



**OFFICE OF GOVERNMENT RELATIONS**  
***CU Initiated State Legislation***

---

The Second Regular Session of the seventy-third session of the Colorado General Assembly convened on January 12, 2022 and ended on May 11, 2022.

**H.B. 22-1220**

**Removing Barriers To Educator Preparation**

**Sponsors: Reps. Kipp,  
McLachlan/Sens. Zenzinger,  
Coram**

American Rescue Plan Act - educator retention - assessment of professional competencies - stipend programs - loan forgiveness - appropriation. The act creates the student educator stipend program. The purpose of the student educator stipend program is to award stipend money to an eligible student to reduce financial barriers to participating in an academic residency as a student educator. An eligible student placed as a student educator in a 16-week academic residency may receive a stipend of \$11,000, and an eligible student placed as a student educator in a 32-week academic residency may receive a stipend of \$22,000.

The act also creates the educator test stipend program. The purpose of the educator test stipend program is to award stipend money to approved programs of preparation to reduce financial barriers for eligible students preparing for the assessment of professional competencies for licensure and each required endorsement area. An eligible student may receive a stipend to pay the fees and costs associated with the assessment of professional competencies, which may include travel and lodging costs.

The act creates the temporary educator loan forgiveness program. The purpose of the program is to pay the qualified loans of an educator who is hired for a hard-to-staff educator position. To qualify for the program, an educator must meet licensure requirements, enter the educator workforce on or after the 2019-20 state fiscal year and contract for a qualified position no later than the end of the 2021-22 state fiscal year, and be liable for an outstanding balance on a qualified loan. An educator who qualifies is eligible for up to \$5,000 in loan forgiveness.

Beginning in the 2023-24 academic year, the act allows applicants for initial and professional teacher licenses who did not demonstrate professional competencies prior to obtaining an initial teacher license to demonstrate professional competencies through the multiple measures approach. The multiple measures approach allows applicants to demonstrate professional competencies by successfully completing an approved content-based or performance-based assessment, successfully completing an examination by a review panel of an approved portfolio of course work, submitting evidence of achieving sufficiently high education course work grades on course work aligned with relevant standards, or a combination of the measures described. The review panel may examine a portfolio of course work for up to one thousand applicants for initial teacher licenses.

The act requires the department of education (department), in collaboration with the department of higher education, institutions of higher education, the state board for community colleges and occupational education, and school districts, to recommend to the state board of education (state board) the standards and procedures necessary to implement the multiple measures approach to measure the professional competencies of an applicant for an initial teacher license. The state board shall promulgate rules to establish the standards and procedures to measure professional competencies through the multiple measures approach.

The act allows the department to issue an interim authorization to a person who is seeking an alternative teacher license and meets the requirements for an alternative teacher license, except that the person has not yet successfully completed the assessment of professional competencies to obtain an alternative teacher license.

For the 2022-23 state fiscal year, \$52 million is appropriated to the department of higher education from the economic recovery and relief cash fund to be distributed to the following programs:

- \$39 million for the student educator stipend program;

- \$3 million for the educator test stipend program; and
- \$10 million for the temporary educator loan forgiveness program.

For the 2022-23 state fiscal year, \$720,612 is appropriated to the department from the general fund to implement the purposes of the act.

**APPROVED** by Governor May 26, 2022

**EFFECTIVE** May 26, 2022

**H.B. 22-1393      Displaced Aurarian Scholarship      Sponsors: Reps. Tipper, Soper**

Auraria higher education center - displaced Aurarian scholarship - appropriation. The act creates the displaced Aurarian scholarship (scholarship) to fully fund scholarships to attend Metropolitan state university of Denver, the university of Colorado at Denver, or the community college of Denver for descendants of people displaced by the development of the Auraria higher education center. The act requires Metropolitan state university of Denver, the university of Colorado at Denver, and the community college of Denver, in collaboration, to establish criteria for scholarship recipients. The act appropriates \$2 million from the general fund to the department of higher education to be distributed equally to Metropolitan state university of Denver, the university of Colorado at Denver, and the community college of Denver for the scholarships.

