



2023 Legislative Report

2023 Session Summary

The First Regular Session of the 74th General Assembly adjourned on May 8th. Hicks & Associates is pleased to present this report on the activities of the legislature in 2023.

The 2023 session convened on January 9th and there were many new faces around the Capitol, with over 30 new members, mostly in the House of Representatives. As usual, coming out of an election year thing started slowly. Leadership in the Senate didn't see any changes as it pertains to the majority but in the House there was a new Speaker elected, Speaker of the House Julie McCluskie (D-Dillon). Over the first two weeks, leadership in both chambers and the Governor laid out their priorities which were closely aligned and included workforce development, affordable housing, water and public safety.

Since the COVID-19 Pandemic, the state budget has dictated how the session will go. This year, with fear of a recession, there were many discussions around if the state was going to have to make cuts. But that wasn't the case and as we saw a 9% increase with a total state budget of \$38.5 billion.

- ✓ 610 Bills introduced
- ✓ 102 Bills killed
- ✓ 236 Bills signed into/became law (5/30)

Coming into the session and fresh off a very successful election cycle for democrats, where they gained a super majority in the House and close to one in the Senate, it was expected that we would see many controversial bills introduced and passed.

This year there were less bills introduced than the prior two years with a total of 610 bills, 311 by the House and 299 by the Senate. There were 102 bills Postponed Indefinitely and a few more that died on the calendar. As a part of the end of session process, bills that were passed in the final 10 days get a bit more time to be acted upon by the Governor, as he has 30 days to take final action on those bills. If there are bills that haven't had action taken, either



signed into law or vetoed, after the 30-day signing period they become law.

Even though the Democrats had a large majority in the General Assembly the Republicans slowed the process as much as they could especially in the House, with the Republicans “Mighty 19”, as they called themselves, slowing the process more than we have seen in years past. With that, we saw more bills still going through the process in the final two weeks of session than in years prior.

Since the Democrats have taken full control of the Capitol, the business community has found themselves on the defensive, and this year wasn’t any different. The business community continues to stay together in building large coalitions and working together on the most invasive pieces of legislation.

As we continue to see the state become more blue and less purple, there are more and more progressive legislators being elected. Even with a super majority in the House we saw different factions within the Democratic party, which included business friendly democrats and the ever-growing super progressive democrats, which at times called in to question their own leadership.

Hicks & Associates reviewed every bill that was introduced to determine the possible effects it could have on GreenCO and business as a whole.

GreenCO tracked over 40 bills this session and with the help of the Legislative Committee we were able to take a deep dive into the bills and take positions on multiple pieces of legislation.

GreenCO collaborated closely with the General Assembly but also with the agriculture industry, construction industry, and general business groups, throughout the session on multiple pieces of legislation.

Below you will find an overview of some of the high-level bills that GreenCO tracked during the 2023 session.

This session the top priority for GreenCO was the Pesticide Applicator Sunset bill. Pesticides has been a hot topic at the Capitol for the past few sessions, especially as it pertains to local preemption. GreenCO continues to work with CRPA (Coloradoans For Responsible Pesticide Application) and other industry partners on all things pesticide related. As we continued to be proactive, GreenCO helped host a Pesticide Applicator Advocacy Day at the Capitol, where we spoke with members of the legislature to discuss the Sunset bill/pesticide regulation as well as educate them on who we are. This proved to be very beneficial as we were engaged on the two pieces of legislation regarding pesticides.

SB23-192 Sunset Pesticide Applicators’ Act was up for renewal this year. GreenCO and CPRA have been working on this sunset over the last year. In working with the coalition, we kept our messaging pointed and fact/science-based on the issues. As we stood together, we attended multiple stakeholder meetings, both prior to the session and during the session, and were able to get this bill passed without local preemption.

SB23-266 Neonic Pesticides as Limited-use Pesticides was brought by the pollinator advocates and will limit the places that pesticides containing neonicotinoids can be sold. GreenCO saw this as a compromise and closely monitored this bill as it went through the process.

There will be more work to be done over the interim on pesticides, especially as it pertains to local preemption. The Governor and the Department of Agriculture support local preemption on a limited basis, which we still haven’t heard what that means. GreenCO will continue to stay engaged.



The conversation around water has been ongoing over the past few years but the General Assembly hasn't passed a great deal of legislation to address the ongoing water issues in the state. Coming into the session water was a top priority and there were multiple bills introduced and passed to try and get a grip on the water issues throughout the state.

SB23-010 Water Resources and Agriculture Review Committee makes the interim committee a year-round committee. With water being a top priority of the General Assembly, the legislature passed this bill to allow the committee to meet year-round and removes the limitations on the number of meetings and "fields trips" the committee may hold. This bill shows that the state is committed to fixing the water problem.

SB23-178 Water-wise landscaping in Homeowners' Association Communities will remove barriers to water-wise landscaping in HOA communities. This will allow for more landscaping options within HOA's along with helping with the water issue by allowing drought tolerant plants and landscaping. The bill requires an association to permit the installation of a least 3 garden designs that adhere to the principles of water-wise landscaping.

Each year there are more and more pieces of legislation that address climate change and our greenhouse gas emissions within the state.

SB23-016 Greenhouse Gas Emission Reduction Measures is a bill that GreenCO has worked on since the 2022 session. There are many facets to this bill but the most important one is the tax incentive of electric-powered lawn equipment. In last year's bill as introduced, the bill would have banned the sale of gas-powered lawn equipment in the coming years. GreenCO was able to work with the sponsor to make this an incentive rather than a mandate. GreenCO continued its work with the sponsor this year to ensure that the incentive stayed in the bill.

Owning a business continues to be harder and harder these days, which was exacerbated even more by the COVID-19 Pandemic. The General Assembly continues to put more costs and restraint on employers. The business community has stuck together to work on many pieces of legislation that would hurt the business community in both killing bills and amending them to limit the affects.

HB23-1078 Unemployment Compensation Dependent Allowance would have given an individual receiving unemployment compensation additional funds for each dependent they have. Coming out of the COVID-19 Pandemic the UI fund was left in shambles and continues to struggle. The bill was ultimately postponed indefinitely because of the funding issues within the UI fund. We most likely will see some form of this bill coming back next session.

SB23-1118 Fair Workweek Employment Standards shows the shift and growing number of progressive legislators there are in the General Assembly. This bill looked to put employment standards/requirements on large employers in the retail, restaurants and franchises. With how the bill was drafted it would have tied in service people as well which was a huge concern for the business community as well as GreenCO. In the end the bill was postponed indefinitely in its first committee but we can anticipate something similar coming back next session.

SB23-143 Retail Delivery Fees is a fix to the SB21-260 Sustainability of the Transportation System, which looked to address long-term funding for the states crumbling infrastructure. In that bill there were multiple funding sources established through fees. One of those fees was a retail delivery fee, but when the fee went into effect, there were unintended consequences as the bill was interpreted differently than was intended by the DOR. SB23-143 looked to fix this issue which effected multiple of GreenCO's



members. The bill will exempt retailers that have a \$500,000 or less of retail sales from the fee. The bill also allows the retailer to pay the fee on behalf of their customers and our members won't have to be responsible for itemizing the fee on every purchase. This may not be the ideal fix everyone was looking for but it adds clarity to the fee and the administration of it.

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 20223 session is over, GreenCO will need to stay engaged over the interim as it will be a

busy one. It will be filled with interim committees and rulemakings. GreenCO will continue to build relationships and educate General Assembly and state agencies on our issues.

Thank you to all the members on the GreenCO Legislative Committee for your hard work and 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 GreenCO tracked and took positions on.

Engagement, Lobbying, Testimony, & Monitoring

GreenCO 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 GreenCO'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	GreenCO	Outcome	GreenCO Actions
HB23-1006	Employer Notice Income Tax Credits	Monitor	Signed by Governor 3/31	Met with CDLE to discuss the specifics of the bill and to make sure that it wouldn't be a burden on employers. Monitored bill closely as it went through the process.
HB23-1010	Task Force On High-altitude Water Storage	Monitor	Postponed Indefinitely	Monitored as it went through the process.
HB22-1011	Consumer Right To Repair Agricultural Equipment	Monitor	Governor Signed 4/25	Monitored as it went through the process.
HB23-1017	Electronic Sales and Use Ta Simplification System	Support	Sent to Governor	Supported the bill through the process as it came out of the interim committee.
HB23-1035	Statue of Limitation Minimum Wage Violations	Support	Postponed Indefinitely	Lent our support to the sponsor and lobbied the committee.



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HB23-1060	Updates To State Forest Service Tree Nursery	Monitor	Governor Signed 5/15	GreenCO was engaged with stakeholders over this issue as there is a push to plant more trees in CO.
HB23-1076	Workers' Compensation	Monitor	Sent to Governor	Attended stakeholder meetings and closely monitored as this bill went through the process.
HB23-1078	Unemployment Compensation Dependent Allowance	Oppose	Postponed Indefinitely	Worked with a large business coalition in opposition to the bill.
HB23-1081	Employee Ownership Tax Credit Expansion	Monitor	Governor Signed 5/23	Monitored as it went through the process.
HB23-1090	Limit Metropolitan District Director Conflicts	Monitor	Postponed Indefinitely	As there were two bills introduced on this subject GreenCO focused on the Senate version that was ran by multiple stakeholders like BJ4C.
HB23-1094	Extend Agricultural Workforce Development Program	Support	Governor Signed 4/25	Lobbied in support of this bill as it went through the process.
HB23-1104	Delay Implementation Paid Family Medical Leave	Monitor	Postponed Indefinitely	Knowing that there would be a few cleanup bills from prior legislative sessions this bill was monitored by many business groups.
HB23-1105	Homeowners' Assoc. and Metro. District Homeowners' Rights Task Forces	Monitor	Governor Signed 5/24	Monitored as it went through the process.
HB23-1118	Fair Workweek Employment Standards	Oppose	Postponed Indefinitely	Worked with a large business coalition in opposition to the bill.
HB23-1125	Modernize Process to Obtain Water Well Information	Monitor	Governor Signed 3/31	Monitored as it went through the process.
HB23-1161	Environmental Standards for Appliances	Oppose	Sent to Governor	Attended multiple stakeholder meetings on this bill and worked with the construction industry on amendments to the bill.
HB23-1166	Repeal Retail Delivery Fees	Monitor	Postponed Indefinitely	Although this bill would have fixed the issues that the RDF caused, it was sponsored by a Republican and under the current makeup did not have a good chance of passing.
HB23-1190	Affordable Housing Right of First Refusal	Oppose	Sent to Governor	Worked with large coalition in opposition to the bill.
HB23-1220	Study Republican River Groundwater Economic Impact	Monitor	Sent to Governor	Monitored as it went through the process.



