



# Colorado Women’s Bar Association 2022 Legislative Session Wrap-Up

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*Prepared by Aponte & Busam Public Affairs*

2022 was certainly one for the history books, with more bills introduced this session than any of the previous three – 657 in total!

This was in part due to the need to appropriate almost \$1.2 billion in federal American Recovery Plan Act (ARPA) funds. Colorado lawmakers and the Administration split the focus of this onetime revenue to fund programs to improve the state’s behavioral health system, bolster economic recovery, and expand housing services, among others.

The Women’s Bar engaged in 27 bills during the 2022 legislative session, in addition to the budget process. The issues represented a broad segment of women’s issues including workplace harassment, survivors’ rights, reproductive and fertility policy and judicial discipline.

Of those 27 bills the CWBA took action to support 12 bills, opposed 4 bills, and monitored 11 other bills the top priorities and actions taken are outline in detail below, there are also summaries of lower priority legislation.

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## Priority Legislation for the Colorado Women's Bar Association

[Summary Matrix](#) view of bills, with hyperlinks to more information – bill versions, fiscal notes, engaged lobbyists, history, etc.

### Workplace Harassment

Before the 2022 session kicked off the Women's Bar spent last summer and fall building off the work done in the previous session with the Plaintiff Employment Lawyers Association (PELA) on workplace harassment policy in [SB21-176 Protecting Opportunities and Workers' Rights \(POWR\) Act](#). Sadly, this measure failed in the final hours of the 2021 session due to bipartisan concerns stemming from business and disability communities' opposition. As such the coalition had a heavy lift and worked throughout the entirety of session to address concerns with the intent of pass a new bill into law in the 2022 session.

After months of failed negotiations with the business community and remaining concerns from the disability coalition, it became apparent that, despite considerable concessions by the proponents, parties could not find common ground on a policy alternative to the current status quo severe or pervasive standard. PELA, CWBA and sponsors were thus pushed to reevaluate the best path forward for providing much needed protections to Colorado workers. It was determined that rather than attempting to address the many different facets of the POWR Act in one cohesive bill a better alternative was to chip away at the full policy and narrow the 2022 bill to three specific policy concepts.

With this strategy in mind, the coalition brought forward [HB22-1367 Updates to Employment Discrimination Laws](#) which includes the following:

- Provide Protection to Domestic Workers
  - Domestic Workers have historically been excluded from the protection of labor laws, despite their extreme vulnerability to abuse and exploitation.
  - The bill amended CADA so that Domestic Workers are no longer exempted from its protections.
- Treat Age Discrimination Claims the Same as Other Claims
  - Unlike all other protected classes in Colorado, under CADA, victims of age discrimination are currently prohibited from receiving compensatory or punitive damages.
  - The bill solved this differential treatment of victims of age discrimination by repealing the applicable subsection in CADA that causes these inequities.
- Extend Deadline to File Claims
  - All claims under CADA, including claims for sexual harassment, are time barred after 6 months. Low-wage workers are particularly harmed by the short filing timeline. Most workplace sexual harassment is never reported due to lack of education and fear of retaliation. Often, survivors aren't ready to come forward until their deadline has passed.
  - The bill amended CADA to extend the current 6-month time limit for filing a claim with the CCRD to 300 days, making it consistent with the EEOC timeline and giving victims additional time to seek administrative and civil remedies for CADA claims.

CWBA was involved in every stage of the bill's evolution from drafting language, stakeholding with various organizations and action groups, legislator lobbying, and providing verbal testimony in both the House and Senate Judiciary committees.

Though the bill was a considerably narrowed version of its former self, it still had solid policy wins particularly in providing CADA protections to domestic workers. However, the need remains for significant reform of Colorado's workplace harassment protection laws, including modernizing the standard away from severe or pervasive. Assuming CWBA continues to identify this as a priority issue the lobby team expects that more stakeholder work will be needed during the interim if anything is to pass in the 2023 legislative session.

### Reproductive Health Policy

CWBA elevated reproductive health as a top priority for the session by opposing several pieces of anti-choice legislation. CWBA was also among the large coalition of supporters lead by COBALT and Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR) to create statutory protections for reproductive care.

