



**Legislative Wrap Up & Overview of Activity by the Legislative Action Committee
During the 2022 Legislative Session
June 2022**

Session Overview

The 2022 legislative session convened on January 12 and concluded on May 11. During the 120-day session, the General Assembly considered over 650 bills. Over 500 were passed, 63% with bipartisan support. Specific goals identified at the onset of the session were public safety and inflation and the rising cost of living. The focus on public safety resulted, in part, in increased funding for law enforcement and stricter penalties for possession of fentanyl. The focus on cost of living resulted in consideration of a number of tax credit and tax exemption bills and a bill requiring early TABOR refund payments to residents no later than September 30. Individuals will receive a payment of \$400 and joint filers will receive an \$800 refund.

Another overarching focus during the session was consideration of how the General Assembly would allocate \$1.8 billion in federal relief funds. This time-limited, one-time funding provides a lot of opportunities for investment, but legislators often struggled with decisions over the best use of the funds, needing to be mindful of creating future spending obligations for programs and services that the state may not be able to sustain without continued federal support. As a result, a lot of the investment was focused on infrastructure and mitigating some of the ongoing ramifications of the pandemic through investments in education and classroom , workforce training , and behavioral health. Specific allocations include \$428 million to support affordable housing, \$200 million to address homelessness, and \$39 million to increase family supports through TANF and SNAP.

A big priority for this session was to protect abortion access via HB22-1279 – the Reproductive Health Equity Act. This bill, which was signed into law in April, establishes abortion as a fundamental right in Colorado. It was deemed necessary due to the imminent threat to *Roe v. Wade* pending before the Supreme Court. While it is a victory that this legislation codified the right to abortion in state statute, it is subject to possible amendment by a future legislature. As a result, there is discussion underway about pursuing a constitutional amendment that would be put to the voters in 2024.

A bill dealing with the operations of the General Assembly, HB22-1413 – Remote Testimony Before Legislative Committees, authorizes the Executive Committee of the Legislative Council to allow legislative committees to take remote testimony from government officials and employees and the public and repeals the current centralized remote testimony provisions. The bill appropriates \$400,000 to the Legislative Council for implementation. This is essentially an effort to update access for remote public

participation in the legislative process, which was greatly expanded out of necessity during the COVID pandemic and proved highly effective. According to the Legislative Council, nearly 60% of all public testimony this session was provided remotely. As the General Assembly begins looking forward to the next session, work taking place during the interim can be followed through the General Assembly's Committees [webpage](#) that includes the list of the interim committees and their schedules.

LAC Advocacy Overview

The LWVCO Legislative Action Committee (LAC) followed 110 bills this session. Areas with some of the most activity include voting and elections, environment and climate, and housing and homelessness. Areas such as education and health care, which are always a big focus for the General Assembly, saw a lot of legislation this year as well.

There were also some significant changes to the structure of our state government that LAC monitored including the creation of the Behavioral Health Administration within the Colorado Department of Human Services (HB22-1278), intended to create a comprehensive behavioral health system available throughout Colorado, and the creation of the Department of Early Childhood and establishment of the universal preschool program (HB22-1295).

There were several categories of legislation that LAC supported this year that we believe are areas of victory for our state and help further our goals as an organization.

Several bills dealing with voter protections and elections security were passed this session. Bills in this category strengthened voter intimidation laws and protected voter safety by prohibiting individuals from openly carrying a firearm in voting service and polling centers and near drop boxes (HB22-1086), enhanced protections for election officials (HB22-1273) and increased protections provided through the Colorado State Patrol for statewide constitutional executive officers and members of the General Assembly (SB22-133), and increased protections against insider threats to voting equipment and elections systems (SB22-153). The development of LWVCO's [election security position](#), adopted in February 2022, was key to the LAC's ability to be strong advocates for more election security protections this session.

Legislation aimed at protecting the environment helped to address Colorado's low recycling rate (HB22-1355 and HB22-1159), prohibited the sale or distribution in Colorado of products that contain harmful chemicals (HB22-1345), and aimed to improve our air quality (SB22-193, HB22-1244 and SB22-180).

