



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.

- ✓ 657 Bills introduced
- ✓ 143 Bills killed
- ✓ 510 Bills signed into/became law (6/14)

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.

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. As part of the end of session process, bills that were passed in the final days take a bit more time to become law. The Governor has 30 days after the session adjourns to take action on all bills that were passed. As of June 14th, there have been 510 bills signed into law. 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.

IECRM tracked over 45 bills this session and with the help of Government Relations Committee, the committee was able to take a deep dive into the bills and take positions on multiple pieces of legislation.

This year the bills that IECRM tracked were categorized by the bill topics and members of the Government Relations Committee were assigned to

subgroups which were: Insurance, Infrastructure, Regulatory/Education, Tax Policy, and Employer Policies. This helped the Committee take a deep dive into specific pieces of legislation and the members would guide the discussion to help the committee take positions on specific legislation.

IECRM continued to be a resource to many different groups/organizations, including participating in the Colorado Chamber of Commerce's Policy Council meetings (Tax, Energy & Environment, Labor & Employment, Governmental Affairs) as well as BJ4C, which is a broad coalition of the construction industry that represent more than 90% of the industry. We also worked closely with entire General Assembly as well as state agencies and the executive branch.

Below are some of the high-level pieces of legislation that IECRM worked on this session that could have or will have a large impact on 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. IECRM 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. 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 IECRM 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 leas for unpaid wages. IECRM 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. IECRM 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 would have required 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. It also required these projects to provide 25% of parking spaces to be EV capable and 10% to be EV ready. IECRM worked with construction industry and the sponsors to amend the introduced bill. Even with amendments there were still many concerns from the construction industry as well as the Executive Branch. Governor Polis Vetoed the bill on 6/7 because of the upfront costs at a time when Coloradans are currently struggling with ever increasing cost of living.

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.

HB22-1310 529 Account Apprenticeship Expenses will expand what a 529 account can be used for by including the use of the account for expenses for certain apprenticeship programs. This came as the Federal Government did in allowing the 529 account to be used towards certain apprenticeship programs as well.

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, IECRM 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. IECRM will also be meeting over the interim with current legislators and multiple state agencies, including DORA, CDLE, CEO, and DOR, to continue to build strong relationships and educate them on the industry.

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.

Thank you to all the members on the IECRM Government Relations Committee for your hard work and constant involvement this session. Meeting biweekly was vital to the process and gave Hicks & Associates the direction we needed to amend support/oppose bills. Below you will find the bills that IECRM tracked and took positions on.



Engagement, Lobbying, Testimony, & Monitoring

IECRM 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 IECRM'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	IECRM Position	Outcome	IECRM Actions
HB22-1009	Continue Workforce Diploma Pilot Program	Monitor	Died on the Calendar	
HB22-1019	Modification to Qualified State Tuition Programs	Monitor	Postponed Indefinitely	
HB22-1024	Sales And Use Tax Exemption Municipal Public School Construction	Monitor	Signed by Governor 4/18	Monitored bill closely as it went 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.
HB22-1027	Sales Tax Destination Sourcing Rules Exception	Monitor	Signed by Governor 1/31	Monitored bill closely as it went through the process and came out of the Sales and Use Tax Simplification Task Force.
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	Monitor	Signed by Governor 5/26	
HB22-1098	Department of Regulatory Agencies Barriers to Practice Regulation Professions	Monitor	Signed by Governor 5/25	When the bill was introduced, we spoke with sponsors and DORA to ensure that there are still guardrails in place to ensure that the industry is as safe as possible.
HB22-1100	Prohibit Discrimination COVID-19 Vaccine Status	Monitor	Postponed Indefinitely	
HB22-1112	Workers' Compensation Injury Notices	Monitor	Signed by Governor 3/24	Monitored bill closely as it went through the process and worked with both Pinnacol and the sponsors on amendments to the bill.
HB22-1119	Colorado False Claims Act	Monitor	Signed by Governor 6/7	
HB22-1130	Exception to Employer Sick Leave Requirement	Monitor	Postponed Indefinitely	

