



2022 Legislative Report

2022 Session Summary

The Second Regular Session of the 73rd General Assembly concluded on May 11th. Hicks & Associates is pleased to present this report on the activities of the legislature in 2022.

The session began on January 9th, and the feeling around the Capitol felt more normal than it had been since the beginning of the COVID-19 Pandemic. During the first week we heard speeches from leadership in both chambers as well as the Governor’s State of the State. Similar to last year, Democratic Leadership in both chambers and Governor Polis were aligned in their priorities. Affordable Housing, Healthcare/Behavioral Health Care, Public Safety as well as Workforces’ Development were a few of their top priorities.

Over the last three sessions the state budget has been the vocal point/top priority, two years ago the state had to make huge cuts, last year with Federal aid and economic forecasts not as bad as what was expected many of those cuts were restored and this

year the largest state budget was passed and signed into law at \$36.4 billion. That number doesn’t include the nearly \$4 billion that the state received in federal stimulus money that the legislature also appropriated.

- ✓ 657 Bills introduced
- ✓ 143 Bills killed
- ✓ 510 Bills signed into/became law

We did see more bi-partisan bills this year as it pertained to many issues including how to spend the Federal dollars the state received. With this year being an election year and with redistricting, we saw the Democratic leadership try to be very careful in the bills that they introduced as we are

going into a big election season. We saw more stakeholder meetings and it seemed like business had a larger voice in legislation this year. That being said, there wasn’t a lack of controversial bills introduced.

This year there were more bills introduced than in the previous two years with a total of 657 bills, 418 by the House and 239 by the Senate. There were 143 bills Postponed Indefinitely or died on the calendar and the Governor signed 510 bills into law and vetoed 4 bills.



One large issue that made the end of session contentious was the management of the calendar, especially in the House. With under 10 days left in the session, there were 363 bills that were still going through the legislative process, including many that hadn't even made it to the second chamber.

A common theme since the Democrats have had control in both chambers and the Governor's office, is that the business community has had to be on the defensive and collaborate efforts on the most invasive legislation. But similar to last year, we did see bills looking to support businesses still affected by the pandemic as well as many other issues that Colorado businesses have been looking to address, including workforce development and restoring the crippled UI fund.

Hicks & Assoc. reviewed every bill that was introduced to determine the possible affects it could have on the construction industry and general business as a whole.

ABCRM tracked over 40 bills this session and with the help of the Government Relations Committee (GAC), the committee was able to take a deep dive into the bills and take positions on multiple pieces of legislation.

This year the GAC, led by Chair Randy Sewald, assigned members of the committee to specific subgroups. Each bill that ABCRM tracked was assigned to a specific subgroup category, (Insurance, Infrastructure, HR, Government Oversight, Tax Policy/Budget), where assigned members would provide a review on the legislation and guide the committee discussion towards ABCRM taking a position.

ABCRM was a resource and collaborated with many business groups and legislators as it pertained to ABCRM and the industry.

HB22-1346 Electricians Plumber Licensing Apprentice Ratio was brought by the Unions. The bill as introduced would decrease the worker ratio as it relates to electricians and plumbers, limit who can pull permits, and add positions at DORA for ratio enforcement. ABCRM built a large coalition in Opposition to the bill, especially as it pertained to changing the ratio. In working with that coalition and meeting with state agency's as well as the executive branch, we were able to amend the ratio change out of the bill, which caused the most concerns for our members. The bill passed and is awaiting the signature of the Governor. Even though this was a win for the Merit Shops, we anticipate the Unions will come back to address ratio next year.

HB22-1152 Prohibit Employer Adverse Action Marijuana Use is a bill that continues to be introduced each year and continues to not gain any traction. The bill would have limited the ability of an employer to take adverse action against an employee based on the employee's use of marijuana. The construction industry has stood together over the years in opposing this legislation, as safety is a top priority in the industry. Even though this bill only received one vote in support we can expect this bill to come back in years to come.

SB22-097 Whistleblower Protection Health & Safety is an extension of HB20-1415 Whistleblower Protection Public Health Emergencies, which ABCRM worked on and amended as it was passed in response to the COVID-19 Pandemic. With the passage of SB22-097, the law now applies to all health and safety concerns regardless of whether there is a declared public health emergency.

SB22-161 Wage Theft Employee Misclassification Enforcement brought by the carpenter's union; this bill as introduced would have had severe impacts on all business especially, as it pertained to leans for unpaid wages. ABCRM attended multiple stakeholder meetings and was able to work with that group to amend the bill heavily to mitigate the



negative impact it could have on our industry, as the bill looks to address a few bad actors but would affect the good actors as well.

SB22-234 Unemployment Compensation was one of the more anticipated bills of the session that wasn't introduced until the final weeks. The bill will address the Unemployment Insurance fund that was drained due to the COVID-19 Pandemic. It takes \$600 million from the American Rescue Plan Act of 2021 and puts it towards UI to help with the over \$1 billion deficit the fund has. Even though it doesn't cover the full deficit, it will definitely help businesses and the cost of future UI rates.

