



2023 Legislative Session

The 2023 Colorado legislative session tried the patience of everyone who was involved. It was led by a bunch of new and ambitious Democrats who had a full agenda.

The top issues of session:

Land Use - The land-use bill championed by Gov. Jared Polis died on the last day of the session. The Senate had stripped the top-down, state-control provisions of the original SB 23-213. House Democratic progressives restored some of those when they got their hands on the bill. The Senate, anchored by a group of local-control suburban Democrats, refused to give in to the House changes, and the bill died. It was a major defeat for Polis, who typically has had his way with the legislature over the last four years. A companion bill, HB 23-1255, actually passed without controversy. It bans cities from enacting growth limits.

Property Tax Relief – The second major issue was property tax relief. A complicated measure, SB 23-303, proposed a reduction of property tax rates with losses of local government revenues to be backfilled with diversion of some Taxpayer's Bill of Rights surpluses. All of this will have to be approved by voters in November because it requires a change in TABOR refunds. Democrats tweaked amendments to the bill to attract the support of some local governments (i.e. fire districts). The bill passed the House Monday evening without the no votes of the House's 19 Republicans, who walked out of the chamber. The future of this measure could be a nail-biter, given the difficulties of presenting a very complicated measure to voters.

Watch for Proposition HH to be on this year's statewide ballot.

House Dems fight among themselves – During recesses Monday evening, a meeting of House Democrats reportedly had Speaker Julie McCluskie, D-Dillon, under fire from some of the more progressive members of the Dem caucus. Earlier in the session, Democrats passed significant bill packages on gun control and protection of reproductive rights. But House progressives had a mixed scorecard, losing bills to ban assault weapons, create "fairer" scheduling for workers and allow cities to permit safe drug injection sites.

This will continue to be an issue going into the 2024 session.

See this This CPR story for details - <https://www.cpr.org/2023/05/09/tensions-between-house-democrats-flare-in-final-hours-of-session/>

Here are some of the other big issues that dominated the 2023 session:

Criminal justice - The third major debate during the closing days was over HB 23-1249. The bipartisan measure proposed raising the minimum age for charging youths with crimes to 13, the current age is 10. Instead of going into the criminal or juvenile court systems youth would be supervised and treated by local organizations called collaborative management programs. The bill was ultimately killed by its sponsors in the House after much debate in both chambers.

Bills of interest that passed include limits on use of restraints in state prisons (HB 23-1013), admissibility of juvenile statements when police lie to suspects (HB 23-1042), toughening of auto theft laws (SB 23-097) and restrictions on no-knock raids (SB 23-109). An effort to toughen fentanyl laws (SB 23-254) failed. And progressive Democrats killed a bill (SB 23-158) that would have renewed the Colorado Commission On Criminal And Juvenile Justice.

Budget – The full budget package, which includes more than just the long appropriations bill (SB 23-214), added up to \$41.4 billion from all funding sources, a 4.2 percent increase. The grand total for General Fund is \$15.42 billion, a 14 percent increase. Projected higher Medicaid costs, 5 percent raises for state employees, a 3 percent increase in provider rates and inflationary costs drove most of the increased spending.

Education – Bills of note that passed included a \$41 million increase in special education funding (SB 23-099), creation of a task force to study the state accountability system (HB 23-1241), a \$27.3 million program to improve math teaching and student performance (HB 23-1231), provision of mental health screening in secondary schools (HB 23-1003) and banning of corporal punishment in schools and childcare centers. There also were several bills passed that seek to improve adult education and workforce training.

Elections – A bill pushed by Senate President Steve Fenberg of Boulder alters the system of state reimbursement for county election costs and also makes changes in campaign spending disclosure rules, contribution limits, requirements for polling centers and drop boxes and other changes (SB 23-276).

Environment & energy – This also was a high-interest area this session. Bills that passed dealt with air-quality permits (HB 23-1294, much amended), tighter utility regulation of utilities and limits on which rate-case expenses can be passed on to customers (SB 23-291), reduction of greenhouse gas emissions (SB 23-016), energy standards for appliances (HB 23-1161), expanding the role and changing the name of the oil and gas conservation commission (SB 23-285) and creation of a task force to study Colorado River issues (SB 23-295). Lawmakers also passed a number of wildfire mitigation and suppression bills and approved purchase of a second Fire Hawk helicopter.

Firearms – This was the first hot issue of the session. Measures that passed included creation of a waiting period for delivery of firearms purchases (HB 23-1219),

strengthening the red flag law (SB 23-170), increasing the minimum age to buy firearms (SB 23-169), making it easier to sue gun manufacturers (SB 23-168) and cracking down on “ghost guns (SB 23-279). But a proposed ban on assault weapons failed in committee with bipartisan opposition (HB 23-1230).

Health care costs – Hospital costs were a major focus in this area and included measures to establish corrective action procedures for hospitals that fail to meet the minimum community investment thresholds (HB 23-1243), some restrictions on hospital outpatient facility fees (HB 23-1215) and hospital and medical cost transparency (HB 23-1226 and SB 23-252) and regulation of psychedelic mushrooms (SB 23-290). 3 percent medical debt SB 23-093

Housing – Beyond the late-breaking land use bill, the legislative calendar was full of other housing measures. A ban on municipal growth limits passed without much controversy (HB 23-1255), but a proposal to allow local governments to impose rent controls failed (HB 23-1115). There were a variety of renters’ rights bills, including some restrictions on landlords (HB 23-1095 and SB 23-184), eviction protections (HBs 23-1120 and 1171) and habitability requirements (HB 23-1171).

Reproductive rights – The session’s second big controversy after gun control was abortion. Majority Democrats efficiently pushed through bills to expand access to reproductive health services (SB 23-189), strengthen legal protections for reproductive health care providers (SB 23-188) and provide stronger regulation of agencies that counsel against abortions. That latter measure already is facing a court challenge.

School funding – The annual school finance act (SB 23-287 this year) set Total Program Funding for school districts at \$9.1 billion, an increase of about \$670 million, funded almost entirely by dramatic increases in local property tax revenues. Base per pupil funding increases by \$598.25, to \$8,076.41, an 8 percent inflation increase. Average per-pupil funding is estimated at \$10,579. On top of TPR, rural districts will receive an additional \$30 million.

The final bill tally

The final totals for the 2023 session were 617 bills, 311 from the House and 306 from the Senate. 486 passed and became law while 131 died or were vetoed.

All of the Colorado Contractors Coalitions bills of interest:
[Bill Reports | State Bill Colorado \(statebillinfo.com\)](#)

HB23-1005	New Energy Improvement Program Changes
BJ4C position:	Support
Position:	Support
Calendar Notification:	NOT ON CALENDAR
Short Title:	New Energy Improvement Program Changes
Sponsors:	J. Willford (D) B. Titone (D) / S. Jaquez Lewis (D) J. Marchman
Summary:	<p>The commercial property assessed clean energy program (C-PACE) is part of the new energy improvement program. C-PACE allows owners of eligible real property to apply to the Colorado new energy improvement district (district) to finance certain energy efficiency improvements. The bill allows owners to also apply to the district to finance resiliency improvements and water efficiency improvements.</p> <p>Additionally, when the district approves a C-PACE application, an owner consents to the district levying a special assessment on an owner's eligible real property. Current law requires the district to notify district members and existing lienholders about the special assessment and the availability of a hearing to resolve any complaints or objections. After a hearing, current law further requires the district to pass a resolution resolving any complaints or objections. The bill eliminates the requirements for the district to give notice about a hearing, conduct a hearing, and pass a resolution resolving complaints or objections. Instead of notifying district members and existing lienholders about the availability of a hearing, the bill requires the district to send a notice of assessment, which specifies the amount of the special assessment to be levied on the eligible real property, explains that the special assessment constitutes a lien against the eligible real property, and explains that the district is not a party to any private financing agreements.</p> <p><i>(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)</i></p>
Status:	3/8/2023 Governor Signed

HB23-1006	Employer Notice Of Income Tax Credits
BJ4C position:	

Position:	Monitor
Calendar Notification:	NOT ON CALENDAR
Short Title:	Employer Notice Of Income Tax Credits
Sponsors:	M. Young (D) L. Daugherty (D) / T. Exum (D)
Summary:	<p>Current law requires an employer to provide its employees with an annual statement showing the total compensation paid and the income tax withheld for the preceding calendar year. The bill requires an employer to also provide within a week before or after providing the statement and in the same manner as the statement is provided, written notice of the availability of the federal and state earned income tax credits and the federal and state child tax credits <i>at least once annually. An employer may send the written notice to employees electronically, including via email or text message.</i> The written notice must be in English and any other language the employer uses to communicate with employees and must include any additional content that the department of revenue prescribes.</p> <p><i>(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)</i></p> <p><i>(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)</i></p>
Status:	3/31/2023 Governor Signed

HB23-1017	Electronic Sales And Use Tax Simplification System
BJ4C position:	Support
Position:	Support
Calendar Notification:	NOT ON CALENDAR
Short Title:	Electronic Sales And Use Tax Simplification System
Sponsors:	C. Kipp (D) R. Bockenfeld (R) / J. Bridges (D) K. Van Winkle (R)
Summary:	Sales and Use Tax Simplification Task Force. As part of an effort to simplify the sales and use tax system, the department of revenue (department) created the electronic sales and use tax simplification system (SUTS), which is a one-stop portal designed to facilitate the collection and remittance of sales and

use tax. As soon as possible, but no later than January 1, 2025, the bill requires the department to modify SUTS: ~~to:~~

- ~~Notify a local taxing jurisdiction when there has been a change in an account's attributes or when an account has been closed;~~
- *To populate a local account number on all returns and summary reports, if the retailer filing the return has a number and provides the number in SUTS;*
- ~~Ensure that the missing license tool is working properly;~~
- ~~Facilitate the automation of the filing process;~~
- ~~Develop~~ *By developing a simplified spreadsheet filing system or a filing option that does not use a spreadsheet user interface for filing returns as an alternative to the current spreadsheet method ;*
- *To provide taxpayers with a bulk testing option for address files; and*
- ~~Create a simplified process for filing a zero return; and~~
- *To include additional use taxes, additional information about deductions, filtering options, and certain tabs.*

The bill permits the department to modify SUTS to:

- ~~Require retailers to register with a local taxing jurisdiction in which taxes are due before using SUTS; and~~
- ~~Prohibit a retailer from filing a return in SUTS unless the retailer has the correct local number on the account.~~

With the exception of charges for payments by credit cards, the bill prohibits the department from imposing a convenience fee or any other type of charge for a payment through SUTS and from passing those charges on to local taxing jurisdictions.

The bill also requires the department to:

- Create a campaign to promote SUTS for the purpose of increasing the awareness, participation, and compliance by retailers and local taxing jurisdictions; and
- Solicit and consider feedback from interested stakeholders about enhancements to SUTS that lead to greater local taxing jurisdiction participation and greater compliance by retailers.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status:

6/5/2023 Governor Signed

<u>HB23-1023</u>	Special District Construction Contracts
BJ4C position:	Support
Position:	Support
Calendar Notification:	NOT ON CALENDAR
Short Title:	Special District Construction Contracts
Sponsors:	W. Lindstedt (D) D. Wilson (R) / D. Roberts (D) B. Gardner (R)
Summary:	<p>Public notice for bids on special district construction contracts is currently required when the contract cost is \$60,000 or more. The bill increases the notice threshold to \$120,000 or more, and requires the amount to be adjusted for inflation every 5 years.</p> <p><i>(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)</i></p>
Status:	3/17/2023 Governor Signed

<u>HB23-1032</u>	Remedies Persons With Disabilities
BJ4C position:	
Position:	
Calendar Notification:	NOT ON CALENDAR
Short Title:	Remedies Persons With Disabilities
Sponsors:	D. Ortiz (D) / R. Rodriguez (D)
Summary:	<p>The bill makes 3 primary clarifications about the remedies a person with a disability is entitled to under current Colorado law related to protections against discrimination on the basis of disability for persons with disabilities:</p> <ul style="list-style-type: none"> • That a person with a disability is prohibited from being subject to discrimination by, excluded from participating in, or denied the benefits of services, programs, or activities of a place of public accommodation; • That the types of monetary damages to which a person with a disability is entitled include damages for emotional distress; and

- That a person with a disability is entitled to both a court order requiring compliance and either monetary damages or a statutory penalty.

The bill also allows a court to award reasonable attorney fees and costs to a prevailing plaintiff for any action commenced pursuant to certain Colorado law related to protections against discrimination on the basis of disability for persons with disabilities.

Lastly, the bill specifies that certain types of relief do not require exhaustion of potential administrative remedies.

The bill establishes that a person must first exhaust the proceedings and remedies available to them before filing an action in district court based on an alleged discriminatory or unfair practice related to certain employment practices, housing practices, or discriminatory advertising.

The 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.

Lastly, the bill requires that, in certain civil suits, an individual with a disability is entitled to a court order requiring compliance with applicable provisions along with either actual monetary damages or a statutory fine.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/25/2023 Governor Signed

[HB23-1035](#)

Statute Of Limitations Minimum Wage Violations

BJ4C position:

Position: **Monitor**

Calendar Notification: NOT ON CALENDAR

Short Title: Statute Of Limitations Minimum Wage Violations

Sponsors: M. Soper (R)

Summary: The bill specifies 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.

(Note: This summary applies to this bill as introduced.)

