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Introduction

Colorado's reputation as an attractive and prosperous state, formed by an agreeable climate, beautiful scenery, has begun to falter. The state's migration patterns confirm it: from a height of almost 57,000 in 2015, and over 31,000 as recently as 2019, net domestic migration fell to just 7,000 in 2023—fewer people are choosing Colorado now than at any other point in recent memory. As our sun shines just as brightly and our mountains stand just as tall as ever before, policy emerges as a likely reason for the state's deteriorating image.

Regardless of the substance at fault, part of Colorado's problem may be simply an excess of policymaking. Around the same time migration cratered, there was a substantial increase in both the number and complexity of bills passed by the state legislature and a corresponding rise in the number of ballot measures. Under both popular mandate and legal obligation to enact even more and more expansive policies, the increase has potential to impact Colorado's free enterprise system and inhibit the state's growth.

Key Findings

- The Colorado General Assembly passed record numbers of bills in four of the last six years, including 2024.
- In 2024, the legislature passed 527 bills, which is 33% more than the average between 2012 and 2018.
- The average complexity of passed legislation has increased even faster than the count. 2024 bills were, on average, 51% more complex, as measured by word counts in each year's Digest of Bills, than those passed between 2012 and 2018.
- The growth of Colorado's legislative output since 2012 is 69%—3rd-highest in the country.
- The number of statewide ballot questions put before voters, including citizen initiatives and referred measures, quadrupled from 4 to 16 between 2012 and 2024.
- During this period of legislative expansion, the relative performances of Colorado's education, health, housing, infrastructure, public safety, and state budget have all declined according to CSI's Free Enterprise Competitiveness Indices.

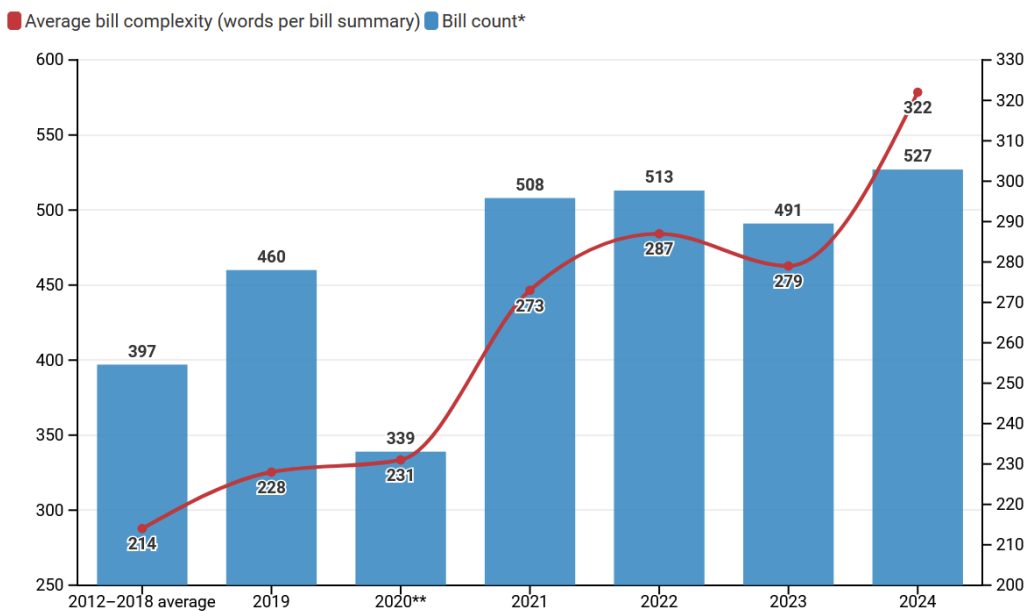
Overview of Colorado’s Legislative Expansion

In 2024, across its regular and special sessions, the Colorado General Assembly passed 527 bills, breaking the previous record set two years before.ⁱ This represented a solidification of a trend that began in 2021 but was foreshadowed as early as 2019, before which the longstanding norm was about 400. As in 2021, 2022, and 2023, not one of these bills was sponsored solely by the General Assembly’s minority party—24% were backed by majority party representatives and 76% had bipartisan sponsorship.

