suburban areas — that were built more than 30 years ago.
- Local governments would have seven days to indicate that they're interested in buying an eligible property before it's listed on the open market, and then have 30 days to make an offer and 60 days to close.
- The local governments would have to pay market value for the properties and use them to increase their community's affordable housing stock.
- The Chamber opposed this legislation due to concerns that it sets a dangerous precedent for multifamily owners to sell their property.

HB 1246	Support In-demand Career Workforce
Sponsors	Representatives Pugliese & McCluskie; Senators Will & Buckner
Position	Support
Bill Status	Signed by the Governor on May 16, 2023

Chamber Analysis:

- This bill provides aspiring professionals in high-demand fields with free training toward associate degrees and industry certificates at public community colleges, local district colleges or area technical colleges. The bill appropriates \$45 million from the general fund for this program.
- Eligible industries include elementary and early childhood education, firefighting, law enforcement, forest management, short-term nursing, and construction trades. The proposal also appropriates funding for apprenticeship and nursing programs.



HB 1255	Regulating Local Housing Growth Restrictions
Sponsors	Representatives Lindstedt & Dickson; Senator Gonzales
Position	Support
Bill Status	Passed

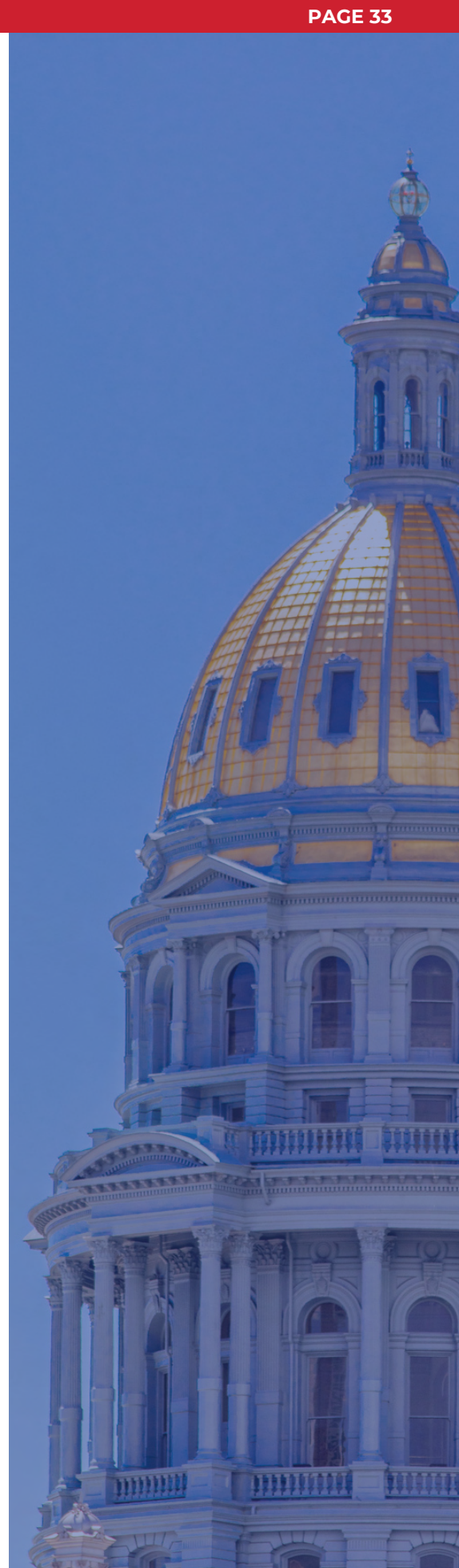
Chamber Analysis:

- The bill prohibits any governmental entity from enforcing or enacting any local housing growth restriction. In the event of a declared disaster emergency, the governmental entity may enact a temporary growth restriction for no more than one year after the disaster declaration.

SB 001	Authority Of Public-private Collaboration Unit For Housing
Sponsors	Representatives Bird & Lukens; Senators Roberts & Zenzinger
Position	Support
Bill Status	Signed by the Governor on May 20, 2023

Chamber Analysis:

- This bill allows the public-private collaboration unit to undertake additional functions in connection with public projects the provide housing.
- Additional functions include accepting gifts, grants, and donations, which if monetary, are to be credited to the unused state-owned real property fund, utilizing proceeds from real estate transactions and revenue from public-private agreements and more.