Since the Democrats took control of the General Assembly and the Governor's office, we continue to see multiple bills passed each year to address climate change and the environment.

HB22-1362 Building Greenhouse Gas Emissions as introduced would have allowed the Colorado Energy Office (CEO) to create and enact state building codes. The bill was one of the more contentious bills of the session for the construction industry. ABCRM attended multiple stakeholder meetings and in working with that group the bill was heavily amended to ensure that the building codes will use the IECC standards and CEO will not be writing buildings codes, which they have never done before.

HB22-1218 Resource Efficiency Buildings Electric Vehicles was brought by the environmental community and lines up with HB22-1362. The bill will require contractors to offer certain resource efficiency options when constructing certain buildings as well renovations of 50% or more to an existing high-occupancy building project. The bill will require these projects to provide 25% of parking spaces to be EV capable and 10% to be EV ready. ABCRM worked with construction industry and the sponsors to amend the introduced bill.

The construction industry will need more than an additional 45,000 skilled workers by 2027. As the state is still reeling for the COVID-19 Pandemic, which has exacerbated the workforce shortage even more, a top priority this session was workforce development.

HB22-1098 Department of Regulatory Agencies Barriers to Practice Regulated Professions will eliminate barriers to obtain authority to practice an occupation based on an individual's criminal history record. The construction industry had concerns with how this will affect safety in the industry but there are still protections in place to ensure that the industry is still safe and able to screen candidates.

HB22-1215 Study of Expanding Extended High School Programs will convene a work-based learning integration task force to develop recommendations to support the expansion and integrate secondary, postsecondary, and work-based learning opportunities throughout the state. This bill along with additional legislation will look to get the skilled trades back into our schools.

SB22-116 Increase Occupational Credential Portability is a bill that will give the ability of an individual to obtain an occupational credential through the occupational portability program. As Colorado continues to grow this legislation will help those new residents be able to get licensed in Colorado. There were initial concerns that the state was going to lower their standards for certain licenses but there were guardrails added to legislation to ensure that the states standards are still met when applying for licensure.

SB22-140 Expansion of Experiential Learning Opportunities is going to expand the learning opportunities in our schools through relationships with employers and establish a work-based learning incentive program. This gives the construction



industry additional tools to be able to expose the industry to students at a younger age.

As stated earlier, this session continued to put business community on the defensive even with some good legislation that looks to alleviate multiple issues for Colorado as a whole.

Now that the 2022 session is over, ABCRM will need to stay engaged over the interim as it will be a busy one. It will be filled with interim committees, rulemakings, as well as gearing up for the crucial 2022 elections in November. It is anticipated to be an important election year, as it is will be the first elections since redistricting and the Republicans are

looking to close the gap in the House and try and get back the Majority in the Senate.

A big thank you to the ABCRM Government Affairs Committee (GAC) for their hard work and guidance this session. Meeting biweekly was vital to the process and gave us the expertise and direction we needed to amend support/oppose bills. Below is a list of the bills that ABCRM took a position on as well as the rest of the bills that were tracked.

Engagement, Lobbying, Testimony, & Monitoring

ABCRM was heavily involved in multiple pieces of legislation this legislative session. The following bills include priority bills, meaning we directed the lobbying team to actively engage with other stakeholders, lobby all members of the General Assembly, provide testimony during committee, create fact sheets to ensure ABCRM's position and engage in any and all amendments to bills. Also included are the bills we were asked to engage in by other key stakeholders and bills that we were monitoring

| Bill Number | Short Title | ABCRM Position | Outcome | ABCRM Actions |
|-------------|--|----------------|-------------------------|--|
| HB22-1024 | Sales And Use Tax Exemption Municipal Public School Construction | Support | Signed by Governor 4/18 | Supported the bill through the process. |
| HB22-1026 | Alternative Transportation Options Tax Credit | Support | Signed by Governor 6/7 | Supported the bill through the process as this was incentive based and not a mandate like HB22-1138. |
| HB22-1039 | Sales & Use Tax Exemption Form Simplification | Support | Signed by Governor 3/30 | Supported the bill through the process. |
| HB22-1051 | Mod Affordable Housing Tax Credit | Support | Signed by Governor 5/26 | Worked with other groups in support as the bill went through the process. |
| HB22-1100 | Prohibit Discrimination COVID-19 Vaccine Status | Oppose | Postponed Indefinitely | Lobbied the House Health & Insurance Committee in opposition to the bill. |