This record was not the product of a shift towards shorter and more focused bills; instead, the average complexity of passed legislation has increased at an even faster pace than the count. Compared to the 2012–2018 averages, 2024’s count is 33% higher and its total complexity, according to word counts of each year’s Digest of Bills, is double.ⁱⁱ The average complexity of a bill is 51% higher. Much of both forms of growth since 2019 can be traced to the passage of HB19-1261, which requires the state to achieve aggressive emissions-reduction targets through policy and has since spawned dozens of bills with that purpose.ⁱⁱⁱ

Figure 1

Bills Passed by the Colorado Legislature through 2024



Source: Office of Legislative Legal Services, CSI calculations • * Includes extraordinary sessions
 ** The 2020 session was truncated due to COVID-19

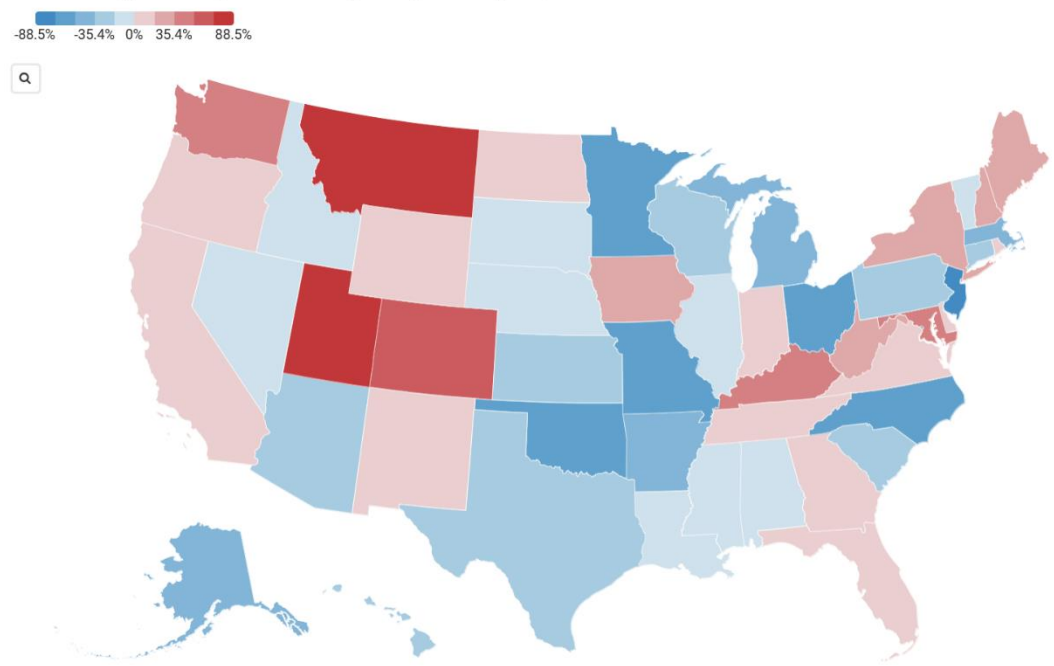
In this regard, Colorado’s position is almost unique among states. Most states’ legislatures have reduced their outputs; on average, states passed about 6% fewer bills in 2024 than they did in 2012.^{iv} Colorado, conversely, passed 69% more, which represents the 3rd-highest growth in the

country. Even if the state had passed as many bills in 2012 as its average through 2018, its growth through 2024 would be 33% and its rank would be 7th. Colorado’s population growth isn’t likely responsible for the increase—the two haven’t grown commensurately and, across the country, population growth is not a reliable predictor of legislative activity ($r=.265$).

Figure 2

Growth of the Number of Bills Passed by State Legislatures (2012–2024)

Some states, particularly those on two-year legislative cycles, are measured from 2013–2023