SB 066	Advanced Industry Acceleration Programs
Sponsors	Representatives Bird & Lynch; Senators Simpson & Hansen
Position	Support
Bill Status	Signed by the Governor on May 17, 2023

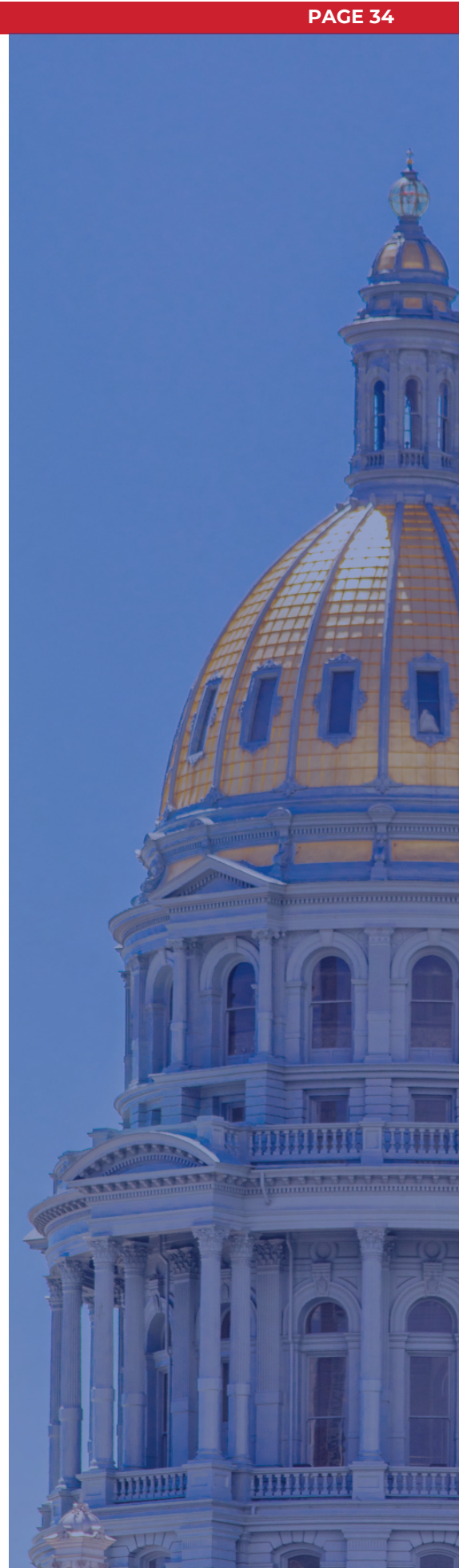
Chamber Analysis:

- This bill extends the Advanced Industry Export Acceleration Program and the Advanced Acceleration Grant Program by 10 years.
- The bill also repeals the requirement that a business show a profit during the last fiscal year to be eligible for an international export development expense reimbursement.

SB 110	Transparency for Metro Districts
Sponsors	Representatives Taggart & Kipp; Senators Zenzinger & Marchman
Position	Support
Bill Status	Signed by the Governor on April 3, 2023

Chamber Analysis:

- This bill requires metropolitan districts to disclose more information and be subject to new regulations.
- The bill imposes debt limits and mill levy caps for bond repayments and requires that districts organized after Jan. 1, 2020, hold an annual meeting with information about outstanding projects and debt and during that meeting allow for questions from the public.



SB 201	Mineral Resources Property Owners' Rights
Sponsors	Representatives Boesenecker & Weissman; Senator Jaquez Lewis
Position	Oppose
Bill Status	Dead

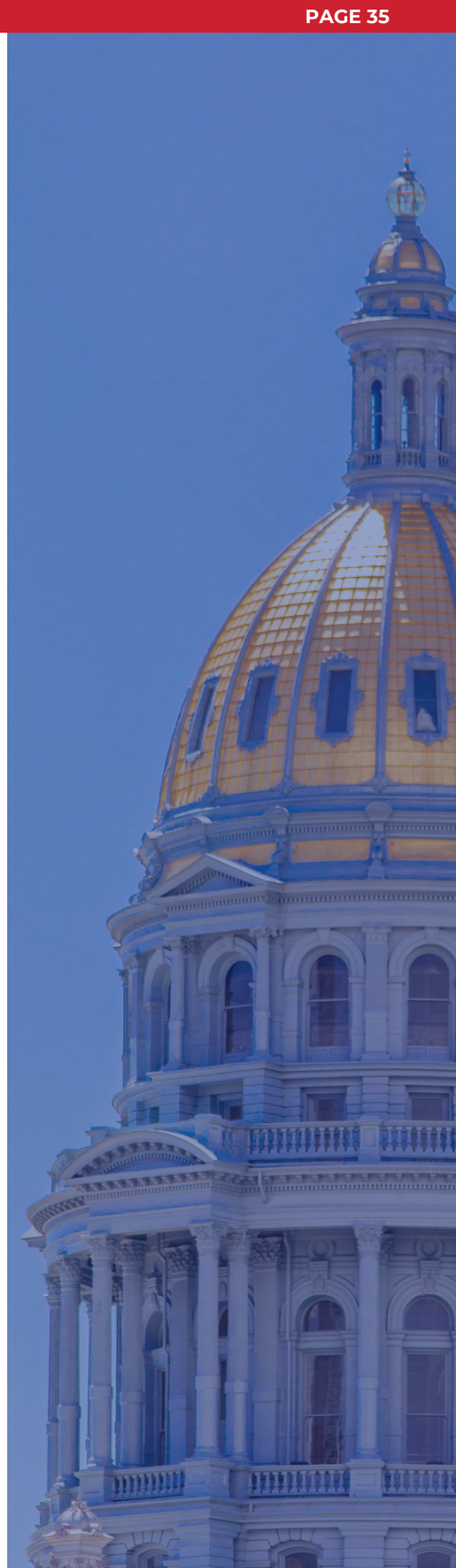
Chamber Analysis:

