



2023 Legislative Session Summary

On Monday, May 8th the 74th General Assembly of the Colorado State Legislature adjourned Sine Die, bringing the 2023 session to a close.

This was a contentious session, marked by a number of ambitious and far-reaching pieces of legislation, unusual calendar and procedural occurrences, and long floor debates and committee hearings. After achieving landmark electoral success in the 2022 midterms, Colorado Democrats began the legislative session with a trifecta of control from the Governor's desk to the State Senate to the State House where they held a supermajority. Governor Polis' January State of the State address set out an ambitious agenda touching on healthcare cost regulation, expansion of housing availability, and workforce growth in key industries. Many organizations involved in the housing and building policy space took this as a sign that a much hinted-at sweeping land use bill aimed at overriding restrictive density-limiting zoning laws would soon be introduced.

The legislative session quickly saw a flurry of bills introduced in the State House which aimed to make Colorado the first in the nation on several policy fronts including landlord/tenant relations, employer regulations, and legal liability. The more dramatically progressive pieces of legislation tended to originate from the House side, sometimes at odds with competing or contradictory bills originating in the Senate that often took a more moderate tack.

The session quickly ramped up into long and contentious committee hearings, often going long into the night or even the early morning hours of the next day. As controversial legislation made its way from committee to floor, marathon floor sessions soon followed. This led to the unusual, but not unheard-of step of scheduling Saturday floor work sessions. These sessions were marked by filibuster-style tactics from the Republican minority such as long floor speeches and requests that bills be read at length. By mid-session, the Democratic majority had taken the unusual step of invoking house rule 14; a procedural option allowing the limitation of debate with the approval of a supermajority of the house members. As the session wore on and the very unusual step of scheduling workdays on Sunday was taken, house democratic leadership increasingly invoked rule 14 on controversial issues.

The final month of the session, already a busy time as house bills make their way to senate committees and vice versa, became even more so as Senate Bill 213, the Governor-backed, Majority Leader sponsored land use bill was introduced. After long hearings, significant opposition from local governments and much negotiation, the mammoth bill was significantly

reduced in scope, amended, and sent to the House. It soon became clear that progressive members of the House were unsatisfied with the reduced scope of the bill and proceeded to re-insert many of the provisions struck by the Senate. With the clock running out on the session and lengthy discussions between house and senate leadership and the bill sponsors dragging on, an additional complicating factor was introduced.

With one week until the mandated end of session, a trio of bills were introduced to directly address the massive increases in property tax assessments hitting Colorado home and property owners. With the backing of the Governor, Senate bills 303 and 304 were introduced, along with House Bill 1311, all designed to work in concert to refer an issue to the November ballot, allow the state retention of additional TABOR refunds, reduction in property tax assessments through adjusted metrics, introduce senior homestead portability and adjust TABOR refund returns for renters.

The land use bill and the property tax legislation package all faced not only bipartisan opposition but a looming deadline for amendments by both the House and Senate to be accepted, ratified on the floor, and eventually passed. As Monday, May 8th began, negotiations were underway on all four bills, with the Senate taking an unusually extended seven hours pause. Finally, on Monday evening, the Senate Majority Leader announced that the Senate would not concur with the House amendments to SB23-213, effectively killing the bill. The property tax package would be moving forward, and a number of remaining bills were dead on the calendar for lack of time. This marked the end of a long and particularly contentious legislative session, setting the stage for 2024.

The Chamber & EDC approached this session with an agenda designed to advocate for employers and attempt to ease the regulatory burdens faced by so many in recent years. Across housing, business regulation, and good governance, our Government Affairs Team, along with support from industry experts and volunteers from within our membership, engaged on numerous pieces of legislation.

Below is a highlight of several legislative issues on which the Chamber & EDC took positions and engaged, with short summaries. We have included the status of the bills; passed, failed, or signed, to reflect where they are as of now. Bills that have been passed have until mid-June to be signed or vetoed by Governor Polis.

Please look for our more in-depth legislative report in mid-June, after all, bill signings have been completed.

House Bill 23-1006 | Employer Notice of Income Tax Credits

Legislative Summary: HB23-1006 would, as currently written, add a requirement for employers to provide a written list of available income tax credits along with state and federal child tax credits to employees in addition to annual tax information on income and withheld earnings.

The additional mandate on employers adds to the complexity and may increase liability if the list of tax credits is not delivered completely and correctly. There may be amendments forthcoming that would require the Department of Revenue to provide an official list of tax credits that employers could distribute via email.

Primary Bill Sponsors: Representative Mary Young, Senator Tony Exum

Position: Amend

Status: Signed

House Bill 23-1008 | Food Accessibility.

Legislative Summary: HB23-1008 would eliminate current federal tax deductions for allowable business meals for individual and corporate taxpayers by requiring that they add an amount of federal taxable income equal to their federal deduction for business meals to their state income tax liability for the 2024 through 2030 income tax years. This bill also mandates funding through the Department of Health and Environment for healthy eating incentive programs among low-income populations and creates tax credits for small food retailers and family farms to purchase certain types of equipment.

The Chamber & EDC is in opposition to this bill. The de facto federal tax exemptions for business meals hurt not only existing employers but nonprofit entities and potential future convention and conference businesses throughout the state.

Primary Bill Sponsors: Representative Mike Weissman, Senator Rhonda Fields

Position: Oppose

Status: Passed

House Bill 23-1032 | Remedies for Persons with Disabilities

Legislative Summary: HB23-1032 addresses the legal remedies and relief a plaintiff seeking damages for disabilities-based discrimination may seek. The definitions in this bill would both expand the scope of penalties and allow plaintiffs to seek relief, including attorney's fees, without previously exhausting administrative remedies.

The Chamber & EDC is in opposition to this bill. This bill as written dramatically increases the liability employers would face for potential legal action, while also minimizing the importance of the administrative process for providing relief for potentially aggrieved persons.

