



# 2022 Legislative Report

## 2022 Session Summary

The Second Regular Session of the 73<sup>rd</sup> General Assembly concluded on May 11<sup>th</sup>. Hicks & Associates is pleased to present this report on the activities of the legislature in 2022.

The session began on January 9<sup>th</sup>, and the feeling around the Capitol felt more normal than it had been since the beginning of the COVID-19 Pandemic. During the first week we heard speeches from leadership in both chambers as well as the Governor's State of the State. Similar to last year, Democratic Leadership in both chambers and Governor Polis were aligned in their priorities. Affordable Housing, Healthcare/Behavioral Health Care, Public Safety as well as Workforces' Development were a few of their top priorities.

Over the last three sessions the state budget has been the vocal point/top priority, two years ago the state had to make huge cuts, last year with Federal aid

and economic forecasts not as bad as what was expected many of those cuts were restored and this year the largest state budget was passed and signed into law at \$36.4 billion. That number doesn't include the nearly \$4 billion that the state received in federal stimulus money that the legislature also appropriated.

- ✓ 657 Bills introduced
- ✓ 143 Bills killed
- ✓ 510 Bills signed into/became law

We did see more bi-partisan bills this year as it pertained to many issues including how to spend the Federal dollars the state received. With this year being an election year and with redistricting, we saw the Democratic leadership try to

be very careful in the bills that they introduced as we are going into a big election season. We saw more stakeholder meetings and it seemed like business had a larger voice in legislation this year. That being said, there wasn't a lack of controversial bills introduced.

This year there were more bills introduced than in the previous two years with a total of 657 bills, 418



by the House and 239 by the Senate. There were 143 bills Postponed Indefinitely or died on the calendar. As part of the end of session process, bills that were passed in the final days took a bit more time for final action. Governor Polis signed 510 bills into law with most of them being signed during the 30-day signing period post session and he vetoed 4 bills.

One large issue that made the end of session contentious was the management of the calendar, especially in the House. With under 10 days left in the session, there were 363 bills that were still going through the legislative process, including many that hadn't even made it to the second chamber.

A common theme since the Democrats have had control in both chambers and the Governor's office, is that the business community has had to be on the defensive and collaborate efforts on the most invasive legislation. But similar to last year, we did see bills looking to support businesses still affected by the pandemic as well as many other issues that Colorado businesses have been looking to address, including workforce development and restoring the crippled UI fund.

Hicks & Assoc. reviewed every bill that was introduced to determine the possible affects it could have on GreenCO and general business as a whole.

GreenCO tracked over 50 bills this session and with the help of Legislative Committee we were able to take a deep dive into the bills and take positions on multiple pieces of legislation.

GreenCO collaborated closely with the General Assembly but also with the agriculture industry, construction industry, and general business groups, throughout the session on multiple pieces of legislation.

Below you will find an overview of some of the high-level bills that GreenCO tracked during the 2022 session.

**HB22-1152 Prohibit Employer Adverse Action Marijuana Use** is a bill that continues to be introduced each year and continues to not gain any traction. The bill would have limited the ability of an employer to take adverse action against an employee based on the employee's use of marijuana. GreenCO worked with a large coalition that has been built over the years in opposing this legislation, as safety is a top priority in the industry. Even though this bill only received one vote in support we can expect this bill to come back in years to come.

**SB22-097 Whistleblower Protection Health & Safety** is an extension of HB20-1415 Whistleblower Protection Public Health Emergencies, which GreenCO worked on and amended as it was passed in response to the COVID-19 Pandemic. With the passage of SB22-097, the law now applies to all health and safety concerns regardless of whether there is a declared public health emergency.

**SB22-131 Protect Health of Pollinators and People** would have banned the use of certain pesticides as well as give local governments the authority to regulate pesticide use and remove certain preemptions regarding local governments regulation of pesticide use. GreenCO continued to work with a larger coalition in opposition to this bill as it was heard in committee and our members testified as well. One of the arguments against the bill was that the Pesticide Applicator Sunset is coming up this year and that will give an opportunity to all stakeholders to weigh into the process.

**SB22-161 Wage Theft Employee Misclassification Enforcement** brought by the carpenters' union; this bill as introduced would have had severe impacts on all business especially, as it pertained to loans for unpaid wages. GreenCO was a part of multiple stakeholder meetings and was able to work with that



group to amend the bill heavily to mitigate the negative impact it could have on our industry, as the bill looks to address a few bad actors but would affect the good actors as well.

