



# Colorado Radiological Society

## 2022 Legislative Session Wrap-Up

February 29, 2024

Prepared by Aponte & Busam Public Affairs

---

### Contents

2022 Legislative Overview .....	2
Fentanyl .....	2
Public Employee Collective .....	2
Regulation of Nicotine Products .....	2
Abortion .....	3
Colorado Radiological Society .....	3
FY 2022-23 Budget Overview .....	4
School Funding .....	4
ARPA spending .....	4
Taxes .....	5
Key 2022 Legislation .....	5
Behavioral Health .....	5
Education & Early Childhood .....	6
Environment .....	6
Human Services .....	6
Public Safety & Crime .....	7
Failed Legislation .....	7
Changing of the Guard .....	7



## 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 opposition. 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.

## Colorado Radiological Society

The link to our legislation we monitored, engaged in support and or opposition.

<https://coloradocapitolwatch.com/bill-analysis/4692/2022/0/>

Good News! Radiology services in Medicaid received a 2% increase for all radiology codes across the board. The Joint Budget committee did make the decision to introduce legislation to eliminate the current structure of the Medicaid Provider Rate Review committee. This committee has reviewed radiology codes in Medicaid, and we have participated in the past to inform them on various needs.

**SB22-236** allows for more transparency by the department and better reporting to policy makers as the Joint Budget committee is in tandem with the new committee.

**SB22-78** allowed for providers that met standards to bill directly for approved codes without prior authorization. The Colorado Medical Society led the charge in this area. The health plans lobbied hard against this legislation using the “age old” argument of will drive higher costs. While the bill died in committee in the second house, it was still supported by both sides of the aisle and will be back next year. This is very similar legislation to the Texas Gold Card for prior authorizations in Texas.

**SB22-68** was of great interest to entire physician community and was spearheaded by CSA/ USAP. Given the references to state directed data bases nationally and in lieu of use for reimbursement information for benchmark discussions, CIVHC (Citizens Interested in Value Based Health Care) needed to be more transparent and easily accessible to providers. This allowed providers to access data and helped ensure data transparency. Successful in both houses, the health plans held their noses as the bill passed with overwhelming support including CRS. Physicians provided testimony in both houses in support of the legislation.

**National Surprise Acts** legislation alignment legislation known here as **HB22-1284** sponsored by the same sponsors that shepherded HB19-1174 was introduced in a very surprisingly fair way. Why the legislation did not address the batching of claims, it did work to try to address congressional intent and we lobbied for the positive items in that context. Senator Gardner did promise on his return to address the congressional intent of batching claims next year. More follow up conversations to be had with him over the summer.

The continued saga of Colorado’s Expansion of Scope of practice produced **HB22-1095** which expanded the Scope of Practice for physician Assistants and was seen as far worse than the battle last year. Without all the gory details, the House of Medicine lobbyists defeated the bill on the House Floor



on second readings with a division vote. In lobbying, the lobby team also wore CRS badge in opposition.

This defeat of HB22- 1095 created a clear understanding of midlevel training however, it was not translated to the Optometry and Ophthalmologist licensure bill. The Optometrists were granted a significant expansion in scope of practice. CRS did not directly engage, only behind the scenes with CMS who worked to assist the Ophthalmologists defeat. The bill sits on the Governor’s desk now for signature.

## 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 tune 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.