Significant investments were made to address the housing crisis in Colorado. Much of the legislation in this area was the result of recommendations made by the 2021 Affordable Housing Task Force including support for investments in affordable housing at the local level (HB22-1304), incentives to support the development of innovative forms of affordable housing (HB22-1282), and efforts to assist mobile homeowners interested in purchasing the land that comprises their communities (SB22-160).

The legislation mentioned above is just a portion of the total bills followed by LAC this session. A comprehensive overview of the legislation LAC advocated on is included below or check out our bill lists on the LWVCO [website](#).

Education & Media Access

LAC Lobbyist: Kathy Wilson

The 2022 Legislative Session opened with bills which challenged public education from different angles. One such bill proposed to eliminate the Budget Stabilization factor and transfer \$723 million from the general fund to the state education fund. The funds would then be transferred to the new Hope Scholarship Program to be used for nonpublic school expenses and be managed by an entity outside the Colorado Department of Education. Another public school funding reduction bill set out to establish a private school tuition tax credit. Then, turning to the area of public school curriculum, a third bill would pave the way for allowing parents to recall school board members of low-performing schools who did not implement parent-specified curricula or programs. The final legislative example representing a challenge to teaching and learning in public schools revolved around issues reflecting diversity, equity, and inclusion in our past and current society. These four bills were opposed by the League and failed during the legislative process.

The General Assembly passed legislation in 2022 that impacted education in significant ways. A multifaceted bill created and defined the Department of Early Childhood and established universal preschool for four-year-olds for 10 hours per week. The League monitored this bill but did not take a formal stance on it. The League did take a support position on a bill that offered training for child care providers (family, friends, and neighbors) for young children who are not licensed by the state. The stipulations of this bill are aimed to increase the opportunities for parents to have quality child care – a need brought to light during the pandemic. Finally, early childhood educators were granted an income tax credit to assist them in investing in education to advance the quality of their teaching and learning related to young children.

Special education became another 2022 focus area for legislators and supported by the League. The General Assembly created a new measure in the school finance formula to identify students who are at-risk of below-average academic outcomes due to socioeconomic disadvantage or poverty. Among other factors including the percentage of students in a school qualifying for free lunch, the bill created a neighborhood socioeconomic status index that weights student needs based on at least five socioeconomic status neighborhood factors. A second special education bill increased Tier A and Tier B funding that is required to be adjusted based on inflation. It also obliged the Special Education Fiscal Advisory Committee to complete a report on special education funding in Colorado.

Media Access

The League believes that an informed citizenry is foundational for a healthy democracy. One important avenue for fostering informed voters is to have reliable local media that reports on the actions of local government. In 2022 the League acted on our belief giving a support position on legislation that was designed to help existing local media

stay in business and avoid the creation of more local news deserts. The bill was designed to give income tax credits to local businesses who advertise in qualified local media outlets. Unfortunately, the bill did not advance at the end of the 2022 legislative session.

Elections & Voting

LAC Lobbyists: Celeste Landry, Peggy Leech, Holly Monkman, Jan Moorman, Gaythia Weiss

This was a year for pushing back against bills aimed at continuing the false narrative that the 2020 election was fraudulent, while supporting bills that would strengthen our election security and bills to protect voters and election administrators from intimidation. All of the bills that LWVCO opposed failed to get beyond a committee hearing. Bills we supported were ultimately passed by the General Assembly and signed into law. The League provided testimony in support of HB22-1086, the Vote Without Fear Act, prohibiting open carry of firearms near drop boxes and voter service and polling centers, SB22-133, Provide Security for Certain Elected Officials, which increases protections provided through the Colorado State Patrol, HB22-1060, Contribution Limits School District Director Candidate, which establishes campaign contribution limits and disclosure requirements for school district director candidates, HB22-1273, Protections for Elections Officials, which prohibits intimidation or threats against an election officials and publication of their personal information on the internet, and SB22-153, the Colorado Election Security Act, which requires additional training for election workers and security for election equipment.