**[HB22-1279](#) Reproductive Health Equity Act** modernized Colorado statute to protect reproductive rights as fundamental rights. The bill was signed into law and established the following:

- Every individual has the fundamental right to choose or refuse contraception;
- Every individual who becomes pregnant has a fundamental right to choose to continue a pregnancy and give birth or to have an abortion; and
- A fertilized egg, embryo, or fetus does not have independent rights under the laws of the state.

CWBA had eight members testify during the hour's long hearings in both the House and Senate. The members represented a wide range of perspectives including law students and lawyers from around the state. The CWBA also supported the greater coalition in their lobbying efforts and public awareness campaign.

Given the national stage and in light of the recently leaked *Dobbs* decision purportedly overturning *Roe v. Wade* the issue of reproductive care will continue to be at play in Colorado both through anti-choice legislation and a potential constitutional amendment in 2024.

### Judicial Discipline

Addressing systemic problems relevant to judicial discipline has been a top priority for the CWBA outside of the legislative arena on the heels of concerning reports in 2020. The revelations included complaints of sexual harassment within the judicial system and allegations the lack of transparency in their handling.

**[SB22-201](#) Commission On Judicial Discipline** was a bipartisan bill which underwent several iterations in order to address the need for a judicial disciplinary process that is independent from the judges subject to discipline. CWBA ultimately supported SB 22-201's creation of an Office of Judicial Discipline that is financially and structurally independent from the judicial branch. Establishment of this Office will take effect immediately providing transparency and accountability for the people bringing claims of judicial misconduct.

The bill also created the [Legislative Interim Committee on Judicial Discipline](#) that will meet during the interim with the goal to recommend legislation in the 2023 session. This bipartisan Committee will allow for additional input from the various stakeholders and thoughtful discussion regarding any amendments to the law that would better serve competing interests involved in judicial discipline.

CWBA was instrumental in securing a space for a diversity of voices during the interim Committee process. The lobby team intends to carefully watch the legislative interim calendar and keep CWBA apprised of the Judicial Discipline Committee schedule.

### Equal Pay for Equal Work Act

CWBA was the lead of author of the 2019 Colorado Equal Pay for Equal Work Act ([CEPEW](#)). CWBA worked with our partners at the Women's Foundation of Colorado (WFCO) to bring forward this landmark legislation which is a model across the country to provide transparency on pay ranges for all employees and remedies for those who have proof of underpayment. Such information is a game changer for women in the workforce and is already making an impact.

This said, the measure is not without critics and remains controversial specifically within the business community. These critics approached the Polis Administration about running a bill to address their concerns around the implementation and potential unintended consequences of CEPEW. Unfortunately, such concerns were not brought directly to CWBA and our partners nor the original bill sponsors.

Upon hearing rumors of a desire to run a bill, the Aponte & Busam lobby team reached out to the Governor's Office and business community to discuss their proposed changes. The CWBA and WFCO engaged in conversations to try and understand the concerns driving the request for changes. This resulted in discussion of a draft proposal from the Governor's office that they describe as a "narrow" change to address posting requirements.

CWBA was clear in our opposition to anything that would jeopardize the law but the equal pay subcommittee, comprised of lawyers who represent both employees and employers, gave the green light for the organization to review of the concept. They also directed the organization to follow the lead of the champions who sponsored the original bill. These four lawmakers unanimously decided that the best course of action was to table this discussion until next year to fully vet any changes to the law.

Given the level of concerns expressed, the lobby team fully expects the business community and the Polis Administration to continue to seek changes to the law. The CWBA Policy Committee will be engaged in proactive stakeholder outreach with the goal to shape any proposed changes under consideration for the 2023 session.

### Insurance Coverage for Fertility Care

CWBA entered the session understanding that prior legislation from 2020, the [Colorado Building Families Act](#), was not enacted as proponents had hoped. The act requires insurance policies under Colorado law cover infertility treatment as they would other medical conditions. The bill passed, with solid bipartisan support, on the last day of the session in 2020 before the legislature broke due to COVID.