**APPROVED** by Governor June 8, 2022

**EFFECTIVE** August 10, 2022

**Note:** This act was passed without a safety clause

**S.B. 22-172      Colorado Rural Health-care Workforce Initiative      Sponsors: Sens. Winter, Rankin/Reps. Roberts, Rich**

The bill establishes the Colorado rural health-care workforce initiative (initiative) to expand the number of health-care professionals practicing in Colorado's rural or frontier counties. As part of the initiative, an institution of higher education (institution) is authorized to establish and operate a health-care professionals rural track within any health-care professional education program offered by the institution.

A rural track must set aside seats in its health-care professional education program for students who express an interest in studying and working in a rural or frontier county, offer didactic curriculum related to practicing the health-care discipline in rural or frontier counties, place students in rural or frontier counties for hands-on instruction and training, and award scholarships to students in the rural track. In order to receive a scholarship, a student must commit to working as a health-care professional in a rural or frontier county for 2 years after completing education and training.

The rural office at the university of Colorado's school of medicine (rural program office) provides technical assistance to the institutions operating a rural track regarding recruiting and admitting students committed to working in rural areas and identifying rural or frontier counties in which students may be placed for clinical training. The rural program office also facilitates, arranges, or advises an institution about arranging housing for students placed in a rural or frontier county. The rural program office must provide, without charge, to institutions operating a rural track, didactic curriculum related to practicing in rural or frontier counties. The bill requires the rural program office to annually evaluate the effectiveness of the initiative and report to the general assembly's education committees about the initiative.

The bill requires the department of higher education (department) to enter into limited purpose fee-for-service contract to provide funding for the rural program office to carry out its duties related to the initiative. The department is also required to enter into limited purpose fee-for-service contracts with institution governing boards to operate a rural track in programs specified in the bill. The department is required to allocate money to Colorado mountain college to establish a rural track in its nursing program.

The bill appropriates \$1,200,000 to the department from the general fund for fee-for-service contracts and allocations for the initiative.

**APPROVED** by Governor June 1, 2022

**EFFECTIVE** June 1, 2022



**OFFICE OF GOVERNMENT RELATIONS**  
**Key State Higher Education Legislation**

---

**H.B. 22-1049**

**Prohibiting Transcript And Diploma  
Withholding**

**Sponsors: Reps. Bacon,  
Ricks/Sens. Pettersen, Bridges**

Transcript withholding - limitations on postsecondary institution. The act authorizes a postsecondary institution to refuse to provide a transcript or diploma to a current or former student on the grounds that the student owes a debt for tuition, room and board fees, or financial aid funds, unless the student owes a debt other than a debt for tuition, room and board fees, or financial aid funds, or if the student can demonstrate that the transcript or diploma is needed for certain purposes. If a postsecondary institution provides a transcript or diploma to a current or former student, the act prohibits the postsecondary institution from:

- Conditioning the provision of a transcript or diploma on the payment of a debt, other than a fee charged to provide the transcript or diploma;
- Charging a higher fee to obtain a transcript or diploma or providing less favorable treatment in response to a transcript or diploma request because a current or former student owes a debt; or
- Using transcript or diploma issuance as a tool for debt collection. The act requires each postsecondary institution to adopt a policy that outlines the process by which a student may obtain a transcript or diploma and the circumstances under which a transcript or diploma may be withheld from a current or former student. Beginning July 1, 2024, the act requires each postsecondary institution to annually report certain information to the department of higher education concerning transcript, diploma, and registration holds. The act authorizes the student loan ombudsperson (ombudsperson) to provide information to the public regarding the limits on withholding a transcript or diploma and authorizes the ombudsperson and the administrator of the "Uniform Consumer Credit Code" (administrator) to receive complaints from a current or former student who has had a transcript or diploma withheld. Beginning January 2025, the act requires the attorney general's office to compile data on the complaints received by the ombudsperson and the administrator concerning transcript and diploma holds and report the data through the annual SMART act hearing.

