

Opposition Testimony: SB 87

Kelly Brough, President and CEO, Denver Metro Chamber of Commerce

3/17/21, Senate Committee on Business, Labor and Technology

I'd like to start by thanking the chair and committee members for your consideration of this testimony. My name is Kelly Brough and I submit this testimony on behalf of the Denver Metro Chamber of Commerce, our 3,000 members as well as our affiliate the Colorado Competitive Council in opposition to Senate Bill 87.

As you will hear and read in testimony, this bill has sweeping impacts on the agricultural industry, a critical economic driver in Colorado. But, the bill goes much further than that – it raises private property issues with its overly broad access to any agricultural operation, and it raises serious concerns with its definitions and lack of clarity within the bill. That said, our primary concern is the impact this has across all industries in Colorado.

The change to the definition of “employee” in this bill impacts the Labor Peace Act. It's a significant change that applies to all industries, not just agriculture. Current statute creates three exceptions to the definition of employee: (1) an independent contractor; (2) domestic servants employed in and about private homes; and (3) farm and ranch labor (C.R.S. 8-3-104). The bill strikes all three exceptions, meaning the bill has reach well beyond agricultural workers to all independent contractors regardless of industry. This change is further codified with new language that expressly states that the term “employee” for purposes of the entire Labor Peace Act does not include any of the three current exceptions.

Our Labor Peace Act is a carefully crafted compromise that Colorado has held onto for decades. Any changes to the Labor Peace Act should be made through a collaborative and robust stakeholder process, rather than slipped into a bill that appears on its face to be about a specific industry.

We ask that you join us in opposing Senate Bill 87 and appreciate your consideration of the wide-reaching impacts of this legislation.