During very rushed negotiations with the Polis Administration before this pandemic break, language was drafted requiring the Colorado Department of Insurance (DOI) to obtain an interpretation from federal Health and Human Services (HHS) as to whether the new law could trigger the defrayal provisions of the Affordable Care Act. Defrayal is a term of art in this context meaning the state would be financially responsible for any increase in insurance premiums caused by the law. The agreed upon language was to ensure that if HHS determined defrayal was possible then the law would not go into effect.

Under the Trump administration, HHS determined that the new law could possibly trigger defrayal in the small and individual markets. At first DOI was indicating that the bill would still go into effect for the large group market (not subject to defrayal). However, the Colorado Attorney General determined that the language of the bill was not clear enough and that the law could not get into effect for any market. (Here's an [article](#) explaining in more detail.) The lack of clarity in the hastily drafted language has halted DOI from implementing coverage that Colorado families were anticipating in the large group market as of January 1, 2022.

Hence the need for [SB22-1008 Implementation Of Fertility Coverage](#) The fix-it bill ensures the original intent of the Building Colorado Families Act is realized. It makes it clear that the defrayal language does not apply to the large group market and thus the law should go into effect for policies under that market.

### CWBA Priority Bills

#### [HB22-1008 Implementation Of Fertility Coverage](#)

**Sponsors:** Representatives K. Tipper (D) M. Soper (R) and Senators F. Winter (D) S. Fenberg (D)

**CWBA position:** support level I – awaiting Gov signature

**Bill Summary:** House Bill 20-1158 required that all Division of Insurance (DOI) regulated health benefit plans provide coverage for the diagnosis of and treatment for infertility and standard fertility preservation services, if the federal Department of Health and Human Services (HHS) determines that these benefits would not require the state to defray the cost for premium increases attributable to the mandate. This bill clarifies that this coverage is required for large employer health benefit plans issued or renewed on or after January 1, 2023. If the HHS determines that this coverage does not require defrayal by the state for individual and small group health benefit plans, these plans must implement the coverage within 12 months.

#### [HB22-1038 Right To Counsel For Youth](#)

**Sponsors:** Representatives L. Daugherty (D) T. Van Beber (R) and Senators D. Moreno (D) R. Gardner (R)

**CWBA position:** support level II – signed into law

**Bill Summary:** Currently, courts appoint a guardian ad litem (GAL) to children and youth in dependency and neglect proceedings. This bill requires that youth, age twelve or older, instead be appointed a client-directed counsel in proceedings for dependency and neglect, expedited permanency placement, and adoption. The counsel must be an attorney-at-law licensed to practice in Colorado and approved by the Office of the Child's Representative (OCR). A court may appoint both a GAL and a counsel if a youth has diminished capacity.

#### **Anti-Choice Legislation**

**CWBA position:** oppose level II – all bills killed in committee

**Bill Summary:**

- [HB22-1047 Protecting Human Life At Conception](#)
  - This bill would have prohibited a licensed physician from performing abortions except in limited circumstances and made the offense a class 1 felony
- [HB22-1075 Induced Termination Of Pregnancy State Registrar](#)
  - The bill requires healthcare providers who perform induced terminations of pregnancies to report specified information related to a woman's demographics, health history, the procedure, and the reason for the termination to the state registrar of vital statistics in

the Department of Public Health and Environment (CDPHE) in an electronic format as prescribed by the state registrar

- [HB22-1079 Abolishing Abortion In Colorado](#)
  - The bill defines "person" to include an unborn child at all stages of gestation as it relates to a private right of action and current homicide and assault provisions. The bill requires the state to enforce homicide and assault provisions.
- [HB22-1136 Ultrasound Video Demonstration In Sex Education](#)
  - The bill requires schools that offer comprehensive human sexuality education to include a five-minute high-definition ultrasound video demonstration showing each stage of human development.

#### [HB22-1091 Online Availability Of Judicial Opinions](#)

**Sponsors:** Representatives M. Weissman (D) M. Soper (R) and Senators J. Bridges (D)R. Gardner (R)

**CWBA position:** support level II – awaiting Gov signature

**Bill Summary:** This bill requires the Judicial Department to publish every opinion of the Colorado Supreme Court and the Colorado Court of Appeals online by March 1, 2024, but not before July 1, 2023. All online publications must be searchable and available free of charge. The Judicial Department and the General Assembly must include a link to the opinions web page on their websites.