**APPROVED** by Governor April 21, 2022

**EFFECTIVE** April 21, 2022

**H.B. 22-1107**

**Inclusive Higher Education  
Opportunities**

**Sponsors: Reps. Young,  
Bradfield/Sens. Cooke,  
Bridges**

Inclusive higher education grant program - administering entity - appropriation. The act creates in the department of higher education (department) the inclusive higher education grant program to provide grants to state institutions of higher education for the purpose of establishing, or expanding existing, inclusive higher education programs for students with intellectual and developmental disabilities. The act requires the department to contract with an organization that has demonstrated success in assisting students with intellectual and developmental disabilities attend institutions of higher education to administer the grant program, perform annual evaluations of the grant recipients, and produce an annual report that is submitted to the education committees of the house of representatives and the senate. The act appropriates \$450,000 from the general fund to the department of higher education to implement the act.

**APPROVED** by Governor May 26, 2022

**EFFECTIVE** August 10, 2022

**Note:** This act was passed without a safety clause

**H.B. 22-1255**

**Improve Higher Education For  
Students With A Disability**

**Sponsors: Reps. Ortiz,  
Bradfield/Sens. Zenzinger,  
Kirkmeyer**

Students with a disability - improving outcomes. Beginning in 2024, the act requires the department of higher education (department) to submit, as a part of its annual "State Measurement for Accountable, Responsive, and Transparent(SMART) Government Act" hearing, data related to postsecondary outcomes for students with a disability. The department shall gather the data in collaboration with institutions of higher education (institutions).

The act creates the postsecondary services advisory committee (committee) in the department for the purpose of making recommendations to institutions and the general assembly concerning necessary services and best practices to improve successful outcomes for students with disabilities at institutions. The committee is required to complete and submit a report to the education committees of the house of representatives and the senate by June 15, 2023, and June 14, 2024. The committee is repealed on June 30, 2024.

**APPROVED** by Governor April 21, 2022

**EFFECTIVE** APRIL 21, 2022

**H.B. 22-1280**

**Pikes Peak Community College  
Name Change**

**Sponsors: Reps. Snyder,  
Exum/Sens. Lundeen, Lee**

Institution of higher education - name change. The act changes the name of Pikes Peak community college to Pikes Peak state college.

**APPROVED** by Governor April 22, 2022

**EFFECTIVE** April 22, 2022

**H.B. 22-1349**

**Postsecondary Student Success  
Data System**

**Sponsors: Reps. Duran,  
Will/Sens. Bridges, Priola**

Student success - postsecondary and workforce success measures - data system - appropriation.

The act requires the Colorado commission on higher education (commission) to enact a policy directing the department of higher education (department) to develop student success measures that measure the progression of students through postsecondary education and the impact of postsecondary pathways on a student's career opportunities and success. The student success measures must include postsecondary success measures and workforce success measures.

The act requires the department to create and maintain a statewide student success data system that includes institution-specific interfaces and a public interface. An institution interface includes student success data that may be more timely, more granular, appears in a different format, or include functionality that is different from information provided on the public interface. The public interface includes student success information that is aligned with the student success measures and must allow a user to view and compare student workforce success information for specific institutions of higher education in Colorado. The commission determines the information included in the public interface and how that information is disaggregated by various student populations, such as populations identified by race, ethnicity, gender, and socioeconomic factors. The department may include in the statewide data system employment and wage outcome data of a workforce development or training program that joins the data system.

The act requires the commission to use the data included in the institution and statewide data system to examine educational and workforce success disparities among various student populations. The act requires the commission to facilitate information sharing among institutions about practices implemented by an institution based on data learned from the data system.

The department may enter into an agreement with a third party to create and maintain the data system. The act requires the department to update and modernize its data collection systems to facilitate the collection of student success data.

The act appropriates \$3 million from the workers, employers, and workforce centers cash fund to the department for the data system. The appropriation is from the money in the cash fund that originated from the general fund.