Primary Bill Sponsors: Representative David Ortiz

Position: Oppose

Status: Passed

House Bill 23-1035 | Statute of Limitations Minimum Wage Violations

Legislative Summary: HB23-1035 would place a two-year statute of limitations into law regarding minimum wage violations, stipulating that action must be brought within two years of the cause of action or within three years of the cause of action in the case of a willful violation.

The Chamber & EDC supports this bill. This legislation would codify an actual statute of limitations, something that has thus far been left more open-ended within Colorado law.

Primary Bill Sponsors: Representative Matt Soper

Position: Support

Status: Failed

House Bill 23-1046 | Tax Credit Pre-adoption

Leave Legislative Summary: This bill would provide a framework for employers to claim tax credits for expenses incurred by providing family leave for employees going through the process of adopting a child and for temporary help hired to cover for the employee taking said leave. In order to be eligible for this credit an employer would have to circulate a leave policy in written form and would be limited to claiming up to 12 weeks for employees making \$80,000 or less per year.

The Chamber & EDC supports this bill. Rather than simply mandating expanded family leave categories, this bill offers incentives to employers to provide additional benefits.

Primary Bill Sponsors: Representative Ryan Armagost

Position: Support

Status: Failed

House Bill 23-1061 | Alcohol Beverage Retail Establishment Permit

Legislative Summary: HB23-1061 addresses a legal framework under current liquor law that applies to art galleries, effectively allowing limited liquor licenses for expositions, special events and under limited standards for the purpose of enhancing a live event. The bill would expand this temporary and limited framework to a broader category of boutique retail establishments, to encourage downtown development authorities and partnerships to explore additional event options.

The Chamber & EDC is in support of this legislation. By allowing our Downtown Partnership additional flexibility in the types of events and promotions they can undertake, this bill would provide additional revenue opportunities for small retailers and establishments. The Chamber & EDC also supports common sense approaches to regulatory frameworks governing events that involve liquor licensing and believes that this bill strikes an appropriate balance between providing business opportunity and public safety.

Primary Bill Sponsors: Representative Lindsey Daugherty, Representative Rick Taggart, Senator Rachel Zenzinger

Position: Support

Status: Passed

House Bill 23-1065 | Local Government Independent Ethics Commission

Legislative Summary: HB23-1065 would expand the authority of the Independent Ethics Commission to cover the Boards and Board members of school districts and special districts. Under current law, the IEC does not have authority specified over these entities.

The Chamber & EDC took a position to monitor this bill. The Chamber supports transparent and ethical operations of all governing boards in special districts but is concerned that IEC

investigations could be used to create nuisance investigations by activist members of the legislature who have expressed opposition to particular forms of special districts.

Primary Bill Sponsors: Representative Tammy Story, Representative Jen Parenti, Senator Janice Marchman

Position: Monitor

Status: Failed

House Bill 23-1074 | Study Workforce Transitions to Other Industries

Legislative Summary: HB23-1074 requires the future workforce office to commission a study on workforce transitions in Colorado. This study must include an evaluation of the skill transferability of workers in the oil and gas industry and in occupations that are facing the most disruption due to automation; explore training availability, skills needed, and transition strategies; and provide recommendations for programs and policies to prepare the workforce for these transitions.

The Chamber & EDC is in support of this legislation. The Chamber & EDC is broadly supportive of studying workforce trends and transitions to assist our work to attract new projects to our region.

Primary Bill Sponsors: Representative Ruby Dickson, Representative Judy Amabile

Position: Support

Status: Passed

House Bill 23-1075 | Wildfire Evacuation and Clearance Time Modelling

Legislative Summary: HB23-1075, as originally written, would have required the integration of wildfire evacuation modeling as a required condition of development for properties within the Wildland Urban Interface (WUI). This bill has since been amended to direct the state Office of Emergency Management (OEM) to undertake a study of the feasibility of inter-jurisdictional evacuation modeling to be legislated upon in a future session. The Study must compare current technology options available to local OEMs and examine current best practices across local jurisdictions.

The Chamber & EDC took a position to amend this bill. While evacuation modeling, emergency response plans, and wildfire mitigation are all critical issues for the Pikes Peak region, the cost of implementation had not been examined. Additionally, the Chamber & EDC has worked with the local government and the Pike's Peak OEM to ensure that local safety codes and evacuation

planning requirements are properly placed in public safety code chapters and not used as a tool to block potential future growth.

Primary Bill Sponsors: Representative Marc Snyder

Position: Amend

Status: Passed

House Bill 23-1076 | Worker's Compensation

Legislative Summary: HB23-1076 deals with several aspects of workman's compensation benefits, specifically several dealing with artificial limbs, prosthetics, and hearing devices. The bill also addresses attorney's fees in workman's compensation lawsuits, allowing an increase from 20% to 25% in allowable attorney's fees.

The Chamber & EDC is monitoring this legislation. Specifically, the Chamber is concerned about increases in allowable attorney's fees in workman's compensation lawsuits. While the increase prescribed in this bill is normal within the trends we have seen in previous legislative sessions, the Chamber is watching the progress of this legislation in case amendments are introduced allowing for higher, unreasonable increases.

Primary Bill Sponsors: Representative Lindsey Daugherty, Representative Janice Marchman

Position: Monitor

Status: Passed

House Bill 23-1078 | Unemployment Compensation Dependent Allowance

Legislative Summary: HB23-1078 would expand unemployment benefits for eligible individuals, adding a dependent allowance. This allowance would be set to \$35 per dependent per week, with future adjustments for inflation.

The Chamber & EDC is opposed to this legislation, with several areas of concern. Employers contribute to the unemployment insurance trust fund in order to provide a replacement for wages lost by individuals who have become unemployed through no fault of their own. Expanding the program into areas already covered by various social safety nets that exist at the state, local and federal levels for families and children in financial distress sets a dangerous precedent. Concerns also exist around placing additional strain on the solvency of the unemployment insurance fund

by expanding payments. Through extraordinary measures taken by employers in partnership with the state legislature in 2022, the fund is on a path to fiscal solvency in the near future. This timeline could be extended, and additional burdens placed on employers in the form of increased premiums if this legislation were to advance as written.