Source: BillTrack50, CSI calculations

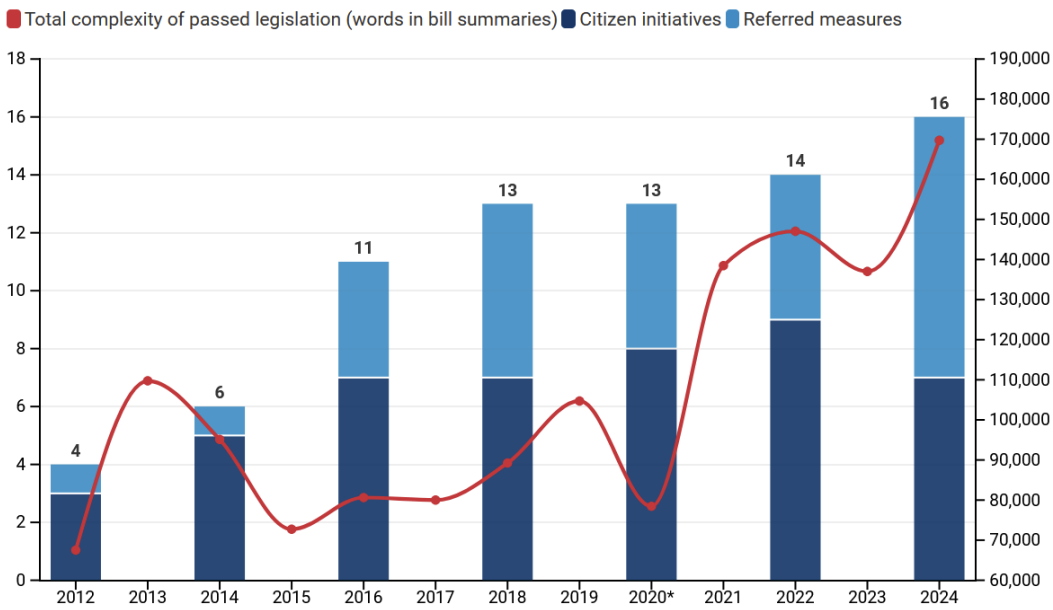
Also unlike most other states (all but 18), Colorado allows entities outside of government to place policy initiatives on the statewide ballot; this offers citizens a means, particularly during periods of single-party control, of opposing actions taken by the state legislature. As expected, then, rising counts and complexity of legislation over the last decade appear to have intensified the citizen initiative process. Whereas there were only four statewide ballot questions, of which three were citizen-initiated, in the 2011–12 cycle, the 2023–24 cycle produced 16 questions, seven of which came from citizens.^v

If there is, as it seems, a relationship between legislation and ballot initiatives, we can expect each to continue generating demand for the other, causing both to accelerate growth in size and scope. Examples of that phenomenon are already evident, like in ongoing battles over income tax rates, property taxes, and TABOR. This will place ever more strain on voters’ abilities to inform themselves in advance of elections.

Figure 3

Growth of Ballot Measures and Legislative Action since 2012

Ballot measures are generated in two-year cycles represented here by their second years



Source: Office of Legislative Legal Services, CSI calculations * * The 2020 session was truncated due to COVID-19

Each of these trends reflects substantial recent growth in the size of Colorado’s government and its influence on residents. We can already observe how this growth, which shows no sign of slowing in the future, may be impacting comprehensive measures of the state’s performance.

Figure 4

Ranks of Colorado’s Performance from the 2024 CSI Free Enterprise Competitiveness Index			
	2011 Rank	2023 Rank	Change
Education	13	20	-7
Energy	35	32	3
Healthcare	11	13	-2
Housing	41	51	-10
Infrastructure	8	9	-1
Public Safety	24	31	-7
State Budget	37	38	-1
Taxes and Fees	19	14	5

Conclusion

The Colorado legislature, bucking a national trend, has significantly increased its policymaking activity over the last 12 years and especially the last five. Amid tepid population growth and rapid rises in the cost of living, the state government has raised taxes and fees and inflated businesses' regulatory burdens. The consequences of this pattern are being demonstrated by measures of Colorado's economic prosperity, which show the state losing ground.

Coloradans could benefit if policymakers took more time to analyze the data and deliberate over the effects of their proposals. There are already examples of policies on crime, taxation, energy, and more that had to be undone after causing problems that legislators failed to consider. In addition to creating better outcomes, this approach would give Coloradans more confidence that their representatives understand the impact of the bills they pass—something that's all but impossible at the current volume.

ⁱ <https://leg.colorado.gov/sites/default/files/digest2024.pdf>

ⁱⁱ <https://leg.colorado.gov/digest-of-bills>

ⁱⁱⁱ <https://www.common SenseInstitute.us.org/colorado/research/energy-and-our-environment/new-energy-laws--regulations>

^{iv} <https://www.billtrack50.com/state/select>

^v <https://www.coloradosos.gov/pubs/elections/Initiatives/ballot/contacts/2024.html>