**APPROVED** by Governor June 3, 2022

**EFFECTIVE** August 10, 2022

**Note:** This act was passed without a safety clause

**H.B. 22-1365**

**Southern Colorado Institute Of  
Transportation Technology At  
Colorado State University – Pueblo**

**Sponsors: Rep. Esgar/Sen.  
Hinrichsen**

Southern Colorado institute of transportation technology. The act creates the southern Colorado institute of transportation technology (institute) at Colorado state university - Pueblo, which is designated as the host institution for the institute, and specifies that the role and mission of the institute is to conduct research related to the safety, security, and innovation of railroad, ground, and intermodal transportation and general issues related to surface transportation problems in the state. The institute must also support government and academic surface transportation related research and serve as a competitive funding resource for small Colorado businesses developing and testing surface transportation technologies.

The act also:

- Establishes a governing board for the institute, requires the institute to have a director, and specifies the powers and duties of the governing board and the director;
- Requires the institute to annually report to the joint budget committee and education committee of the general assembly; and
- Specifies a process by which Colorado state university - Pueblo may opt out of being the host institution for the institute.

**APPROVED** by Governor May 27, 2022

**EFFECTIVE** May 27, 2022

**H.B. 22-1407**

**Veterans Audit Higher Education  
Courses**

**Sponsors: Reps. Valdez D.,  
Ortiz/Sen. Hinrichsen**

Audit courses - veteran eligibility. The act requires an institution of higher education that has a program or policy that permits a person to audit courses for no credit to permit a veteran to audit courses, subject to any other requirements of the program or policy. An institution may set and collect a fee of no more than \$10 per course audited by a veteran for up to three courses per academic semester. The institution may permit a veteran to audit additional courses for a different fee. The general assembly encourages each institution that does not have an existing audit program or policy to permit veterans to audit courses for no credit. A veteran auditing a course is not an eligible student for the purposes of receiving a college opportunity fund stipend.

**APPROVED** by Governor May 27, 2022

**EFFECTIVE** August 10, 2022

**Note:** This act was passed without a safety clause

**S.B. 22-003**

**Community College Nursing  
Bachelor Degree Eligibility**

**Sponsors Sens. Buckner,  
Donovan/Reps. Mullica, Exum**

Under existing law, community colleges may offer a bachelor of science degree in nursing as a completion degree to students who have or are pursuing an associate degree in nursing. The bill permits community colleges to offer a bachelor of science degree in nursing to students who have or are pursuing a *practical nursing* certificate.

**APPROVED** by Governor April 7, 2022

**EFFECTIVE** August 10, 2022

**Note:** This act was passed without a safety clause

**S.B. 22-008**

**Higher Education Support For  
Foster Youth**

**Sponsors: Sens. Zenzinger,  
Priola/Reps. McLachlan,  
McKean**

The bill requires all public higher education institutions (institutions) in Colorado to waive undergraduate tuition and fees for provide to Colorado resident students who have been in foster care or, following an adjudication as neglected or dependent, in noncertified kinship care in Colorado at any time on or after reaching the age of 13 (qualifying students), financial assistance for the remaining balance of the student's total cost of attendance in excess of the amount of any private, state, or federal financial assistance received by the student (remaining balance financial assistance). The bill requires the general assembly to appropriate money to cover 50 percent of the remaining balance financial assistance provided by institutions to qualifying students. The institutions are required to designate an employee to serve as a liaison to qualifying or prospective qualifying students. The bill requires the department of higher education to establish the foster care student navigator office. The director of the office must divide the state into four regions and assign a regional navigator to each region. The navigators provide guidance to prospective qualifying students with selecting institutions and programs and assist students with completing an institution's application for admission, the free application for federal student aid, and, if eligible, the application for a Chafee ETV grant.

Under existing law, school districts and the state charter school institute must designate an employee to act as the child welfare education liaison.

The bill requires child welfare education liaisons to provide students in out-of-home placement with information and assistance regarding the tuition waiver for qualifying students.

The bill appropriates \$2,702,512 to the department of higher education for aid for foster students.

**APPROVED** by Governor May 26, 2022

**EFFECTIVE** May 26, 2022

**S.B. 22-121**

**Tuition Revenue Pledged By  
Institution Higher Education**

**Sponsors: Sens. Zenzinger,  
Simpson/Reps. Rich,  
McLachlan**

The bill increases, from 10% to 100%, the amount of tuition revenues that a governing board of an institution of higher education or group of institutions of higher education designated as an enterprise may pledge in a contract for the advancement of money.