| Bill Number | Short Title | ABCRM Position | Outcome | ABCRM Actions |
|-------------|---|----------------|-------------------------|--|
| HB22-1112 | Workers' Compensation Injury Notices | Oppose | Signed by Governor 3/24 | Worked with the sponsors and large stakeholder group to amend the bill to mitigate some of ABCRM concerns. As the bill went through the process, we continued to oppose the bill and express our concerns. |
| HB22-1138 | Reduce Employee Single-occupancy Vehicle Trips | Oppose | Postponed Indefinitely | Lobbied the House Finance Committee in opposition to the bill as this would have been a mandate. |
| HB22-1152 | Prohibit Employer Adverse Action Marijuana Use | Oppose | Postponed Indefinitely | Worked with the construction industry and business community to oppose the bill. Lobbied the House Business Committee on the major concerns we had with the bill. |
| HB22-1218 | Resource Efficiency Buildings Electric Vehicles | Oppose | Vetoed by Governor | Attended multiple stakeholder meetings and worked on amendments to address multiple issues. Continued to lobby in opposition to the bill as it went through the process. |
| HB22-1346 | Electrician Plumber Licensing Apprentice Ratio | Oppose | Signed by Governor 6/8 | Built a large coalition in opposition to the bill and were able to get ratio amended out of the bill, which was ABCRM's main concern. |
| HB22-1362 | Building Greenhouse Gas Emissions | Oppose | Signed by Governor 6/2 | Attended multiple stakeholder meetings and worked with the construction industry and the Colorado Energy Office on multiple amendments to the bill. We expressed our concerns with the bill as it went through the process. |
| SB22-066 | Restore Unemployment Insurance Fund Balance | Support | Postponed Indefinitely | Lent our support to the sponsors of the bill as well as lobbied the entire legislature to address the UI deficit. |
| SB22-136 | Special District Governance | Oppose | Postponed Indefinitely | Worked with BJ4C in opposition to the bill and lobbied the Senate Local Government Committee. |
| Sb22-124 | SALT Parity Act | Support | Signed by Governor 5/16 | Expressed our support for the bill to the sponsors and the entire House of Representatives. |
| SB22-161 | Wage Theft Employee Misclassification Enforcement | Oppose | Signed by Governor 6/3 | Attended multiple stakeholder meetings and worked with the industry on amendments to the bill. We continued to lobby in opposition to the bill as it went through the process. |
| SB22-234 | Unemployment Compensation | Monitor | Signed by Governor 5/25 | This was a highly negotiated bill with the business community and the Governor's office to replace SB22-066. We supported the concept of replenishing the fund but had a few issues with the some of the component of the bill which kept us as a monitor. |

The bills listed below are the bills that we tracked throughout the session that ABCRM took a monitor position on

HB22-1027 Sales Tax Destination Sourcing Rules Exception

Outcome: Signed by Governor 1/31

HB22-1098 Department of Regulatory Agencies Barriers to Practice Regulation Professions

Outcome: Signed by Governor 5/25

HB22-1119 Colorado False Claims Act

Outcome: Signed by Governor 6/7

HB22-1130 Exception to Employer Sick Leave Requirements

Outcome: Postponed Indefinitely

HB22-1133 Family Medical Leave Insurance Fund

Outcome: Signed by Governor 5/17

HB22-1200 Employee Exemption COVID-19 Vaccine Requirement

Outcome: Postponed Indefinitely

HB22-1215 Study of Expanding Extended High School Programs

Outcome: Signed by Governor 6/3

HB22-1216 Uniform Restrictive Employment Agreement Act

Outcome: Postponed Indefinitely

HB22-1249 Electric Grid Resilience and Reliability Roadmap

Outcome: Signed by Governor 6/2

HB22-1305 Paid Family Medical Leave Premium Reduction

Outcome: Postponed Indefinitely

HB22-1317 Restrictive Employment Agreement

Outcome: Signed by Governor 6/8

HB22-1347 Workers' Compensation Updates

Outcome: Signed by Governor 6/8

HB22-1349 Postsecondary Student Success Data System

Outcome: Signed by Governor 6/3

HB22-1350 Regional Talent Development Initiative Grant Program

Outcome: Signed by Governor 5/26

HB22-1354 Protecting Injured Workers' Mental Health Records

Outcome: Signed by Governor 6/8

HB22-1363 Accountability to Taxpayers Special Districts

Outcome: Postponed Indefinitely

HB22-1367 Updates to Employment Discrimination Laws

Outcome: Signed by Governor 6/8

SB22-051 Policies to Reduce Emissions from Built Environment

Outcome: Signed by Governor 6/2

SB22-088 Tuition Assistance for Building Trade Certification

Outcome: Postponed Indefinitely

SB22-097 Whistleblower Protection Health & Safety

Outcome: Governor Signed 5/31

SB22-099 Sealing Criminal Records

Outcome: Governor Signed 5/31

SB22-116 Increase Occupational Credential Portability

Outcome: Signed by Governor 5/2

SB22-130 State Entity Authority for Public-private Partnerships

Outcome: Signed by Governor 5/26

SB22-138 Reduce Greenhouse Gas Emissions in Colorado

Outcome: Died on House Calendar

SB22-140 Expansion of Experiential Learning Opportunities

Outcome: Signed by Governor 6/3

SB22-193 Air Quality Improvement Investments

Outcome: Signed by Governor 6/2

SB22-233 TABOR Refund Mechanism for FY 2021-22 Only

Outcome: Signed by Governor 5/23

SB22-239 Building in the Capitol Complex

Outcome: Signed by Governor 6/7