- This bill would have prohibited a forced pooling order if the non-consenting mineral interest was a school district or local government.
- The bill would have also allowed a non-consenting owner in a pooling order to audit the oil and gas operator's records with respect to any development and production of oil and gas products derived from or attributable to the non-consenting owner's interests.
- The Chamber opposed this legislation due to the negative impact on both operators and mineral owners.

SB 205	Universal High School Scholarship Program
Sponsors	Representatives Wilson & Martinez; Senators Bridges & Lundeen
Position	Support
Bill Status	Signed by the Governor on May 16, 2023

Chamber Analysis:

- This bill established the Universal High School Scholarship program which provides scholarships to students for postsecondary education, apprenticeships, or training related to an in-demand, high-priority postsecondary pathway.
- Scholarships are up to \$1,500 per student and may be used for tuition, fees, books, and equipment.



SB 255	Wolf Depredation Compensation Fund
Sponsors	Representatives McCluskie & Catlin; Senators Will & Roberts
Position	Support
Bill Status	Signed by the Governor on May 23, 2023

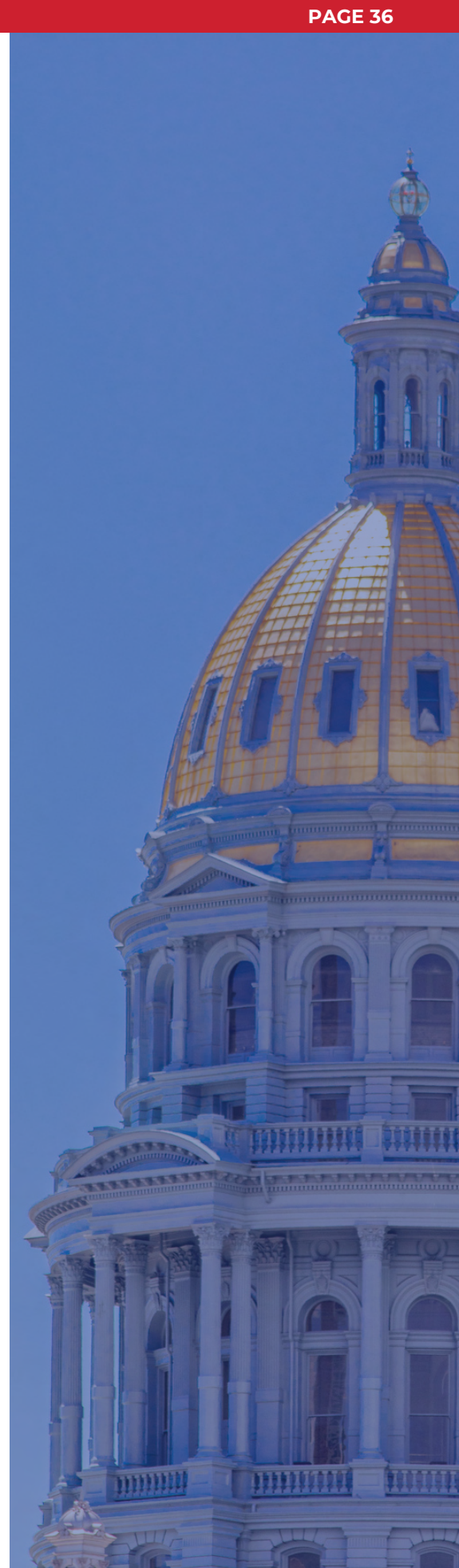
Chamber Analysis:

- The bill creates the Wolf Depredation Compensation Fund in the Department of Natural Resources to compensate landowners and agricultural producers for damage caused by the reintroduction of wolves in Colorado.
- The bill would allocate in \$175,000 in startup funds to the Fund.

SB 256	Management Of Gray Wolves Reintroduction
Sponsors	Representatives Lukens & Soper; Senators Will & Roberts
Position	Support
Bill Status	Vetoed by the Governor on May 16, 2023

Chamber Analysis:

- This bill would have prevented wolves from being reintroduced on the Western Slope by Colorado Parks and Wildlife, as directed by a 2020 ballot measure, until the U.S. Fish and Wildlife Service has completed a 10(j) assessment about whether the gray wolf population is a nonessential experimental population.
- The classification would have offered an exemption to protections under the Endangered Species Act that allows for lethal management.