Status: 2/14/2023 House Committee on Judiciary Postpone Indefinitely

[HB23-1039](#)

Electric Resource Adequacy Reporting

BJ4C position: Support

Position: **Support**

Calendar Notification: NOT ON CALENDAR

Short Title: Electric Resource Adequacy Reporting

Sponsors: S. Bird (D) / R. Rodriguez (D) | F. Winter (D)

Summary: On or before April 1, 2024, and on or before April 1 of each year thereafter, an entity with an obligation to provide retail or wholesale electricity services in the state (load-serving entity) must file with the entity responsible for approving the resource plans or rates of the load-serving entity (regulatory oversight entity) an annual report detailing the adequacy of its electric resources (resource adequacy annual report).

On or before April 30, 2024, and on or before April 30 of each year thereafter, each regulatory oversight entity must submit any resource adequacy annual reports to the Colorado energy office. On or before July 1, 2024, and on or before July 1 of each year thereafter, the Colorado energy office must aggregate the resource adequacy annual reports received from the regulatory oversight entities into a statewide resource adequacy aggregate annual report.

If a load-serving entity participates in an active organized wholesale market, which is a regional transmission organization or an independent system operator established for the purpose of coordinating and managing the dispatch and transmission of electricity on a multistate or regional basis, or, if the load-serving entity is participating in a voluntary regional resource adequacy reporting program, the load-serving entity's obligation to provide a resource adequacy annual report terminates on the date that the load-serving entity begins participating in an organized wholesale market or in the year following the submission of a compliance report required by the program.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 4/25/2023 Governor Signed

[HB23-1045](#)**Employee Leave For Colorado National Guard Service**

BJ4C position:**Position:** **Monitor****Calendar Notification:** NOT ON CALENDAR**Short Title:** Employee Leave For Colorado National Guard Service**Sponsors:** G. Evans (R) / B. Pelton (R) | N. Hinrichsen (D)**Summary:**

The bill clarifies that a member of the Colorado National Guard or any other component of the military forces of the state who is an officer or employee of a public employer is entitled to a leave of absence from employment for training or active state military service for the equivalent of 3 weeks of work on the officer's or employee's regular work schedule each year. The officer or employee is entitled to use any paid leave available to the officer or employee or to use unpaid leave.

The bill clarifies that a member of the Colorado National Guard or the reserve forces of the United States who is an employee of a private employer is entitled to a leave of absence from employment in order to receive military training with the United States armed forces for the equivalent of 3 weeks of work on the employee's regular work schedule each year. The employee is entitled to use any paid leave available to the employee or to use unpaid leave for the employee's period of absence for military training.

The bill clarifies that a private employee is entitled to use any paid leave available to the employee or to use unpaid leave in order to engage in active service in the Colorado National Guard.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 3/10/2023 Governor Signed

[HB23-1057](#)**Amenities For All Genders In Public Buildings**

BJ4C position: Monitor**Position:** **Monitor****Calendar Notification:** NOT ON CALENDAR

Short Title:

Amenities For All Genders In Public Buildings

Sponsors:

K. McCormick (D) | S. Vigil (D) / S. Jaquez Lewis (D)

Summary:

Effective January 1, 2024, the bill requires each newly constructed ~~public building and each public building in which~~ *with qualifying* restroom renovations ~~are estimated to cost \$10,000 or more that is wholly or partly owned by the state, a county, or a local municipality~~ *a state department, state agency, state institution of higher education, county, a city and county, or a municipality* to:

- Provide a non-gendered restroom facility or a multi-stall non-gendered facility on each floor where restrooms are available;
- Ensure that all single-stall restrooms are not designated for exclusive use by any specific gender;
- Allow for the use of multi-stall restrooms by any gender if certain facility features are met under the ~~2021~~ International Plumbing Code *and the Colorado Fuel Gas Code*;
- Provide at least one safe, sanitary, and convenient baby diaper changing station that is accessible to the public on each floor where there is a public restroom, in each gender-specific restroom *if only gender-specific restrooms are available* , and in each non-gendered *single-stall or multi-stall* restroom; ~~and non-gendered single-stall restroom.~~
- *Ensure that each baby diaper changing station is cleaned with the same frequency as the restroom in which it is located, or as the space it is located in if it is not within a restroom, and maintained, repaired, and replaced as necessary to ensure safety and ease of use.*

~~The bill also requires each newly constructed public building and each public building in which restroom renovations are estimated to cost \$10,000 or more that is wholly or partly owned by the state, a county, or a local municipality to~~ Beginning July 1, 2024, but no later than July 1, 2026, a building that is wholly or partially owned or leased by a public entity must ensure that signage for the building or the portion of the building leased or owned by the public entity complies with the following signage requirements, subject to available appropriations:

- Include signage indicating the presence of a baby diaper changing station with a pictogram that is void of gender in all restrooms with baby diaper changing stations, *include signage with a pictogram void of gender* in all non-gendered restrooms, and *include*

signage with a pictogram void of gender in all single-stalled restrooms; and

~~The bill also requires each newly constructed public building and each public building in which restroom renovations are estimated to cost \$10,000 or more that is wholly or partly owned by the state, a county, or a local municipality to~~

- *Indicate in the central building directory, if such a directory exists, the location of any baby diaper changing station and of any non-gendered restroom with a pictogram void of gender.*

The bill requires the department of personnel to complete a survey that determines the number and locations of signs needed to comply with the bill signage requirements and requires the survey be provided to the general assembly and the capital development committee. The bill exempts the requirements of including a baby diaper changing station in any restroom and any construction necessary to comply with providing an accessible non-gendered restroom providing a non-gendered single-stall restroom or a non-gendered multi-stall restroom on each floor where a restroom is accessible to the public if the requirement would result in failure to comply with applicable building standards governing the right of access for individuals with disabilities. The bill exempts the requirements for projects that have already progressed through the design review process, budgeting, and final approval by the governing body that has final approval over capital construction project expenditures as of the effective date of the bill and also exempts a building designated as a certified historic structure. Beginning on July 1, 2025, the bill requires a building that is wholly or partially owned by a public entity that is a newly constructed building that is accessible to employees or enrolled students, or a building undergoing a qualified restroom renovation to:

- *Provide a non-gendered single-stall restroom or a non-gendered multi-stall restroom;*
- *Ensure that any single-stall restroom is not a gender-specific restroom; and*
- *Allow for the use of a multi-stall restroom by any gender if certain facility features are met pursuant to the International Plumbing Code or the Colorado Fuel Gas Code as adopted by the state plumbing board.*

The bill clarifies that an employee with a designated workplace in a public building may undertake the complaint process for alleged discriminatory or unfair practices including the failure to comply with providing the required amenities to all genders, as required, with the Colorado civil rights division

charged with the enforcement of the Colorado anti-discrimination act.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/24/2023 Governor Signed

[HB23-1058](#)

Child-occupied Facility Lead-based Paint Abatement

BJ4C position:

Position: **Monitor**

Calendar Notification: NOT ON CALENDAR

Short Title: Child-occupied Facility Lead-based Paint Abatement

Sponsors: R. Dickson (D) / J. Buckner (D)

Summary: Current law defines "child-occupied facility" for the purposes of lead-based paint abatement as a building or portion of a building that is visited by a child on 2 or more days within any week, with each visit totaling 6 or more hours. The bill reduces the total daily visit time to 3 or more hours.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 3/31/2023 Governor Signed

[HB23-1076](#)

Workers' Compensation

BJ4C position: Monitor

Position: **Monitor**

Calendar Notification: NOT ON CALENDAR

Short Title: Workers' Compensation

Sponsors: L. Daugherty (D) / J. Marchman

Summary: **Section 1** of the bill increases the limit on medical impairment benefits based on mental impairment from 12 weeks to 36 weeks. **Section 2** removes language authorizing an employee to

petition the division of workers' compensation in the department of labor and employment (division) prior to receiving a replacement of any artificial member, glasses, hearing aid, brace, or other external prosthetic device, including dentures. **Section 3** allows an employee to request a hearing when the employee's temporary total disability benefits end based on an attending physician's written release to return to regular employment. **Section 4** specifies that when a physician recommends medical benefits after maximum medical improvement, the benefits admitted by the insurer or self-insured employer are not limited to any specific medical treatment.

Current law requires an insurance carrier to provide an independent medical examiner and all other parties a complete copy of all medical records in its possession pertaining to an injury. **Section 5** limits the medical records required to be provided to records relevant to the injury. **Section 5** also specifies how the division is required to determine the amount and allocation of costs to be paid by the parties for an independent medical examination. **Section 6** allows a prehearing administrative law judge to issue interlocutory orders resolving disputes regarding the content and format of the independent medical examiner's medical record packet, indigency status, and the allocation of independent medical examiner costs.

Current law states that a contingent attorney fee exceeding 20% of the amount of contested benefits is presumed to be unreasonable. **Section 7** increases the amount to 25%.
(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 6/5/2023 Governor Signed

[HB23-1078](#)

Unemployment Compensation Dependent Allowance

BJ4C position:

Position: **Oppose**

Calendar Notification: NOT ON CALENDAR

Short Title: Unemployment Compensation Dependent Allowance

Sponsors: J. Willford (D) | S. Gonzales-Gutierrez (D) / C. Hansen (D)

Summary: The bill creates a dependent allowance for an individual receiving unemployment compensation (eligible individual) for each of the eligible individual's dependents. The dependent allowance starts on July 1, ~~2025~~ 2026, is \$35 per dependent per

week, and increases annually for inflation if necessary. The bill defines "dependent" as a child of an eligible individual who receives at least half of the child's financial support from the eligible individual and who is:

- Under 18 years of age; or
- 18 years of age or older and incapable of self-care because of a mental or physical disability.

The bill requires the division of unemployment insurance to report to the general assembly regarding the dependent allowance annually, beginning August 31, ~~2025~~ 2026, and by August 31 of each year thereafter. *The bill appropriates \$655,530 to the department of labor and employment for the 2023-24 state fiscal year to implement the act.*

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/2/2023 Senate Committee on Business, Labor, & Technology
Postpone Indefinitely

[HB23-1081](#)

Employee Ownership Tax Credit Expansion

BJ4C position:

Position: **Monitor**

Calendar Notification: NOT ON CALENDAR

Short Title: Employee Ownership Tax Credit Expansion

Sponsors: W. Lindstedt (D) | R. Taggart (R) / N. Hinrichsen (D)

Summary: Under current law, a qualified business is allowed a tax credit in the amount of 50% of the costs to convert the qualified business to a form of employee ownership. The tax credit is capped at \$25,000 for converting a qualified business to a worker-owned cooperative or employee ownership trust, and capped at \$100,000 for converting a qualified business to an employee stock ownership plan.

The bill:

- Increases the cap for converting a qualified business to a worker-owned cooperative or employee ownership trust from \$25,000 to \$40,000, and increases the cap for converting a qualified business to an employee stock ownership plan from \$100,000 to \$150,000;

- Expands the tax credit to include 50% of the costs of a qualified employee-owned business expanding its employee ownership by at least 20%, not to exceed \$25,000;
- Expands the tax credit to include 50% of the costs of a qualified business converting to or expanding an alternate equity structure, not to exceed \$25,000. An alternate equity structure is a ~~form of employee ownership where~~ *mechanism under which* an employer grants to employees *a form of employee ownership, including* 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 establishes certain minimum requirements for an alternate equity structure and requires the Colorado office of economic development in the office of the governor to develop guidelines for the types of employee ownership grants that qualify as an alternate equity structure.*
- 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.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/23/2023 Governor Signed

[**HB23-1085**](#)

Rural County and Municipality Energy Efficient Building Codes

BJ4C position:

Position:

Calendar NOT ON CALENDAR

Notification:

Short Title: Rural County and Municipality Energy Efficient Building Codes

Sponsors: M. Martinez (D) / C. Simpson (R)

Summary: Counties and municipalities are currently required to adopt and enforce certain energy efficient building codes concurrently with the updating of their existing building codes or, before July 1, 2023 only, concurrently with either the

adoption or updating of their building codes. Counties and municipalities must adopt and enforce these specified model energy codes within particular time frames. A rural county, which is defined as a county with a population of less than 30,000 people, is permitted to adopt a less current model code if it has applied for and not been awarded a grant that significantly assists with energy code adoption and enforcement training. **Section 1** of the bill extends the compliance periods for adoption and enforcement of the model energy codes by a rural county as follows:

- An energy code that achieves equivalent or better energy performance than the 2021 international energy conservation code and the model electric ready and solar ready code language developed by the energy board is not required prior to July 1, 2030, instead of being required concurrently with any county code building code update occurring on or after July 1, 2023, and before July 1, 2026;
- An energy code that achieves equivalent or better energy and carbon emissions performance than the model low energy and carbon code developed by the energy board is not required prior to July 1, 2032, instead of being required concurrently with any county code building code update occurring on or after July 1, 2026; and
- An energy code that achieves equivalent or better energy performance than one of the 3 most recent editions of the international energy conservation code is not required prior to July 1, 2025, instead of being required concurrently with any county code building code adoption or update occurring before July 1, 2023.

Section 2 defines a rural municipality as a municipality with a population of less than 10,000 people and extends the compliance periods for adoption and enforcement of the model energy codes in an identical manner to that outlined above for rural counties. The bill adds language allowing a rural municipality to adopt a less current model code if it has applied for and not been awarded a grant that significantly assists with energy code adoption and enforcement training.

(Note: This summary applies to this bill as introduced.)

Status:

2/23/2023 House Committee on Energy & Environment
Postpone Indefinitely

[HB23-1090](#)

Limit Metropolitan District Director Conflicts

BJ4C position:

Oppose

Position:	Oppose
Calendar Notification:	NOT ON CALENDAR
Short Title:	Limit Metropolitan District Director Conflicts
Sponsors:	M. Weissman (D) / R. Rodriguez (D)
Summary:	<p>For any proposed metropolitan district that has any property within its boundaries that is zoned or valued for assessment as residential, section 1 of the bill prohibits <i>requires the service plan to include a prohibition on the purchase of district debt by any entity with respect to which any director of the district has a conflict of interest necessitating disclosure under current law.</i> Section 2 <i>prohibits a board of county commissioners from approving a service plan for such a metropolitan district unless the service plan includes the prohibition.</i> Section 3 <i>prohibits a court from considering a petition for the organization for such a metropolitan district unless the service plan includes the prohibition.</i> Section 2 4 prohibits a member of the board of a metropolitan district that approved the issuance of any debt while the member was serving on the board from acquiring any interest in the debt individually or on behalf of any organization or entity for which the board member is engaged as an employee, counsel, consultant, representative, or agent unless the debt is acquired indirectly through an investment fund and the member has no input into or control over the individual securities that the fund purchases. Section 3 5 states that proof of a violation of the prohibition set forth in section 2 4 is proof that the violator has breached the actor's fiduciary duty and the public trust.</p> <p><i>(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)</i></p> <p><i>(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)</i></p>
Status:	3/28/2023 Senate Committee on Local Government & Housing Postpone Indefinitely

[HB23-1096](#) Wildfire Resilient Homes

BJ4C position: Support

Position: **Support**

Calendar Notification:	NOT ON CALENDAR
Short Title:	Wildfire Resilient Homes
Sponsors:	M. Snyder (D)
Summary:	<p>The bill expands the wildfire mitigation resources and best practices grant program to allow grant recipients to expend grant money on programs, education, and resources for ways in which houses located in areas of the state at high risk of wildfires may be built, rebuilt, or improved to make such houses more resilient to the risks posed by wildfires and requires the Colorado state forest service to promote the benefits of adopting the ways in which houses can be made more wildfire resilient. <i>(Note: This summary applies to this bill as introduced.)</i></p>
Status:	2/27/2023 House Committee on Agriculture, Water & Natural Resources Postpone Indefinitely

HB23-1118	Fair Workweek Employment Standards
BJ4C position:	
Position:	Amend
Calendar Notification:	NOT ON CALENDAR
Short Title:	Fair Workweek Employment Standards
Sponsors:	E. Sirota (D) S. Gonzales-Gutierrez (D) / J. Gonzales (D) F. Winter (D)
Summary:	<p>The bill imposes requirements for certain types of employers with regard to:</p> <ul style="list-style-type: none"> • The determination of employee work schedules; • Employee requests for changes to work schedules; and • Notices and posting of employee work schedules. <p>In addition to pay for hours worked by the employee, the bill requires certain types of employers to pay employees:</p> <ul style="list-style-type: none"> • Predictability pay when an employer makes certain changes to an employee's work schedule; • Rest shortfall pay when an employee is required to work hours without a minimum period of rest after a prior shift; • Retention pay when an employer provides work hours to a new employee without first offering the work hours to existing employees; and

- Minimum weekly pay in an amount that corresponds to 15% of the average weekly hours indicated on the employee's anticipated work plan, paid at the greater of the employee's regular rate of pay or the minimum wage, regardless of whether the employee works such hours.

The bill prohibits 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. The bill also prohibits retaliation against an employee for attempting to exercise any right created in the bill. Employers are required to retain records demonstrating their compliance with the requirements of the bill.

A person who is aggrieved by a violation of the requirements of the bill may file a complaint with the division of labor standards and statistics (division) in the department of labor and employment or bring a civil action in district court. The division is authorized to investigate complaints and, upon determining that a violation occurred, to impose fines, penalties, or damages and award attorney fees and costs. The division is also authorized to bring a civil action to enforce the requirements of the bill. The bill includes protections for whistleblowers and establishes penalties for violations.

The director of the division is required to promulgate rules to implement the bill.

(Note: This summary applies to this bill as introduced.)

Status: 3/2/2023 House Committee on Business Affairs & Labor
Postpone Indefinitely

[HB23-1127](#)

Customer's Right To Use Energy

BJ4C position:

Position: **Monitor**

Calendar Notification: NOT ON CALENDAR

Short Title: Customer's Right To Use Energy

Sponsors: T. Winter (R) / M. Baisley (R)

Summary: The bill prohibits a state agency, local government, or common interest community from limiting or prohibiting the use of natural gas, propane, solar photovoltaics, micro wind turbines, or micro hydroelectricity for generating electricity, cooking,

heating water, or heating or cooling spaces in residences, units, or businesses.

(Note: This summary applies to this bill as introduced.)

Status: 2/9/2023 House Committee on Energy & Environment Postpone Indefinitely

[HB23-1161](#)

Environmental Standards For Appliances

BJ4C position: Amend

Position: **Amend**

Calendar Notification: NOT ON CALENDAR

Short Title: Environmental Standards For Appliances

Sponsors: C. Kipp (D) | J. Willford (D) / L. Cutter (D) | F. Winter (D)

Summary: Current law establishes water and energy efficiency standards (standards) for certain appliances and fixtures sold in Colorado. **Sections 1 through 7** of the bill expand the appliances and fixtures that are subject to the standards and update the standards.

Specifically, **section 4** updates standards for certain appliances and fixtures that are sold in Colorado on and after certain dates, including:

- *Showerheads, urinals, water closets, and certain faucets ~~and urinals~~ ;*
- Certain lamps;
- Commercial hot food holding cabinets;
- Portable electric spas;
- Residential ventilating fans; and
- Spray sprinkler bodies.

Section 4 also creates new standards for certain appliances and other fixtures that are sold in Colorado on and after January 1, ~~2024~~, 2026, including:

- Air purifiers;
- Commercial ovens;
- Electric storage water heaters;
- Electric vehicle supply equipment;
- Gas fireplaces;
- Irrigation controllers;
- Tub spout diverters and showerhead tub spout diverter combinations; ~~and~~

- Certain residential windows, residential doors, and residential skylights; *and*
- *Thermostats.*

Section 4 also removes standards for air compressors, general service lamps, and uninterruptible power supplies. **Section 5** requires the executive director (*executive director*) of the department of public health and environment (~~executive director~~) (*department*) to promulgate rules on or before January 1, 2026, and every 5 years thereafter:

- ~~Adopting a more recent version of any standard; and~~
- Establishing standards for appliances and other devices that are not subject to the standards if certain conditions are met.

Section 6 exempts manufacturers of products subject to the standards from having to demonstrate that a product complies with the law if the product appears in the state appliance standards database maintained by the Northeast Energy Efficiency Partnerships, or a successor organization. **Section 6** also requires the executive director to ~~conduct periodic, unannounced inspections of major distributors or retailers, including online retailers, of new products in order to determine~~ *verify major retailers' and distributors' compliance with the standards through online spot-checks, coordination with other states that have similar standards, or both. The executive director must deliver a report to the legislative committees of reference concerning the method and findings of the verifications, post the report on the department's website, and report any findings of violations to the attorney general.*

Under current law, any person who sells or offers to sell in the state any new consumer product that is required to meet an efficiency standard but that the person knows does not meet that standard is subject to a civil penalty of not more than \$2,000 for each violation, which amount is credited to the general fund. **Section 7** credits any penalties imposed to the energy fund created in the Colorado energy office rather than to the general fund and specifies that each transaction or online for-sale product listing constitutes a separate violation. **Section 8** establishes the "Clean Lighting Act" to phase out the sale of general-purpose fluorescent light bulbs that contain mercury. With certain exceptions:

- On and after January 1, ~~2024, 2025~~, a person shall not manufacture, distribute, sell, or offer for sale in Colorado any ~~new linear florescent lamp or compact fluorescent lamp with a screw or bayonet type base; and~~
- ~~On and after January 1, 2025, a person shall not manufacture, distribute, sell, or offer for sale in Colorado~~

~~any linear fluorescent lamp or any compact fluorescent lamp with a pin-type base.~~

Section 9 establishes standards for heating and water heating appliances. With certain exceptions, on and after January 1, 2025, 2026, a person shall not manufacture, distribute, sell, offer for sale, lease, or offer for lease in Colorado any new water heater boiler, or fan-type central furnace unless the emissions of the product do not exceed certain limits on emissions. On or before January 1, 2029, the air quality control commission in the department of public health and environment must promulgate rules lowering the emission limits. **Section 9** also requires manufacturers to use certain testing protocols, display certain information on each product, and demonstrate compliance through one of various 2 described means. *Section 9 also allows the executive director to promulgate rules updating any emission standard, definition, or test method for new water heaters or fan-type central furnaces in order to maintain or improve consistency with other comparable standards in other states so long as the updated version results in air quality that is equal to or better than air quality achieved using the prior standard. On or before January 1, 2030, the executive director must conduct an analysis to determine whether statewide greenhouse gas emissions from water heaters and fan-type central furnaces are declining in comparison to emission levels in 2023 in a manner that comports with the statewide greenhouse gas reduction goals. Unless the analysis determines that the emissions trajectory is consistent with achieving the statewide greenhouse gas reduction goals, the executive director shall propose to the commission rules to bring the emission levels in line with the reduction goals.* **Sections 8 and 9** both require the executive director to ~~conduct periodic, unannounced inspections of major distributors or retailers, including online retailers, of new products to determine compliance and to report violations to the attorney general.~~ *verify major retailers' and distributors' compliance with the prohibitions through online spot-checks, coordination with other states that have similar standards, or both. The executive director must deliver a report to the legislative committees of reference concerning the method and findings of the verifications, post the report on the department's website, and report any findings of violations to the attorney general. If the attorney general has probable cause to believe that a violation occurred, the attorney general may bring a civil action on behalf of the state to seek the imposition of civil penalties, and any civil penalties are to be deposited in the energy fund.*

For the 2023-24 state fiscal year, the bill appropriates \$49,730 to the department from the general fund to be used by the department as follows:

- \$5,848 for use by the division of environmental health and sustainability for administration and support; and*
- \$43,882 for the purchase of legal services, which amount is reappropriated to the department of law to provide legal services for the department.*

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 6/1/2023 Governor Signed

[HB23-1169](#)

Limit Arrest For Low-level Offenses

BJ4C position:

Position:

Calendar NOT ON CALENDAR

Notification:

Short Title: Limit Arrest For Low-level Offenses

Sponsors: J. Bacon (D)

Summary:

The bill prohibits a peace officer from arresting a person based solely on the alleged commission of a petty offense, except for petty theft, a drug petty offense, a class 2 traffic misdemeanor or comparable municipal offense, and all municipal offenses for which there is no comparable state misdemeanor offense, unless the location of the person is unknown and the issuance of an arrest warrant is necessary in order to subject the person to the jurisdiction of the court.

The bill does not limit a peace officer's authority to arrest a person for an alleged offense:

- For which custodial arrest is statutorily required;
- That is a victim rights act crime;
- For a driving under the influence or a driving while impaired offense or a municipal offense with substantially similar elements;
- That is a traffic offense involving death or bodily injury or a municipal offense with substantially similar elements;

- That is eluding or attempting to elude a police officer or a municipal offense with substantially similar elements; or
- That is operating a vehicle after circumventing an interlock device or a municipal offense with substantially similar elements.

The bill does not limit a peace officer's authority to execute an arrest warrant or require a court or sheriff as a matter of jail administration to verify compliance with the bill.

(Note: This summary applies to this bill as introduced.)

Status: 4/5/2023 House Committee on Judiciary Postpone Indefinitely

[HB23-1190](#)

Affordable Housing Right Of First Refusal

BJ4C position:

Oppose

Position:

Oppose

Calendar

NOT ON CALENDAR

Notification:

Short Title:

Affordable Housing Right Of First Refusal

Sponsors:

A. Boesenecker (D) | E. Sirota (D) / F. Winter (D) | S. Jaquez Lewis (D)

Summary:

The bill creates a right of first refusal of a local government to match an acceptable offer for the sale of a residential or mixed-use multifamily property (property). The right to the purchase of the property by the local government is subject to the local government's commitment to using the property as long-term affordable housing. The local government may assign its right of first refusal to the state, to any political subdivisions, ~~or~~ to any housing authority in the state , *or to the Colorado housing and finance authority* subject to the limitation that the assignee make the same commitment to using the property as long-term affordable housing.

The bill requires notices to be given by the seller to local governments and by local governments to the seller and to residents of the property. Upon receiving notice of intent to sell or of a potential sale of property, a local government has 14 ~~business~~ *calendar* days to preserve its right of first refusal and an additional ~~90-business~~ *60 calendar* days to make an offer and must agree to close on the property within ~~180-business~~ *120 calendar* days of the execution of an agreement for the sale and purchase of the qualifying property. *Prior to the sale of the property, the seller is required to execute and record an affidavit*

in the real property records of the county in which the property is located certifying that the seller has complied with the right of first refusal requirements.

The bill allows certain sales of property to be exempt from the right of first refusal and the requirements established by the bill for the right of first refusal. The bill also allows the local government to waive its right of first refusal to purchase a property if the local government elects to disclaim its rights to any proposed transaction or for any duration of time or if there is a third-party buyer interested in purchasing the property with the same commitment to preserving or converting the property for long-term affordable housing and if the third-party buyer enters into an agreement with the local government concerning the third-party buyer's commitment to long-term affordable housing.

If the local government, its assignee, or a third-party buyer who has committed to preserving or converting the property for long-term affordable housing has acquired the property and maintained the property for long-term affordable housing for 50 years, the property may be converted to another use if the following conditions are met:

- Notice is given to residents prior to the conversion;
- Any displaced residents are provided with compensation for relocation; and
- The local government, its assignee, or a third-party buyer who has committed to preserving or converting the property for long-term affordable housing guarantees the development or conversion of an equal or greater amount of units within the boundaries of the local government for long-term affordable housing and offers the units first to any residents displaced by the conversion of the property.

The bill also provides that the attorney general's office has responsibility to enforce the provisions of the bill and that the attorney general's office, a local government, or a mission-driven organization has standing to bring a civil action for violations of the bill. *If a court finds that a seller or a third-party buyer that has entered into an agreement with a local government for the waiver of the local government's right of first refusal has materially violated the law with respect to the provisions of the right of first refusal, the court must award a statutory penalty of not less than \$50,000 or an amount equal to 30% of the purchase or listing price of the property, whichever amount is greater.*

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 6/6/2023 Governor Vetoes

[HB23-1192](#)

Additional Protections In Consumer Code

BJ4C position: Oppose

Position: **Oppose**

Calendar Notification: NOT ON CALENDAR

Short Title: Additional Protections In Consumer Code

Sponsors: M. Weissman (D) / J. Gonzales (D) | R. Rodriguez (D)

Summary: **Section 1** of the bill:

- Removes the knowingly or recklessly mental state from the general unfair or deceptive trade practice provision concerning an unfair, unconscionable, deceptive, deliberately misleading, false, or fraudulent act or practice , *removes "deliberately misleading" from that provision, and adds "knowingly" before "false" within that provision ;*
- Establishes as a deceptive trade practice the act of including in a contract offered to or entered into with a consumer a term that is ~~substantially~~ *substantively* unconscionable or void as against public policy *as of the time of the contract's execution ;*
- Establishes that evidence that a person has engaged in an unfair or deceptive trade practice constitutes a significant impact to the public; and
- ~~Amends~~ *Adds to the definition of "recklessly" with regard to unfair or deceptive trade practices , to mean without regard to consequences or to the rights, interests, or safety of others the failure to exercise reasonable care to:*
 - *Ensure that a statement, advertisement, or conduct is truthful and accurate; or*
 - *Avoid a substantial and unjustifiable risk of consumer harm.*

Under current law, a person commits an unfair and unconscionable act or practice if the person engages in price gouging with regard to the sale or provision of certain goods or services during, and for a certain period after, a declared

emergency disaster (disaster period). **Section 2** extends the disaster period from 180 days after the first declaration of the disaster to 180 days after the final declaration concerning the disaster expires. **Section 3** repeals and reenacts the "Colorado Antitrust Act of 1992" as the "Colorado State Antitrust Act of 2023" (act) and:

- Establishes that the facilitation or aiding and abetting of another person's violation of the act is itself a violation of the act;
- Authorizes the attorney general (AG) to request discovery from any person that the AG believes may in the future engage in, or has information related to, a violation of the act;
- Authorizes the AG to deem investigatory or intelligence records related to the act available for public inspection, but allows the AG to issue public statements or warnings regarding conduct forming the basis of the investigatory or intelligence records ; ~~without waiving the AG's authority not to deem the records available for public inspection ;~~
- Authorizes a court, upon request of the AG, to compensate a person that has been injured from a violation of the act as part of a civil action that the AG brings on behalf of the person;
- Increases the maximum civil penalty that a court may award for a violation of the act from \$250,000 to \$1,000,000 per violation; and
- With regard to the statute of limitations for commencing a civil action under the act:
- Clarifies that a cause of action accrues on the date of the last in a series of acts or practices that, in the aggregate, constitute a violation of the act; *and*
- Tolls the statute of limitations for any civil action pertaining to an alleged violation of the act during the pendency of a federal proceeding regarding the conduct forming the basis of the alleged violation of the act. ; ~~and~~
- ~~Exempts the AG from the statute of limitations.~~

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status:

6/7/2023 Governor Signed

[HB23-1196](#)**Remedies At Law For Violating Colorado Youth Act**

BJ4C position:**Position:****Calendar Notification:** NOT ON CALENDAR**Short Title:** Remedies At Law For Violating Colorado Youth Act**Sponsors:** S. Lieder (D) / T. Sullivan (D)**Summary:**

The bill amends the "Colorado Youth Employment Opportunity Act of 1971" (act) to allow aggrieved parties, including parents of children protected by the act, to pursue remedies at law and in equity for violations of the act, ~~that are not within the scope of~~ *in addition to* workers' compensation remedies, *if:*

- *An injury occurs to a minor during a week when the employer intentionally required the minor to work hours in violation of those allowed by the act; or*
- *An injury occurs to a minor while the minor was engaging in work prohibited by the act.*

The bill also clarifies that economic damages for claims in tort recovered by a party aggrieved by a violation of the act against the employer of a minor pursuant to the bill must be reduced by the amount of compensation and benefits that the minor or the minor's dependents received for the same harm through the employer's workers' compensation insurance.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 6/7/2023 Governor Signed

[HB23-1240](#)**Sales Use Tax Exemption Wildfire Disaster Construction**

BJ4C position:**Position:****Calendar Notification:** NOT ON CALENDAR**Short Title:** Sales Use Tax Exemption Wildfire Disaster Construction

Sponsors:

K. Brown (D) | J. Amabile (D) / S. Fenberg (D)

Summary:

Section 1 of the bill creates a state sales and use tax exemption for construction and building materials ~~purchased on or after January 1, 2020, but before July 1, 2025,~~ to be used directly in rebuilding or repairing a residential structure damaged or destroyed by a declared wildfire disaster in calendar year 2020, 2021, or 2022 (wildfire rebuild exemption).

~~A qualified homeowner, or a contractor employed by a homeowner, may obtain~~ *may claim a refund based on the wildfire rebuild exemption after obtaining a building permit and a wildfire rebuild exemption certificate from the local government authorized to issue a building permit in the area in which the residential structure to be repaired or rebuilt (qualified residential structure) is located. To be qualified, a homeowner must certify that:*

- ~~The homeowner was the owner of each the~~ *qualified residential structure to be repaired or rebuilt at the time the structure was damaged or destroyed by the declared wildfire disaster; and*
- ~~The replacement cost for each qualified residential structure to be repaired or rebuilt exceeds the~~ *homeowner's coverage under any homeowner's insurance policy associated with the structure.*

~~To claim the exemption, the qualified homeowner, or contractor employed by such homeowner, must provide a copy of the wildfire rebuild exemption certificate to each retailer from which the homeowner or contractor purchases exempt construction or building materials. If a qualified homeowner, or contractor employed by such homeowner, has paid state sales or use tax on the purchase of exempt construction or building materials on or after January 1, 2020, but before July 1, 2025, then the person who made the purchase may apply to the department of revenue for a refund pursuant to existing sales and use tax refund procedures. Alternatively, if the purchaser contractor has not been granted a refund, the homeowner for whom the exempt materials were purchased may apply for a refund by establishing certain existing statutory requirements are met. The amount of the refund is equal to 2.9% of the estimated construction and building materials cost for repairing or rebuilding the qualified residential structure. The estimated construction and building materials cost is the cost amount used by the local government to collect estimated use tax, as stated in the building permit. If no estimated use tax has been collected, the estimated construction and building materials cost is half of the total contract price or total cost for rebuilding or repairing the qualified residential structure.~~ **Sections 2 and 3** include the

~~wildfire rebuild exemption among other exemptions available to state collected and administered local sales and use tax jurisdictions, including statutory cities and counties, for adoption at their discretion.~~ **Section 2** makes a conforming amendment to the 3-year statute of limitations for state sales and use tax refund claims, allowing a qualified homeowner to claim a refund based on the wildfire rebuild exemption at any time on or before June 30, 2028. **Section 3** appropriates \$98,136 to the department of revenue for the 2023-24 state fiscal year for personal services and operating expenses associated with administering the wildfire rebuild exemption.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/12/2023 Governor Signed

[HB23-1246](#)

Support In-demand Career Workforce

BJ4C position: Support

Position: **Support**

Calendar Notification: NOT ON CALENDAR

Short Title: Support In-demand Career Workforce

Sponsors: J. McCluskie (D) | R. Pugliese (R) / J. Buckner (D) | P. Will (R)

Summary: The bill directs the state board of community colleges and occupational education (board) to administer the in-demand short-term credentials program (program) in order to support the expansion of the number of available and qualified professionals who are able to meet Colorado's in-demand workforce needs.

The bill appropriates \$38.6 million from the general fund for this program. The board is required to allocate funds to community and technical colleges, area technical colleges, local district colleges, and Colorado Mesa university to provide assistance to students for eligible expenses that support their enrollment in eligible programs. If unexpended resources exist, the funds must be used to pay for a student's housing, transportation, or food expenses.

The bill requires the office of future work to provide grants to registered apprenticeship programs that provide training in the building and construction trade at no cost to

apprentices. The bill appropriates \$1.4 million from the general fund for this grant program.

The bill appropriates \$5 million from the general fund to create 2 new short-term degree nursing programs at community or technical colleges.

In the 2022-23 state fiscal year, the general assembly appropriated \$10 million to the department of public health and environment (department) for the purpose of recruitment and re-engagement efforts with health-care professionals with licenses and staffing. The bill extends the authority for the department to use the appropriation through December 30, 2024.

In the 2022-23 state fiscal year, the general assembly appropriated \$3 million to the department for the school nurse grant program, which provides grants for hiring school nurses for public schools. The bill extends the authority for the department to use the appropriation through December 30, 2024.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/16/2023 Governor Signed

[HB23-1255](#)

Regulating Local Housing Growth Restrictions

BJ4C position: Support

Position:

Calendar NOT ON CALENDAR

Notification:

Short Title: Regulating Local Housing Growth Restrictions

Sponsors: W. Lindstedt (D) | R. Dickson (D) / J. Gonzales (D)

Summary: Currently, several ~~local governments~~ governmental entities have laws restricting the growth of residential housing. The bill declares that the state has an interest in encouraging housing growth statewide, preempts any existing ~~local~~ governmental entity housing growth restriction, and forbids the enactment or enforcement of any future local housing growth restriction, unless the ~~local government~~ governmental entity has experienced a disaster emergency, has developed or amended land use plans or land use laws covering residential development or the residential

component of a mixed-use development, or is extending or acquiring public infrastructure, public services, or water resources. A governmental entity that has experienced a disaster emergency, has developed or amended land use plans or land use laws covering residential development or the residential component of a mixed-use development, or is extending or acquiring public infrastructure, public services, or water resources may implement a growth-cap for up to 24 months in a 5-year period.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 6/7/2023 Governor Signed

[**HB23-1296**](#)

Create Task Force Study Rights Persons Disabilities

BJ4C position:

Position:

Calendar

NOT ON CALENDAR

Notification:

Short Title:

Create Task Force Study Rights Persons Disabilities

Sponsors:

D. Ortiz (D) | L. Herod (D) / F. Winter (D)

Summary:

The bill creates the task force on the rights of Coloradans with disabilities (task force) in the Colorado civil rights commission. The task force shall create a minimum of 4 subcommittees to study and make recommendations on specific issues related to persons with disabilities:

- The rewrite subcommittee, which must study and make recommendations concerning the various issues related to the rewrite and modernization of the Colorado Revised Statutes concerning civil rights of persons with disabilities;
- The outdoors subcommittee, which must study and make recommendations related to the basic accessibility of outdoor spaces for persons with disabilities;
- The housing subcommittee, which must study and make recommendations related to the affordability, accessibility, and attainability of housing for persons with disabilities; and

- The government subcommittee, which must focus on basic physical and programmatic accessibility within state and local government.

Minimum mandatory membership and reporting requirements are outlined for the task force and each subcommittee. The task force shall produce a final report, including recommendations, to submit the governor and general assembly on or before January 30, 2025.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/25/2023 Governor Signed

[HB23-1302](#)

Housing Accessibility

BJ4C position:

Position:

Calendar Notification: NOT ON CALENDAR

Short Title: Housing Accessibility

Sponsors: D. Ortiz (D) | S. Lieder (D)

Summary: The bill modifies the accessible housing standards and specifications exception process for housing for which building plans are submitted to a governmental unit on or after July 1, 2023. A governmental unit may only grant exceptions to any particular accessible housing standard or specification when the governmental unit determines that the standard or specification is technically infeasible and would create an undue hardship. The determination must be in writing and must articulate the relevant undue hardship.

Similarly, the bill requires that the alteration of walls or defining boundaries in housing that was under construction prior to July 1, 2023, must comply with certain minimum alteration requirements, unless there is a determination of undue hardship by the relevant governmental unit. However, even if a governmental unit makes a determination of undue hardship, the alterations must still comply with the minimum alteration requirements to the maximum extent feasible.

The bill establishes that failure to comply with certain standards for accessible housing constitutes discrimination on the basis of a disability jointly and severally by the owner of the relevant property and any construction professionals who participate in the noncompliant construction or alteration of the

relevant property. The bill creates a civil action for an individual with a disability subject to a failure or the attorney general.

The bill requires that certain new construction projects and alterations provide a certain number of type B dwelling units or type B multistory dwelling units, and in some cases at least one type A dwelling unit or type A multistory dwelling unit, based on the number of dwelling units in the construction project or alteration.

The bill prohibits a landlord from refusing a request by an individual with a disability to make modifications, at the individual's own expense, necessary to afford the individual the full enjoyment of the property.

The bill requires newly constructed housing to have:

- At least one building entrance on an accessible route, unless doing so would be an undue hardship;
- Fire alarms that are accessible to individuals with a disability, so long as the dwelling unit does not require individuals to purchase their own fire alarms; and
- Emergency exits that are accessible to individuals with a disability.

The bill also states that a failure to ensure the following qualifies as discrimination against an individual with a disability:

- That all mailboxes assigned to dwelling units are fully accessible to any individual with a disability who lives in those dwelling units; and
- That all signage in dwelling units, including directories and elevator buttons, is accessible to individuals with disabilities.

Lastly, the bill authorizes a court to extend:

- The answer date in an eviction proceeding if the defendant files a written request with the court for a reasonable accommodation pursuant to prohibited unfair housing practices; and
- The hearing date for a hearing required during a foreclosure proceeding if the borrower files a written request with the court for a reasonable accommodation pursuant to prohibited unfair housing practices.

(Note: This summary applies to this bill as introduced.)

Status: 4/25/2023 House Committee on Transportation, Housing & Local Government Postpone Indefinitely

[SB23-016](#)

Greenhouse Gas Emission Reduction Measures

BJ4C position:

Position:	Monitor
Calendar Notification:	Monday, May 8 2023 CONSIDERATION OF CONFERENCE COMMITTEE REPORTS (1) in senate calendar. Monday, May 8 2023 CONSIDERATION OF CONFERENCE COMMITTEE REPORT(S) (1) in house calendar.
Short Title:	Greenhouse Gas Emission Reduction Measures
Sponsors:	C. Hansen (D) / K. McCormick (D) E. Sirota (D)
Summary:	<p>Section 1 of the bill requires that, beginning in 2024, each insurance company issued a certificate of authority to transact insurance business that reports more than \$100 million on its annual schedule T filing with the National Association of Insurance Commissioners (NAIC) must participate in and complete the NAIC's "Insurer Climate Risk Disclosure Survey" or successor survey or reporting mechanism. Section 2 requires the public employees' retirement association (PERA) board, on or before June 1, 2024, to adopt proxy voting procedures that ensure that the board's voting decisions align with, and are supportive of, the statewide greenhouse gas (GHG) emission reduction goals updates the powers and duties of the Colorado energy office, including requiring the office to make progress toward eliminating greenhouse gas (GHG) pollution from electricity generation, gas utilities, and transportation; support the implementation of clean heat plans, beneficial electrification, and sustainable land-use measures to reduce energy consumption and greenhouse gas pollution. Section 3 requires the public employees' retirement association (PERA) to include as part of its annual investment stewardship report, which report is posted on the PERA board's website, a description of climate-related investment risks, impacts, and strategies. Section 4 adds wastewater thermal energy equipment to the definition of "pollution control equipment", which equipment may be certified by the division of administration (division) in the department of public health and environment (CDPHE). Similarly, section 5 6 adds wastewater thermal energy to the definition of "clean heat resource", which resource a gas distribution utility includes in its clean heat plan filed with the public utilities commission (PUC). The air quality control commission (AQCC) is required to establish by rule a fee per ton of GHG based on GHG emissions reported through air pollution emission notices. Section 5 authorizes the fee to be based on</p>

other reporting that the commission requires of greenhouse gas-emitting entities regarding emissions. **Section 6 7** updates the statewide GHG emission reduction goals to add a 65% reduction goal for 2035, ~~an 80% a 75%~~ a 75% reduction goal for 2040, and a 90% reduction goal for 2045 when compared to 2005 GHG pollution levels. **Section 6** also increases the 2050 GHG emission reduction goal from 90% of 2005 GHG pollution levels to 100%. **Section 7 8** gives the oil and gas conservation commission (COGCC) authority over class VI injection wells used for sequestration of GHG if the governor and COGCC determine, in accordance with a study that the COGCC conducted in 2021, that the state has sufficient resources to ensure the safe and effective regulation of the sequestration of GHG. If the governor and the COGCC determine there are sufficient resources, the COGCC may seek primacy under the federal "Safe Drinking Water Act" and, when granted, may issue and enforce permits for class VI injection wells. The COGCC shall require, as part of its regulation of class VI injection wells, that operators of the wells maintain adequate financial assurance until the COGCC approves the closure of a class VI injection well site. **Sections 9 and 10** *prohibit a homeowners' association from disallowing the use of a heat pump system on a residential property located within the common interest community governed by the homeowners' association.* **Section 8 11** establishes a state income tax credit in an amount equal to 30% of the purchase price for new, electric-powered lawn equipment for purchases made in income tax years 2024 through 2026. A seller of new, electric-powered lawn equipment that *registers with the department of revenue as a qualified retailer (qualified retailer) and demonstrates that it provided a purchaser a 30% discount from the purchase price of new, electric-powered lawn equipment may claim the tax credit. The tax credit is refundable.* **Section 14** *authorizes the department of revenue to provide advance payments of the income tax credit to qualified retailers.* ~~Current law requires an electric retail utility (utility) to offer a net metering credit as the means of purchasing output from a community solar garden (CSG) located within the utility's service territory and establishes the means of calculating the net metering credit.~~ **Section 9** ~~maintains that calculation if the CSG indicates to the utility that the CSG's subscribers' bill credits change annually. If the CSG indicates to the utility that the CSG's subscribers' bill credits remain fixed, however,~~ **section 9** *provides a different calculation for determining the net metering credit.* **Sections 12 and 13** *extend a \$5,000,000 appropriation made to the division of local government in the department of local affairs in state*

fiscal year 2020-21 for use for the renewable and clean energy initiative program to allow the division to use the appropriation until it is fully expended. **Section 16** requires the PUC, when reviewing an electric utility's plan for the construction or expansion of transmission facilities, to consider the need for expanded transmission capacity in the state, including the ability to expand capacity through construction of new transmission lines, improvements to existing lines, or connections to an organized wholesale market. **Section 17** increases the reserve margin for the Colorado electric transmission authority from 15% to 50%. **Section 18** requires retail electric utilities to provide timely service to customers seeking interconnection of the customer's retail distributed generation resource to the utility's grid and requires the PUC to establish, as part of its interconnection rules, timelines for timely interconnection. The PUC, after a hearing on a complaint regarding an alleged violation of the requirements for timely interconnection of a customer's retail distributed generation resource, may fine a retail electric utility up to \$2,000 per day for each day that the PUC determines that the violation continued. A retail electric utility may recover its prudently incurred costs to facilitate timely interconnection, including the costs of equipment needed for future upgrades for interconnection. **Section 15** defines terms related to interconnection. **Section 19** raises the maximum fee that the PUC may assess against a utility for a violation of the "Public Utilities Law" from \$2,000 for each offense to \$20,000 per offense for each day that the offense continues. **Section 19** also establishes factors that the PUC is required to consider in assessing a penalty against a utility, including the size of the utility, the utility's previous history of any similar violations, remedial measures, and any factors that may mitigate the harm to the utility's customers. A gas distribution utility in the state is required to comply with clean heat targets by demonstrating the use of clean heat resources. Recovered methane, including biomethane, that meets a documented set of procedures and requirements that the AQCC establishes, is such a clean heat resource. **Section 20** amends the definition of "biomethane" to include operations for dairy cows, beef cattle, poultry, swine, or sheep and the definition of "recovered methane protocol" to include a protocol that the AQCC adopts to include the use of manure from beef cattle operations. **Sections 10 through 12 21 and 22** incorporate projects to renovate or recondition existing utility transmission lines into the "Colorado Electric Transmission Authority Act", allowing the Colorado electric transmission authority (*authority*) to finance and renovate, rebuild, or recondition existing transmission lines in order to

update and optimize the transmission lines. *Section 23* requires the authority to study the need for expanded transmission capacity, including the ability to expand capacity through construction of new transmission lines, improvements to existing lines, or connections to an organized wholesale market. The authority is required to present an initial report of its study to the PUC on or before September 1, 2024, and a final report to the joint committee of the legislative committees with jurisdiction over energy matters on or before January 31, 2025. ~~Section 13~~ **24** requires a local government to expedite, as practicable, its review of a land use application that proposes a project to renovate, rebuild, or recondition existing transmission lines. **Section 14** **25** makes a conforming amendment regarding the updated statewide GHG emission reduction goals set forth in **section 6** **7**.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/11/2023 Governor Signed

[SB23-017](#)

Additional Uses Paid Sick Leave

BJ4C position:	Monitor
Position:	Monitor
Calendar Notification:	NOT ON CALENDAR
Short Title:	Additional Uses Paid Sick Leave
Sponsors:	F. Winter (D) / J. Willford (D) J. Joseph (D)
Summary:	<p>The bill allows an employee to use accrued paid sick leave when the employee needs to:</p> <ul style="list-style-type: none"> 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; or Grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member ; <i>or</i> <i>Evacuate the employee's place of residence due to inclement weather, loss of power, loss of heating, loss of</i>

water, or other unexpected occurrence or event that results in the need to evacuate the employee's residence. (Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 6/2/2023 Governor Signed

[SB23-046](#)

Average Weekly Wage Paid Leave Benefits

BJ4C position: Monitor

Position: **Monitor**

Calendar Notification: NOT ON CALENDAR

Short Title: Average Weekly Wage Paid Leave Benefits

Sponsors: F. Winter (D) / M. Duran (D)

Summary: Current law specifies that a covered individual's weekly paid family and medical leave benefit is determined based on the individual's average weekly wage earned during the covered individual's base period or alternative base period from the job or jobs from which the covered individual is taking paid family and medical leave, which excludes from the calculation recent wages from previous jobs. The bill eliminates the limit on calculating the benefit based on the average weekly wage earned only from the job or jobs from which the individual is taking paid family and medical leave.
(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 3/23/2023 Governor Signed

[SB23-049](#)

Special Mobile Machinery Registration Exemption

BJ4C position:

Position:

Calendar Notification: NOT ON CALENDAR

Short Title: Special Mobile Machinery Registration Exemption

Sponsors: R. Zenzinger (D) | K. Van Winkle (R) / M. Snyder (D) | R. Bockenfeld (R)

Summary:

Under current law, an owner of special mobile machinery may obtain from the department of revenue a registration exempt certificate for the special mobile machinery only if the owner regularly has 1,000 or more items of special mobile machinery in the state. The bill allows an owner of ~~any amount~~ *250 items or more* of special mobile machinery located in the state to obtain a registration exempt certificate for the special mobile machinery. *All fees and surcharges for the special mobile machinery must be paid within 20 days after the special mobile machinery certificate expires. The owner may take credit for surcharges and registration fees paid on special mobile machinery that the owner disposed of or removed from the state during the preceding year.*

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status:

6/2/2023 Governor Signed

[SB23-058](#)

Job Application Fairness Act

BJ4C position:

Position:

Calendar

NOT ON CALENDAR

Notification:

Short Title:

Job Application Fairness Act

Sponsors:

J. Danielson (D) | S. Jaquez Lewis (D) / J. Willford (D) | M. Young (D)

Summary:

Starting July 1, 2024, 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 *initial* employment application.

An employer may request an individual to verify compliance with age requirements imposed pursuant to or required by:

- A bona fide occupational qualification pertaining to public or occupational safety;
- A federal law or regulation; or
- A state or local law or regulation based on a bona fide occupational qualification.

The department of labor and employment (department) is charged with enforcing the requirements of the bill and may issue warnings and orders of compliance for violations and, for second or subsequent violations, impose civil penalties. A violation of the restrictions does not create a private cause of action. The department is directed to adopt rules regarding procedures for handling complaints against employers.

For the 2023-24 state fiscal year, the bill requires the general assembly to appropriate \$56,468 from the general fund to the department for use by the division of labor standards and statistics for program costs related to labor standards.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 6/2/2023 Governor Signed

[SB23-065](#)

Career Development Success Program

BJ4C position: Support

Position: **Support**

Calendar Notification: NOT ON CALENDAR

Short Title: Career Development Success Program

Sponsors: P. Lundeen (R) | J. Bridges (D) / S. Bird (D) | D. Wilson (R)

Summary: For the career development success program (program), the bill removes the requirement for successful completion of a qualified industry pre-apprenticeship program and the requirement for successful completion of a qualified industry apprenticeship.

The bill adds boards of cooperative services to the program.

Current law requires the general assembly to annually appropriate \$1 million to the department of education for the program. Beginning in the 2023-24 budget year, and each budget year thereafter, the bill increase the appropriation to ~~\$10~~ \$9.5 million.

The bill requires a school district or charter school participating in the program to receive 120% of the per-pupil amount for each pupil who is eligible for free or reduced-price lunch and 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 bill authorizes a participating school district or participating charter school to contract with a third party to provide specified services under the program.

The bill extends the repeal date from September 1, 2024, to September 1, 2034.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/16/2023 Governor Signed

[SB23-105](#)

Ensure Equal Pay For Equal Work

BJ4C position:

Position: **Monitor**

Calendar NOT ON CALENDAR

Notification:

Short Title: Ensure Equal Pay For Equal Work

Sponsors: J. Danielson (D) | J. Buckner (D) / S. Gonzales-Gutierrez (D) | J. Bacon (D)

Summary:

Current law authorizes the director of the division of labor standards and statistics in the department of labor and employment (director) to create and administer a process to accept and mediate complaints, to provide legal resources concerning alleged wage inequity, and to promulgate rules as necessary for this purpose. The bill changes these authorizations to requirements.

Additionally, the bill requires the director to:

- Investigate complaints or other leads concerning wage inequity;
- Upon finding of a violation, order compliance and relief; and
- Promulgate rules to enforce the bill.

