



2020 Legislative Session Report for Colorado Pest Control Association

The second regular session of the 72nd General Assembly in Colorado was one without precedent. The session began with Democratic leadership putting forward an ambitious agenda to provide momentum heading into the election season. Those goals were largely derailed when the legislature temporarily adjourned on March 14th and did not return until May 26th. After three weeks of “chaos and compromise” ([per the Colorado Sun](#)) the legislature adjourned Sine Die on June 15th.

This session’s extension to June 15th was made possible by a Colorado Supreme Court decision stating that the 120 days of legislative work do not have to be consecutive during a public health emergency. This ruling could potentially impact the calendar in 2021 and beyond, since the ability to not count weekends and holidays toward the 120-day limit would allow session to extend well into June (instead of ending in early May, as has been customary).

When the General Assembly returned on May 26th they had to deal with both the existing bills and a large slate of new bills introduced to address COVID relief and police reform, in addition to the Constitutional requirement to pass a balanced budget before the end of June while dealing with a \$3.3 billion general fund shortfall. In total, the legislature saw 651 bills introduced in 2020 (compared to 598 in 2019), 332 of which went to the Governor for his signature.

Key Issues at the State Legislature

Robust paid family/medical leave, a public health care option, and repealing the death penalty were at the top of the stated agenda of Democratic leadership when the 2020 session began. Of those only death penalty repeal crossed the finish line prior to the mid-session adjournment. When the legislature returned the focus had shifted, with several new big bills earning priority status.

Some of the legislation that garnered the most attention this session includes:

[SB 20-217: Enhance Law Enforcement Integrity](#)

This bill was introduced after the temporary adjournment (in response to the killing of George Floyd and the subsequent protests) and was passed with bipartisan support. The bill was passed in two weeks and signed by the Governor on 6/19/20 (Juneteenth). The bill enacts a number of police reforms, including requiring body cameras, prohibiting choke holds, requiring observing officers to intervene if inappropriate force is used, and mandating reporting of certain incidents to the public.

[HB 20-1420: Adjust Tax Expenditures for State Education Funding](#)

As introduced, this bill was a sweeping rollback of nine tax exemptions utilized by businesses. The business community revolted and Governor Polis threatened a veto. The bill was pared back in the second chamber (generating \$96m instead of \$278m) but still eliminates several of the tax exemptions that were created by the federal CARES Act, plus one corporate deduction created by the 2017 federal tax cuts. The Governor indicated he was supportive of the modified bill, but a coalition of 14 business organizations have asked him to veto.

[HB 20-1360: Budget \(the Long Bill\)](#)

When legislators returned to work after 10 weeks of COVID-related business closures they were faced with a \$3.3 billion budget shortfall, which required at 25% reduction in General Fund spending. CARES Act money helped to offset some of the deficit, but drastic cuts were still needed and legislators are anticipating at least a \$1 billion shortfall next year. This has led to increased interest in generating funds through removing tax exemptions and raising fees.

[SB 20-215: Health Insurance Affordability Enterprise](#)

The bill creates the Health Insurance Affordability Enterprise and extends and refinances the Reinsurance Program. The enterprise is funded with a newly established TABOR-exempt health insurance fee and annual General Fund transfer. The primary function of the affordability fee is to increase the number of individuals who are able to purchase health benefit plans in the individual market by providing financial support for certain qualifying individuals.

[SB 20-163: School Entry Immunization](#)

While relatively modest in scope, the vaccine bill was the most hotly contested of the session (in terms of public engagement) and created scheduling challenges for the caucuses both pre- and post-temporary adjournment. The bill will tighten and formalize the process for securing a non-medical exemption for school-entry immunizations.

While some legislation advanced by environmental activists was successful, not everything put forward made it through the process. [HB 20-1143](#) (increasing daily fines for violating environmental standards), [HB 20-1265](#) (requiring refineries to send alerts to residents living nearby), and [SB 20-204](#) (improve air quality monitoring) passed, along with a slate of bills to address the prevention and cleanup of PFAS in water ([HB 20-1042](#), [HB 20-1119](#), and [SB 20-218](#)).

However, a bill to dismantle statewide plastic preemption and give local government the ability to ban/regulate plastic products died in its first committee in February ([SB 20-010](#)) and other plastic bills failed to meet the threshold for priority status when the legislature returned ([HB 20-1162](#) and [HB 20-1163](#)).

Additional Bills of Interest to CPCA

[Please click here for the full list of bills.](#)

FAILED: [SB 20-189](#): Local Government Pesticide No Preemption

This bill was put forward by the key pollinator activist group in Colorado (People & Pollinators Action Network) and sponsored by Senate Majority Leader Steve Fenberg (D-Boulder). It was drafted without notable consultation with impacted stakeholders. The bill as introduced proactively exempted marijuana; after introduction and amendment was drafted that would have ostensibly exempted agriculture production. Concerns were repeatedly expressed to the bill sponsor, Department of Agriculture, and Senate Agriculture committee members during the first half of session. When the legislature returned in late May the bill was not prioritized for passage and was postponed indefinitely in its first hearing. We anticipate the reintroduction of this bill in the 2021 session.

FAILED: [HB 20-1180](#): Protect Pollinators Through Pesticide Regulation

This bill was the result of a 6-month campaign by Environment Colorado targeting the use of neonics. It was intended to be a ban on the retail sale of neonics, although the initial drafts of the bill had farther-reaching consequences before being pared back at the advice of the Department of Agriculture and stakeholders. The bill passed through its first committee prior to the temporary adjournment but was not prioritized for passage due to its fiscal note when the legislature reconvened. We anticipate the reintroduction of this bill in the 2021 session.