HEALTH CARE COUNCIL BILLS

HB 1002	Epinephrine Auto-Injector Access and Pricing Bill
Sponsors	Representatives Mabrey & Jodeh; Senator Roberts
Position	Oppose
Bill Status	Signed by the Governor on June 7, 2023

Chamber Analysis:

- This bill caps how much a health insurance company can require a customer to pay for an epinephrine auto-injector — commonly known as an EpiPen — at \$60 for a 2-pack.
- The epinephrine auto-injector affordability program would be available to individuals who are residents of the state, are not enrolled in the state Medicaid program or the federal Medicare program, have a prescription for an epinephrine auto-injector, and are not enrolled in prescription drug coverage that limits the total amount of cost sharing that the enrollee is required to pay for an epinephrine auto-injector.
- The Chamber opposed this bill due to potential increased healthcare costs to employers.

HB 1110	Health Care for Biomarker Testing
Sponsors	Representatives Michaelson Jenet & Hartsook; Senators Rich & Mullica
Position	Neutral
Bill Status	Dead

Chamber Analysis:

- This bill would have required Medicaid and state-regulated insurance plans to cover certain biomarker tests. Under the bill, all tests supported by medical or scientific evidence would have been covered for the use of diagnosis, treatment, appropriate management, etc.
- The bill would have also required the Department of Health Care Policy and Financing to seek federal approval to cover the additional tests.



HB 1130	Drug Coverage for Serious Mental Illness
Sponsors	Representative Michaelson Jenet; Senators Rodriguez & Kolker
Position	Amend
Bill Status	Signed by the Governor on June 6, 2023

Chamber Analysis:

- This bill prohibits step-therapy protocols for health insurance from requiring a person to try more than one prescription drug prior to receiving coverage for the drug recommended by the person's health-care provider.
- The bill also defines "serious mental illness" for purposes of the "Colorado Medical Assistance Act" in the same manner as the term is defined for commercial health insurance.

HB 1201	Prescription Drug Benefits Contract Term Requirements
Sponsors	Representatives Daugherty & Soper; Senators Mullica & Smallwood
Position	Oppose as introduced; Neutral
Bill Status	Signed by the Governor on May 5, 2023

Chamber Analysis:

- This bill limits the amount that health insurance carriers or pharmacy benefit managers (PBMs) may charge beneficiaries of select employer-sponsored plans for prescription drugs to no more than the amount paid by the plan or PBM to a contracted pharmacy.
- The bill also grants audit authority to the Department of Health Care Policy and Financing (HCPF) for Medicaid contractors and the Department of Regulatory Agencies (DORA) for all other contracts.
- The Chamber initially opposed the bill as it included ERISA plans. The bill was amended to remove them, and the Chamber moved to a neutral position.



HB 1209	Analyze Statewide Publicly Financed Healthcare
Sponsors	Representatives Boesenecker & McCormick; Senator Jaquez Lewis
Position	Oppose
Bill Status	Dead

Chamber Analysis:

- This bill would have required the Colorado School of Public Health to analyze model legislation for a publicly financed and privately delivered universal health-care payment system for Colorado that directly compensates providers.
- The bill would have also created the statewide Health-Care Analysis Task Force for the purpose of advising the Colorado school of public health during the analysis.
- The Chamber opposes legislation with the goal toward a statewide publicly financed healthcare system.

HB 1215	Limits on Hospital Facility Fees
Sponsors	Representatives Sirota & Boesenecker; Senators Mullica & Cutter
Position	Oppose
Bill Status	Signed by the Governor on May 30, 2023

Chamber Analysis:

- This bill prohibits certain health care providers from charging a facility fee that is not covered by a patient's insurance for preventative services provided in an outpatient setting. Providers are required to disclose information about facility fees to consumers and post this information in their facilities.
- The Chamber opposed this legislation over concerns that it would lead to limited healthcare options.



HB 1224	Standardized Health Benefit Plan
Sponsors	Representatives Brown & Jodeh; Senator Roberts
Position	Oppose
Bill Status	Signed by the Governor on May 10, 2023

Chamber Analysis:

- The bill changes rate filling and disclosure requirements regarding the Colorado Standardized Health Benefit Plan, also known as the Colorado Option plan.
- The bill requires Connect for Health Colorado, with the consent of the Commissioner of Insurance and after a stakeholder process, to develop a format to display Colorado Option plans on the Health Insurance Exchange and for consumers to easily compare plans.
- The Chamber opposed this legislation because it adds additional mandates on insurers.

HB 1225	Extend and Modify Prescription Drug Affordability Board
Sponsors	Representatives Dickenson & deGruy Kennedy; Senators Jaquez Lewis & Buckner
Position	Oppose
Bill Status	Signed by the Governor on May 10, 2023

Chamber Analysis:

- The bill makes several changes to the Colorado Prescription Drug Affordability Review Board (PDAB). This includes making changes conflict of interest recusal requirements to board members as well as staff and contractors.
- The bill changes various cost thresholds for different types of drugs that prompt the board to conduct a review, and requiring the board to produce a report summarizing drug affordability data that it uses.
- The bill also increases the cap on the number of prescription drugs for which an upper payment limits may be established by the board annually and makes minor changes to the board's appeal process.
- The Chamber opposed this legislation because it believes making these substantive changes more premature as the PDAB was just enacted in 2021.



HB 1226	Hospital Transparency and Reporting Requirements
Sponsors	Representatives deGruy Kennedy & Soper; Senators Roberts & Will
Position	Monitor
Bill Status	Signed by the Governor on June 2, 2023

Chamber Analysis:

- The bill requires hospitals to disclose additional information for the purposes of the hospital expenditure report, which the bill renames the Hospital Transparency Report, produced by the Department of Health Care Policy and Financing (HCPF).
- It allows HCPF to enforce data collection procedures through corrective action plans or fines. Where HCPF determines a hospital's noncompliance is knowing or willful or there is a repeated pattern of noncompliance, HCPF may set a fine amount up to \$20,000 per week until the hospital takes corrective action.
- Additionally, beginning July 1, 2024, the bill requires hospitals to provide patients with a plain language description of the services billed and disclose that the patient has the right to further billed services information.

HB 1227	Enforce Laws Against Pharmacy Benefit Managers
Sponsors	Representatives Jodeh & Ortiz; Senators Will & Jaquez Lewis
Position	Monitor
Bill Status	Signed by the Governor on May 10, 2023

Chamber Analysis:

- The bill makes pharmacy benefit manager (PBM) requirements enforceable by the Commissioner of Insurance in the Division of Insurance (DOI).
- The bill requires all PBMs to register with the commissioner and pay a registration fee that is commensurate with the fees in other states. These fees, credited to the DOI Cash Fund, must fund the division's costs to enforce PBM requirements and prohibitions.



SB 093	Increase Consumer Protections Medical Transactions
Sponsors	Representatives Weissman & Brown; Senators Cutter & Jaquez Lewis
Position	Monitor
Bill Status	Signed by the Governor on May 4, 2023

Chamber Analysis:

- The bill makes changes to state laws related to consumer protections in medical transactions, including placing a 3 percent cap on the interest rate on medical debt.
- The bill establishes requirements for payment plans and legal actions by a creditor or debt collector related to medical debt and specifies what must be included on itemized statements for debt collection disputes.
- The bill requires a health care facility to provide an estimate of the cost for a person who intends to self-pay for services and limits how much the final cost can exceed the initial estimate.
- The bill prohibits the collection of debt during an appeals process and makes failure to comply with the bill's requirements and current laws related to out-of-network billing a deceptive trade practice.

SB 252	Medical Price Transparency
Sponsors	Representatives Daugherty & Hartsook; Senators Van Winkle & Gonzales
Position	Oppose
Bill Status	Signed by the Governor on June 2, 2023

Chamber Analysis:

- The bill requires hospitals to disclose standard charges for services. The Department of Health Care Policy and Financing (HCPF) must design the disclosure template, monitor hospitals for compliance, and take corrective action. Failure to comply is a deceptive trade practice.
- The bill also moves existing hospital transparency reporting requirements from the Department of Public Health and Environment (CDPHE) to HCPF.



LABOR & EMPLOYMENT COUNCIL BILLS

HB 1006	Employer Notice Of Income Tax Credits
Sponsors	Representatives Young & Daugherty; Senator Exum
Position	Amend
Bill Status	Signed by the Governor on March 31, 2023

Chamber Analysis:

- This bill requires employers to notify their employees about certain federal and state tax credits, including the Earned Income Tax Credit and the Child Tax Credit.

HB 1032	Remedies for People with Disabilities
Sponsors	Representative Ortiz; Senator Rodriguez
Position	Amend
Bill Status	Signed by the Governor on May 25, 2023

Chamber Analysis:

- This bill prohibits an individual with a disability from being excluded from participation in, or denied the benefits of services, programs, or activities provided by a place of public accommodation.
- The bill establishes that a person alleging discrimination based on a disability in employment, housing, or discriminatory advertising must first exhaust available administrative proceedings and remedies before filing an action in district court. In cases of public accommodation, the bill specifies an individual may file actions directly with the courts.
- In certain civil suits, the bill permits the courts to require compliance with applicable provisions and award either actual monetary damages or levy a statutory fine.



HB 1035	Statute Of Limitations Minimum Wage Violations
Sponsors	Representative Soper
Position	Support
Bill Status	Dead

Chamber Analysis:

- This bill would have specified that actions brought for violations of minimum wage laws must be commenced within 2 years after the cause of action accrues or, for a willful violation, within 3 years after the cause of action accrues.