Primary Bill Sponsors: Representative Jenny Willford, Senator Chris Hansen

Position: Oppose

Status: Failed

House Bill 23-1090 | Limit Metropolitan District Director Conflicts

Legislative Summary: HB23-1090 would prohibit local governments from approving service plans with metropolitan districts using developer-financed debt to pay for upfront infrastructure costs. Additionally, HB23-1090 places restrictions on developers serving on the boards of metro districts in cases where their companies are engaged in self-financing.

The Chamber & EDC Stood is strongly opposed to this legislation. Metro districts are a necessary tool in many projects to provide opportunities to finance the construction of necessary infrastructure for local governments during the process of development and expansion. The practice of self-financing can often be the only way to provide the necessary capital to make projects pencil out and mitigate developer risk. Removing this important tool would slow the growth of development in the Pike's Peak region and across the state at a time when attainable housing is in desperately short supply.

Primary Bill Sponsors: Representative Mike Weissman

Position: Oppose

Status: Failed

House Bill 23-1091 | Continuation of Child Care Contribution Tax Credit

Legislative Summary: HB23-1091 addresses a current tax credit available for those who make monetary contributions to promote childcare within the state. The current dedication is 50% of the value of the monetary contribution. This tax credit is set to expire in 2025 but would be renewed under this legislation for an additional 3 years.

The Chamber & EDC is in support of this legislation. Employers throughout the country are facing an acute workforce shortage, and the lack of affordable childcare has been identified as a major hindrance. Measures such as this help incentivize partnerships that provide affordable childcare.

Primary Bill Sponsors: Representative Rose Pugliese, Representative Cathy Kipp, Senator Janice Marchman, Senator Janice Rich

Position: Support

Status: Passed

House Bill 23-1095 | Prohibited Provisions in Rental Agreements

Legislative Summary: HB23-1095 specifically prohibits landlords from including several categories of fees and costs in rental agreements, while increasing avenues for tenants to take legal action and engage in class action lawsuits.

The Chamber & EDC is in opposition to this legislation. By limiting the ability of landlords to recover costs and exposing them to increased liability, this bill will likely result in increases in rents and decreases in the availability of rental units across the state. With a general shortage of rental units throughout our region and statewide, the Chamber & EDC opposes measures that would disincentivize landlords from providing rental units.

Primary Bill Sponsors: Representative Steven Woodrow, Representative Mandy Lindsay.

Position: Oppose.

Status: Passed

House Bill 23-1101 | Ozone Season Transit Grant Program Flexibility

Legislative Summary: HB23-1101 offers some flexibility to transit organizations to designate months outside of the normal June through August timeframe as ozone season for purposes of utilizing grant dollars for transit and trip reduction programs. Additionally, these same agencies would have flexibility in the use of multi-modal and free public transit grant funds to promote these programs to gain higher ridership numbers and to roll over unused funds year to year.

The Chamber & EDC supports this legislation. The Chamber & EDC works closely with organizations like the Pike's Peak Area Council of Governments (PPACG) to help promote trip reduction options that may reduce ozone levels in our region. This legislation could provide some additional

flexibility in promoting efforts such as free public transit that already exist and are a good alternative to mandates.

Primary Bill Sponsors: Representative Stephanie Vigil, Representative Jennifer Bacon, Senator Faith Winter, Senator Nick Hinrichsen.

Position: Support

Status: Signed

House Bill 23-1115 | Repeal Prohibition Local Residential Rent Control

Legislative Summary: HB23-1115 would repeal a section of the Colorado state law prohibiting local and municipal governments from passing legislation that would enact rent control measures. If passed, this legislation would offer cities and counties the ability to pass rent control provisions.

The Chamber & EDC strongly opposes this legislation. Data clearly show that localities enacting rent control have done little to provide tangible support to renters in the face of economic pressures increasing housing costs, while simultaneously having a chilling effect on investment into multi-family development. With the Pike's Peak region facing an acute housing shortage, now is not the time to introduce legislation that would discourage the construction of new units.

Primary Bill Sponsors: Representatives Javier Mabrey and Elizabeth Velasco, Senator Robert Rodriguez.

Position: Oppose

Status: Failed

House Bill 23-1118 | Fair Workweek Employment Standards

Legislative Summary: HB23-1118, sometimes referred to as the "fair workweek" bill, sets requirements relating to the management of employee schedules, pay modifications, and hiring practices for covered employers. The bill also lowers the threshold for proof in legal complaints against employers while increasing penalties for such cases.

Covered employers consist largely of restaurant and retail establishments with 250 or more employees, though several other categories of business including logistics and commercial businesses are also affected. Covered employers would be required to set employee schedules two weeks in advance and face de-facto fines in the form of "predictability pay" or "rest shortfall

pay” in cases where schedules have to be adjusted on short notice. Additionally, this bill addresses hiring practices, mandating that all available hours be offered to current employees before any new employees may be hired.

The Chamber & EDC opposes this bill. This sweeping legislation ignores the reality faced by employers in the restaurant and retail industries, which often must utilize flexible schedules in order to better match customer demand. Additionally, this bill would make Colorado the second state in the nation to adopt such a widespread set of mandates. The mandates proposed are also some of the most sweeping and strict in the nation, even when compared to local municipalities with similar ordinances such as San Francisco and New York. As our businesses are recovering from the pandemic, it is not the time to hamper their ability to operate with sweeping and expensive new mandates that serve only to add liability for employers.

Primary Bill Sponsors: Representative Emily Sirota and Representative Serena Gonzales-Gutierrez, Senator Julie Gonzales and Senator Faith Winter.

Position: Oppose

Status: Failed

House Bill 23-1161 | Environmental Standards for Appliances

Legislative Summary: HB23-1161 imposes new standards, along with prohibitions on the manufacturing, distribution, and sales on a variety of residential and industrial items including lighting, irrigation, doors, and windows. The bill sets new, higher standards for energy and water efficiency for covered appliances and fixtures.