**SB22-234 Unemployment Compensation** was one of the more anticipated bills of the session that wasn't introduced until the final weeks. The bill will address the Unemployment Insurance fund that was drained due to the COVID-19 Pandemic. It takes \$600 million from the American Rescue Plan Act of 2021 and puts it towards UI to help with the over \$1 billion deficit the fund has. Even though it doesn't cover the full deficit, it will definitely help businesses and the cost of future UI rates.

Since the Democrats took control of the General Assembly and the Governor's office, we continue to see multiple bills passed each year to address climate change and the environment.

**HB22-1362 Building Greenhouse Gas Emissions** as introduced would have allowed the Colorado Energy Office (CEO) to create and enact state building codes. The bill was one of the more contentious bills of the session for the construction industry. GreenCO attended multiple stakeholder meetings and in working with that group the bill was heavily amended to ensure that the building codes will use the IECC standards and CEO will not be writing buildings codes, which they have never done before.

**SB22-138 Reduce Greenhouse Gas Emissions in Colorado** looked to reduce greenhouse gas emissions in Colorado. There were many components to this bill as introduced but the most concerning to GreenCO was, the phasing out of small off-road gasoline powered engines of 50 horsepower or less, which includes lawn mowers and leaf blowers. GreenCO met with the sponsor and was able to amend that part out of the bill and instead have an incentive-based program for the transition from gasoline powered small engines to

electric. The bill made it all the way to 2<sup>nd</sup> Reading on the House floor, but the clock ran out on it and it died on the calendar. It is expected that this bill will come back next session.

Workforce development in all industries continues to be an issue that the General Assembly is working to address. Below are some of the pieces of legislation that were introduced to try and help with the workforce shortage in our state.

**HB22-1308 Agricultural Workforce Services Program** was introduced and past in response to SB21-087 Agricultural Workers' Rights. The bill will create this program within the Department of Agriculture to help employers meet the standards that were set in SB21-087 by having an online resource portal for agricultural employees and employers.

**HB22-1098 Department of Regulatory Agencies Barriers to Practice Regulated Professions** will eliminate barriers to obtain authority to practice an occupation based on an individual's criminal history record. The construction industry had concerns with how this will affect safety in the industry but there are still protections in place to ensure that the industry is still safe and able to screen candidates.

**HB22-1215 Study of Expanding Extended High School Programs** will convene a work-based learning integration task force to develop recommendations to support the expansion and integrate secondary, postsecondary, and work-based learning opportunities throughout the state. This bill along with additional legislation will look to get the skilled trades back into our schools.

**SB22-116 Increase Occupational Credential Portability** is a bill that will give the ability of an individual to obtain an occupational credential through the occupational portability program. As Colorado continues to grow this legislation will help



those new residents be able to get licensed in Colorado. There were initial concerns that the state was going to lower their standards for certain licenses but there were guardrails added to legislation to ensure that the states standards are still met when applying for licensure.

Water continues to be a top issue that isn't going to go away. Even though there wasn't much legislation pertaining to water this session we anticipate in 2023.

As stated earlier, this session continued to put business community on the defensive even with some good legislation that looks to alleviate multiple issues for Colorado as a whole.

Now that the 2022 session is over, GreenCO will need to stay engaged over the interim as it will be a busy one. It will be filled with interim committees, rulemakings, as well as gearing up for the crucial 2022 elections in November.

As usual, GreenCO will be conducting candidate interviews in August and deciding which candidates we would like to support/endorse. Also, during the interim GreenCO members will continue to build relationships with current legislators and state agencies.

It is anticipated to be an important election year, as it is will be the first elections since redistricting and the Republicans are looking to close the gap in the House and try and get back the Majority in the Senate.

Thank you to all the members on the GreenCO Legislative Committee for your hard work and involvement this session. Meeting biweekly was vital to the process and gave Hicks & Associates the direction we needed to amend support/oppose bills. Below you will find the bills that GreenCO tracked and took positions on.

## Engagement, Lobbying, Testimony, & Monitoring

**GreenCO was heavily involved in multiple pieces of legislation this legislative session. The following bills include priority bills, meaning we directed the lobbying team to actively engage with other stakeholders, lobby all members of the General Assembly, provide testimony during committee, create fact sheets to ensure GreenCO's position and engage in any and all amendments to bills. Also included are the bills we were asked to engage in by other key stakeholders and bills that we were monitoring**

Bill Number	Short Title	GreenCO	Outcome	GreenCO Actions
HB22-1026	Alternative Transportation Options Tax Credit	Support	Governor Signed 6/7	Worked with sponsors and larger business coalition to support the bill through the process as this is incentive base and not a mandate.
HB22-1027	Sales Tax Destination Sourcing Rules Exception	Monitor	Governor Signed 1/31	Monitored as it came out of the Sales and Use Tax Simplification Task Force