PASSED: [SB 20-205](#): Sick Leave for Employees

This bill was sponsored by both House Speaker KC Becker (D-Boulder) and Senate Majority Leader Steve Fenberg (D-Boulder). While more ambitious plans for 12 weeks of paid family and medical leave were scrapped due to budget concerns from COVID, this bill was introduced late following the temporary adjournment as a means of protecting workers who were out sick due to the pandemic. It requires employers to provide one hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours. This bill is among the group of bills impacting businesses that a coalition of 14 chambers/business organizations have asked Governor Polis to veto.

FAILED: [SB 20-010](#): Repeal Ban on Local Government Regulation of Plastic

While CPCA was not engaged on this bill, its introduction is indicative of the movement toward local control policies at the legislature. This bill was a high priority in the Senate and had its first committee hearing in early February. The unwillingness of the sponsor (Senator Kerry Donovan, D-Vail, also the chair of Senate Agriculture) to entertain exemption requests for things like medical equipment – plus a strong slate of opposition from impacted businesses – resulted in the bill dying in its first committee hearing with a “no” vote from a moderate, business-friendly Democrat.

FAILED: [SB 20-101](#): Investigation Process for Pesticide Applicators

This bill would have required a faster resolution to pesticide complaints. The Department of Agriculture expressed concerns with meeting the timelines in the bill without allocating significant funding for new staff to field complaints. The bill was brought forward by the Colorado Aerial Applicators Association. It successfully passed through the Senate Agriculture and Finance committees prior to the adjournment, but due to its potential fiscal impact and the hesitation of CDA it was not prioritized for passage when the legislature returned.

2020 Election – State Legislature

Democrats currently control both chambers of the General Assembly. They hold a broad 41-24 advantage in the House, and there is no expectation that there will be a significant shift in that majority following the 2020 election.

The Democrats hold a much slimmer 19-16 margin in the Senate. If Republicans hold their current seats and pick up two seats currently held by Democrats they would gain the majority. It's possible, but difficult – a lot depends on how national politics are trending. President Trump does not currently have a high approval rating in Colorado.

Colorado's Primary election is June 30th. Some of the "target" seats have a Primary Election. Some of the seats R's need to keep are "open" seats due to term limits or the current elected official not running for re-election.

Tier 1 Targets:

SD 8 – Bob Rankin (R) or Debra Irvine (R) / Karl Hanlon (D) or Arn Menconi (D) – vacancy went to Rankin; formerly Baumgardner

SD 19 – Rachel Zenzinger (D) / Lynn Gerber (R)

SD 25 – Kevin Priola (R) / Paula Jane Dickerson (D)

SD 27 - Chris Kolker (D) / Suzanne Staiert (R) – open (Tate)

SD 26 – Jeff Bridges (D) / Robert C Roth (R) or Brenda A. Valdez-Stokes (R)

SD 35 – Cleave Alan Simpson Jr. (R) / Carlos Rey Lopez (D) – open (Crowder)

Tier 2 Targets:

SD 10 – Randal McCallian (D) / Larry G. Liston (R) – open (Hill)

SD 17 – John Michael Kelly (D) or Sonya Jaquez Lewis (D) – open (Foote)

SD 23 – Sally Boccella (D) or Galina Siergiejczyk-Nicoll (D) / Barbara Kirkmeyer (R) or Rupert Parchment (R) – open (Marble)

SD 31 – Chris Hansen (D) or Maria Orms (D) / Doug Townsend (R) – vacancy went to Hansen, formerly Court

The current Democratic-held seats with the most competitive districts are SD 19 and SD 26. The current Republican-held seat with the most competitive district is SD 25.

2020 Election – Ballot Issues

The deadline for title approval before Title Board has passed, and there are no approved titles that involve pesticide use or agriculture directly. Issues that have met the signature threshold and will be on the ballot include:

- 22-week abortion ban (statutory)
- Citizen-only voting (constitutional)
- Grey wolf reintroduction (statutory)
- National Popular Vote (veto repeal)
- Transportation bonds (funding)
- Repeal Gallagher Amendment (funding – referred measure)
- Additional tobacco tax (referred measure)

Titles that have been approved for circulation and are currently in the process of gathering signatures include:

- Paid family and medical leave
- Voter approval for fee-based enterprises (requiring “fees” to receive voter approval in the same way TABOR requires for “taxes” currently)
- Setback requirements for oil and gas development (although environmental groups now say they will not pursue signatures for this)

Media Summaries

The Colorado Sun: [Chaos and compromise...ends with a flurry of big bills](#)

Colorado Politics: [Legislature Wrapup](#)

Denver Post: [After pandemic and protests, lawmakers close the books on 2020 session](#)

The Colorado Sun: [...additional \\$1b in reductions looms on 2021 horizon](#)

Colorado Politics: [Colorado lawmakers ditch expectations in dizzying re-session](#)

Colorado Politics: [Session marked by what didn't happen](#)

Colorado Politics: [Legislature 2020 – by the numbers](#)

Colorado Politics: [Legislature 2020 – winners & losers](#)

The Colorado Sun: [How lawmakers closed a \\$3b shortfall...and why it led to tears](#)