
South Metro Denver Chamber

[HB23-1076](#)

Workers' Compensation

Comment:

Position: **MONITOR**

Calendar NOT ON CALENDAR

Notification:

Short Title: Workers' Compensation

Sponsors: L. Daugherty (D)

Summary: **Section 1** of the bill increases the limit on medical impairment benefits based on mental impairment from 12 weeks to 36 weeks. **Section 2** removes language authorizing an employee to petition the division of workers' compensation in the department of labor and employment (division) prior to receiving a replacement of any artificial member, glasses, hearing aid, brace, or other external prosthetic device, including dentures. **Section 3** allows an employee to request a hearing when the employee's temporary total disability benefits end based on an attending physician's written release to return to regular employment. **Section 4** specifies that when a physician recommends medical benefits after maximum medical improvement, the benefits admitted by the insurer or self-insured employer are not limited to any specific medical treatment.

Current law requires an insurance carrier to provide an independent medical examiner and all other parties a complete copy of all medical records in its possession pertaining to an injury. **Section 5** limits the medical records required to be provided to records relevant to the injury. **Section 5** also specifies how the division is required to determine the amount and allocation of costs to be paid by the parties for an independent medical examination. **Section 6** allows a prehearing administrative law judge to issue interlocutory orders resolving disputes regarding the content and format of the independent medical examiner's medical record packet, indigency status, and the allocation of independent medical examiner costs.

Current law states that a contingent attorney fee exceeding 20% of the amount of contested benefits is presumed to be unreasonable. **Section 7** increases the amount to 25%.

(Note: This summary applies to this bill as introduced.)

Status: 2/2/2023 House Committee on Business Affairs & Labor Refer
Unamended to Appropriations

Fiscal Notes: [Fiscal Note](#)

HB23-1078**Unemployment Compensation Dependent Allowance**

Comment:**Position:** **OPPOSE****Calendar** NOT ON CALENDAR**Notification:****Short Title:** Unemployment Compensation Dependent Allowance**Sponsors:** J. Willford (D) / C. Hansen (D)

Summary: The bill creates a dependent allowance for an individual receiving unemployment compensation (eligible individual) for each of the eligible individual's dependents. The dependent allowance starts on July 1, 2025, is \$35 per dependent per week, and increases annually for inflation if necessary. The bill defines "dependent" as a child of an eligible individual who receives at least half of the child's financial support from the eligible individual and who is:

- Under 18 years of age; or
- 18 years of age or older and incapable of self-care because of a mental or physical disability.

The bill requires the division of unemployment insurance to report to the general assembly regarding the dependent allowance annually, beginning August 31, 2025, and by August 31 of each year thereafter.

(Note: This summary applies to this bill as introduced.)

Status: 2/9/2023 House Committee on Business Affairs & Labor Refer
Amended to Appropriations

Fiscal Notes: [Fiscal Note](#)

HB23-1110**Health-care Coverage For Biomarker Testing**

Comment:**Position:** **MONITOR****Calendar** Tuesday, February 21 2023

Notification: Health & Insurance
Upon Adjournment Room 0112
(1) in house calendar.

Short Title: Health-care Coverage For Biomarker Testing**Sponsors:** D. Michaelson Jenet (D) | A. Hartsook (R) / K. Mullica (D) | J. Rich (R)

Summary: The bill requires all individual and group health benefit plans to provide coverage for biomarker testing if the testing is supported by medical and scientific evidence. Biomarker testing is defined as an

analysis of a patient's tissue, blood, or other biospecimen for the presence of an indicator of normal biological processes, pathogenic processes, or pharmacologic responses to a specific therapeutic intervention.

The bill requires the commissioner of insurance to implement biomarker testing coverage for all individual and group health benefit plans issued or renewed on or after January 1, 2025.

Biomarker testing is subject to the health benefit plan's annual deductibles, copayment, or coinsurance but is not subject to any annual or lifetime maximum benefit limit.

If a carrier requires prior authorization for biomarker testing, the bill requires the carrier to use an expedited prior authorization process.

Subject to federal authorization and federal financial participation, beginning July 1, 2024, the bill includes coverage for biomarker testing as part of the state medical assistance program if the testing is supported by medical and scientific evidence.

Under the state medical assistance program, the bill requires an expedited utilization review and prior authorization process, as well as an appeal process if biomarker testing is denied.

(Note: This summary applies to this bill as introduced.)