Environment & Climate

LAC Lobbyists: Jeannette Hillery, Sandy Schuster, Amy Sherwood, Ann Sutton

Environmental Planning & Management (Environmental Justice)

The 2022 legislature considered bills responding to the severe wildfire events of the last several seasons. Two successful bills focused on funding and technical support to counties and local governments for wildfire prevention, mitigation, and recovery. Both were amended to stress management for forest health and noted the importance of forests in carbon sequestration. The Colorado State Forest Service is to develop a forest carbon co-benefit framework for project-level forest management practices and use this to provide technical expertise to assist industry and landowners with carbon inventories and monitoring. Another bill provided funding and direction for enhanced public outreach for wildfire risk mitigation efforts. About 3 million Coloradans live in the Wildland-Urban Interface defined as any area where man-made improvements are built close to, or within, flammable vegetation.

Climate Change

The greenhouse gas reduction goals set in statute by the Climate Action Plan are detailed in the *Colorado GHG Pollution Reduction Roadmap, Jan 2021*, which reports the built environment as one of the top four emissions contributors in the state.

We supported an expansive bill to require local governments and certain state agencies to adopt and enforce building codes that include electric-ready and solar-ready

construction to support electric vehicle charging and capacity for high-efficiency electric heating and appliances. Model codes will be established by an appointed Energy Code Board with membership representing technical and professional expertise and include community and commercial participation. Grant programs will be established for building electrification and for high-efficiency electric heating and appliances installation. At least 30% of grant funds must be prioritized to low-income, disproportionately impacted, and Just Transition communities.

The objectives of another bill are to reduce greenhouse gas emissions from heating and cooling private sector commercial and residential buildings and from the manufacture and transport of certain building materials by providing incentives or exemptions from certain sales and use tax. The exemptions are intended to encourage builders to use eligible decarbonizing building materials within a maximum acceptable global warming potential as determined by the state architect. The bill intends to encourage purchase and use of heat pump systems rather than traditional heating methods that use fossil fuels combustion. An amendment added a 10% tax credit on the purchase price.

Air Quality

Public Protections from Toxic Air Contaminants (2022) expanded the regulation of air toxics by requiring the establishment of health-based standards to be used in the permitting process along with source emission reports for toxic air contaminants. Air Quality Control Commission (AQCC) will identify priority toxic air contaminants and set health-based standards for each. Emissions control regulations will prioritize emissions reductions in disproportionately impacted communities where there are multiple sources of emissions of priority toxic air contaminants. The Colorado Department of Public Health & Environment will establish six new monitoring sites for ambient air toxic contaminants. Lastly, CDPHE will conduct a needs assessment to evaluate the reporting program and the administration of the air pollution permitting program.

We supported the Air Quality Investment bill to create four grant programs for voluntary actions by local governments, tribal governments, private entities, public-private partnerships, and nonprofit organizations. The programs are: Clean Air Grants for renewable energy, energy efficiency, electrification, clean hydrogen production, carbon capture, methane capture, and sustainable aviation fuel; Community Electric Bicycles Access; Electrifying School Buses; Cannabis Resource Optimization for energy and water conservation and increased use of renewable energy. The bill appropriates funds for the RTD Eco Pass program for state employees and for aerial surveying for pollutants by CDPHE. It enables AQCC to enter contracts for the permit reviewing process in order to reduce the existing backlog.

Colorado has broken records with weather alerts regarding ozone pollution along the front range between June 1 and August 31 due to sunlight, heat, and traffic exhausts. Reducing ground traffic and encouraging the use of public transit can lower ozone-forming emissions. SB22-180 creates a grant program in the Colorado Energy Office to provide funding for free transit services during the June-August ozone season.

Waste Management

The League took an active role in supporting a bill to protect public health and the environment from per- and poly-fluoroalkyl substances (PFAS) that are synthetic toxic chemicals known as “forever chemicals” because they do not easily break down. Once

avored by manufacturers for their grease, heat, and water-proofing properties, even small doses of PFAS have been linked to serious health effects. CDPHE data has revealed widespread PFAS in Colorado's waters resulting from the presence of PFAS-containing consumer products in the waste stream and from the use of certain firefighting foams. The bill prohibits the sale or distribution of certain consumer products and of fluids used in oil & gas production that contain intentionally added PFAS chemicals after January 1, 2024. Persons using class B firefighting foam containing PFAS may not allow a release of the foam, must fully contain the foam through appropriate containment measures, and must safely store all class B firefighting foam and any associated waste and wastewater.

Recycling

The League also supported legislation that would set up a statewide recycling program with management and implementation responsibility provided by a nonprofit organization designated by the Executive Director of the Colorado Department of Public Health. This bill, which was passed by the General Assembly, will establish an advisory board, appointed by the Executive Director of CDPHE, which will advise the designated nonprofit on program implementation. The program is supported by dues paid by producers of products that use paper products and packaging materials that are sold or distributed in the state. The designated nonprofit must develop and implement a statewide education and outreach program to increase recycling and reuse of these materials. We believe this bill furthers LWVCO's call for immediate, widescale mobilization to restore and protect an ecologically stable environment and climate.

Energy

LAC Lobbyists: Ann Sutton, Jeannette Hillery

We supported a bill to facilitate development and use of geothermal energy as a zero-pollution, renewable energy source for building heating and cooling and as a reliable and sustainable source for electricity generation; the bill had near-unanimous support in both chambers. A grant program in the Colorado Energy Office provides funding for ground source heat pumps for primary heating and cooling, for closed-loop drilling for hot water or steam for community heating systems, and for electric power generation using geothermal hot water or steam energy. For community projects new buildings or existing buildings can be retrofitted for geothermal heating systems and one-quarter of the grant funding will be directed to low-income, disproportionately impacted and Just Transition communities.

Microgrids are increasingly being explored to provide emergency power associated with natural disasters, weather emergencies, or failures in the primary electric grid. Microgrids can be defined as self-contained power systems, confined to a small geographic area, such as such as a college campus, hospital complex, business center, or neighborhood. They often included distributed energy sources such as solar or wind power and might also have some means to store energy, such as batteries. League supported a bill that requires the Colorado Energy Office and the Colorado Resiliency Office to produce a grid resilience and reliability roadmap that will include recommendations for evaluating cost-benefits of microgrids. League also supported for a bill intended for rural

community resilience through a grant program to facilitate development of electric microgrids in communities at risk of power outage.

Oil & Gas

The League monitored a bill that changes the calculation of the ad valorem credit allowed against state severance tax on oil and gas. It extends the date to January 1, 2025 and made appropriations for staffing and operations of around \$250,000 over the next 2 years. It passed in the final days of the session.

Fiscal & Tax Policy

LAC Lobbyist: Maud Naroll

In 2022, the League testified against several bills that would each have cost the state tens to hundreds of millions of dollars a year, reducing the adequacy of funding for needed programs, by cutting the state income tax rates, making TABOR income tax cuts permanent, or removing sales tax from restaurant and other prepared meals. The League also opposed a bill requiring a two-thirds vote in both chambers to create or increase fees, allowing a minority to block adequate support for fee-funded programs. All four bills failed. The League opposed several bills in the 2022 session that would have cut taxes, negatively impacting the state's general fund. Fortunately, these measures failed as well.

The League supported a bill allowing lower income tenants to deduct up to \$17,500/year in rent from their income. The nine-digit fiscal note sank the bill, but League testimony pointed out Colorado already gives away hundreds of millions in tax expenditure for housing, for homeowners who are generally better off than renters.

For the 2021-22 TABOR refund, another bill added a flat refund of about \$400 per income tax payer, a larger share of lower incomes than of higher incomes, making one year's tax code a bit more equitable. The League testified in favor and the bill passed. The League also supported a transparency measure that will ask voters to approve a table in tax-changing ballot measures showing the effect on different income groups.

Gun Safety

LAC Lobbyist: Rionda Osman

Following a flurry of activity relating to gun safety regulations during the 2021 session, 2022 was relatively quiet for gun safety legislation.

The Legislative Action Committee followed several bills that were designed to overturn many of the gains in gun safety legislation made in the past, which the League opposed. LWVCO supported one bill on hunter safety education. League also monitored the progress toward establishing the Office of Gun Violence Prevention in the Department of Public Health and Environment.

Bills opposed by the LAC include HB22-1033 which concerns the authority to carry a handgun, HB22-1033 which would have removed all requirements for a permit to carry a handgun, HB22-1105 which concerned the use of deadly physical force against a person who has made an illegal entry into a place of business, HB22-1105 which would have extended the Stand Your Ground use of deadly force immunity in homes to persons in a business location, HB22-1106 which concerned allowing concealed handgun permit holders to carry concealed handguns on school grounds, HB22-1106 which would have prohibited a local government from prohibiting carrying a concealed handgun on school grounds by a person who has a valid concealed carry permit, HB22-1145 which concerned permitting possession of large-capacity ammunition magazines for participation in a shooting competition, and HB22-1145 which would have circumvented the ban on large-capacity magazines by allowing their sale, possession, transport, and use. All these measures failed.

Bills supported by the LAC include HB22-1168 which concerns permitting public schools to provide a hunter education course to seventh grade students, which was passed by the General Assembly. The bill allows a local education provider to offer a hunter education course as an elective to seventh grade students, as long as the course is provided at no cost to the local education provider or to the enrolled students. Costs that arise are to be covered with gifts, or donations. A hunter education course must satisfy the same requirements as courses certified by Colorado Parks and Wildlife (CPW) in the Department of Natural Resources and must be conducted by a CPW-certified instructor.

Update on the Office of Gun Violence Prevention

In 2021, LWVCO supported HB21-1299 which created the Office of Gun Violence Prevention. Governor Jared Polis signed the legislation on June 19, 2021.

Since Summer 2021, the Department of Public Health and Environment has moved to create the Office, establish working relationships with the Office of Suicide Prevention, researchers at the University of Colorado, website and database developers, and communications specialists. A search was conducted for a director, and the CDPHE will announce the successful candidate in the Spring 2022.

The website address is: <https://cdphe.colorado.gov/about-cdphe/office-of-gun-violence-prevention> The first annual report is available on the website.

Health Care

LAC Lobbyist: Carol Pace

In 2022 League supported several health care bills which passed that could improve access to health care in rural and underserved communities, serving the League mission of encouraging Justice, Equity, Diversity and Inclusion (JEDI). These included a bill to facilitate medical professional training opportunities in underserved areas through an enhanced preceptor tax credit program. Another bill supported expanded nursing bachelor's degree programs in community colleges, which could help rural workforce needs. Legislation passed in the 2022 session that authorizes Colorado to participate in

an interstate compact for licensed professional counselors. When enough states join that compact, Colorado rural and state border areas could benefit. Professional counselors, able to practice on an interstate basis, could offer services to underserved areas, including via telehealth.

In 2022 League also supported health care bills utilizing American Rescue Plan Act (ARPA) funding. A bill passed underwriting grants to support health care delivery models for integrated whole-person health. Another ARPA bill funded renovation of behavioral health beds at Fort Logan as well as around the state, where there is a demonstrated community need.

Not all health care bills emerged from the session without amendments, and a bill to provide for the re-dispensing of unused drugs, an area where millions of dollars within the state could be saved while serving clients unable to afford prescription drugs, was reduced to merely a commitment to continue to study this program.

Higher Education

LAC Lobbyist: Toni Larson

The League followed several bills during the 2022 session focused on higher education. Legislation in this category was largely focused on funding, workforce development, and enrollment. There were also a number of bills supported by League that dealt with important access and equity issues including more inclusive educational opportunities for students with disabilities and higher education support for foster youth. We are pleased that these bills were passed by the General Assembly.

Housing

LAC Lobbyists: Jo Feder, Kathy Smith, Trish Warner

During the 2022 legislative session, the League supported additional funding for the Eviction Legal Defense Fund and successful legislation based upon recommendations by the Affordable Housing Task Force interim committee to allocate \$428 million American Rescue Plan Act dollars. Priority funding included a revolving loan fund, grant programs for local governments and nonprofits, incentives for production of manufactured homes, expanded support for middle-income rental housing, and a revolving loan fund and grants to support resident owned communities at mobile home parks. The League also supported an extensive bill to expand protections for mobile home park residents. Other legislation extended the \$10 million state Affordable Housing Tax Credit, added veteran or military status as a protected class under Colorado's fair housing practices, established a Fair Housing Unit within the Attorney General's Office, expanded regulations and standards for new factory-built structures and tiny homes, and updated state nonconsensual towing requirements.

In 2022, the state also invested \$200 million American Rescue Plan Act dollars to address and prevent homelessness. Included in this package were grants for local governments and nonprofits, a new campus in the Denver metro area to house and connect people with services, and the repurposing of an existing campus to create a

supportive residential community. Other legislation created a statewide homelessness contribution income tax credit.

Income Assistance

LAC Lobbyist: Debby Vink

The LAC supported HB22-1259 which requires monthly cash assistance payments under the Colorado Works program for indigent families to increase by 10% above the previous year and provides for future increases base on cost-of -living adjustments. This bill was passed by the General Assembly. The amount of monthly payments had not increased since 1996. The bill transfers \$18 million from the Economic Recovery and Relief Cash Fund to the Colorado Long-Term Works Reserve. Once those funds are depleted, cash assistance will be funded evenly by the General Fund, the Unclaimed Property Trust Fund and state and county TANF reserves starting in FY2023-24 with equal amounts of TANF reserves coming from the state and counties.

The bill provides adjustment to the way in which the program has been administered to provide gradual diminishing of support once a client is earning an income and less punitive rules. The program's work requirement can be waived for a single parent with a child below one year of age. A person convicted of a drug felony on or after June 3, 1997 can receive benefits. The Colorado Department of Human Services must annually review and update the program and must align the program with other public assistance programs. More outreach is mandated to increase access to eligible Coloradans and training for county workers assisting them. The bill encourages data collection on the program's effectiveness which will be reported to the General Assembly in its annual SMART Act hearing. A \$7 million appropriation will go to the Employment Opportunities with Wages Program in the DHS to help Colorado Works participants find permanent employment with a living wage. Finally, the bill includes a mechanism for funding a county program exhausted because of a natural disaster or emergency.

It is assumed that about 14,000 households will receive basic cash assistance in 2022-23 with the increase in cash assistance to take effect on July 1, 2022.

The LAC's support for this bill is based on long term support for income assistance to needy families by LWVUS and LWVCO, especially when the program promotes eventual income independence. The League of Women Voters also supports the way in which this bill plans for continued sustainability and review.

Justice System

LAC Lobbyist: Jeanette Abelman

In 2022 the Judiciary Committee passed several bills to protect the rights of the incarcerated and those accused of a crime prior to conviction in both the juvenile and adult courts.

A law was passed requiring a bond hearing to be held within 48 hours for municipal holds with a few exceptions. Currently, bond hearings are required within 48 hours in all other state courts. This law now unifies a 48 requirement for all courts in the State.

After a few amendments to the original bill, a law was passed creating a jail standards commission. The commission will meet for one year and make recommendations to a Legislative Oversight Committee. Based on these recommendations, the legislative committee can propose up to three bills in the 2024 legislative session. The purpose of the bill is to standardize how jails operate in Colorado. Some of the areas to be assessed include sanitation, housing, mental health, and staffing.

In addition, a bill was passed which allows a person to seek an order having their guilty plea vacated when they were not properly advised of the immigration consequences of their guilty plea.

Also passed this session was a law which provides juveniles charged with an offense legal counsel. Previously, they were only provided with a guardian ad litem.

Water

LAC Lobbyist: Jeannette Hillery

Legislation addressing turf replacement passed on the final day of the session with amendments adding appropriations for municipalities or other interested citizens to participate in this program to be water wise given the climate change occurring in our already semi-arid area.

Legislation addressing water speculation, which the League supported, never moved beyond introduction. Those governments which had been interested in investing in water from another basin have withdrawn their interest, so possibly this is a moot point.

Looking Ahead

The LWVCO Legislative Action Committee will begin meeting in January 2023 on a bi-weekly basis. We welcome the incoming LWVCO Action & Advocacy Co-Chairs Maud Naroll and Kathy Wilson.

For additional information or questions, please contact Toni Larson, LWVCO Director of Action & Advocacy (toni.larson@gmail.com) or Andrea Wilkins, LWVCO Legislative Liaison (awilkins@lwwcolorado.org).

The 2023 session will convene on Jan. 9.