If an institution of higher education issues a revenue bond and the governing board of the institution wants the bond to be an intercept bond, the bill raises the amount of the pledged revenue for the new intercept bond from not less than 10% of tuition to not less than 100% of tuition if the institution is an enterprise.

**APPROVED** by Governor April 7, 2022

**EFFECTIVE** April 7, 2022

**S.B. 22-140**

**Expansion Of Experiential Learning  
Opportunities (Sens. Coleman;  
Gardner/ Reps. McLachlan;  
Amabile)**

**Sponsors: Sens. Coleman,  
Gardner/ Reps. McLachlan,  
Amabile**

The bill requires the department of labor and employment (department), in partnership with the business experiential-learning commission in the department, the office of economic development, the state work force development council, the departments of education and higher education, the state board for community colleges and occupational education, and area technical colleges, to provide incentives to eligible employers to create high-quality, work-based learning opportunities for adults and youth (incentive program).

The department is required to select at least 2 work-based learning intermediaries (intermediaries) to coordinate employers, schools, youth, and adults participating in the incentive program to establish work-based learning opportunities and select employers to participate in the incentive program.

The department shall provide monetary incentives to the selected intermediaries and employers for the implementation of work-based learning opportunities. The department is required to compile data

concerning the incentive program and submit a report to the business committees of the senate and house of representatives during the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearings held each legislative session.

The office of future work in the department and its partners are required to create a digital navigation program and employ digital navigators to:

- Reach out to youth and adults who have been historically excluded or disengaged from work-based learning opportunities and connect them with available opportunities;
- Address digital inequities, including access to digital technology and computer skills training, cybersecurity, and affordable internet service;
- Refer youth and adults to career navigation services; and
- Provide a one-stop service that includes: Making referrals to work-based learning programs; facilitating enrollment in digital literacy classes, workshops, and upskilling and work-based learning opportunities; and assisting with digital skill development, job applications, and access to other benefits and services.

The office of new Americans in the department is required to:

- Convene an 18-month global talent task force to study the process for certain in-demand occupational licenses, look at international credentials, and take advantage of the global pool of skilled workers; and
- Provide tools for new Americans and English language learners to enter into work-based learning programs to improve language and skills development for specific occupations and careers.

The bill authorizes the executive director of the department to promulgate rules to implement the incentive program and the digital navigation program.

The general assembly is required to appropriate \$6,100,000 to the department for the purposes of the bill.

**APPROVED** by Governor June 3, 2022

**EFFECTIVE** July 1, 2022

**S.B. 22-192**

**Opportunities For Credential  
Attainment**

**Sponsors: Sens. Zenzinger,  
Simpson/Reps. Esgar, Catlin**

Section 2 of the bill requires:

- The department of higher education (department), in consultation with the state institutions of higher education (institutions), to develop and implement a process that encourages institutions to identify incremental achievements on the path to degree completion, organize stackable credentials, and identify how credentials may become stacked into stackable credential pathways;
- The department to facilitate the creation of stackable credential pathways for at least 3 growing industries by January 1, 2024, and at least 2 more growing industries by January 1, 2025; and
- The general assembly to appropriate one million dollars to the department from the workers, employers, and workforce centers cash fund for the 2022-23 fiscal year.

Section 3 of the bill requires the department to allocate and disburse funds to community and technical colleges and local district colleges to fund student access to nondegree credential programs. The general assembly is required to appropriate \$1.8 million to the department for this purpose for the 2022-23 fiscal year.

Section 4 of the bill requires the general assembly to appropriate \$800,000 to the department of education for the adult education and literacy grant program for the 2022-23 fiscal year.