Bill Number	Short Title	IECRM Position	Outcome	IECRM Actions
HB22-1133	Family and Medical Leave Insurance Fund	Monitor	Signed by Governor 5/17	Monitored bill closely as it pertains to the Paid Family Medical Leave program and the premiums for state employees.
HB22-1138	Reduce Employee Single-occupancy Vehicle Trips	Oppose	Postponed Indefinitely	Lobbied the House Finance Committee in opposition to the bill as this was a mandate.
Hb22-1144	Natural Acquired Immunity COVID-19	Monitor	Postponed Indefinitely	
HB22-1152	Prohibit Employer Adverse Action Marijuana Use	Oppose	Postponed Indefinitely	Worked with the construction industry and business community to oppose the bill and lobbied the House Business Committee on the major concerns we had with the bill.
HB22-1200	Employee Exemption COVID-19 Vaccine Requirement	Monitor	Postponed Indefinitely	
HB22-1215	Study of Expanding Extended High School Programs	Monitor	Signed by Governor 6/3	Monitored bill closely as it went through the process and will look into how to expand opportunities for high school students in many areas including the skilled trades.
HB22-1216	Uniform Restrictive Employment Agreement Act	Monitor	Postponed Indefinitely	
HB22-1218	Resource Efficiency Buildings Electric Vehicles	Monitor	Vetoed by Governor	Attended multiple stakeholder meetings and worked on amendments to address multiple issues.
HB22-1244	Public Protections From Toxic Air Contaminants	Monitor	Signed by Governor 6/2	Attended multiple stakeholder meetings.
HB22-1249	Electric Grid Resilience and Reliability Roadmap	Monitor	Signed by Governor 6/2	Attended multiple stakeholder meetings and monitored the bill closely as it went through the process.
HB22-1305	Paid Family Medical Leave Premium Reduction	Monitor	Postponed Indefinitely	Monitored the bill closely and spoke with sponsors as it looked to reduce the premiums on an employer for the Paid Family Medical Insurance Program.
HB22-1310	529 Account Apprenticeship Expenses	Support	Signed by Governor 6/3	Lent our support to the sponsors of the bill as well as lobbied the Legislature in support of the bill.
HB22-1317	Restrictive Employment Agreements	Monitor	Signed by Governor 6/8	Monitored bill closely and stayed worked with large business coalition as the bill went through the process.

Bill Number	Short Title	IECRM Position	Outcome	IECRM Actions
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. Continued to express our concerns to the Legislature as to what problem is this going to fix.
HB22-1347	Workers' Compensation Update	Monitor	Signed by Governor 6/8	
HB22-1349	Postsecondary Student Success Data System	Monitor	Signed by Governor 6/3	Met with the Department of Higher Education to discuss the intentions of the bill and how it could affect groups making data public. They ensured that it is for higher ed. and there is an opt out provision as well.
HB22-1350	Regional Talent Development Initiative Grant Program	Monitor	Signed by Governor 5/26	
HB22-1354	Protecting Injured Workers' Mental Health Records	Monitor	Signed by Governor 6/8	
HB22-1362	Building Greenhouse Gas Emissions	Oppose	Sent to Governor	Attended multiple stakeholder meetings and worked with the construction industry and the Colorado Energy Office on multiple amendments to the bill. We continued to express our concerns with the bill as it went through the process.
HB22-1363	Accountability to Taxpayers Special Districts	Monitor	Postponed Indefinitely	
HB22-1367	Updates to Employment Discrimination Laws	Monitor	Signed by Governor 6/8	Closely monitored bill through the process as it took already agreed upon issues from prior years' Workplace Discrimination bills.
SB22-032	Simplify Local Sales & Use Tax Administration	Monitor	Signed by Governor 4/21	Monitored bill closely as it went through the process and came out of the Sales and Use Tax Simplification Task Force.
SB22-051	Policies to Reduce Emissions From Built Environment	Monitor	Signed by Governor 6/2	Attended stakeholder meetings and closely monitored bill through the process.
SB22-066	Restore Unemployment Insurance Fund Balance	Monitor	Postponed Indefinitely	
SB22-088	Tuition Assistance for Building Trade Certification	Monitor	Postponed Indefinitely	
SB22-097	Whistleblower Protection Health & Safety	Oppose	Signed by Governor 5/31	Expressed our concerns to sponsors on the legislation.
SB22-099	Sealing Criminal Records	Monitor	Signed by Governor 5/31	Similar to HB22-1098 we spoke with sponsors and Dora to ensure that there are still guardrails in place to ensure the safety of the industry.

Bill Number	Short Title	IECRM Position	Outcome	IECRM Actions
SB22-116	Increase Occupational Credential Portability	Monitor	Signed by Governor 5/2	Worked with DORA and the sponsors to ensure that those looking to get licensed here still meet the states standards to get licensed.
Sb22-124	SALT Parity Act	Monitor	Signed by Governor 5/16	
SB22-130	State Entity Authority for Public-private Partnerships	Monitor	Signed by Governor 5/26	
SB22-136	Special District Governance	Oppose	Postponed Indefinitely	Worked with BJ4C in opposition to the bill and lobbied the Senate Local Government Committee.
SB22-140	Expansion of Experiential Learning Opportunities	Monitor	Signed by Governor 6/3	Monitored bill closely as it went through the process and looks to help with workforce development.
SB22-161	Wage Theft Employee Misclassification Enforcement	Amend	Signed by Governor 6/3	Attended multiple stakeholder meetings and worked with the industry on amendments to the bill. We continued to lobby on the bill to express our concerns as it went through the process.
SB22-192	Opportunities for Credential Attainment	Monitor	Signed by Governor 5/26	
SB22-193	Air Quality Improvement Investment	Monitor	Signed by Governor 6/2	
SB22-234	Unemployment Compensation	Monitor	Signed by Governor 6/2	Closely monitored bill as it went through process as it will help with the huge UI deficit.
SB22-239	Building in the Capitol Complex	Monitor	Signed by Governor 6/7	