Status: 1/23/2023 Introduced In House - Assigned to Health & Insurance

Fiscal Notes: [Fiscal Note](#)

HB23-1118

Fair Workweek Employment Standards

Comment:

Position: **OPPOSE**

Calendar Notification: Thursday, February 16 2023
State Library Business Affairs & Labor
1:30 p.m. Room Old
(3) in house calendar.

Short Title: Fair Workweek Employment Standards

Sponsors: E. Sirota (D) | S. Gonzales-Gutierrez (D) / J. Gonzales (D) | F. Winter (D)

Summary: The bill imposes requirements for certain types of employers with regard to:

- The determination of employee work schedules;

- Employee requests for changes to work schedules; and
- Notices and posting of employee work schedules.

In addition to pay for hours worked by the employee, the bill requires certain types of employers to pay employees:

- Predictability pay when an employer makes certain changes to an employee's work schedule;
- Rest shortfall pay when an employee is required to work hours without a minimum period of rest after a prior shift;
- Retention pay when an employer provides work hours to a new employee without first offering the work hours to existing employees; and
- Minimum weekly pay in an amount that corresponds to 15% of the average weekly hours indicated on the employee's anticipated work plan, paid at the greater of the employee's regular rate of pay or the minimum wage, regardless of whether the employee works such hours.

The bill prohibits employers from discriminating or taking any adverse action against an employee based on the hours an employee is scheduled or actually works, the expected duration of employment, or the employee's desired work schedule. The bill also prohibits retaliation against an employee for attempting to exercise any right created in the bill. Employers are required to retain records demonstrating their compliance with the requirements of the bill.

A person who is aggrieved by a violation of the requirements of the bill may file a complaint with the division of labor standards and statistics (division) in the department of labor and employment or bring a civil action in district court. The division is authorized to investigate complaints and, upon determining that a violation occurred, to impose fines, penalties, or damages and award attorney fees and costs. The division is also authorized to bring a civil action to enforce the requirements of the bill. The bill includes protections for whistleblowers and establishes penalties for violations.

The director of the division is required to promulgate rules to implement the bill.

(Note: This summary applies to this bill as introduced.)

Status: 1/24/2023 Introduced In House - Assigned to Business Affairs & Labor

Fiscal Notes: [Fiscal Note](#)

HB23-1148**Temporary Prohibition On Rule-making After Rule Adopted**

Comment:**Position:****MONITOR****Calendar**

NOT ON CALENDAR

Notification:**Short Title:**

Temporary Prohibition On Rule-making After Rule Adopted

Sponsors:

G. Evans (R) / B. Pelton (R)

Summary:

The bill prohibits an executive rule-making agency, on or after September 1, 2023, from amending an existing rule or adopting a new rule concerning the same subject matter as the existing rule for the 3 years following the existing rule's adoption. The following rules are exempt from the 3-year prohibition period:

- Rules required by state statute, federal statute, or federal regulation;
- Rules that the rule-making agency determines are imperatively necessary for the preservation of public health, safety, or welfare and for which compliance with the 3-year prohibition would be contrary to the public interest;
- Rules adopted as temporary or emergency rules, which remain effective for 120 days or less; and
- Rules that a member of the regulated community petitions to be amended and for which the rule-making agency grants the petition.

(Note: This summary applies to this bill as introduced.)

Status:

1/31/2023 Introduced In House - Assigned to State, Civic, Military, & Veterans Affairs

Fiscal Notes:[Fiscal Note](#)**SB23-105****Ensure Equal Pay For Equal Work**

Comment:**Position:****AMEND****Calendar**

Tuesday, February 21 2023

Notification:

SENATE BUSINESS, LABOR, & TECHNOLOGY COMMITTEE
2:00 PM Old Supreme Court
(1) in senate calendar.

Short Title:

Ensure Equal Pay For Equal Work

Sponsors:

J. Danielson (D) | J. Buckner (D) / S. Gonzales-Gutierrez (D) | J. Bacon (D)

Summary:

Current law authorizes the director of the division of labor standards and statistics in the department of labor and employment (director) to create and administer a process to accept and mediate complaints, to provide legal resources concerning alleged wage inequity, and to promulgate rules as necessary for this purpose. The bill changes these authorizations to requirements.

Additionally, the bill requires the director to:

- Investigate complaints or other leads concerning wage inequity;
- Upon finding of a violation, order compliance and relief; and
- Promulgate rules to enforce the bill.