The Chamber & EDC opposes this bill. It is unclear how extensive the financial impact could be to homebuilders and others refurbishing units for resale, but increasing costs relating to new efficiency mandates are likely to inflate unit and house costs.

Primary Bill Sponsors: Representative Cathy Kipp and Representative Jenny Willford, Senator Lisa Cutter

Position: Oppose

Status: Passed

House Bill 23-1171 | Just Cause Eviction for Residential Tenants

Legislative Summary: HB23-1171 imposes new requirements on residential landlords, requiring that they be able to prove “just cause” for an eviction. The bill additionally places additional

financial penalties on landlords of up to three months' rent in cases of no-fault lease termination agreements.

The Chamber & EDC opposes this bill. By raising evictions to a "no-fault" legal standard and burdening small landlords with the requirement for up to three months of rent in financial penalties, this bill would discourage small investor landlords from participating in the market, making them likely to sell their rental properties, reducing the number of accessible rental units on the already strained market.

Primary Bill Sponsors: Representative Javier Mabrey and Representative Serena Gonzalez, Senator Julie Gonzalez and Senator Nick Hinrichsen

Position: Oppose

Status: Failed

House Bill 23-1189 | Employer Assistance for Home Purchase Tax Credit

Legislative Summary: HB23-1189 would create a tax credit to incentivize employers to offer a contribution to an employee to use for purchasing a primary residence. The tax credit would be 5% of the total amount given and is capped at \$5,000 per employee.

The Chamber & EDC is in support of this bill. HB23-1189 takes an approach that is voluntary and incentivized to allow employers a path to supporting employees in purchasing housing.

Primary Bill Sponsors: Representative Shannon Bird and Senator Rachel Zenzinger.

Position: Support

Status: Passed

House Bill 23-1190 | Affordable Housing Right of First Refusal

Legislative Summary: HB23-1190 would create a right of first refusal for local governments to match an acceptable offer for the sale of a residential or mixed-use multifamily property. This would be subject to the local government ensuring that the affected property is utilized for long-term affordable housing. Additionally, the local government would be able to assign their right of first refusal to the state, other political subdivisions, or housing authorities.

Upon receiving notice of intent to sell or of a potential sale of property, a local government has 7 business days to preserve its right of first refusal and an additional 30 business days to make an

offer and must agree to close on the property within 60 business days of the execution of an agreement for the sale and purchase of the qualifying property. This timeline is roughly half the initial requirement set forth in the bill.

The Chamber & EDC remains opposed to HB23-1190. While the timelines have been reduced, this bill represents a drastic overreach in the role of local governments and their relationship to the expansion of affordable housing supply. The expansion of the timeline of a sale of a covered property represents a significant additional expense to any owner and will certainly have a chilling effect on developers considering projects to build a new stock of multi-family housing.

Primary Bill Sponsors: Representative Andrew Boesenecker, Representative Emily Sirota, and Senator Faith Winter.

Position: Oppose.

Status: Passed

House Bill 23-1192 | Additional Protection in Consumer Code

Legislative Summary: HB23-1192 makes several changes to Colorado law surrounding consumer protection and antitrust regulations. Among other provisions, this bill removes the language relating to public impact requirements and the elimination of the knowingly or recklessly standard under the Colorado Consumer Protection Act.

The Chamber & EDC is in opposition to this bill. As written, the bill opens additional liability to housing builders for construction defects lawsuits. The removal of the public impact requirements dramatically expands opportunities for trial lawyers to file construction defects-related suits and seek treble damages. With the increases in insurance costs and the likely chilling effect this would have on builders, this legislation will slow the construction of attainable housing units.

Primary Bill Sponsors: Representative Mike Weissman, Senator Julie Gonzales, and Senator Robert Rodriguez

Position: Oppose

Status: Passed

House Bill 23-1202 | Overdose Prevention Center Authorization

Legislative Summary: HB23-1202 would provide the legal framework for municipalities to establish and oversee safe injection sites within their jurisdictions.

The Chamber & EDC is opposed to HB23-1202. The data show correlations between localized crime and increases in illegal substance abuse, including when such use takes place at a monitored safe injection site. The Chamber is concerned that the spread of such sites throughout the state will lead to increases in crime and have a negative effect on business growth and attraction.

Primary Bill Sponsors: Representative Elisabeth Epps, Representative Jenny Willford, Senator Kevin Priola and Senator Julie Gonzales.

Position: Oppose

Status: Failed

House Bill 23-1209 | Analyze Statewide Publicly Funded Healthcare

Legislative Summary: HB23-1209 would direct the Colorado School of Public Health to analyze model legislation for a privately delivered, publicly funded universal healthcare system that directly compensates providers. The bill also creates a statewide healthcare analysis task force appointed by the legislature and directs them to advise the Colorado School of Public Health as they undertake the study.

The Chamber & EDC opposes this legislation. While this bill only directs a study to be conducted, this will likely prove to be the basis for a future universal healthcare bill. The Chamber has serious concerns about the message this sends to providers and insurers in the state, especially at a time when our healthcare system is performing well, but near capacity.

Primary Bill Sponsors: Representative Andrew Boesnecker, Representative Karen McKormick, and Senator Sonya Jaquez Lewis

Position: Oppose.

Status: Failed

House Bill 23-1215 | Limits on Hospital Facility Fees

Legislative Summary: HB23-1215 would prohibit hospitals from collecting facility fees from patients receiving outpatient care. Facility fees are, as required by law, separate from provider fees that cover direct care from doctors. Facility fees cover services such as nurses, technicians, environmental services, security personnel, and interpreters vital to the successful operation of a hospital.

The Chamber & EDC opposes this legislation. While the intent of the sponsors is to try to save money for patients as increasing emphasis is placed on outpatient care, the consequences of limiting these separate fees would be dire in terms of continued access to care for patients. While “facility fees” could be better described as outpatient care payments, they are crucial for ensuring the necessary resources to adequately staff hospitals. In rural areas, the challenge becomes more dire as a single hospital may serve areas of hundreds of square miles as the only fully equipped and staffed medical facility. Colorado has a high-functioning healthcare system that delivers positive health outcomes for patients, but like many other areas still faces a strain on staffing and capacity. Now is not the time to limit the capacity of our hospitals and care providers, especially as the state continues to grow.

Primary Bill Sponsors: Representative Emily Sirota, Representative Andrew Boesnecker, Senator Kyle Mullica and Senator Lisa Cutter

Position: Oppose.

Status: Passed

House Bill 23-1260 | Advanced Industry and Semiconductor Incentives

Legislative Summary: HB23-1260 modifies existing state tax incentives and expands new tax credits to help semiconductor manufacturing and related employers maximize federal government funding and incentives. The bill expands qualified enterprise zone tax credits, the Colorado job growth incentive income tax credit, and three CHIPS zone credits.

The Chamber & EDC is in support of this bill. The Chamber & EDC has been actively involved in recruiting expansion and relocation of advanced semiconductor manufacturing projects to the Pike’s Peak region, securing thousands of jobs and more than \$1 billion in capital investments since 2022. The Chamber & EDC is also actively involved in advocating for expanded incentive programs at the state and federal levels to

enhance Colorado’s competitiveness nationally and internationally for advanced manufacturing relocation and expansion projects.

Primary Bill Sponsors: Representative Matt Soper, Representative Alex Valdez, Senator Mark Baisley, and Senator Kevin Priola.

Position: Support.

Status: Passed

House Bill 23-1273 | Creation of Wildfire Resilient Homes Grant Program

Legislative Summary: HB23-1273 would create incentives using grant dollars to encourage the use of fire-resistant materials in building and remodeling projects in areas of high fire danger.

The Chamber & EDC is in support of this bill. With wildfire risk heightened throughout the Wildland Urban Interface (WUI) area, several ideas have been proposed at the local and state levels to address wildfire resilience of houses. The Chamber & EDC supports taking a path to provide incentives rather than restrictions that could pose additional costs and decrease affordability of housing.

Primary Bill Sponsors: Representative Marc Snyder, and Senator Junie Joseph

Position: Support

Status: Passed

House Bill 23-1282 | Protect Consumers from Additional Entities

Legislative Summary: HB23-1282 makes changes to Colorado law surrounding the Colorado Consumer Protection Act (CCPA) regulations. This bill specifically adds “a public utility” to the definition of “person” in the CCPA. This would subject a public utility to CCPA suits and enforcement actions instituted by the Colorado Attorney General or district attorneys.

The Chamber & EDC is in opposition to this bill. As written, the bill opens up additional liability to public utilities, including municipally owned utilities such as Colorado Springs Utilities (CSU) for lawsuits. CCPA lawsuits specifically may result in remedies up to treble damages to the plaintiff, along with attorney’s fees and other costs to the utility. The additional costs would directly affect rate payers, small businesses and residents of Colorado Springs. With utilities rates already increased due to state mandated emissions reduction and green portfolio diversification requirements, the Chamber opposes a measure that can only increase the cost of utilities to Colorado Springs ratepayers.

Primary Bill Sponsors: Representative Cathy Kipp and Senator Kevin Priola

Position: Oppose

Status: Failed

House Bill 23-1294 | Pollution Protection Measures

Legislative Summary: HB23-1294 makes several changes to Colorado air quality regulations and permitting structures. This bill would require pollution modeling to be included in applications for several categories of permits, including indirect air pollution sources determined to be large indirect sources of ozone air precursor pollutants. Other aspects of this bill include a reintroduction of mandatory trip reduction provisions and in some cases, private right-of-action language.

The Chamber & EDC is in opposition to this bill. While the bill was amended in committee to change some of the requirements for permitting and measurement, this bill still includes mandatory trip reduction provisions, expanded liabilities for permit applicants due to the private right of action, and broadly covers several industries outside the energy sector that would be affected by the tighter standards. The State has already mandated aggressive ozone and air quality standards that must be met by 2030, and the business community, local governments, and other entities have worked proactively to put in place plans to achieve these requirements. Additional mandates on a shorter timeline are not only costly and more difficult to meet, but in many cases are counterproductive to the real and measurable emissions reduction measures that have already been adopted and are actively being pursued.

Primary Bill Sponsors: Representative Jennifer Bacon, Representative Jenny Willford, Senator Faith Winter, and Senator Julie Gonzalez

Position: Oppose

Status: Passed

House Bill 23-1304 | Proposition 123 Affordable Housing Programs

Legislative Summary: HB23-1304 addresses the allocation of dollars allotted for affordable housing, homelessness mitigation, and attainable housing support under Proposition 123 which was passed in the 2022 midterm election. This legislation specifies the allotment of affordable housing dollars along with several specifically approved avenues for local government-directed spending. Additionally, the bill codifies the 3% growth and maintenance requirements of affordable housing stock for participating municipalities.

The Chamber & EDC supports this legislation. As part of the Chamber's legislative agenda surrounding the continued growth of affordable housing supply, we specifically noted the need for a Proposition 123 legislative fix that would preserve the approved dollars from the initiative and protect them from being raided for other programs as part of the general fund. HB23-1304 broadly accomplishes this goal, designating specific programs and avenues of funding for the

spending of Proposition 123 dollars. While these funds and programs alone are not sufficient to address the current shortage of housing across all income levels in Colorado, the dedication of these funds to the affordable housing market segment has the potential to help increase supply in the near future.

Primary Bill Sponsors: Representative Julie McKluskie, Representative Lisa Frizell, Senator Dylan Roberts, Senator Tony Exum

Position: Support

Senate Bill 23-001 | Authority of Public-Private Collaboration Unit For Housing

Legislative Summary: SB23-001 expands options for the state's public-private collaboration unit under the Department of Personnel to work with developers and private entities on projects focused on providing affordable housing. The legislation also opens up options for financial support of these projects by utilizing donations and grants and proceeds from real estate transactions.

The Chamber & EDC is in support of this bill. This adds additional flexibility for the state to support affordable housing projects through the use of land and state funding.

