

Spending \$3.9 Billion, Funding North I-25 and Engaging in Expansive Employer Liability Measures

Build Back Stronger Economic Recovery Listening Tour

With \$3.9 Billion in new money burning a hole in the Colorado's budget pockets from the American Rescue Act, in the past week, invitation-only guests, including the NCLA and Chambers, had the opportunity to convey their thoughts on where to use these one-time dollars. In total, the State will receive \$27 Billion from Congressional action to deliver federal stimulus funds to states and taxpayers. We break down the funds, a combination of the recently passed American Rescue Plan and the "Christmas Deal" passed in December, into the following buckets and their allowable uses:

H.R. 133 \$14B to Colorado

preliminary estimates

- o \$2.9 billion in stimulus checks
- o \$4.5 billion in PPP
- o \$1.5 billion in unemployment
- o \$440 million for housing/utility
- o \$400 million hiring/retention tax credit
- o \$400 million nutrition benefits

American Rescue Plan \$27B to CO

preliminary estimates

- o \$6.7 billion in stimulus checks
- o \$2.6 billion in unemployment \$300/week through September
- o **\$2.3 billion to local governments**
- o \$2 billion in child tax credit expansion
- o \$700 million for restaurants and venues
- o \$500 million in child care
- o \$470 million for housing/utility

The ARP limits the aid to state and local governments to the following allowable uses:

- To respond to the pandemic or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- For premium pay to eligible workers performing essential work (as determined by each recipient government) during the pandemic, providing up to \$13 per hour above regular wages;
- For the provision of government services to the extent of the reduction in revenue due to the pandemic (relative to revenues collected in the most recent full fiscal year prior to the emergency);
- To make necessary investments in water, sewer, or broadband infrastructure;
- Funds may not be used to offset tax cuts made since March 3, 2021

Northern Colorado, and leaders from the myriad of industry and community sectors, got their turn to let the Governor and Legislative leadership know their preferences for spending the historic available one-time dollars on Tuesday, last week. Of the 70 attendees, NCLA and our Chambers and EDCs were represented by 5 board members. In summary, the following items emerged as the consistent themes. The breakout groups listed the following areas as potential investment opportunities.

- Transportation Infrastructure
- Water Storage Project
- Other infrastructure investments including sewer, utilities and broadband
- Support for foodbanks and families with food insecurity due to unemployment or under employment
- Support higher education and the K-12 Pipeline
- Public land impacts from pandemic including land preservation
- Support for innovation and small business
- Funding for access to mental health services for those suffering from the pandemic response

If you didn't get invited to share, you can still submit your idea [here](#), or listen to the session that occurred [here](#).

Transportation

[Sandra Hagen Solin: Transportation plan must address Colorado's existing transportation crisis](#)

On behalf of the NCLA and our Fix Colorado Roads effort, the *Greeley Tribune* published an editorial by the NCLA's Sandra Hagen Solin, about the need to ensure a balanced equitable and modern transportation funding and spending plan for Colorado. Sandra expressed that, "While leaders will be asking nearly all Coloradans to shoulder paying for our transportation infrastructure in the form of expanded and new fees, it is imperative that \$250 million of monies already collected from taxpayers that make up the General Fund are annually dedicated to transportation."

Last week, CDOT received a formal unsolicited bid from the private infrastructure finance firm, Roadis to fund and complete the construction of North I-25 Express Lanes from Fort Collins to Denver. At present the project is approximately \$600M short of the total project costs of \$1.6B for full completion. The NCLA will send a letter to CDOT encouraging their review and engagement in the unsolicited bid process to ensure all creative solutions are available to complete the critical corridor.

Meanwhile, the NCLA is coordinating a joint letter to our Congressional delegation encouraging the earmarking of \$600M for the completion of North I-25 Express Lanes project as a direct federal investment through the Biden Infrastructure Investment Plan - the American Jobs Plan.

NCLA Testifies Against SB 176

Hats off to NCLA Board member and Labor and Employment Lawyer [David Zwisler](#) for enduring a ten-hour Senate Judiciary Committee hearing on Thursday to share with the committee the dangers SB 176, [Protecting Opportunities and Workers' Rights Act](#), will create for Colorado's businesses. You can listen to his [testimony](#) at time stamp 9:46. He shared the bill's problematic provisions that will stifle parties' abilities to resolve disputes and result in expensive litigation—the prohibition of non-disparagement and confidentiality or non-disclosure agreements.

Employee Traffic Reduction Plan (ETRP)

Listening sessions for the controversial ETRP program were extended into April. The official draft rules are expected in May with formal rulemaking hearings beginning in mid-August.

As currently contemplated, the proposal would mandate that all large employers (100 or more employees at a single worksite) achieve a 25-40% reduction in work related “trips” through the implementation of various trip reduction methodologies. The mandate is applicable to employers in the Ozone Nonattainment Area which includes Larimer and Weld Counties.

Below are key issues that we and others have highlighted as significant concerns with the proposal:

- The program should be voluntary in nature. With current behavior modifications already underway due to experience through the COVID response, any need for a mandate should be considered in the future. Not now.
- Some Colorado communities currently lack transit access and have a different mix of economic, social, health, and environmental benefits.
- The business impact and costs of a mandated program have been vastly underestimated. The impact needs to be viewed holistically on all areas that impact employee travel. Just one example, what expectation will there be for the provision for showers at work to encourage walking or riding bikes.
- What will enforcement of the program entail? Reporting? Financial penalties?
- How will those currently engaged in voluntary programs be credited for their current work. There needs to be a method for businesses to be given credit for programs already in place.

NCLA Board Takes Positions on Priority Legislation

- HB21-1232- [Standardized Health Benefit Plan CO Option](#)/"Public Option" -- Oppose
 - With rate settings, small group requirements, impacts on rural hospitals, and many unaddressed issues, the NCLA Board of Directors voted to oppose HB 1232. While the 20% fee structure decrease is positive, it does not account for inflation, and there could be unknown impacts on small businesses. The [Colorado Sun](#) published a good summary of the bill.
- SB21-197 - [Workers Compensation Physician](#)- NCLA Position: Oppose
- HB21-1246 - [PERA Divestment from Fossil Fuel Companies](#) NCLA Position: Oppose

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 of the measures thus far introduced that the NCLA is monitoring and upon which the NCLA will or has taken a position.