The bill also requires an employer to:

- For each job opportunity or promotional opportunity where the employer is considering more than one candidate, follow specific guidelines for posting the opportunity;

- For all job opportunities and promotional opportunities, provide specific information to employees regarding the candidate selected for the opportunity; and
 - For all objectively defined career progressions, disclose the requirements for career progression and the terms of compensation, benefits, status, duties, and access to further advancement.
- (Note: This summary applies to this bill as introduced.)*

Status: 6/5/2023 Governor Signed

[SB23-110](#)

Transparency For Metropolitan Districts

BJ4C position:	Support
Position:	Support
Calendar Notification:	NOT ON CALENDAR
Short Title:	Transparency For Metropolitan Districts
Sponsors:	J. Marchman R. Zenzinger (D) / C. Kipp (D) R. Taggart (R)
Summary:	<p>Under current law, prior to filing a petition for the organization of a special district in a district court, the people proposing the organization of the special district are required to submit a service plan to the board of county commissioners of each county that has unincorporated territory included within the boundaries of the proposed special district. If the boundaries of the proposed special district are wholly contained within the boundaries of one or more municipalities, the service plan is submitted to the governing body of the municipality or municipalities. For a proposed metropolitan district that submits a service plan to one or more boards of county commissioners or one or more governing bodies of a municipality on or after January 1, 2024, sections 1 and 2 of the bill require the service plan to include:</p> <ul style="list-style-type: none"> • The maximum mill levy that may be imposed for the payment of general obligation indebtedness, as determined by the board of county commissioners of each county that is approving the service plan or the governing body of each municipality that is approving the service plan, as applicable; and • The maximum debt that may be issued by the metropolitan district, as determined by the board of county commissioners of each county that is approving the service plan or the governing body of each

municipality that is approving the service plan, as applicable.

In addition to any other meetings held by the board of directors of a metropolitan district (board), beginning in the 2023 calendar year, **section 3** requires the board to hold an annual meeting if the metropolitan district was organized after January 1, ~~2020~~ 2000 , has residential units within its boundaries, and is not in inactive status. The board is prohibited from taking any official action at the annual meeting and must ensure that the annual meeting includes a presentation from the metropolitan district regarding the status of ~~any of the district's projects~~ *public infrastructure projects within the metropolitan district* and outstanding bonds, if any, *a review of unaudited financial statements showing the year-to-date revenue and expenditures of the metropolitan district in relation to its adopted budget for that calendar year* , and an opportunity for members of the public to ask questions about the metropolitan district. *In addition, section 3 requires the board to provide a public comment period during the meeting at which the board adopts the annual budget for the metropolitan district.* **Section 4** specifies that prior to issuing debt to a director of a metropolitan district or to an entity with respect to which a director of a metropolitan district must make a disclosure pursuant to current law, the board is required to receive a statement of a registered municipal advisor certifying specified criteria regarding the interest rate of the debt.

Sellers of real property are currently required to make various disclosures regarding the property. On and after a specified date, **section 5** requires the seller of residential real property that is located within a metropolitan district to provide the purchaser of the property with the official website established by the metropolitan district. The seller is required to provide the information on the Colorado real estate commission approved seller's property disclosure.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 4/3/2023 Governor Signed

[SB23-143](#)

Retail Delivery Fees

BJ4C position:

Position:

**Calendar
Notification:**

NOT ON CALENDAR

Short Title:

Retail Delivery Fees

Sponsors:

S. Fenberg (D) | K. Van Winkle (R) / C. Kipp (D) | M. Soper (R)

Summary:

Currently, the state and several state enterprises impose fees on retail sales of taxable tangible personal property delivered by motor vehicle to a location in the state. These fees are collectively known as the retail delivery fee (RDF), and a retailer who makes a retail delivery is required to add the RDF to the price of the retail delivery, collect it from the purchaser, and pay the RDF revenue to the department of revenue (department), which distributes the revenue to the appropriate cash funds.

The department generally administers the RDF in the same manner as the state sales and use tax. The bill modifies this administration by permitting a retailer to pay the RDF on behalf of the purchaser. If the retailer elects to pay the RDF, then the retailer is:

- Not required to add the RDF to the price of the retail delivery, separately itemize the RDF, or collect the RDF from the purchaser, who is not liable for the amount nor eligible for a refund of an erroneously paid RDF; and
- Required to remit the RDF on the date that would be required if the RDF had been received from the purchaser on the date of the retail delivery.

The department is required to waive any processing costs for a retailer's electronic payment by automated clearing house (ACH) debit of the RDF if the charges would exceed the amount of the RDF revenue being remitted.

The bill creates an exemption from the RDF for a retail delivery by a qualified business, which is a business that has \$500,000 or less of retail sales in the prior year or is new, that applies retroactively to when RDFs were first imposed. A purchaser is not eligible for a refund of any RDF that is collected and remitted to the department by a qualified business prior to the effective date of the bill.

The bill also creates a primary definition for "retail delivery" that is cross-referenced in other RDF provisions, and related to this change, a definition of "retail sale" is repealed where the cross reference makes it unnecessary.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status:

5/4/2023 Governor Signed

SB23-166**Establishment Of A Wildfire Resiliency Code Board**

BJ4C position:

Amend

Position:**Amend****Calendar Notification:**

NOT ON CALENDAR

Short Title:

Establishment Of A Wildfire Resiliency Code Board

Sponsors:

L. Cutter (D) | T. Exum (D) / M. Froelich (D) | E. Velasco (D)

Summary:

The bill establishes a wildfire resiliency code board (board) in the division of fire prevention and control (division) within the department of public safety (department) for the purposes of ensuring community safety from and more resiliency to wildfires by reducing the risk of wildfires to people and property through the adoption of statewide codes and standards. The board consists of 21 appointed voting members with specific government or industry qualifications and 3 non-voting members. The board is required to promulgate rules concerning the adoption ~~and administration~~ of codes and standards for the hardening of structures and ~~parcels~~ *reducing fire risk in the defensible space surrounding structures* in the wildland-urban interface in Colorado, including rules that:

- Define the wildland-urban interface and identify areas of the state that are within it;
- Adopt minimum codes and standards based on best practices to reduce the risk to life and property from the effects of wildfires;
- Identify hazards and types of buildings, entities, and defensible space around structures to which the codes apply; and
- Establish a process for a governing body to petition the board for a modification to the codes and establish the criteria and process for the board to grant or deny an appeal from a decision of the board on a petition for modification.

The bill also creates the wildfire resiliency code board cash fund and continuously appropriates the money in the fund to the department to implement the provisions of the bill.

The bill requires a governing body with jurisdiction in an area within the wildland-urban interface *that has the authority to adopt building codes or fire codes* to adopt and enforce a code that meets or exceeds the minimum standards of the codes adopted by the board *within three months of the date the board adopts its codes* . Enforcement of the *governing body's*

adopted codes is done in accordance with the rules and regulations for code enforcement adopted by the governing body *and the period to comply with a governing body's adopted codes must be in accordance with the governing body's rules and regulations or within three months of adoption, whichever is sooner* . If the governing body does not have rules and regulations for code enforcement, the governing body may request support from the division to enforce the code.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/12/2023 Governor Signed

[SB23-172](#)

Protecting Opportunities And Workers' Rights Act

BJ4C position:

Position:

Calendar NOT ON CALENDAR

Notification:

Short Title: Protecting Opportunities And Workers' Rights Act

Sponsors: F. Winter (D) | J. Gonzales (D) / M. Weissman (D) | J. Bacon (D)

Summary:

For purposes of addressing discriminatory or unfair employment practices pursuant to Colorado's anti-discrimination laws, the bill enacts the "Protecting Opportunities and Workers' Rights (POWR) Act", which:

- Directs the Colorado civil rights division (division) to include "harassment" as a basis or description of discrimination on any charge form or charge intake mechanism;
- Adds a new definition of "harass" or "harassment" and repeals the current definition of "harass" that requires creation of a hostile work environment;
- Adds protections from discriminatory or unfair employment practices for individuals based on their "marital status";
- Specifies that in harassment claims, the alleged conduct need not be severe or pervasive to constitute a discriminatory or unfair employment practice;

- For purposes of the exception to otherwise discriminatory practices for an employer that is unable to accommodate an individual with a disability who is otherwise qualified for the job, eliminates the ability for the employer to assert that the individual's disability has a significant impact on the job as a rationale for the employment practice;
- ~~Specifies that it is a discriminatory or an unfair employment practice for an employer to fail to initiate an investigation of a complaint or to fail to take prompt, reasonable, and remedial action;~~
- Specifies the requirements for an employer to assert an affirmative defense to an employee's proven claim of unlawful harassment by a supervisor; ~~and~~
- Specifies the requirements that must be satisfied for a nondisclosure provision in an agreement between an employer and an employee or a prospective employee to be enforceable; *and*
- *Requires an employer to maintain personnel and employment records for at least 5 years and, with regard to complaints of discriminatory or unfair employment practices, to maintain those records in a designated repository.*

The bill appropriates a total of \$1,248,170 from the general fund for the 2023-24 state fiscal year, allocated as follows to the following state departments and offices, to implement the bill:

- *\$152,866 to the department of corrections;*
- *\$23,469 to the department of education;*
- *\$35,415 to the office of the governor;*
- *\$23,363 to the department of health care policy and financing;*
- *\$129,081 to the department of human services;*
- *\$146,894 to the judicial department;*
- *\$46,833 to the department of labor and employment;*
- *\$17,708 to the department of law;*
- *\$76,276 to the department of natural resources;*
- *\$89,090 to the department of personnel;*
- *\$52,912 to the department of public health and environment;*
- *\$52,912 to the department of public safety;*
- *\$266,298 to the department of regulatory agencies;*
- *\$47,045 to the department of revenue; and*
- *\$88,008 to the department of transportation.*

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 6/6/2023 Governor Signed

[SB23-196](#)

Income Tax Credit For Retrofitting A Home For Health Reasons

BJ4C position:

Position:

Calendar NOT ON CALENDAR

Notification:

Short Title: Income Tax Credit For Retrofitting A Home For Health Reasons

Sponsors: F. Winter (D) / M. Young (D) | N. Ricks (D)

Summary: The bill extends for an additional 5 years the income tax credit for expenses incurred by a qualified individual in retrofitting the individual's residence to increase its accessibility for persons with disabilities. The bill also extends the credit carry-forward period from 5 to 8 years.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/30/2023 Governor Signed

[SB23-213](#)

Land Use

BJ4C position:

Position:

Calendar Monday, May 8 2023

Notification: CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS
(1) in senate calendar.

Short Title: Land Use

Sponsors: D. Moreno (D) / I. Jodeh (D) | S. Woodrow (D)

Summary: **Housing needs planning.** The executive director of the department of local affairs (director) shall, no later than December 31, 2024, and every 5 years thereafter, issue methodology for developing statewide, regional, and local housing needs assessments. The statewide housing needs assessment must determine existing statewide housing stock and

current and future housing needs. The regional housing needs assessments must allocate the addressing of housing needs identified in the statewide housing needs assessment to regions of the state. Similarly, the local housing needs assessments must allocate the addressing of the housing needs allocated in the regional housing needs assessment to localities in the relevant region.

The director shall, no later than December 31, 2024, issue guidance on creating a housing needs plan for both a rural resort job center municipality and an urban municipality. Following this guidance, no later than December 31, 2026, and every 5 years thereafter, a rural resort job center municipality and an urban municipality shall develop a housing needs plan and submit that plan to the department of local affairs (department). A housing needs plan must include, among other things, descriptions of how the plan was created, how the municipality will address the housing needs it was assigned in the local housing needs assessment, affordability strategies the municipality has selected to address its local housing needs assessment, an assessment of displacement risk and any strategies selected to address identified risks, and how the locality will comply with other housing requirements in this bill.

The director shall, no later than December 31, 2024, develop and publish a menu of affordability strategies to address housing production, preservation, and affordability. Rural resort job center municipalities and urban municipalities shall identify at least 2 of these strategies that they intend to implement in their housing plan, and urban municipalities with a transit-oriented area must identify at least 3.

The director shall, no later than December 31, 2024, develop and publish a menu of displacement mitigation measures. This menu must, among other things, provide guidance for how to identify areas at the highest risk for displacement and identify displacement mitigation measures that a locality may adopt. An urban municipality must identify which of these measures it intends to implement in its housing plan to address any areas it identifies as at an elevated risk for displacement.

The director shall, no later than March 31, 2024, publish a report that identifies strategic growth objectives that will incentivize growth in transit-oriented areas and infill areas and guide growth at the edges of urban areas. The multi-agency advisory committee shall, no later than March 31, 2024, submit a report to the general assembly concerning the strategic growth objectives.

The bill establishes a multi-agency advisory committee and requires that committee to conduct a public comment and hearing process on and provide recommendations to the 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.

A county or municipality within a rural resort region shall participate in a regional housing needs planning process. This process must encourage participating counties and municipalities to identify strategies that, either individually or through intergovernmental agreements, address the housing needs assigned to them. A report on this process must be submitted to the department. Further, within 6 months of completing this process, a rural resort job center municipality shall submit a local housing needs plan to the department. Once a year, both rural resort job centers and urban municipalities shall report to the department on certain housing data.

A multi-agency group created in the bill and the division of local government within the department shall provide assistance to localities in complying with the requirements of this bill. This assistance must include technical assistance and a grant program.

Accessory dwelling units. The director shall promulgate an accessory dwelling unit model code that, among other things, requires accessory dwelling units to be allowed as a use by right in any part of a municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a municipality does not adopt the accessory dwelling unit model code, the municipality shall adhere to accessory dwelling unit minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow accessory dwelling units as a use by right in any part of the municipality where the municipality allows single-unit detached dwellings as a use by right;

- Only adopt or enforce local laws concerning accessory dwelling units that use objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning accessory dwelling units that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or construction of accessory dwelling units infeasible.