The bill also requires an employer to:

- For each job opportunity or promotional opportunity where the employer is considering more than one candidate, follow specific guidelines for posting the opportunity;
- For all job opportunities and promotional opportunities, provide specific information to employees regarding the candidate selected for the opportunity; and
- For all objectively defined career progressions, disclose the requirements for career progression and the terms of compensation, benefits, status, duties, and access to further advancement.

(Note: This summary applies to this bill as introduced.)

Status: 1/31/2023 Introduced In Senate - Assigned to Business, Labor, & Technology

Fiscal Notes:**SB23-111****Public Employees' Workplace Protection****Comment:****Position:****OPPOSE****Calendar**

NOT ON CALENDAR

Notification:**Short Title:**

Public Employees' Workplace Protection

Sponsors:

R. Rodriguez (D) / S. Woodrow (D)

Summary:

The "National Labor Relations Act" does not apply to federal, state, or local governments and the "Colorado Labor Peace Act" excludes governmental entities, with an exception for mass transportation systems, leaving public employees without the protection afforded by these labor laws. The bill grants certain public employees, including individuals employed by counties, municipalities, fire

authorities, school districts, public colleges and universities, library districts, special districts, public defender's offices, the university of Colorado hospital authority, the Denver health and hospital authority, the general assembly, and a board of cooperative services, the right to:

- Discuss or express views regarding public employee representation or workplace issues;
- Engage in protected, concerted activity for the purpose of mutual aid or protection;
- Fully participate in the political process while off duty and not in uniform, including speaking with members of the public employer's governing body on terms and conditions of employment and any matter of public concern and engaging in other political activities in the same manner as other citizens of Colorado without discrimination, intimidation, or retaliation; and
- Organize, form, join, or assist an employee organization or refrain from organizing, forming, joining, or assisting an employee organization.

The bill also prohibits certain public employers from discriminating against, coercing, intimidating, interfering with, or imposing reprisals against a public employee for engaging in any of the rights granted.

The Colorado department of labor and employment (department) is charged with enforcing any alleged violation of these rights and is granted rule-making authority. A party may appeal the department's final decision to the Colorado court of appeals. The bill requires the court of appeals to give deference to the department.

(Note: This summary applies to this bill as introduced.)

Status: 1/31/2023 Introduced In Senate - Assigned to Local Government & Housing

Fiscal Notes:

SB23-143

Retail Delivery Fees

Comment:

Position:

SUPPORT

Calendar

NOT ON CALENDAR

Notification:

Short Title:

Retail Delivery Fees

Sponsors:

S. Fenberg (D) | K. Van Winkle (R)

Summary:

Currently, the state and several state enterprises impose fees on retail sales of taxable tangible personal property delivered by motor vehicle to a location in the state. These fees are collectively known as the retail delivery fee (RDF), and a retailer who makes a retail delivery is required to add the RDF to the price of the retail delivery, collect it from the purchaser, and pay the RDF revenue to the department of revenue (department), which distributes the revenue to the appropriate cash funds.

The department generally administers the RDF in the same manner as the state sales and use tax. The bill modifies this administration by permitting a retailer to pay the RDF on behalf of the purchaser. If the retailer elects to pay the RDF, then the retailer is:

- Not required to add the RDF to the price of the retail delivery, separately itemize the RDF, or collect the RDF from the purchaser, who is not liable for the amount nor eligible for a refund of an erroneously paid RDF; and
- Required to remit the RDF on the date that would be required if the RDF had been received from the purchaser on the date of the retail delivery.

The department is required to waive any processing costs for a retailer's electronic payment by automated clearing house (ACH) debit of the RDF if the charges would exceed the amount of the RDF revenue being remitted.

The bill creates an exemption from the RDF for a retail delivery by a qualified business, which is a business that has \$500,000 or less of retail sales in the prior year or is new, that applies retroactively to when RDFs were first imposed. A purchaser is not eligible for a refund of any RDF that is collected and remitted to the department by a qualified business prior to the effective date of the bill.

The bill also creates a primary definition for "retail delivery" that is cross-referenced in other RDF provisions, and related to this change, a definition of "retail sale" is repealed where the cross reference makes it unnecessary.

(Note: This summary applies to this bill as introduced.)

Status:

2/8/2023 Introduced In Senate - Assigned to Finance

Fiscal Notes: