



# Under the Dome

March 19, 2021

## Transportation, Worker's Rights & Economic Forecast No rest for the weary

The legislature has shifted into full gear with committee hearings scheduled on key pieces of legislation, releasing the much-anticipated transportation "concepts" all while rulemaking efforts continue to progress with listening sessions around employee trip reduction plans, transportation and greenhouse gas reductions. It appears the focus will also include worker's rights and the business communities need to defend our positions on traditional methods of operations.

On Wednesday, House Speaker Alec Garnett (D-Denver), Senate Majority Leader Steve Fenberg (D-Boulder), Senator Faith Winter (D-Westminster) and Representative Matt Gray (D-Broomfield) held to reveal the Transportation Concept Plan they have been working on for several months. The [Draft Legislative Proposal on State Transportation Funding](#) includes:

- New fees that will begin on 2023 on gas, diesel, electric vehicles, online retail order fees such as amazon deliver fees, Lyft and ride share fees
- Allocation plans for Federal Stimulus funds
- Spending plans that are heavy on accelerating the adoption of electric vehicles, address climate change and emissions, invest in multi-modal options, and spend on state and local roads and highways.

We worked with sponsors in the preceding few months and contributed our thoughts on funding and spending approaches during their development process. We are now reviewing the plan to assure there is a strong balance on the spending side so our base transportation network is appropriately funded and there is equity on the imposition of fees across all users of the roads and transportation network. We will provide our feedback to sponsors and the Governor ahead of the introduction of any bill.

### Rulemaking and Regulatory Update

This week the Air Pollution Control Division (APCD) continued their [listening sessions](#) around a transportation related Employee Trip Reduction Programs (E-TRiP) that will lead up to an Air Quality Control Commission (AQCC) rulemaking hearing in August. The AQCC has indicated that draft language will be released in May. Businesses with operations of 100 employees or more at a site will be mandated to adopt behavior modification strategies to reduce employees who commute and their forms of transportation. We encourage any affected party to get involved so your voices are heard during these important rulemakings that will affect how we conduct our business and personal behaviors.

Upcoming GHG Stakeholder meetings:

- Friday April 9 - 1-2:30pm (Region 1 - Denver Metro Area)
- Monday April 12 - 10:30-12pm (Region 2 - South/Southeast)

- Monday April 12 - 1-2pm (Region 3 - Northwest)
- Friday April 16 - 10:30-12pm (Region 4 - Northeast)
- Friday April 16 - 1-2pm (Region 5 - Southwest)

Upcoming ETRP Stakeholder meetings:

- March 24 & 26
- GHG Transportation Comment Form

AQCC Meetings

- May 20-21
- August 19-20

Register [here](#).

### Economic Forecast are More Optimistic than Expected

#### 2021 Economic Revenue Forecast and Presentation

- 2020 Estimates are down 3.5% rather than the 5.7% reduction projected in May 2020
- Colorado regained 57% of jobs lost since the beginning of the pandemic
- Expectations of the American Rescue Plan
- General fund remains "resilient" but expectations were increased on higher than expected collections to date.
- Revenue expectations have increased considerably as data have become available and suggested a much stronger economic landscape than imagined in May

### Legislative Process Progresses

The [Agricultures Worker's Right](#) bill is headed to the Senate Appropriations Committee passing the Business, Labor & Technology Committee with a narrow vote of 4-3. There were several [amendments](#) that improve the bill including the elimination of the short hoe prohibitions and the relator section, but there is still a long fight ahead on this bill.

Minority Leader McKean's [Define Pumped Hydroelectricity as Renewable Energy](#) bill passed out of the house this week and assigned to the Senate Agriculture and Natural Resources Committee with only one [amendment](#) that limits fossil fuel methods to pump the water.

Senator Woodward's bill SB 005- [Business Exempt From Public Health Order To Close](#) was heard in the Senate State, Veterans, & Military Affairs committee where NCLA testified in support noting the small businesses that have been disadvantaged and driven out of business as a result of COVID 19 while big box stores were allowed to remain open. Unfortunately, the bill was postponed indefinitely on a vote of 3-2.

### NCLA Takes Positions on Bills

#### **[SB21-176. Protecting Opportunities and Workers' Rights Act – Strong Oppose](#)**

This bill provides legal avenues if an employee feels the workplace affects their mental wellbeing and if so after one incident that employee can bring a lawsuit against the employer. The bill removes filtering mechanisms and time buffers. We fear it will promote business to settle quickly when such a claim is brought due to non-disclosure issues. This bill is scheduled for committee hearing on 3/25 and we hope to influence the language with testimony. Several business groups are currently opposed.

#### **[HB21-1050. Workers' Compensation – Oppose Unless Amended](#)**

This bill creates administrative burdens and added costs to the system. The bill lowers the standard for permanent disability. Changes the whole person impairment rating applicable to an injured worker from 25%

to 19% for purposes of determining the maximum amount of combined temporary disability and permanent partial disability payments. This will be harder for employers to manage costs. The Board has taken an Oppose unless amended position and we are working with sponsors to provide Ideas to improve the bill.

#### NCLA Tracking Report

On a bi-weekly basis, the NCLA Board reviews and considers its position on pending legislation. See the [NCLA 2021 Legislative Tracking Report](#) for a listing the measures thus far introduced that the NCLA is monitoring and upon which the NCLA will take a position.