#### [HB22-1131 Reduce Justice-involvement For Young Children](#)

**Sponsors:** Representatives S. Gonzales-Gutierrez (D) J. Bacon (D) and Senators D. Coram (R) J. Gonzales (D)

**CWBA position:** support level II – awaiting Gov signature

**Bill Summary:** The bill creates the 32-member Pre-adolescent Services Task Force in the Department of Human Services (CDHS) to examine gaps in services for juveniles aged ten to thirteen that would be created if the minimum age of prosecution of juveniles is increased from ten to thirteen and make recommendations on addressing those gaps. The task force must convene by August 1, 2022, meet at least twice monthly through December 2022. Members serve without compensation, except that 8 members may receive per diem, including 4 legislators. The task force must create a report containing its examinations and recommendations by December 30, 2022, and send it to the General Assembly. The task force repeals July 1, 2023.

#### [HB22-1133 Family And Medical Leave Insurance Fund](#)

**Sponsors:** Representatives M. Gray (D) Y. Caraveo (D) and Senators F. Winter (D)

**CWBA position:** support level II – awaiting Gov signature

**Bill Summary:** The bill transfers \$57.0 million from the Revenue Loss Restoration Cash Fund to the Family and Medical Leave Insurance Fund for advance payments into state employer accounts under the Paid Family and Medical Leave Insurance Act administered by the Division of Family and Medical Leave Insurance in the Colorado Department of Labor and Employment (CDLE). The credit for the advance payments will include interest earnings.

#### [HB22-1153 Affirm Parentage Adoption In Assisted Reproduction](#)

**Sponsors:** Representatives D. Esgar (D) K. Tipper (D) and Senators D. Moreno (D) J. Bridges (D)

**CWBA position:** support level II – awaiting Gov signature

**Bill Summary:** The bill establishes a new adoption process, in instances when a child is conceived as a result of assisted reproduction, for a person who did not give birth but is a parent or presumed parent of the child. In these instances, both parents must join the adoption as petitioners.

### [HB22-1169](#) **Prohibit Sexual Act Without Consent**

**Sponsors:** Representatives D. Esgar (D) M. Froelich (D) and Senators J. Gonzales (D)

**CWBA position:** support level I – signed into law

**Bill Summary:** Under current law, one of the grounds for committing the crime of sexual assault is infliction of sexual intrusion or sexual penetration if the actor causes submission of the victim by means of sufficient consequence reasonably calculated to cause submission against the victim’s will. The bill changes these grounds to causing sexual intrusion or sexual penetration knowing the victim does not consent.

### [HB22-1279](#) **Reproductive Health Equity Act**

**Sponsors:** Representatives D. Michaelson Jenet (D) M. Soper (R) and Senators F. Winter (D) D. Hisey (R)

**CWBA position:** support level I – signed into law

**Bill Summary:** This bill creates the Reproductive Health Equity Act to codify an individual's fundamental right to reproductive autonomy, including the right to use or refuse contraception and the right to continue or terminate a pregnancy. The bill also codifies that a fertilized egg, embryo, or fetus does not have rights under state law. The bill prohibits state and local public entities from denying, restricting, interfering with, discriminating against, or depriving through punishment an individual’s right to contraceptives, to refuse to continue a pregnancy, or to receive family planning information.

### [HB22-1288](#) **Safe Reporting Assaults Suffered By Sex Workers**

**Sponsors:** Representatives B. Titone (D) M. Soper (R) and Senators R. Fields (D) J. Smallwood (R)

**CWBA position:** support level II – signed into law

**Bill Summary:** If a person witnesses or is the victim of certain crimes, the bill grants the person immunity from certain prostitution-related charges if the evidence for the charges derives from seeking assistance from a law enforcement officer, the 911 system, or a medical provider.

### [HB22-1300](#) **Local Enforcement To Prevent Human Trafficking**

**Sponsors:** Representatives T. Carver (R) L. Daugherty (D) and Senators R. Fields (D) R. Gardner (R)

**CWBA position:** support level II – awaiting Gov signature

**Bill Summary:** The bill authorizes counties and home rule municipalities to regulate massage facilities to prevent human trafficking, including through licensure. The bill establishes parameters for local licensure programs, including eligibility, fees, prohibited activities, and exemptions. Local licensing authorities are encouraged to report criminal activity regarding massage therapists to the Department of Regulatory Agencies, which regulates massage therapists.