Middle housing. The director shall promulgate a middle housing model code that, among other things, requires middle housing to be allowed as a use by right in any part of a rural resort job center municipality or a tier one urban municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the middle housing model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow middle housing as a use by right in certain areas;
- Only adopt or enforce local laws concerning middle housing that use objective standards and procedures;
- Allow properties on which middle housing is allowed to be split by right using objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning middle housing that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or construction of middle housing infeasible.

Transit-oriented areas. The director shall promulgate a transit-oriented area model code that, among other things, imposes minimum residential density limits for multifamily residential housing and mixed-income multifamily residential housing and allows these developments as a use by right in the transit-oriented areas of tier one urban municipalities. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a tier one urban municipality does not adopt the transit-oriented model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Create a zoning district within a transit-oriented area in which multifamily housing meets a minimum residential density limit and is allowed as a use by right; and
- Not apply standards that make the permitting, siting, or construction of multifamily housing in transit-oriented areas infeasible.

Key corridors. The director shall promulgate a key corridor model code that applies to key corridors in rural resort job center municipalities and tier one urban municipalities. The model code must, among other things, include requirements for:

- The percentage of units in mixed-income multifamily residential housing that must be reserved for low- and moderate-income households;
- Minimum residential density limits for multifamily residential housing; and
- Mixed-income multifamily residential housing that must be allowed as a use by right in key corridors.

The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the key corridor model code, the municipality shall adhere to key corridor minimum standards promulgated by the director and developed by the department. These minimum standards, among other things, must identify a net residential zoning capacity for a municipality and must require a municipality to:

- Allow multifamily residential housing within key corridors that meets the net residential zoning capacity as a use by right;
- Not apply standards that make the permitting, siting, or construction of multifamily housing in certain areas infeasible; and
- Not adopt, enact, or enforce local laws that make satisfying the required minimum residential density limits infeasible.

The committee shall provide recommendations to the director on promulgating these minimum standards. In developing these

recommendations, the committee shall conduct a public comment and hearing process.

Adoption of model codes and minimum standards. A relevant municipality shall adopt either the model code or local laws that satisfy the minimum standards concerning accessory dwelling units, middle housing, transit-oriented areas, and key corridors. Furthermore, a municipality shall submit a report to the department demonstrating that it has done so. If a municipality fails to adopt either the model code or local laws that satisfy the minimum standards by a specified deadline, the relevant model code immediately goes into effect, and municipalities shall then approve any proposed projects that meet the standards in the model code using objective procedures. However, a municipality may apply to the department for a deadline extension for a deficiency in water or wastewater infrastructure or supply.**Additional provisions.** The bill also:

- Requires the advisory committee on factory-built structures and tiny homes to produce a report on the opportunities and barriers in state law concerning the building of manufactured homes, mobile homes, and tiny homes;
- Removes the requirements that manufacturers of factory-built structures comply with escrow requirements of down payments and provide a letter of credit, certificate of deposit issued by a licensed financial institution, or surety bond issued by an authorized insurer;
- Prohibits a planned unit development resolution or ordinance for a planned unit with a residential use from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors in a way not allowed by this bill;
- Prohibits a local government from enacting or enforcing residential occupancy limits that differ based on the relationships of the occupants of a dwelling;
- Modifies the content requirements for a county and municipal master plan, requires counties and municipalities to adopt or amend master plans as part of an inclusive process, and requires counties and municipalities to submit master plans to the department;
- Allows a municipality to sell and dispose of real property and public buildings for the purpose of providing property to be used as affordable housing, without requiring the sale to be submitted to the voters of the municipality;

- Requires the approval process for manufactured and modular homes to be based on objective standards and administrative review equivalent to the approval process for site-built homes;
- Prohibits a municipality from imposing more restrictive standards on manufactured and modular homes than the municipality imposes on site-built homes;
- Prohibits certain municipalities from imposing minimum square footage requirements for residential units in the approval of residential dwelling unit construction permits;
- Requires certain entities to submit to the Colorado water conservation board (board) a completed and validated water loss audit report pursuant to guidelines that the board shall adopt;
- Allows the board to make grants from the water efficiency grant program cash fund to provide water loss audit report validation assistance to covered entities;
- Allows the board and the Colorado water resources and power development authority to consider whether an entity has submitted a required audit report in deciding whether to release financial assistance to the entity for the construction of a water diversion, storage, conveyance, water treatment, or wastewater treatment facility;
- Prohibits a unit owners' association from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors;
- Requires the department of transportation to ensure that the prioritization criteria for any grant program administered by the department are consistent with state strategic growth objectives, so long as doing so does not violate federal law;
- Requires any regional transportation plan that is created or updated to address and ensure consistency with state strategic growth objectives;
- Requires that expenditures for local and state multimodal projects from the multimodal transportation options fund are only to be made for multimodal projects that the department determines are consistent with state strategic growth objectives; and
- For state fiscal year 2023-24, appropriates \$15,000,000 from the general fund to the housing plans assistance fund and makes the department responsible for the

accounting related to the appropriation.
(Note: This summary applies to this bill as introduced.)

Status: 5/6/2023 Senate Considered House Amendments - Result was to Laid Over Daily

[SB23-291](#) **Utility Regulation**

BJ4C position: Oppose

Position:

Calendar Notification: Monday, May 8 2023
CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS (15) in senate calendar.

Short Title: Utility Regulation

Sponsors: S. Fenberg (D) | L. Cutter (D) / C. deGruy Kennedy (D) | M. Martinez (D)

Summary: **Section 1** of the bill requires the public utilities commission (commission), if relying on a discount rate when calculating the net present value of future *carbon-based* fuel costs as part of a utility's electric resource plan, to apply a discount rate that does not exceed the long-term rate of inflation. **Section 2** requires the commission to establish ~~mechanisms, guidelines, or~~ rules to limit the amount of rate case expenses that an investor-owned electric or gas utility may recover from the utility's customers. *In reviewing an investor-owned utility's application to modify base rates, the commission is required to certify that sufficient information is included in the application, including a comprehensive cost and revenue requirement analysis.* **Section 3** prohibits an investor-owned electric or gas utility from recovering various costs from its customers, including:

- More than 50% of annual total compensation or of expense reimbursement for a utility's board of directors;
- Tax penalties or fines issued against the utility;
- Certain advertising and public relations expenses;
- Lobbying and other expenses intended to influence the outcome of local, state, or federal legislation or ballot measures;
- Certain organizational and membership dues;
- Travel, lodging, food, or beverage expenses for the utility's board of directors and officers; and
- Gift or entertainment expenses.

If an investor-owned utility recovers prohibited costs, the commission ~~is required to~~ *may* assess a nonrecoverable penalty against the utility ~~in an amount that is not less than the total amount improperly recovered~~ and *is required to* order the utility to refund the amount improperly recovered to its customers, plus interest. *An investor-owned utility is required to file an annual report with the commission on the utility's compliance with the prohibited cost recovery, which report must include the purpose, payee, and amount of any expenses associated with costs and activities not permitted to be recovered from customers.* **Section 4** requires that, on or before November 1, 2023, an investor-owned gas utility file with the commission for the commission's approval, amendment, or denial a gas price risk management plan that includes proposals for addressing the volatility of fuel costs recovered from the utility's ratepayers *pursuant to the utility's gas cost adjustment filings*. **Section 4** requires the commission to adopt rules, on or before January 1, 2025, to :

- help protect investor-owned electric or gas utility customers from the volatility of gas prices by establishing a ~~mechanism~~ *mechanisms* that ~~aligns~~ *align* an investor-owned utility's financial incentives with the financial interests of its customers *regarding incurred fuel costs*. ~~and~~
- ~~Establish a mechanism~~ *In adopting the rules, the commission is required to consider mechanisms* to create a financial incentive for an investor-owned utility to improve its electricity production cost efficiency while minimizing its fuel costs.

As part of its rules, the commission may also consider ~~requiring~~ *each investor-owned electric utility to bear a percentage of its total fuel costs in order to incentivize the utility to find efficiencies and reduce fuel waste* *utility's financial health and corresponding impacts on customer affordability*. **Section 4** also requires the commission to open a proceeding to investigate the extent to which residential and other development in certain geographic areas drive natural gas infrastructure costs for any natural gas utility that serves more than 500,000 customers in the state. *After completing the investigation, the commission shall consider whether a natural gas utility that serves more than 500,000 customers should be required to utilize alternative cost-recovery mechanisms or actions*. **Section 5** requires:

- On or before December 31, 2023, each regulated gas utility to remove from the utility's rate tariffs any

incentives offered to an applicant applying for natural gas service to establish gas service to a property;

- The Colorado energy office to contract with an independent third party, on or before July 1, 2024, to evaluate the risk that stranded or underutilized natural gas infrastructure investments pose, *including the risk posed to utility employees and contractors*, and the annual projected rate impact that such stranded assets have on ratepayers;
- The commission to determine whether any changes to rules or depreciation schedules are warranted based on its review of the evaluation contracted by the Colorado energy office;
- An investor-owned gas utility to provide the commission information, including a map, about the utility's gas distribution system pipes;
- An investor-owned gas utility to refrain from penalizing or charging a fee to a customer that voluntarily terminates gas service. The commission may adopt rules to establish standards for a customer's voluntary disconnection from an investor-owned gas utility's gas distribution system.
- On or before July 1, 2024, the commission to examine existing investor-owned electric utility tariffs, policies, and practices to determine if the tariffs, policies, and practices pose a barrier to the beneficial electrification of buildings with respect to charges imposed for the cost of transformer or service upgrades.

Section 6 ~~authorizes~~ *requires* the commission to allow a wholesale customer of an investor-owned utility to intervene in a proceeding regarding the commission's consideration of the investor-owned utility's application for cost recovery from customers. **Section 7** *appropriates*:

- *\$1,265,551 from the public utilities commission fixed utility fund to the department of regulatory agencies for use by the public utilities commission, with \$713,745 reappropriated to the department of law; and*
- *\$142,749 from the legal services cash fund to the department of law from revenue received from the Colorado energy office that originates as custodial federal funds that the office has authority to expend.*

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/11/2023 Governor Signed

[SB23-292](#)

Labor Requirements For Energy Sector Construction

BJ4C position:

Position:

Calendar NOT ON CALENDAR

Notification:

Short Title: Labor Requirements For Energy Sector Construction

Sponsors: C. Hansen (D) | S. Fenberg (D) / M. Duran (D) | S. Bird (D)

Summary: **Current labor requirements for public projects.** In 2019, the general assembly adopted an apprenticeship utilization law (apprenticeship utilization law) that requires the general contractor for a public project that does not receive federal money, and that is in the amount of one million dollars or more, to submit, at the time a mechanical, electrical, or plumbing subcontractor is put under contract, documentation to the contracting agency that identifies the contractors or subcontractors that will be used for specified aspects of the public project and certifies that all firms identified participate in specified apprenticeship programs.

At the same time, the general assembly also adopted a prevailing wage law (prevailing wage law) that requires any contractor who is awarded a contract for a public project by an agency of government for \$500,000 or more and that does not include federal money, and any subcontractors working on the public project, to pay their employees a prevailing wage at weekly intervals. The contractors and subcontractors are required to comply with prevailing wage enforcement provisions and requirements.

Energy sector public works projects. The bill creates a new category of public works projects defined as "energy sector public works projects", and requires these projects to comply with the requirements of the apprenticeship utilization law and the prevailing wage law for energy sector public works projects. An "energy sector public works project" is any project that:

- Has the purpose of generating, transmitting, or distributing electricity or natural gas for the purpose of

providing energy to Colorado individual consumers and businesses; or

- Has the purpose of generating or distributing electricity or natural gas for the purpose of providing energy to Colorado individual consumers and businesses from utility customer funding as approved by a cooperative electric association.

With certain exceptions, the bill requires that a contract for an energy sector public works project include provisions that expressly require that all work performed under the contract comply with the state mechanical, electrical, and plumbing apprenticeship utilization law and the state prevailing wage law if the project is an electric power generation project with a nameplate generation capacity of one megawatt or higher or if the project is a project other than an electric power generation project with a total cost of one million dollars or more. All contracts with subcontractors on the project are also required to include such provisions. If the contract for an energy sector public works project does not include such provisions, the project will not be eligible to receive state funding or to receive required authorizations or approvals from the public utilities commission (PUC).

The lead contractor for an energy sector public works project is required to:

- Prepare certified payroll records for workers directly employed by the contractor and any subcontractors on the project and submit the records to the public utility or other owner of the energy sector public works project weekly; and
- Prepare a quarterly craft labor certification that attests that the lead contractor and all subcontractors are compliant with the apprenticeship utilization law and the prevailing wage law.

The public utility, cooperative electric association, independent power producer, or other owner of an energy sector public works project is required to maintain the records for all craft labor certifications and is required to either provide copies quarterly to the department of labor and employment or require the lead contractor to provide such copies.

The state auditor's office, ~~in conjunction with the PUC and the department of labor and employment,~~ is required to conduct ~~periodic random audits of the labor certifications for energy sector public works projects~~ *an audit of the PUC's approval of energy sector public works projects no later than January 1, 2029, and at least 5 years thereafter. The purpose of the audit is to establish oversight and accountability for*

compliance with the "best value" employment metrics for electric resources acquisition and the employment, training, wage, and apprenticeship requirements specified in the bill.

Violations of the requirements for energy sector public works project contracts are subject to the penalties described in the apprenticeship utilization law and the prevailing wage law.