Bill Number	Short Title	GreenCO	Outcome	GreenCO Actions
HB23-1221	Water Quality Data Standards	Monitor	Died on Calendar	Monitored as it went through the process.
HB23-1246	Support In-demand Career Workforce	Monitor	Governor Signed 5/16	Monitored this to see if there was an option to include more robust application to other careers.
HB23-1255	Regulating Local Housing Growth Restrictions	Monitor	Sent to Governor	Monitored as it went through the process.
HB23-1294	Pollution Protection Measures	Monitor	Sent to Governor	Monitored as it went through the process.
SB23-010	Water Resources And Agriculture Review Committee	Support	Governor Signed 3/10	Supported the bill as it went through the process.
SB23-016	Greenhouse Gas Emission Reduction Measures	Amend	Governor Signed 5/11	Worked with sponsor since last session to incentivize electric lawn equipment rather than mandate. We attended multiple stakeholder meetings on this bill and closely watched it as it went through the process.
SB23-017	Additional Uses Paid Sick Leave	Monitor	Sent to Governor	Closely monitored the bill as possible concerns arose from the collective business groups as it went through the process.
SB23-046	Average Weekly Wage Paid Leave Benefits	Monitor	Governor Signed 3/23	Closely monitored the bill as it went through the process as well as attended stakeholder meetings.
SB23-050	Eligibility for Agricultural Future Loan Program	Monitor	Governor Signed 3/22	Monitored as it went through the process.
SB23-058	Job Application Fairness Act	Monitor	Sent to Governor	Attended stakeholder meetings and closely monitored the bill as it went through the process.
SB23-105	Ensure Equal pay for Equal Work	Monitor	Sent to Governor	Attended stakeholder meetings and closely monitored as the bill it went through the process.
SB23-110	Transparency for Metropolitan Districts	Monitor	Signed by Governor 4/3	Monitored as it went through the process.
SB23-143	Retail Delivery Fees	Monitor	Signed by Governor 5/4	Attended stakeholder meetings and closely monitored the bill as it went through the process.
SB23-172	Protecting Opportunities and Workers' Rights Act	Oppose	Sent to Governor	Worked with large business coalition and the Colorado Chamber on amending the bill but continued to express our opposition to the bill.
SB23-177	2023 Colorado Water Conservation Board Water Projects Appropriations	Monitor	Sent to Governor	Monitored as it went through the process.



Bill Number	Short Title	GreenCO	Outcome	GreenCO Actions
SB23-178	Water-wise Landscaping in Homeowners' Association Communities	Monitor	Signed by Governor 5/17	Met with stakeholders and sponsors on this legislation. Closely monitored legislation as it went through the process.
SB23-192	Sunset Pesticide Applicators' Act	Support	Sent to Governor	Attended multiple stakeholder meetings on this bill as well as testified in committee in support. Worked with large coalition and CRPA on this bill and to keep preemption out of the bill.
SB23-213	Land Use	Monitor	Died on Calendar	This bill was brought by the Gov's office to deal with low-cost housing. It was met with opposition by the locals governments.
SB23-266	Neonic Pesticides as Limited-use Pesticides	Monitor	Signed by Governor 5/17	Worked with many stakeholders including CRPA on this bill to make sure it wasn't a complete ban. Closely monitored as it went through the process.
SB23-295	Colorado River Drought Task Force	Monitor	Signed by Governor 5/20	Monitored as it went through the process.
SB23-303	Reduce Property Taxes and Voter-approved Revenue Change	Monitor	Signed by Governor 5/24	This bill was introduced 3 days prior to the end of the session. There was heavy debate if this fix was the right one. It will be decided at the ballot.
SB23-304	Property Tax Valuation	Monitor	Signed by Governor 5/24	This bill was a companion bill to SB-303. There was heavy debate if this fix was the right one
SJR23-004	Uniform Sales and Use Tax On Construction Material	Monitor	Passed	Monitored as it went through the process.