HB 1078	Unemployment Compensation Dependent Allowance
Sponsors	Representatives Willford & Gonzales-Gutierrez; Senator Hansen
Position	Oppose
Bill Status	Dead

Chamber Analysis:

- Starting July 1, 2026, the bill created a dependent allowance for each dependent of an individual receiving unemployment insurance (UI) compensation. The dependent allowance was the lesser of \$35 per dependent per week, adjusted annually for inflation, or the individual's average weekly wage from the highest-earning quarter used to determine benefit amounts.
- The bill defined a "dependent" as an individual who is under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability. Only one individual may receive a dependent allowance for a dependent.
- The bill required the Division of Unemployment Insurance in the Colorado Department of Labor and Employment to report to the General Assembly on the dependent allowance annually, starting August 31, 2026.
- The Chamber opposed HB 1078 because of the work done to transfer \$600 million into the insolvent Unemployment Insurance Trust Fund in 2022. The Fund is still not solvent by federal standards; therefore, the Chamber opposed any additional spending from the fund.



HB 1104	Delay Implementation Paid Family Medical Leave
Sponsors	Representative Frizell
Position	Support
Bill Status	Dead

Chamber Analysis:

- The bill would have postponed the implementation of the Paid Family and Medical Leave Insurance Program for one year, to January 1, 2025, and required employers to be credited for premiums paid between January and March of 2023 as an offset against premiums owed again on January 1, 2024.

HB 1118	Fair Workweek
Sponsors	Representatives Sirota & Gonzales-Gutierrez; Senators Gonzales & Winter
Position	Oppose
Bill Status	Dead

Chamber Analysis:

- The bill would have imposed requirements for certain types of employers with regard to the determination of employee work schedules, employee requests for changes to work schedules, notices and posting of employee work schedules.
- In addition to pay for hours worked by the employee, The bill would have also required certain employers to pay predictability pay, rest shortfall pay, retention pay, and minimum weekly pay. Each type of pay would have been applied in certain circumstances.
- The bill also prohibited employers from discriminating or taking any adverse action against an employee based on the hours an employee is scheduled or actually works, the expected duration of employment, or the employee's desired work schedule. It also prohibited retaliation against an employee for attempting to exercise any right created in the bill. The bill also would have created a complaint process in the Division of Labor Standards and Statistics as well as a private right of action in civil court.
- The Chamber opposed this legislation because it would have had a sweeping impact on thousands of employers, placed new restrictions on scheduling practices & would have been the most restrictive scheduling law in the nation.



HB 1192	Additional Protections in Consumer Code
Sponsors	Representative Weissman; Senators Gonzales & Rodriguez
Position	Amend
Bill Status	Signed by the Governor on June 7, 2023

Chamber Analysis:

- This bill repeals and reenacts the “Colorado Antitrust Act of 1992” as the “Colorado State Antitrust Act of 2023” and makes several changes including allowing the Attorney General to deem investigative records available to public inspection and issue public statements and warnings and increasing the maximum civil penalty.
- As introduced, the bill also made several changes to the definition of “unfair or deceptive trade practice.” This included establishing that evidence of a violation constitutes significant impacts to the public and amending the definition of “recklessly” to mean without regard to consequences or to the rights, interests, or safety of others. That provision was removed from the bill before it passed.

SB 017	Extended Uses of Sick Leave
Sponsors	Representatives Willford & Joseph; Senator Winter
Position	Amend
Bill Status	Signed by the Governor on June 7, 2023

Chamber Analysis:

- This bill adds to the list of reasons an employee can get paid leave compensation.
- The new reasons for paid leave compensation include: to care for a family member whose school or place of care has been closed due to unexpected occurrences; because they were forced to flee their home; to grieve, attend memorial services, or deal with financial and legal matters that arise from the death of a family member.



SB 046	FAMLI Portability
Sponsors	Representative Duran; Senator Winter
Position	Monitor
Bill Status	Signed by the Governor on March 23, 2023

Chamber Analysis:

- The bill requires the Division of Family and Medical Leave Insurance to calculate a covered individual's weekly benefit amount based on the individual's average weekly wage from all jobs worked in the base period, instead of only the jobs from which the individual is taking leave.

SB 058	Job Application Fairness Act
Sponsors	Representatives Willford & Young; Senators Danielson & Jaquez Lewis
Position	Amend
Bill Status	Signed by the Governor on June 2, 2023

Chamber Analysis:

- The bill prohibits employers from inquiring about a prospective employee's age, date of birth, and dates of attendance at or date of graduation from an educational institution on an employment application beginning July 1, 2024.
- An employer is allowed to request additional materials from an applicant, including transcripts/certifications, but the applicant must be notified that they can redact information.



SB 098	Gig Work Transparency
Sponsors	Representatives Bacon & Vigil; Senator Rodriguez
Position	Oppose
Bill Status	Dead

Chamber Analysis:

- Starting January 1, 2024 the bill would have required a delivery network company (DNC) or a transportation network company (TNC) to disclose to drivers and consumers the payments a consumer makes to a DNC or TNC and the amount the company then pays to the driver.
- Companies would also have been required to disclose information such as the passengers' location and destination to the driver prior to acceptance of a drive or delivery. The bill also prohibited retaliation against driver who declines a request after they get this info.
- The Chamber opposed this bill because it created unnecessary and burdensome regulations on TNCs and DNCs.

