



## ETRP 2.0 Legislation Defeated

*Transportation Funding Grants Explored while P3 Progress is Made*

### **HB22-1138 Defeated after Business Community Pressures the House Finance Committee**

NCLA took a lead role in the defeat of House Bill 22-1138, the “Clean Commute” bill or Employer Trip Reduction Program (ETRP) 2.0, which was killed on a 1-9 vote, including a no vote from Fort Collins Rep. Cathy Kipp in the House Finance Committee. In the face of 4 no confirmed votes on Thursday last week, sponsors laid over the bill and scrambled to structure amendments to make the onerous provisions permissive. Believing they had the votes, they brought the bill back for committee consideration. NCLA’s Sandra Hagen Solin testified in opposition to the measure highlighting that “Employers have minimal abilities to prevent their employees from driving to and from work especially in rural areas. SOV trip numbers and vehicle miles traveled (VMT) are driven by many factors outside the employer’s control, including economic factors, land use patterns, road infrastructure, the availability of transit, individual family circumstances, and others. Therefore, it is not equitable to hold the employer responsible for personal Colorado citizen choices.”

With the resolve of opposition from NCLA, Colorado Chamber, Colorado Springs Chamber, Weld County, Auto Dealers Association and Associated General Contractors, coupled with the continued opposition of the Committee Chair, Shannon Bird, we worked during the day to hold our votes (and add to the count) as sponsors worked to count their own votes. We will be sure to carefully follow any attempted amendments to HB 1026, a true incentive measure, over in the Senate that would add back in some of the undesirable requirements of HB 1138.

### **North I-25 Coalition Meets with Federal Delegation Representatives to Discuss Strategies for National Infrastructure Project Grant Applications**

The federal Infrastructure Investment and Jobs Act includes the expansion of existing and the addition of new federal transportation grant programs that states can apply for funding of critical transportation projects. With North I-25 still requiring an additional \$600M to complete segments from Longmont through Fort Collins in addition to a host of regionally significant highways including US 34, US 85, US 287, among others, the NCLA coordinated and led a meeting with our North I-25 Coalition partners, North Front Range MPO, and CDOT in a meeting with representatives of our federal delegation to further discuss the various grants that would be most applicable and viable for the I-25 corridor and regional corridors.

Meanwhile, the NCLA supports all available options to complete the funding of the North I-25 corridor and is pursuing parallel and likely complimentary funding tracks. Among the options is the now pending Public Private Partnership (P3) proposal by international financing firm, Roadis. Their proposal for P3 with CDOT and the High Performance Transportation Enterprise (HPTE) had their first one on

one with the Department last week, and things are progressing positively. Response to detailed questions by CDOT posed during the Phase Two phase is due by April 14<sup>th</sup>. Both avenues of grant funding and the P3 programs will be pursued simultaneously to ensure the work on North I25 is completed.

## **NCLA Positions on Priority Legislation**

[HB22-1249](#). **Electric Grid Resilience And Reliability Roadmap** – OPPOSE – The Colorado Energy Office along with DOLA would develop a grid resilience and reliability roadmap (roadmap) for improving the resilience and reliability of electric grids in the state, most likely as a result of all the added utility burdens with the electrify everything movement from this Legislature. The oppose position stems from the broad grant of authority to CEO and DOLA which should rest within the legislature.

[HB22-1254](#) **Vehicle Taxes And Fees Late Registration** - OPPOSE – Increases requirements for a person who registers a vehicle after moving to Colorado. Additional requirements include documentation elements of the vehicle's previous registration dates, evidence of the date that the person became a Colorado resident, and pay the vehicle's registration taxes and fees that are prorated from the date the person became a Colorado resident. Additionally, the bill reduces registration fees on vehicles of a certain age. The stated goal of the bill is to generate a revenue neutral outcome, however, NCLA's opposition to the measure stems from concern the the final result will be a reduction in revenue to critically important transportaion projects.

[HB22-1244](#). **Public Protections From Toxic Air Contaminants** – OPPOSE - Creates another program to regulate a subset of air pollutants/toxic air contaminants, which are defined as hazardous air pollutants, covered air toxics, and all other air pollutants that the AQCC designates by rule as toxic air contaminant based on its adverse health effects. In implementing the program, the AQCC has the authority to adopt more stringent rules than the corresponding requirements of the federal Clean Air Act. The NCLA opposes the measure as it grants unilateral power by the AQCC to designate any air particulates to be declared as a pollutant thereby giving the Department blanket authority. The bill was laid over as the sponsors held a stakeholder meeting with 75 people, most of whom were opposed. Pressure is mounting on this bill, and NCLA will be working closely with our Chamber coalitions.

[SB22-138](#). **Reduce Greenhouse Gas Emissions In Colorado** – AMEND – This multi-topic GHG bill includes a component to address carbon sequestration. Sponsors are trying to find a path forward that is viable for the agriculture sector yet amenable to the environmentalists, a delicate balance that is difficult to meet. The bill includes a host of concepts environmental NGOs like while incorporating next-generation ideas for addressing air quality. Two main concerns for NCLA are section three, which updates the statewide greenhouse gas (GHG) emission reduction goals to add mid points to current goals to include a 40% reduction goal for 2028 compared to 2005 GHG pollution levels and a 75% reduction goal for 2040 to 2005 GHG pollution levels. NCLA is seeking amendments to remove the 2028 midpoint as it will unduly burden industry sectors as the utility sector would be unable to meet the 2028 timeline. The Rawhide plant is scheduled for shut-down in December of 2029. NCLA supports other elements of the measure including carbon sequestration study by CSU and recommendations by the [Carbon Capture Utilization & Storage Taskforce](#) at the Payne Institute within the School of Mines. This part of the bill would be a benefit for Northern Colorado, and after meetings with the bill sponsor last Friday, we secured amendments that we are seeking.

[SB22-131](#). **Protect Health Of Pollinators And People** – OPPOSE - Restricts the use of pesticides on the grounds of around schools and related child care facilities. Directs CDPHE to adopt rules to implement these requirements. The bill requires the Department of Natural Resources to conduct a study on how

to address pollinator decline and increase pollinator health in the state. It creates a pilot grant program in the Department of Agriculture to provide financial grants to agricultural producers to test the use of noncoated seed-applied systemic insecticide on their crops. Finally, the bill requires the Commissioner of Agriculture to adopt rules designating as restricted-use certain pesticides that contain an active ingredient belonging to the neonicotinoid class of insecticides or the sulfoximine class of insecticides. While NCLA supports the study to address pollinator decline, when it was determined that all the agricultural groups opposed this legislation, NCLA decided to oppose this measure and support the ag industry.

[SB -116. Increase Occupational Credential Portability](#)- SUPPORT – This workforce development bill amends the current statute by removing the requirement that an applicant seeking a credential through the program must prove the applicant's substantially equivalent experience or credentials. It also requires an applicant to have held the license, certification, registration, enrollment, or military occupational specialty in another state for at least one year. NCLA supports measures that help Coloradoans get back to work.

### **NCLA Tracking Report**

On a bi-weekly basis, the NCLA Board reviews and considers its position on pending legislation. See the [NCLA 2022 Legislative Tracking Report](#) list the measures thus far introduced that the NCLA is monitoring and upon which the NCLA will or has taken a position.