Primary Bill Sponsors: Senator Dylan Roberts, Senator Rachel Zenzinger, Representative Shannon Bird, Representative Meghan Lukens

Position: Support

Status: Passed

Senate Bill 23-016 | Greenhouse Gas Emission Reduction Measures

Legislative Summary: SB23-016 is a wide-ranging bill addressing several aspects of greenhouse gas emissions reduction. The bill combines several tax credits to incentivize new green programs and electric equipment purchases with more stringent regulatory measures relating to PERA investment, climate risk reporting by insurers, oil and gas well regulations, and state climate renewable portfolio goals.

The Chamber & EDC is in opposition to this legislation. Much of this bill was brought forward in 2022 in the form of mandates and eventually vetoed by Governor Polis. Several of the mandates specified in the bill add additional operating costs to specific industries that will likely be passed on to the consumer. The PERA portion is likely to prove financially irresponsible and could prove costly to Colorado taxpayers in the long term. Finally, the accelerated timeline for state climate

goals is likely to prove unrealistic given the difficulties already faced in meeting similar goals on original timelines.

Primary Bill Sponsors: Senator Chris Hansen, Representative Emily Sirota

Position: Oppose

Status: Passed

Senate Bill 23-017 | Additional Uses for Paid Sick Leave

Legislative Summary: SB23-017 expands the definition of allowable uses for paid sick leave to include care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the closure of the family member's school or place of care. Paid sick leave is also expanded to include grieving, attending funeral services or a memorial, or dealing with financial and legal matters that arise after the death of a family member.

The Chamber & EDC opposed this legislation. While employers are largely prohibited from asking for evidence of legitimate use of sick days, the expansion of the statutory definition as proposed goes far beyond what could reasonably be defined as “sick”.

Primary Bill Sponsors: Senator Faith Winter, Representative Jenny Wilford

Position: Oppose

Status: Passed

Senate Bill 23-046 | Average Weekly Paid Leave Benefits

Legislative Summary: SB23-046 revises the calculations for base wages applied to paid family and medical leave benefits. While current law limits the base wage calculation to the job from which an individual is taking leave, SB23-046 would expand calculations to include income from recent jobs held by covered individuals.

The Chamber & EDC opposed this legislation. While it is far from clear that the current FAML program structure is fiscally stable in the long term, placing the additional burden of increased payouts based on jobs at which individuals are no longer employed will worsen any financial strain.

Primary Bill Sponsors: Senator Faith Winter, Representative Monica Duran

Position: Oppose

Status: Signed

Senate Bill 23-058 | Job Application Fairness Act

Legislative Summary: SB23-058 expands on prohibitions against age discrimination by further limiting questions employers may legally ask a candidate during the hiring process. This bill specifically 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 as part of an application.

The Chamber & EDC oppose this legislation. The addition of these regulations would cause unnecessary burden on employers while increasing employer liability during the hiring process.

Primary Bill Sponsors: Senator Jessie Danielson Senator Sonya Jaquez Lewis, Representative Jenny Willford, Representative Mary Young.

Position: Oppose

Status: Passed

Senate Bill 23-065 | Career Development Success Program

Legislative Summary: SB23-065 addresses requirements for the current Career Development Success Program, removing the certain requirements around completion and issuing of industry program certificates. The bill also requires a school district or charter school participating in the program to receive 120% of the per-pupil amount for each eligible student who successfully earned an industry certificate by completing a qualified industry-credential program, a qualified workplace training program, or a qualified advanced placement course.

The Chamber & EDC is in support of this legislation. Locally, the HBA's Careers in Construction program is a qualifying industry career training program that is eligible to receive this sort of state support and is producing job ready students.

Primary Bill Sponsors: Senator Paul Lundeen, Senator Jeff Bridges, Representative Shannon Bird, Representative Don Wilson

Position: Support

Status: Passed

Senate Bill 23-066 | Advanced Industry Acceleration Programs

Legislative Summary: SB23-066 addresses two advanced industry acceleration programs that are set to expire; the advanced industry export acceleration program which ends in 2025, and the advanced industries acceleration grant program which ends in 2024. The bill extends both programs by 10 years. SB23-066 is a priority bill for the Office of Economic Development and International Trade.

The Chamber & EDC is in support of this legislation. The incentives provided to advanced manufacturers under these programs can help make an appreciable difference in the Chamber & EDC's economic development mission. Incentives like these can be used to make the Pike's Peak region competitive in advanced manufacturing project attraction, such as semiconductors, in the future.

Primary Bill Sponsors: Senator Cleave Simpson, Senator Chris Hansen, Representative Shannon Bird, Representative Mike Lynch

Position: Support

Status: Passed

Senate Bill 23-098

Gig Work Transparency

Legislative Summary: SB23-098 lays out additional regulations for third party app-based ride share and delivery platforms. These regulations range from additional disclosure requirements around hours, incentives, tips and projected rates of pay and to processes for internal complaints, terminations and deactivations of users from the platforms. The bill would also set up an oversight structure under the Division of Labor (DoL) that would take complaints and have the authority to levy fines against third party companies.

The Chamber & EDC are in opposition to this bill. The disclosure requirements set forth in the bill are burdensome and not compatible with the independent contractor framework under which these companies operate. There are also concerns relating to the sensitivity of proprietary internal information relating to contracts between the third party companies and other customers such as restaurants also engaged in the use of the platform.

Primary Bill Sponsors: Senator Robert Rodriguez, Representative Jennifer Bacon, Representative Stephanie Vigil

Position: Oppose

Status: Failed

Senate Bill 23-105 | Ensure Equal Pay for Equal Work

Legislative Summary: SB23-105 expands on previous pay transparency legislation passed by the legislature, adding an investigative and enforcement mandate to the Colorado Division of Labor and Employment in place of previously established authority. The window for relief and back pay damages is expanded from three years to six, and employers are presented with a series of new mandates for publishing disclosures of promotional opportunities, hiring, and those relating to selected candidates.

The Chamber & EDC opposes this legislation. While the Chamber & EDC supports equal pay for equal work, the original pay transparency bill that this legislation builds on created a number of challenges and increased costs due to new reporting and compliance requirements. Passage of SB23-105 would not only increase compliance requirements but add additional liability to employers.

Primary Bill Sponsors: Senator Jessie Danielson and Senator Janet Buckner, Representative Serena Gonzalez-Gutierrez.

Position: Oppose

Status: Passed

Senate Bill 23-106 | Income Tax Deduction for Military Retirement Benefits

Legislative Summary: SB23-106 addresses the current levels of tax deduction for income received from military retirement benefits. Under current law, until 2024, up to \$15,000 of military retirement benefits may be deducted from an individual's state income tax. This legislation would expand this benefit indefinitely while adding an annual inflation adjustment to the \$15,000 cap.

The Chamber & EDC supports this legislation. This bill would directly affect Colorado's ability to be competitive in the defense contracting and Department of Defense (DoD) support markets. A major part of the workforce in these industries is veterans with security clearances and relevant experience from their time in military service. Colorado is in competition to attract this personnel, in many cases with states that offer a full tax exemption for military retirement benefits. The

extension of this tax deduction indefinitely, along with future adjustments for inflation, will ensure that this incentive stays relevant for veterans in the future.

Primary Bill Sponsors: Senator Bob Gardner, Representative Mary Bradfield

Position: Support

Status: Failed

Senate Bill 23-107 | Senior and Veterans With Disabilities Property Tax Exemption

Legislative Summary: SB23-107 revises the senior property tax exemption, an incentive that also applies to disabled veterans. This bill creates exceptions to the broader requirement that an otherwise eligible individual occupies a residence for ten years after moving out of a residence previously covered under the exemption. These exceptions are specified for medical necessity and paired with increases in the amount of property value subject to the exemption.

The Chamber & EDC supports this legislation. The ability of eligible individuals to exercise greater portability of their property tax exemptions can help incentivize seniors to downsize, creating more opportunities for upward mobility of growing families in the housing market. The Chamber supports housing incentives and options that provide for greater portability of the senior property tax exemption.

Primary Bill Sponsors: Senator Larry Liston

Position: Support

Status: Failed

Senate Bill 23-110 | Transparency for Metropolitan Districts

Legislative Summary: SB23-110 is one of several bills addressing metropolitan districts and their oversight, transparency, governance, and financing practices. This bill would set statewide standards for transparency, disclosures relating to service on governing boards by developers, and standards for review by local governments as well as limitations on developer-financed debt.

The Chamber & EDC is supportive of this legislation. Metro districts are a critical tool in the financing of new infrastructure as communities grow, allowing new development to pay for itself. When used correctly, metro districts can allow projects to pencil out for developers, increasing the supply of market rate housing without having to absorb the cost of new infrastructure into

the lot price of housing or burden current utility ratepayers. This bill largely codifies best practices in the utilization of metro districts that have already been adopted by the City of Colorado Springs.

Primary Bill Sponsors: Senator Janice Marchman and Senator Renee Zenzinger, Representative Cathy Kipp and Representative Rick Taggart

Position: Support

Status: Passed

Senate Bill 23-111 | Public Employees Workplace Protection

Legislative Summary: SB23-111 expands explicit legal protections for public employees engaging in collective bargaining discussions and collective bargaining organizing activities.

The Chamber & EDC opposes this legislation. The Chamber is concerned that further formatting of collective bargaining organizations within the public sphere will create greater long term fiscal liabilities for the state and ultimately taxpayers, including employers.

Primary Bill Sponsors: Senator Robert Rodriguez, Senator Steven Woodrow, Representative Briana Titone

Position: Oppose

Status: Passed

Senate Bill 23-137 | Transfer to Colorado Economic Development Fund

Legislative Summary: SB23-137 authorizes a transfer of \$5 million from the general fund to the Colorado economic development fund. The bill requires the Colorado office of economic development (OEDIT) to use the money to leverage federal dollars allocated for semiconductor manufacturing and supply chain business establishment and attraction under the CHIPS act.

The Chamber & EDC supports this legislation. The Chamber has already successfully worked with advanced manufacturing companies to locate and expand in the Pike's Peak area and will be able to use OEDIT incentive dollars combined with federal CHIPS dollars effectively in future to expand the semiconductor manufacturing industry and ancillary industries in our region.

Primary Bill Sponsors: Senator Jeff Bridges, Senator Barabra Kirkmeyer, Representative Shannon Bird and Representative Rod Bockenfeld

Position: Support

Status: Passed

Senate Bill 23-166 | Establish a Wildfire Resiliency Code Board

Legislative Summary: SB23-166 calls for the establishment of a statewide wildfire resiliency code board. This board would be appointed partially by the legislature and would examine items such as the formal statewide definition of the Wildland Urban Interface (WUI), building codes for fire resilience for new buildings and remodels within the WUI, and overall fire mitigation requirements for developments in at-risk areas.

The Chamber & EDC is seeking amendments to this legislation. While wildfire, and especially wildfire mitigation is critical in an area such as the Pikes Peak region, there are some areas of concern within the bill on which the Chamber has asked for additional clarification. Concerning the board, the Chamber has asked for more balance of appointment authority, and for the appointments of vacancies to rest with the original legislative appointing authority. The Chamber is also seeking clarification that Board mandates would require a $\frac{2}{3}$ majority vote, similar to recently created boards such as the Energy Codes Board.

Primary Bill Sponsors: Senator Lisa Cutter and Senator Tony Exum, Representative Meg Froelich, and Representative Elizabeth Velasco.

Position: Amend

Status: Passed

Senate Bill 23-172 | Protecting Opportunities And Workers' Rights Act

Legislative Summary: SB23-172 revises previous versions of the POWR act, removing language that defines the "severe and pervasive" standard for workplace harassment to which employers are currently held. Additional revisions include modification to requirements for employers to log complaints, including those made verbally, requirements for employers to conduct internal investigations and changes to the ability of employers to effectively take steps to utilize "affirmative defense" in cases of alleged workplace harassment.

The Chamber & EDC is opposed to this legislation. The Chamber & EDC, along with our membership are absolutely dedicated to providing workplaces free of harassment for all

employees. Unfortunately, the bill does not actually provide any more substantive or practical protections for employees, though it does dramatically increase employer liability. The Chamber & EDC does not support the codification of laws that define the employee-employer relationship in adversarial terms and serve only to increase the legal liability for employers and encourage expensive future litigation.

Primary Bill Sponsors: Senator Faith Winter, Senator Julie Gonzales, Representative Mike Weissman, Representative Jennifer Bacon

Position: Oppose

Status: Passed

Senate Bill 23-198 | Clean Energy Plans

Legislative Summary: SB23-198 sets additional benchmarks for carbon reduction plans that specifically affect local utilities providers. Current law requires that utilities have submitted plans for 80% carbon reduction relative to 2005 levels to be achieved by 2030. SB23-198 would add a midpoint target requirement that would require a demonstrated 46% reduction against 2005 levels by 2027.

The Chamber & EDC is opposed to this legislation. The Colorado Springs utilities carbon reduction plan is on track to achieve the legally mandated reductions by 2030. The closure of Drake and the planned closure of Nixon will have the required reductions, but not along a linear timeline. The addition of a 2027 requirement is arbitrary and not feasible in the short term. With ratepayers and small businesses already facing higher utilities charges, the Chamber & EDC does not see any scenario in which increasing expenses and regulatory requirements on Colorado Springs utilities can have a positive outcome.

Primary Bill Sponsors: Senator Faith Winter, Representative Mike Weissman.

Position: Oppose

Status: Passed

Senate Bill 23-213 | Land Use

Legislative Summary: SB23-213 is the much-anticipated land use and housing bill, attempting to address the State's current housing shortage. SB23-213 would move a number of land use and

zoning decisions from the local level to the state level under the direction of the Department of Local Affairs (DoLA). DoLA would be required to promulgate codes that address additional density and expanded options for utilization of accessory dwelling units (ADUs) and attached product such as duplexes, triplexes and up, and additional density along key corridors and transit-oriented development areas. The State would establish a multi-agency advisory committee which would be tasked with providing recommendations to DoLA's executive director on methodologies for developing statewide, regional, and local housing needs assessments; Guidance for creating housing needs plans; developing a menu of affordability strategies; developing a menu of displacement mitigation measures; identifying strategic growth objectives; and developing reporting guidance and templates.

The Chamber & EDC is taking an amend position on this bill. The Chamber & EDC is dedicated to working with local governments and industry partners to pursue solutions to our current housing shortage, including some which tackle zoning reform at local level. However, without addressing significant changes to current construction defects laws, the economic realities of the massive liabilities currently faced by developers working to bring attached product to market at an attainable price point will continue to be a severe obstacle. Additionally, the Chamber has asked that this legislation address an option for local governments to opt-out of the requirements promulgated by DoLA when said municipalities are already moving to address local zoning issues. In the case of Colorado Springs, the city has already undertaken a lengthy and in depth process of examining where current zoning can be changed to accommodate additional density and encourage more attainable and affordable housing development. ReTool COS is substantially in line with the sponsor's stated intent to remove regulatory restrictions on density via zoning codes, and the Chamber maintains that this should be recognized by the state and allowed to continue accordingly.

Primary Bill Sponsors: Senator Dominic Moreno, Representative Iman Jodeh, Representative Steven Woodrow.

Position: Amend

Status: Failed

Senate Bill 23-291 | Utility Regulation

Legislative Summary: SB23-291 was originally introduced with the intention to serve as a response to rising utilities rates for customers across Colorado. Originally mandated in the bill were broad disclosure requirements for employees and executive compensation, along with broad authority delegated to the Public Utilities Commission (PUC) to take actions when costs were determined to be disproportionately affected, particularly by natural gas infrastructure expansion. The bill was amended as a result of pressure from various utilities and business groups,

refocusing the legislation on studying the root causes of rising utilities rates and focusing on stabilization measures that are less punitive to utilities.

The Chamber & EDC is opposed to this legislation. While the amended version causes less harm to the industry and ultimately consumers, this still represents an overreach and overregulation on the part of the PUC.

Primary Bill Sponsors: Senator Dominic Moreno, Representative Iman Jodeh, Representative Steven Woodrow.

Position: Oppose

Status: Passed

Senate Bill 23-303 | Reduce Property Taxes And Voter-approved Revenue Change

Legislative Summary: SB23-303 would refer a question for voter approval for the November 2023 ballot that would simultaneously allow for the reduction of property taxes while retaining TABOR revenues to backfill for the projected difference in revenue collection.

This bill also places limits on property tax revenues to be collected by local governments beginning in the 2023 tax year, along with specific changes in the property tax valuation requirements for coming years.

The Chamber & EDC is actively monitoring this bill. It is unusual for a bill with this broad scope and complexity to be introduced one week from the end of session, and significant amendments may be added before Sine Die. If passed, the ballot question in November will require close consideration as the tax and budget implications for both the state and local governments are significant.

Primary Bill Sponsors: Senator Steve Fenberg, Senator Chris Hansen Representative Chris DeGruy Kennedy, Representative Mike Weissman

Position: Monitor

Status: Passed

Senate Bill 23-304 | Property Tax Valuation

Legislative Summary: SB23-304 is the companion legislation to SB23-303. While 303 deals specifically with voter approval for the proposed changes to the property tax and TABOR refund structure, 304 focuses on specific direction for property tax valuations. The bill specifies that when a property tax assessor values real property, the property tax assessor must consider the current use, existing zoning and other governmental land use or environmental regulations and restrictions, multi-year leases or other arrangements affecting the use of or income from real property, easements and reservations of record; and covenants, conditions, and restrictions of record.

The Chamber & EDC is monitoring this bill in conjunction with SB23-303.

Primary Bill Sponsors: Senator Robert Rodriguez, Representative Jennifer Bacon, Representative Stephanie Vigil

Position: Monitor

Status: Passed