### [HB22-1367](#) **Updates To Employment Discrimination Laws**

**Sponsors:** Representatives S. Lontine (D) M. Gray (D) and Senators B. Pettersen (D) F. Winter (D)

**CWBA position:** support level I – awaiting Gov signature

**Bill Summary:** This bill amends the Colorado Anti-Discrimination Act to:

- include individuals in domestic service in the definition of employee, but it is not a discriminatory or an unfair employment practice with respect to gender for a person to consider gender when hiring an employee engaged in child-care-related domestic services;
- extend the time to file a charge with the Civil Rights Commission from six months to 300 days after the occurrence and the time in which the commission has jurisdiction over complaints if written notice that a formal hearing will be held, from 270 to 450 days; and
- repeal the prohibition against the relief and recovery of certain damages in age discrimination cases.

## **SB22-201 Commission On Judicial Discipline**

**Sponsors:** Representatives T. Carver (R) M. Weissman (D) and Senators P. Lee (D) R. Gardner (R)

**CWBA position: support level I – signed into law**

**Bill Summary:** The bill establishes the Office of Judicial Discipline (OJD) as an independent office in the Judicial Department and creates the Legislative Interim Committee on Judicial Discipline. The OJD is created to investigate and address allegations of misconduct against justices and judges in the Judicial Department. As part of its duties, the OJD must staff and support the operations of the Colorado Commission on Judicial Discipline (CCJD), including assisting with preparation of its budget and an annual report of its activities. The OJD is also required to receive requests for evaluation of judges and justices, conduct public outreach concerning the judicial discipline process and recommendations from the CCJD, and provide related education information.

The bill also:

- provides commissioners on the CCJD with legal immunity in carrying out their official duties;
- directs the Judicial Department to provide the OJD and CCJD with office space indefinitely, and administrative and technological support through June 30, 2023, at which point the OJD and CCJD will be responsible for finding alternatives to these services;
- establishes requirements for confidential information sharing between the CCJD and judicial oversight agencies, including disciplinary records of a judge or justice;
- requires complaints from Judicial Department staff, volunteers, and contractors alleging misconduct of a justice or judge be documented for as long as the subject of the complaint is a justice or judge, plus three years, along with the department’s handling of the complaint;
- requires the Judicial Department to notify external complainants about the CCJD and provide the commission’s contact information, and forward written or electronic materials received from the complainant to the CCJD;
- requires the CCJD to gather and maintain annual data and statistics about judicial complaints and investigations related to judicial misconduct, and to report these annually during its annual SMART Act hearings; and
- creates the continuously appropriated Commission on Judicial Discipline Special Cash Fund, appropriates \$400,000 to the fund in FY 2022-23, and requires the General Assembly to make annual appropriations so that the fund begins each fiscal year with at least \$400,000.

Legislative Interim Committee on Judicial Discipline

- The bill creates a legislative interim committee that must meet during the interim between the 2022 and 2023 legislative sessions to study the effectiveness of Colorado’s system of judicial discipline and related best practices.

## **2022 Legislative Overview**

House Republicans threw a last-minute scare into majority Democrats as the 2022 legislative session hurtled to a close. But GOP procedural slowdowns in the House on days 118 and 119 turned into general amity and mostly good feelings on the final, 120<sup>th</sup> day, and Democrats went home and into the election season knowing they had achieved much of their ambitious 2022 legislative agenda.

Still, the session was not without plenty of rough spots, lots of compromises forced by interest groups and Republicans, internal conflicts among party factions and some sparring between legislative Democrats a meddling – and by some reports imperious – Gov. Jared Polis. The stories of four bills illustrate the dynamics of the session.

**Fentanyl** – Rising crime rates – and dramatically rising death rates from fentanyl and other illegal drugs – provided Republicans with an issue to push in the 2022 election cycle. Colorado legislative Democrats, led by more progressive members, have supported drug decriminalization in recent sessions so found themselves in a corner on this issue.

The fentanyl criminalization and harm reduction ([HB 22-1326](#)) bill wasn't introduced until March 25 and went through long hours of testimony, many meetings and multiple amendments until it was finally resolved after 7 p.m. on the final night of the session.