SB 105	Ensure Equal Pay for Equal Work
Sponsors	Representatives Bacon & Gonzales-Gutierrez; Senators Danielson & Buckner
Position	Oppose
Bill Status	Signed by the Governor on June 5, 2023

Chamber Analysis:

- The bill amends the existing Equal Pay for Equal Work law (SB19-85) by creating new obligations on the Director of the Division of Labor Standards relating to mediations, investigations, and orders of compliance and relief.
- The bill also builds on SB19-85 by adding requirements to job postings including dates and timing within the post. The bill also increases the statute of limitation for the collection of back pay from 3 years to 6 years.
- The bill provides that when more than one candidate is considered for a job or promotional opportunity, the employer must follow specific guidelines for posting, and must provide specific information to employees regarding the candidate selected for the job or promotional opportunity within 30 days following the selection. There are also additional requirements for career progressions.
- The Chamber opposed the legislation because it made it more difficult for employers to implement the Equal Pay for Equal Work Act while also increasing penalties on employers.



SB 172	The POWR Act
Sponsors	Representatives Weissman & Bacon; Senators Winter & Gonzales
Position	Oppose as introduced; Neutral
Bill Status	Signed by the Governor on June 6, 2023

Chamber Analysis:

- The bill specifically says that harassment does not need to be severe or pervasive to constitute a discriminatory or unfair practice. It specifies that petty slights or annoyances or lack of good manners do not constitute harassment unless it meets the totality of the circumstances and the standards in the bill. Finally, the factors in the totality of circumstances are identified.
- The bill establishes an affirmative defense for an employer if the employer meets certain requirements, including a harassment prevention program. A harassment prevention program satisfies the affirmative defense if the employer promptly investigates complaints and takes reasonable remedial actions when warranted.
- The bill provides limitations on when an employer can use a non-disclosure agreement.
- The Chamber initially opposed the introduced version of the bill as it was overly broad and problematic for employers. Following negotiated amendments, the Chamber took a neutral position.



TAX COUNCIL BILLS

HB 1017	Electronic Sales And Use Tax Simplification System
Sponsors	Representatives Kipp & Bockenfeld; Senators Bridges & Van Winkle
Position	Support
Bill Status	Signed by the Governor on June 5, 2023

Chamber Analysis:

- This bill requires the Department of Revenue (DOR) to undertake modifications to the electronic sales and use tax simplification system (SUTS). The modifications include various simplifications, improvements, data accessibility, and additional filing options and features to assist both retailers and local jurisdictions that use SUTS.
- The bill also prohibits the DOR from imposing a convenience fee or other charge for payments through SUTS, except for credit cards, and from passing the charges on to local taxing jurisdictions.
- The bill also requires that the DOR create a campaign to promote SUTS and to solicit feedback from stakeholders to enhance SUTS.

HB 1054	Property Valuation
Sponsors	Representative Frizell; Senator Pelton
Position	Monitor
Bill Status	Dead

Chamber Analysis:

- This bill would have eliminated the 2023 property reassessment for residential, commercial, industrial, agricultural, and vacant property.
- Unless a property meets one of the conditions described in the bill, such as a reclassification or improvement, HB23-1054 specified that the property's valuation for tax year 2021 will remain in place until the next property reassessment in tax year 2025.



HB 1081	Employee Ownership Tax Credit Expansion
Sponsors	Representatives Lindstedt & Taggart; Senator Hinrichsen
Position	Support
Bill Status	Signed by the Governor on May 23, 2023

Chamber Analysis:

- Beginning in tax year 2024, this bill makes several changes to the Employee Ownership Tax Credit. It increases the cap for converting a qualified business to a worker-owned cooperative or employee from \$25,000 to \$40,000. Additionally, it increases the cap for converting a qualified business to an employee stock ownership plan from \$100,000 to \$150,000.
- The bill expands the tax credit to a qualified business converting to or expanding an alternate equity structure, a form of employee ownership where an employer grants to employees an employee stock ownership plan, LLC membership, phantom stock, profit interest, profit sharing, restricted stock, stock appreciation right, stock option, or synthetic equity.
- The bill also specifies that a qualified business or qualified employee-owned business may apply for and claim only one credit for the conversion or expansion costs per tax year.

HB 1091	Continuation of Child Care Contribution Tax Credit
Sponsors	Representatives Pugliese & Kipp; Senators Rich & Marchman
Position	Support
Bill Status	Signed by the Governor on May 23, 2023

Chamber Analysis:

- This bill extends the childcare contribution tax credit through tax year 2027.
- The bill also requires the Department of Revenue to collect additional data related to the tax credit, to lead a study on possible improvements to the tax credit, to develop recommendations for measuring the effectiveness of the tax credit, and to deliver a report to the General Assembly and the Office of the State Auditor on or before July 31, 2024.



HB 1260	Advanced Industry & Semiconductor Manufacturing Incentives
Sponsors	Representatives Soper & Valdez; Senators Baisley & Priola
Position	Support
Bill Status	Signed by the Governor on May 20, 2023

Chamber Analysis:

- This bill modifies existing state income tax credits to allow refundability of the credits for certain taxpayers. The taxpayer must be able to claim three other state income tax credits.
- The bill also allows municipalities and counties to create CHIPS (Creating Helpful Incentives to Produce Semiconductors) Zones where manufacturers may be eligible for certain enterprise zone income tax credits.
- The bill allows advanced manufacturing or semiconductor manufacturing businesses that meet certain criteria to apply for a job growth incentive refundable credit.
- The bill creates a task force to study the effectiveness of financial incentives to promote and develop STEM companies in Colorado.

HB 1277	Reporting Adjustments To Taxable Income
Sponsors	Representatives Marshall & Taggart; Senators Kolker & Smallwood
Position	Support
Bill Status	Signed by the Governor on June 1, 2023

Chamber Analysis:

- The bill consolidates two options for partnerships and S corporations to ensure taxes owed by nonresident owners are paid. Those options are the composite return and withholding estimated payments options. The bill also clarifies how the payment is calculated.
- The bill replaces the current statute regarding adjustments to federal taxable income after a return is filed with a model statute developed by the Multistate Tax Commission. The new language allows more time to report adjustments to federal taxable income and allows pass-through entities to handle these adjustments on behalf of their owners.
- The bill also moves the state income tax return deadline for C corporations from April 15 to May 15, and moves the extension deadline from October 15 to November 15.



HB 1289	Sustainable Advancements In Aviation Tax Credits
Sponsors	Representatives Bird & Pugliese; Senators Liston & Bridges
Position	Support
Bill Status	Dead

Chamber Analysis:

- The bill would have created an income tax credit for investments in businesses that research, develop, or produce sustainable aviation fuel or alternative aircraft engines. The bill established guard rails on when the tax credits could be used.
- The bill also would have created an income tax credit for the purchase or lease of electric-powered aviation ground support equipment. Airport ground support equipment is used to service airplanes between flights, including refueling, loading luggage, towing, and de-icing, among other services. The credit would have been claimed by airports, aviation businesses, and fixed base operators that are subject to the state income tax.
- For both credits, any amount by which the credit exceeds the taxpayer's tax liability is neither refunded nor carried forward to a later tax year.

SB 143	Retail Delivery Fee
Sponsors	Representatives Kipp & Soper; Senators Fenberg & Van Winkle
Position	Amend
Bill Status	Signed by the Governor on May 4, 2023

Chamber Analysis:

- This bill exempts small businesses with up to \$500,000 in sales from collecting Colorado's 27-cent retail delivery fee, which was enacted by the legislature in 2021 and funds transportation projects.
- The bill also lets sellers pay the fee on a purchaser's behalf so that it doesn't need to be itemized for each delivery.



SB 156	Sunset Private Letter Ruling & Information Letter
Sponsors	Representatives Synder & Marshall; Senators Kolker & Liston
Position	Support
Bill Status	Signed by the Governor on May 1, 2023

Chamber Analysis:

- The bill indefinitely continues the authority of the Department of Revenue to issue private letter rulings and information letters.
- The bill also implements the recommendations in the sunset report. The first is allowing the Department to extend the 90-day deadline to issue a ruling if the taxpayer agrees to the extension. The second is allowing the Department to issue letters and rulings for any issue related to a tax or fee administered by the department.

SJR 004	Uniform Sales & Use Tax on Construction Material
Sponsors	Representatives Kipp & Bockenfeld; Senators Bridges & Van Winkle
Position	Support
Bill Status	Signed by the President of the Senate on May 17, 2023

Chamber Analysis:

- The resolution codifies a stakeholder process to be convened by Colorado Municipal League to find solutions that create uniformity among municipalities that locally collect sales and use tax on construction materials including the issuance of building permits.
- The stakeholders will include taxpayers.



BOARD OF DIRECTORS' BILLS

SB 213	Land Use
Sponsors	Representatives Jodeh & Woodrow; Senator Moreno
Position	Amend
Bill Status	Dead

Chamber Analysis:

- The bill would have created several advisory committees and required the Department of Local Affairs (DOLA) to collaborate with multiple state agencies to develop strategic growth objectives, guidance, and assistance in assessing and planning for statewide housing development by local governments. Local governments were required to incorporate growth objectives into their master planning process.
- The bill outlined strategies for local governments to use and meet the requirements of the bill, as well as provided technical assistance for local governments.
- The bill prohibited a local government from enacting or enforcing resident occupancy limits that differ based on the relationships of the occupants, and from imposing more restrictive permitting standards on manufactured and modular homes than imposed on site-built homes in the same residential area.
- The bill specified that bylaws and covenant restriction of a Homeowners Association (HOA) may not prohibit accessory dwelling units, middle housing in transit-oriented areas, or housing in key corridors.