For projects funded in whole or in part by the state, the requirements to comply with the apprenticeship utilization law and the prevailing wage law apply only when the ~~total project cost is one million dollars or more and the aggregated public assistance from the state is \$500,000 or more or when the project is a power generation project with a nameplate generation capacity of one megawatt or higher, and the aggregated public assistance from the state is \$500,000 or more.~~ *project is a power generation project with a nameplate generation capacity of one megawatt or higher or an energy storage system with an energy rating of one megawatt of power capacity or four megawatt hours of useable energy capacity or higher and the aggregated public assistance from the state is \$500,000 or more. For other projects, the apprenticeship utilization law and the prevailing wage law apply only when the total project cost is one million dollars or more and the aggregated public assistance from the state, funding from a public utility, or funding from a cooperative electric association is \$500,000 or more.*

The requirements to comply with the apprenticeship utilization law and the prevailing wage law do not apply to a project that is covered by a project labor agreement, work on an energy sector public works project performed by employees of a utility company, a utility-incentivized demand-side management or electrification program, a utility or state-funded building *energy* efficiency program, service agreements that were entered into on or before a certain date, projects that involve an electric distribution line with a specified capacity, work on an energy sector public works project put out to bid on or after January 1, 2024, that is qualified for and claims the increased federal production tax credit or investment tax credit amount, excluding any domestic content, energy community, or low-income community bonus credit, and projects that involve pipelines with a specified minimum yield strength. **Project labor agreements.** In lieu of compliance with the apprenticeship utilization law and the prevailing wage law, a public utility, cooperative electric association, or independent power producer may incorporate a project labor agreement requirement for an energy sector public works project. A project labor agreement is a prehire collective bargaining agreement that establishes the terms and conditions of employment of the construction

workforce on an energy sector public works project. A project labor agreement is required to:

- Include provisions for resolving labor disputes and grievances;
- Guarantee against strikes and lockouts;
- Ensure a reliable source of trained and skilled labor;
- Further public policy objectives regarding improved employment opportunities for minorities, women, and other economically disadvantaged populations in the construction industry;
- Permit the selection of the lowest qualified responsible bidder or lowest qualified responsible offeror without regard to union or non-union status at other construction sites; and
- Bind all contractors and subcontractors on the energy sector public works project to the project labor agreement through the inclusion of appropriate bid specifications in all relevant bid documents.

The PUC is prohibited from denying approval of an energy sector public works project solely because it uses a project labor agreement.

The bill specifies which provisions of the apprenticeship utilization law for public projects apply to energy sector public works projects.

Regarding "best value" employment metrics that the PUC is required to consider when it evaluates electric resource acquisitions and requests for certificates of public convenience and necessity for construction or expansion of generating facilities, the bill:

- Requires the PUC to promulgate rules requiring utilities, when submitting annual progress reports for an electric resource acquisition, to collect and provide to the PUC information concerning the implementation of "best value" employment metrics;
- Requires the PUC to report annually to committees of reference of the general assembly concerning the information that is reported; and
- Repeals obsolete language requiring the state auditor to conduct a performance audit.

The bill adds enforcement mechanisms for the existing mechanical, electrical, and plumbing apprenticeship utilization requirements for gas demand-side management projects and beneficial electrification projects.

In addition, the bill requires that projects undertaken pursuant to specified existing state laws comply with the state

mechanical, electrical, and plumbing apprenticeship utilization law and the state prevailing wage law.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/23/2023 Governor Signed

[SB23-303](#)

Reduce Property Taxes And Voter-approved Revenue Change

BJ4C position:

Position:

Calendar Monday, May 8 2023

Notification: THIRD READING OF BILLS - FINAL PASSAGE
(1) in house calendar.

Short Title: Reduce Property Taxes And Voter-approved Revenue Change

Sponsors: S. Fenberg (D) | C. Hansen (D) / C. deGruy Kennedy (D) | M. Weissman (D)

Summary: **Section 3** of the bill requires the secretary of state to refer a ballot issue to voters at the November 2023 election that asks voters whether property taxes should be reduced and that seeks voter approval to retain and spend excess state revenues that will be used to backfill some of the reduced property tax revenue. Most of the bill only becomes effective if the voters approve the ballot issue. **Local government property tax revenue limit.** Beginning with the 2023 property tax year, **section 6** establishes a limit on specified property tax revenue for local governments, excluding those that are home rule and school districts, that is equal to inflation above the property tax revenue from the prior property tax year (limit). A local government may establish a temporary property tax credit, which does not change the gross mill levy, that is up to the number of mills necessary to prevent the local government's property tax revenue from exceeding the limit. Alternatively, the governing board may approve a mill levy that would cause the local government to exceed the limit, if the governing board approves the mill levy at a public meeting that meets certain criteria. **Valuation changes.** The valuation for assessment (valuation) of nonresidential real and personal property, excluding producing mines and lands or leaseholds producing oil or gas, is based on

an assessment rate of 29% of actual value, but currently, there are temporary reductions in the valuation for certain subclasses of property. **Section 8** creates the additional temporary reductions. For the 2023 property tax year:

- For lodging property, property listed under any improved commercial subclass code, and all other nonresidential property, excluding agricultural property and renewable energy production property, the assessment rate is reduced from 27.9% to 27.85%;
- ~~For renewable energy agricultural land, which is a newly created subclass of agricultural property that is valued under **section 7**, the assessment rate is reduced from 26.4% to 21.9%.~~

Thereafter, the assessment rate for lodging property and all nonresidential property, excluding agricultural property and renewable energy production property and property that is not under a vacant land subclass, is reduced from 29% to:

- 27.85% for the 2024 through 2026 property tax years;
- 27.65% for the 2027 and 2028 property tax years;
- 26.9% for the 2029 and 2030 property tax years; and
- 25.9% or 26.9% for the 2031 and 2032 property tax years, depending on the increase in the valuation in the 32 counties with the smallest increases from the 2030 to 2031 property tax years (revenue increases).

The assessment rate for agricultural property, excluding renewable energy agricultural land, and renewable energy property is reduced from 29% to:

- 26.4% for the 2025 through 2030 property tax years; and
- 25.9% or 26.4% for the 2031 and 2032 property tax years, depending on the increase in the valuation in the 32 counties with the smallest revenue increases.

The assessment rate for renewable energy agricultural land, *which is a newly created subclass of agricultural property that is valued under **section 7***, is reduced from 29% to 21.9% for the 2024 through 2032 property tax years.

Beginning with the 2033 property tax year, all of the temporary valuation reductions expire and the valuation of all nonresidential real property is 29% of the actual value of the property.

The valuation of residential real property is based on an assessment rate of 7.15% of actual value, but currently, there are temporary reductions in the valuation. **Section 9** further reduces the valuation of residential real property. For the 2023 property tax year, the valuation is reduced from 6.765% of the amount equal to the actual value minus the lesser of \$15,000 or the

amount that causes the valuation to be \$1,000 (alternate amount) to 6.7% of the amount equal to the actual value minus the lesser of \$40,000 or the alternate amount.

For the 2024 property tax year, the valuation is reduced as follows:

- For multi-family residential real property, the valuation is reduced from 6.8% of the actual value to 6.7% of the amount equal to the actual value minus the lesser of \$40,000 or the alternate amount; and
- For all other residential real property, the valuation is reduced from an estimate of 6.98% of the actual value to 6.7% of the amount equal to the actual value minus the lesser of \$40,000 or the alternate amount.

For the 2025 through 2032 property tax years:

- For multi-family residential real property and primary residence real property, including multi-family primary residence real property, the valuation is reduced from 7.15% of the actual value to 6.7% of the actual value minus the lesser of \$40,000 or the alternate amount;
- For qualified-senior primary residence real property, including multi-family qualified-senior primary residence real property, the valuation is reduced from 7.15% of the actual value to 6.7% of the amount equal to the actual value minus \$140,000 or the alternate amount; and
- For all other residential real property, the assessment rate is reduced from 7.15% to ~~7.1~~ 6.7 %.

Beginning with the 2033 property tax year, all of the temporary valuation reductions expire and the valuation of all residential real property is 7.15% of the actual value of the property.

The bill also establishes that all of the temporary reductions in valuation for residential and nonresidential property created in the bill are contingent on the state's ability to retain and spend state surplus up to the proposition HH cap. If, for any reason, excluding a legislative enactment by the general assembly, the state is not permitted to retain and spend this money, then the temporary reductions in the bill do not apply.

Section 11 creates the residential subclass of primary residence real property for owner-occupiers and establishes administrative procedures related to the classification that are based on the procedures for the homestead exemption, with those procedures expanded to treat civil union partners like spouses. **Section 11** also creates the residential subclass of qualified-senior primary residence real property, which is a property with an owner-occupier who previously qualified for the senior homestead exemption for a different property and who

does not qualify for the exemption for the current property tax year. **Sections 1, 12, 13, 15, and 16, and 21** delay deadlines as necessary due to the valuation changes for the 2023 property tax year. **Section 20** requires county assessors to provide notice, which will be prepared by the property tax administrator, to taxpayers about the new valuations for assessment and the application process for primary residence real property and qualified-senior primary residence real property.

The state is currently required to reimburse local governmental entities for property tax revenue lost as a result of the reductions in valuation enacted in Senate Bill 22-

238. **Section 14** modifies this backfill mechanism by:

- Specifying that the amount of revenue lost for a property tax year is based on a local governmental entity's mill levy for the 2022 property tax year, excluding specified mills;
- Including the additional property tax revenue reductions that result from the bill in the backfill for the 2023 property tax year;
- Eliminating the maximum amount of the backfill for the 2023 property tax year that is a refund of excess state revenues;
- Extending the backfill for the 2024 through 2032 property tax years for the valuation reductions in the bill, but making a local governmental entity that has an increase in real property total valuation of 20% or more from the 2022 property tax year ineligible for the backfill;
- Creating the local government backfill cash fund, which includes a \$128 million general fund transfer, and requiring the money from the fund to be used to backfill revenue to local governments beginning with the 2024 property tax year; ~~and~~
- Beginning with the 2024 property tax year, proportionally reducing the amount that each eligible local government receives, if necessary to avoid exceeding the total amount that is *identified as being available* for the backfills statewide ;
- *Clarifies how local governmental entities, which are now defined, are treated if their boundaries are in more than one county for purposes of the backfill; and*
- *Requires the state treasurer to reduce a backfill as necessary to avoid a local governmental entity exceeding its constitutional fiscal year spending limit.*

Section 14 also modifies the backfill mechanism to treat cities and counties as counties instead of municipalities, and this

change is not contingent on voter-approval of the ballot issue. **Section 18** requires the department of revenue to calculate the amount of excess state revenues that will be refunded for the fiscal year 2022-23 with and without the changes from the bill. *Section 19 requires the state treasurer to transfer \$72 million from the general fund to the state public school fund.* **Voter-approved revenue change.** If the voters approve the referred ballot issue, then the state will be authorized to retain and spend revenues up to the proposition HH cap, created in **section 3**. For the 2023-24 fiscal year, the proposition HH cap is equal to the excess state revenues cap for the prior fiscal year, adjusted for inflation plus 1% and population changes. Thereafter, the proposition HH cap is equal to the proposition HH cap for the prior fiscal year, adjusted for inflation plus 1% and population changes. The proposition HH cap is also annually adjusted for the qualification or disqualification of enterprises and debt service changes.

If the general assembly does not enact assessment rates for the 2033 property tax year that are the same or lower than the assessment rates for the 2032 property tax year described above, then the proposition HH cap is reduced to be equal to the excess state revenues cap, and the state will retain \$0 under this authority beginning with the 2031-32 fiscal year. Thereafter, the general assembly may partially or wholly restore the proposition HH cap without additional voter approval if the general assembly enacts valuation reductions equal to or greater than those for the 2032 property tax year.

The amount retained under this authority is first used in the following fiscal year to backfill certain local governments for the reduced property tax revenue as a result of the property tax changes in the bill and Senate Bill 22-238, and the remainder is transferred to the state education fund to offset the revenue that school districts lose as a result of the property tax changes. **Section 5** requires the state controller to include the new voter-approved revenue change in the annual report on TABOR revenues. **Sections 2, 4, 10, and 17** make conforming amendments related to the valuation changes and related procedures and the voter-approved revenue changes.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status:

5/24/2023 Governor Signed

[SB23-304](#)**Property Tax Valuation**

BJ4C position:**Position:****Calendar** NOT ON CALENDAR**Notification:****Short Title:** Property Tax Valuation**Sponsors:** C. Hansen (D) | S. Fenberg (D) / B. Marshall (D) | S. Bird (D)**Summary:** **Section 1** of 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.

Beginning January 1, 2024, **section 2** requires certain counties to use an alternative procedure to determine objections and protests of property tax valuations in any year of general reassessment of real property that is valued biennially.

Currently, at the request of a taxpayer, a property tax assessor is required to provide the taxpayer with certain data that the assessor used to determine the value of the taxpayer's property. **Section 3** clarifies that the data the assessor is required to provide must include the primary method and rates the assessor used to value the property.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 5/24/2023 Governor Signed

[SJR23-004](#)**Uniform Sales And Use Tax On Construction Material**

BJ4C position: Support**Position:** **Support****Calendar** NOT ON CALENDAR**Notification:****Short Title:** Uniform Sales And Use Tax On Construction Material**Sponsors:** J. Bridges (D) | K. Van Winkle (R) / C. Kipp (D) | R. Bockenfeld (R)

Summary:

*** No bill summary available ***

Status:

5/17/2023 Signed by the President of the Senate