The final, again-amended version is complicated but basically sets the prosecution burden of proof for felony fentanyl possession higher than the House wanted but lower than the Senate proposed. There were Republicans and Democrats on both sides of the final vote.

The controversy is not over Colorado Springs Mayor John Suthers called for Gov. Jared Polis to veto the bill and call a special session. Polis is believed to support the bill.

**Public Employee Collective Bargaining** – Top Democratic leaders – Senate President Steve Fenberg of Boulder and House Majority Leader Daneya Esgar of Pueblo - pushed this in solidarity with public employee union activists.

The bill ([SB 22-230](#)) started as a proposal to allow employees of all public employees to unionize. Opposition and lobbying were fierce, and the bill draft went through several iterations – and trims – before it even was introduced. It surfaced on April 25 as a proposal to allow only county employees to unionize. The bill was a focus of Republican delaying tactics in the session's final days, and it was trimmed further – small counties were exempted – before final passage on the session's last day.

**Regulation of Nicotine Products** – This measure ([HB 22-1064](#)) highlighted a clash of progressive priorities, and the power of the governor. This bill was introduced Jan. 14, very early in the session, as a ban on flavored tobacco and vaping products, primarily as a way to discourage youth vaping. It was pushed strongly by a coalition of medical and health groups.

Such a ban was projected to reduce state tobacco tax revenues – some of which are earmarked to pay for the state's new universal preschool program. The bill went through various versions as exceptions to the ban were tacked on. But, bowing to an expected veto, a Senate committee killed the bill on the second-to-the-last day of the session.

**Abortion** - This progress of this bill ([HB 22-1279](#)) was the clearest example of pure Democratic priorities prevailing without any concessions to Republican quibbling. The bill enshrines in state law a woman's right to choose. It was introduced March 3 and signed into law April 4, well ahead of the leaked U.S. Supreme Court draft decision indicating a possible overturning of the Roe v. Wade decision.

## FY 2022-23 Budget Overview

State finances are a major focus of any legislation session, regardless of which party holds the majority. There were four main money issues this session – the main state budget, school funding, use of federal American Rescue Plan Act (ARPA) pandemic relief money and state taxes.

Lawmakers had the luxury of budget surpluses this session, allowing for spending that might not be possible in leaner times.

The total 2022-23 budget includes \$37.73 billion from all fund sources for state operations, including \$13.72 billion in General Fund spending, up \$1.48 billion (12.1 percent) from 2021-22. There is a \$2.03 billion, 15 percent reserve.

Having additional state and federal money allowed lawmakers to allocate more money than usual to construction, renovation, and IT projects - \$637.5 million.

### **School Funding**

The revenue situation was strong enough that lawmakers flirted with the idea of eliminating the Budget Stabilization Factor, the mechanism that is used to adjust K-12 funding to keep the overall state budget balanced every year.

But in the end the annual school finance act, [HB 22-1390](#), reduced the Budget Stabilization Factor to \$321.2 million. Beyond that, it sets next year's Total Program Funding at \$8.42 billion, or an average of \$9,559 per student, pumps an extra \$300 million into the State Education Fund as a cushion for K-12 funding increases in future years, increases mill levy override funding for Charter School Institute schools and expands the fifth-year ASCENT program for high school seniors who take college classes.

A separate measure, SB 22-127, increases state funding for special education students by \$80 million.

### **ARPA spending**

The 2021 legislative session put \$2.64 billion in federal ARPA money into five special funds for spending by lawmakers in 2022. Recommendations for use of four of the funds were made by task forces that met in the summer and autumn of 2021.

More than three-dozen bills concerning use of the ARPA money were passed.

In the end, about \$1.4 billion was spent on a variety of purposes, the largest being capital construction, a \$600 million buy-down of the state's unemployment insurance debt to the federal government and funding for a variety of measures to reduce homelessness.

Another \$444 million was spent on behavioral health programs, including expansion of the Fort Logan mental health hospital; \$400 million for loans and grants to encourage affordable housing development, and \$95 million for workforce development programs, mostly through the higher education system.