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HB22-1039	Sales & Use Tax Exemption Form Simplification	Support	Governor Signed 3/30	Worked with the Simplification Sales and use Tax Task Force in supporting the bill as it went through the process.
HB22-1053	Blockchain Agriculture and Uniform Commercial Code	Monitor	Governor Signed 6/7	Monitored as it went through the process.
HB22-1092	Loans From Irrigation Districts to Landowners	Monitor	Governor Signed 4/12	Monitored as it went through the process.
HB22-1098	Department Of regulatory Agencies Barriers to Practice Regulated Professions	Monitor	Governor Signed 5/25	Worked with sponsors and other stakeholders to ensure that we can address the workforce shortage but also make sure there are safeguards in place quality workers.
HB22-1100	Prohibit Discrimination COVID-19 Vaccine Status	Monitor	Postponed Indefinitely	
HB22-1112	Workers' Comp. Injury Notice	Monitor	Governor Signed 3/24	Worked with larger business coalition and Pinnacol to address concerns with the bill as it pertains to numbers of days and other issues.
HB22-1118	Sales and Use Tax Refunds	Monitor	Governor Signed 4/21	Closely monitored and worked with larger business coalition to amend the bill in the House.
HB22-1119	Colorado False Claims Act	Monitor	Governor Signed 6/7	Worked with the Colorado Chamber of Commerce to address concerns and were able to amend the bill.
HB22-1130	Exception to Employer Sick Leave Requirement	Monitor	Postponed Indefinitely	
HB22-1133	Family and Medical Leave Insurance Fund	Monitor	Governor Signed 5/17	Monitored as it went through the process
HB22-1138	Reduce Employee Signe-occupancy Vehicle Trips	Oppose	Postponed Indefinitely	Worked with other business groups to oppose the bill and get it killed in committee. Unlike HB22-1026 this was a mandate and not an incentive program. We could see some form of this come back in the future.
HB22-1141	Nuisance Suits Agricultural Operations	Monitor	Postponed Indefinitely	
HB22-1144	Naturally Acquired Immunity COVID-19	Monitor	Postponed Indefinitely	
HB22-1151	Turf Replacement Program	Monitor	Governor Signed 6/8	Closely monitored the bill as it went through the process and met with the sponsors to discuss our concerns with the bill. We extended to the sponsors that we can be a resource on bills like this in the future.





Bill Number	Short Title	GreenCO	Outcome	GreenCO Actions
HB22-1152	Prohibit Employer Adverse Action Marijuana Use	Oppose	Postponed Indefinitely	Worked with construction industry and other business groups to defeat the bill in its first committee.
HB22-1200	Employee Exemption COVID-19 Vaccine Requirement	Monitor	Postponed Indefinitely	
HB22-1215	Study Expanding Extended High School Programs	Monitor	Governor Signed 6/3	Monitors as it went through the process as this bill looks to help with workforce development.
HB22-1216	Uniform Restrictive Employment Agreement Act	Monitor	Postponed Indefinitely	
HB22-1249	Electric Grid Resilience and Reliability Roadmap	Monitor	Governor Signed 6/2	Attended multiple stakeholder meetings and monitored the bill as it went through the process.
HB22-1301	Controlled Environmental Agricultural Facility as Agricultural Property	Monitor	Governor Signed 5/20	Met with the sponsors to discuss the bill. Monitored it as it went through the process.
HB22-1305	Paid Family Medical Leave Premium Reduction	Monitor	Postponed Indefinitely	
HB22-1308	Agricultural Workforce Services Program	Monitor	Governor Signed 6/3	Monitored as it went through the process.
HB22-1316	Colorado Water Conservation Board Construction Fund Project	Monitor	Governor Signed 5/23	Monitored as it went through the process.
HB22-1317	Restrictive Employment Agreements	Monitor	Governor Signed 6/8	Worked with the Colorado Chamber of Commerce and other business groups on this bill as it went through the process.
HB22-1323	Updates to State Forest Service Tree Nursery	Monitor	Governor Signed 6/8	Met with the sponsors to discuss the bill. Monitored it as it went through the process.
HB22-1347	Workers' Compensation Updates	Monitor	Governor Signed 6/8	Monitored as it went through the process.
HB22-1349	Postsecondary Student Success Data System	Monitor	Governor Signed 6/3	Monitored as it went through the process.
HB22-1350	Regional Talent Development initiative Grant Program	Monitor	Governor Signed 5/26	Monitored as it went through the process.
HB22-1354	Protecting Injured Workers' Mental Health Records	Monitor	Governor Signed 6/8	Monitored as it went through the process.



