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2020 Legislative Session Bills that Have Direct Impact on Colorado's Electric Cooperatives

2nd Session of the 72nd General Assembly Recap: The General Assembly adjourned the Second Regular Session of the 72nd General Assembly on June 15, 2020. There were several pieces of landmark legislation that the General Assembly passed in response to COVID-19 including increased protections for employees throughout the state. Additionally, the General Assembly passed bipartisan legislation that will implement law enforcement reform and accountability. Of the 652 bills that were introduced during the shortened session, CREA tracked a total of 33 bills that would directly impact Colorado's electric cooperatives ranging from energy-related bills focusing on increasing transmission resources, developing broadband in rural Colorado, and bills relating to business operations. The biggest impact on the legislative session was a dramatic shift in the state revenue forecast caused by COVID-19. General fund revenues went from an anticipated \$800 million surplus to a \$3.3 billion shortfall in a matter of months. This required a complete overhaul of the "long bill" and shifting of cash funds from various programs in addition to across the board cuts. Gov. Polis's deadline to veto bills was July 15, 2020. As of the veto deadline, Gov. Polis has vetoed 5 bills. The following bills will have a direct impact on Colorado's electric cooperatives:

HB20-1137-Broadband Grant Certification of Unserved Area Requirement: The bill makes changes to how the broadband deployment board awards grants to entities that provided broadband service in unserved areas of Colorado. The bill allows for a service provider submitting a grant application to the broadband deployment board to include a written certificate from a local entity (i.e. county commissioners, etc.) that the proposed project is unserved. CREA staff and DMEA testified on behalf of our members who provide broadband service. Additionally, the bill was supported by the Colorado Farm Bureau, Colorado Counties Inc., and the Colorado Municipal League. In committee the bill was amended to clarify that before a hearing on a written certificate, the certificate must be provided to the incumbent provider. Lastly, the amendments give the Department of Regulatory Agencies (DORA) the ability to adopt rules in consultation with the Office of Information Technology (OIT), on quantitative data standards. The bill will benefit Colorado's electric cooperatives that operate broadband subsidiaries. The bill was signed into law on July 7, 2020.

HB20-1225- Cooperative Electric Utilities Reasonable Rates Energy Storage: The bill gives the Colorado Public Utilities Commission (PUC) the ability to determine if the rates wholesale cooperatives charge to an electric cooperative regarding the installation, interconnection, and use of energy storage systems are just and reasonable. Additionally, the bill affirms that the PUC has jurisdiction to determine the exit fees for an electric cooperative assessed by a wholesale electric cooperative. The bill was signed into law on March 27, 2020.

HB20-1415- Whistle Blower Protection Public Health Emergencies: The bill prohibits an employer from discriminating against or taking retaliatory actions against an employee who raises concerns about work conditions if the workplace fails to meet federal, state, or local health and safety guidelines. Additionally, the bill prohibits an employer from making an employee sign a contract or agreement that limits their ability to discuss working conditions at the workplace. Lastly, the bill prohibits an employer from discriminating against an employee who voluntarily wears their own protective equipment such as masks, faceguards, or gloves as

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long as the protective gear offers a higher level of protection than the equipment the employer provides. Under the law, an individual who believes that they are discriminated against or feels that their rights have been violated can file a complaint with the Colorado Division of Labor Standards and Statistics or can take legal action against the employer if an administrative solution could not be reached within two years of the violation. Through the administrative process, the state can order that an employee be reinstated or rehired if they are fired or quit due to a whistleblower complaint. Additionally, an employee may receive backpay if they experienced a loss of wages due to their complaint. The aggrieved individual must demonstrate by clear and convincing evidence that the defendant acted in a discriminatory or retaliatory manner against the individual. The bill was signed into law on July 11, 2020.

SB20-124- School Construction Guideline Utility Consultation: The bill requires school districts that are applying for Building Excellent Schools Today (BEST) grants, to consult with their incumbent utility to learn more about beneficial electrification and distributed generation opportunities. The bill received supportive testimony from CREA, Poudre Valley REA and Conservation Colorado. However, due to budget constraints, lawmakers cut approximately \$135 million from the BEST program. There will be limited funding for the program moving forward. Gov. Polis signed the bill into law on July 2, 2020.

SB20-205- Paid Sick Leave for Employees: Between July 14, 2020 and January 1, 2021 the bill requires all employers to provide paid sick leave to their employees up to two weeks or 80 hours at the full rate of the employee's regular rate of pay if the employee is experiencing flu-like or respiratory illness symptoms, being tested for COVID, or in quarantine or isolation due to a risk of having COVID-19. After January 1, 2021, the bill requires employers to provide sick leave to their employees at a rate of 1 hour of leave for every 30 hours worked for up to a maximum of 48 hours in a year. Additionally, the bill expands the sick leave benefit up to 80 hours for all in employers if the Governor declares a public health emergency. For employers with 16 or more employees the bill requirements will go into effect January 1, 2021. For employees with 15 or fewer employees the bill requirements will go into effect on January 1, 2022. The bill applies to all employees including part-time workers. This will be a change for many cooperatives and businesses that provide sick leave to full-time employees but not part-time employees. The bill was signed into law on July 14, 2020.

SB20-207-Unemployment Insurance: The bill expands unemployment benefits for Colorado's workforce. The bill was heavily amended during the legislative process to address concerns from the business community. However, the bill was also amended to increase the amount an employer pays into the unemployment compensation fund. Colorado's electric cooperatives could see an increase in unemployment insurance premiums as the unemployment insurance fund is expected to become insolvent. However, the bill directs the Department of Labor and Employment to lower the premiums employers will pay into the unemployment compensation fund once a reserve ratio reaches or exceeds one and four-tenths the percent of the fund. The bill was signed into law on July 14, 2020.

A list of the bills that CREA tracked can be found [here](#).