For more information on ARPA legislation, use this bill tracker - <https://coloradocapitolwatch.com/bill-analysis/6657/2022/0/>

### **Taxes**

State revenues have been so strong that tax refunds have been triggered by the constitutional Taxpayer's Bill of Rights, which sets limits on annual growth in the state spending.

Normally refunds are paid the year after excess revenues are collected. And in the recent past refunds have been made through low-profile methods such as temporary tax rate reductions. But under [SB 22-](#)

[233](#), refunds of at least \$400 for individual tax filers and at least \$800 for joint filers will be paid directly, and before this autumn's elections.

Lawmakers also responded to rising property taxes – and the threat of tax-cutting ballot measures in November, with [SB 22-238](#), a deal brokered by Polis that temporarily will reduce property taxes by \$700 million.

And the legislature approved a variety of suspensions in various taxes and fees, like the licensing fees some professionals pay. One of those bills postponed a new 2-cent-per-gallon gas fee until April 2023 from July. See this bill tracker for information on those measures - <https://coloradocapitolwatch.com/bill-analysis/6538/2022/0/>

The \$600 million unemployment insurance payoff also is a form of tax relief because that money otherwise would have to be provided by increased assessments on businesses.

### Key 2022 Legislation

The 657 bills introduced during the 2022 sessions covered a wide range of issues. Here is a brief rundown on legislation that passed in a key areas. Bear in mind that most bills are amended after introduction – some significantly and some late in the session.

#### **Behavioral Health**

In addition to spending more than \$400 million in ARPA funds on behavioral health programs and initiatives, lawmakers also passed [HB 22-1278](#), a massive measure intended to create a Behavioral Health Administration within the Department of Human Services. The new agency, originally recommended by a Polis administration task force, is supposed to centralize state behavioral health offices and reform a system that is exhibited serious deficiencies in recent years.

Other bills passed in this area affected the behavioral health crisis response system ([HB 22-1214](#)), changes to involuntary commitment law, ([HB 22-1256](#)) and pretrial diversion for people with behavioral health issues ([SB 22-010](#)).

See this tracker for information on behavioral health bills - <https://coloradocapitolwatch.com/bill-analysis/6505/2022/0/>

#### **Education & Early Childhood**

In addition to bolstering school funding, legislators passed a number of notable education measures, includes ones that restart the state school rating and accountability system ([SB 22-137](#)), update the educator evaluation system (SBs [22-069](#) and [070](#)) and provide \$52.8 million in stipends for teacher training and other measures to support the educator workforce.

Other measures include a proposal to voters to fund universal free school meals ([HB 22-1414](#)) and a grant program to detect and filter lead in school water systems ([HB 22-1358](#)).

A significant step was taken in early childhood with passage of [HB 22-1295](#), a massive and somewhat controversial bill to set up the Department of Early Childhood, which will run the state's new universal preschool program.

Get information on all K-12 and early childhood bills in this tracker - <https://coloradocapitolwatch.com/bill-analysis/6508/2022/0/>

### **Environment**

Lawmakers approved measures to strengthen regulation of toxic air pollution ([HB 22-1244](#)), improve recycling programs and participation ([HB 22-1159](#)) reduce greenhouse gas emissions from buildings ([HB 22-1362](#)), regulate oil and gas drilling liquids ([HB 22-1348](#)) and reduce ozone pollution ([SB 22-180](#)). The 2022-23 budget also includes significant increases for the air pollution control division on the Department of Public Health and Environment.

Of potential interest to property owners is [HB 22-1151](#), which will launch a program encourage replacement of lawns with landscaping that uses less water.

Legislators also approved measures on wildfire prevention, mitigation and control – HBs [22-1007](#), [1011](#), [1012](#) and [1132](#). But they could not agree on the issue of statewide building fire-safety requirements.

There is more information about environmental and natural resources bills in this tracker - <https://coloradocapitolwatch.com/bill-analysis/6513/2022/0/>

### **Human Services**

Beyond behavioral health, other legislation in this area dealt with emergency temporary care for children ([HB 22-1056](#)), transportation services for clients in Medicaid waiver programs ([HB 22-1114](#)), advance payment of some premiums for family and medical leave insurance ([HB 22-1133](#)), foster parents' rights ([HB 22-1231](#)), increased benefits for public assistance programs ([HB 22-1259](#)) and safety in assisted living facilities ([SB 22-154](#)), among others.