Bill Number	Short Title	GreenCO	Outcome	GreenCO Actions
HB22-1355	Producer Responsibility Program for Recycling	Monitor	Governor Signed 6/3	Met with sponsors to discuss the impact to our members. Worked with Ag community to get exemption. There is still much opposition to this legislation, and it is expected to be challenged in court.
HB22-1362	Building Greenhouse Gas Emissions	Monitor	Governor Signed 6/2	Worked with construction industry on this bill to get it heavily amended.
HB22-1363	Accountability to Taxpayers Special Districts	Monitor	Postponed Indefinitely	
HB22-1367	Update to Employment Discrimination Laws	Monitor	Governor Signed 6/8	Monitored the bill as it went through the process. As we have seen workplace discrimination bills over the past few sessions, this took the agreed upon issues that both sides had and put it into the bill. We may see a similar bill next year to address issues that this bill didn't cover.
SB22-006	Sales Tax Assistance for Small Business	Monitor	Governor Signed 5/16	Monitored as it went through the process.
SB22-028	Groundwater Compact Compliance Fund	Monitor	Governor Signed 5/23	Monitored as it came out of the Water Resources Review Committee.
SB22-029	Investment Water Speculation	Monitor	Died on the Calendar	Monitored as it went through the process.
SB22-030	Expand Water Resources Review Committee to Include Agriculture	Monitor	Governor Signed 3/30	Monitored as it went through the process. This bill came out of the Water Resource Review Committee and the members have wanted Agriculture to be included in this committee for some time.
SB22-032	Simplify Local Sales & use Tax Administration	Support	Governor Signed 4/21	This bill came out of the Sales and use Tax Simplification Task Force. We worked with the task force to support the bill through the process.
SB22-051	Policies to Reduce Emissions from Build Environment	Monitor	Governor Signed 6/2	Monitored as it went through the process.
HB22-066	Restore Unemployment Insurance Fund Balance	Monitor	Postponed Indefinitely	
SB22-088	Tuition Assistance for Building Trade Certificates	Monitor	Postponed Indefinitely	
SB22-097	Whistleblower Protection Health & Safety	Oppose	Governor Signed 5/31	We worked with larger business coalition in opposing to the bill but much of the opposition didn't want to waste political capital on the bill.
SB22-099	Sealing Criminal Records	Monitor	Governor Signed 5/31	Worked with construction industry to amend the bill to ensure that our employers are able to still screen their employees.



Bill Number	Short Title	GreenCO	Outcome	GreenCO Actions
SB22-124	SALT Parity Act	Monitor	Governor Signed 5/16	Monitored as it went through the process.
SB22-126	Prioritize Water Storage Projects South Platte Basin	Monitor	Postponed Indefinitely	
SB22-130	State Entity Authority for Public-private Partnership	Monitor	Governor Signed 5/26	Monitored as it went through the process.
SB22-131	Protect Health of Pollinators and People	Oppose	Postponed Indefinitely	Worked with CRPA and other Ag. Groups to defeat the bill. Also had members testify. We have the sunset review coming up next session and will be working on this issue over the interim.
SB22-136	Special District Governance	Monitor	Postponed Indefinitely	
SB22-138	Reduce Greenhouse Gas Emissions in Colorado	Monitor	Died on the Calendar	GreenCO opposed the introduced bill, but we were able to work with the sponsor to amend the bill to make a small engine incentive to transition to electric motors rather than a mandate. Also had members testify on the bill.
SB22-140	Expansion of Experiential Learning Opportunities	Monitor	Governor Signed 6/3	Monitored as it went through the process. This bill will help workforce development in K-12.
SB22-161	Wage Theft Employee Misclassification Enforcement	Monitor	Governor Signed 6/3	Worked with construction industry to amend the bill and lessen the impact.
SB22-192	Opportunities for Credential Attainment	Monitor	Governor Signed 5/26	Monitored as it went through the process.
SB22-193	Air Quality Improvement Investments	Monitor	Governor Signed 6/2	Monitored as it went through the process.
SB22-199	Native Pollinating Insects Protection Study	Monitor	Governor Signed 5/27	Monitored as it went through the process. Worked with CRPA to amend the bill in the first committee with to address our concerns.
SB22-234	Unemployment Compensation	Monitor	Governor Signed 5/25	Worked with larger business coalition on the bill. This will provide \$600 million to UI fund as it was crippled during the pandemic. It doesn't cover the over \$1 billion deficit but will help get it back to solvent.