Check human services bills in this tracker - <https://coloradocapitolwatch.com/bill-analysis/6550/2022/0/>

### **Public Safety & Crime**

While the fentanyl bill was the main focus of debate on public safety, other legislation on this topic also advanced.

Those included grants for youth delinquency prevention ([HB 22-1003](#)), right to counsel for youth ([HB 22-1038](#)), modifications to the insanity plea ([HB 22-1061](#)), a safer streets grant program ([SB 22-001](#)), enhanced restitution services for crime victims ([SB 22-043](#)), expanded sealing of criminal records ([SB 22-099](#)) and a community safety grant program for police ([SB 22-145](#)).

This tracker includes public safety and criminal justice bills - <https://coloradocapitolwatch.com/bill-analysis/6507/2022/0/>

### **Failed Legislation**

Of course, a lot of bills do not survive a legislative session. As of the last day, 120 bills had been postponed indefinitely, and others were allowed to “die on the calendar” because they had not passed when time ran out on Wednesday.

In addition to the vaping bill, other notable failures included restrictions on cell phone use while driving ([SB 22-175](#)), changes in liquor licensing laws ([HB 22-1417](#)) and limits on police interrogation of juveniles ([SB 22-023](#)).

## **Changing of the Guard**

This year was the “Second Regular Session of the 73rd General Assembly,” as the official title goes, meaning the next time lawmakers convene it will be the 74<sup>th</sup> General Assembly, and there will be lots of new lawmakers.

At least two-dozen of the 100 lawmakers are expected to be new because of term limits, redistricting, desire to run for higher office and a few people not running for re-election. Almost 10 representatives are running for Senate seats.

Democrats now have a 41-24 majority in the House and a 20-15 edge in the Senate. Looking at voter registration percentages in the new districts, political prognosticators generally agree that there probably are sufficient numbers of safe Democratic districts and lean-Democratic districts to deliver continued Democratic control of both chambers. If Republicans have any shot at a majority, it would be in the Senate.

There will be big turnover on the current set of top leaders, with Speaker Alec Garnett of Denver, Senate President Pro Tempore Kerry Donovan of Vail and House Majority Leader Daneya Esgar, all Democrats, term limited. Republican Senate Minority Leader Chris Holbert of Parker also will be leaving, as will Sterling GOP Sen. Jerry Sonnenberg, the only current member who has served a full eight years in each chamber. Democratic Senate President Steven Fenberg of Boulder and Majority Leader Dominick Moreno of Commerce City, along with House Minority Leader Hugh McKean of Loveland, are not termed out.

Only one member of the Joint Budget Committee, GOP Rep. Kim Ransom of Commerce City, is term limited.

## **Interim Committees**

There will be several interim committees meeting before the 2023 session begins. An official list of committees has yet to be released however we do that the committees listed below are ongoing task forces. Please stay tuned for follow information on newly formed committees.

- Sales and Use Tax Simplification Task Force
- Colorado Health Insurance Exchange Oversight Committee
- Colorado Youth Advisory Council Committee
- Early Childhood and School Readiness Legislative Commission
- Transportation Legislation Review Committee
- Legislative Interim Committee on School Finance
- Water Resources Review Committee
- Legislative Oversight Committee Concerning Tax Policy & Task Force
- Wildfire Matters Review Committee
- Pension Review Commission
- Pension Review Subcommittee
- Judicial Discipline
- Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems Oversight Committee +Task Force
- Task Force for the Consideration of Facial Recognition Services

- Statewide Health Care Review Committee
- Legislative Oversight Committee Concerning Jail Standards + Jail Standards Commission

### 2022 Ballot Issues

Aponte & Busam intends to send a follow-up brief on the 2022 Ballot after the official ballot is determined. This analysis will include summary of initiatives and polling data. Along with various propositions, referred measures, and citizen initiatives Colorado voters will also see various statewide and local officials and local measures on the ballot this fall.

As a reminder this cycle will include about half of the state legislature, the Governor, Secretary of State, State Treasurer, Attorney General, the full congressional delegation and Senator Michael Bennet.