**APPROVED** by Governor May 26, 2022

**EFFECTIVE** May 26, 2022



**OFFICE OF GOVERNMENT RELATIONS**  
**Key State Health Care Legislation**

---

**H.B. 22-1005**

**Healthcare Preceptors Tax Credit**

**Sponsors: Reps. McCluskie,  
 Will/Sen. Rankin**

Under existing law, for tax years commencing on or after January 1, 2017, but prior to January 1, 2023, the credit for health-care preceptors working in health professional shortage areas offers an income tax credit in the amount of \$1,000 to health-care professionals in rural and frontier areas who provide a preceptorship, an uncompensated mentoring experience for eligible health professional students that includes a specified minimum amount of personalized instruction, training, and supervision, during the applicable income tax year.

The act modifies the tax credit by:

- Extending the period for which the tax credit may be claimed to tax years commencing prior to January 1, 2033;
- Allowing up to 300, rather than 200, preceptors to claim the credit in any tax year;
- Expanding who may offer a preceptorship to include, in addition to a medical doctor, doctor of osteopathic medicine, advanced practice nurse, physician assistant, doctor of dental surgery, or doctor of dental medicine as provided by existing law, a registered nurse, registered dental hygienist, pharmacist, licensed clinical or counseling psychologist, licensed clinical social worker, licensed professional counselor, licensed marriage and family therapist, psychiatric nurse specialist, licensed addiction counselor, or certified addiction counselor working in an outpatient clinical setting who has been licensed in his or her primary health-care field in the state by the applicable licensing authority;
- Expanding who may participate in a preceptorship to include individuals matriculating at any accredited Colorado institution of higher education seeking a degree or certification in a primary health-care field;
- Allowing nonconsecutive days to be counted when determining the eligibility of a preceptorship for the credit;
- Modifying the definitions of "rural areas", "preceptorship", and "primary health-care" for purposes of the tax credit;
- Modifying the certification requirements for taxpayers who claim the tax credit; and
- Providing a tax preference performance statement for the tax credit.

**APPROVED** by Governor June 1, 2022

**EFFECTIVE** August 10, 2022

**Note:** This act was passed without a safety clause

**H.B. 22-1050**

**International Medical Graduate  
 Integrate Health-care Workforce**

**Sponsors: Rep. Ricks/Sen.  
 Buckner**

International medical graduates - integration into health-care workforce - assistance and clinical readiness programs - requirements for state licensure. Section 1 of the act makes legislative declarations and findings regarding the shortage of health-care providers in the state, the presence of qualified, internationally trained medical professionals in the state, the ability of those professionals to assist the state in addressing health-care workforce needs, the barriers to entry into the health-care workforce these professionals face, and the need to reduce those barriers to facilitate the integration of these professionals into the state's health-care workforce. Section 2 establishes the following 2 programs in the department of labor and employment (CDLE) to assist international medical graduates (IMGs) seeking to integrate into the state's health-care workforce:

- The IMG assistance program, the purpose of which is to provide direct services to IMGs, including a review of an IMG's education, training, and experience to recommend appropriate



next steps for integrating the IMG into the state's health-care workforce; technical support and guidance through the credential evaluation process; and scholarships to assist in defraying the costs of the medical licensure process; and

- The clinical readiness program, the purpose of which is to provide a curriculum for and assessments of IMGs to help them build the skills necessary to enter a medical residency program.

Section 2 also directs the executive director of CDLE to include in CDLE's annual report to the general assembly pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" information about the IMG assistance program, the clinical readiness program, and any progress made in addressing barriers IMGs face in securing positions in medical residency programs. To fund the programs, the act also authorizes the general assembly to appropriate money from the general fund or other sources and authorizes the CDLE to seek, accept, and expend gifts, grants, and donations from private and public sources. The act precludes the CDLE from implementing the programs unless sufficient amounts are received to fund the costs of the programs. With regard to requirements for licensure under the "Colorado Medical Practice Act" (medical practice act):

- Section 3 defines "IMG" for purposes of the medical practice act;
- Section 4 reduces the length of postgraduate clinical training that an IMG must complete to qualify for a medical license from up to 3 years to one year; and
- Section 5 allows an IMG to obtain a reentry license if the IMG has a current or expired international medical license and meets Colorado medical board-specified qualifications and requirements, including an assessment of the IMG's competency to practice.

**APPROVED** by Governor June 7, 2022

**EFFECTIVE** June 7, 2022

## **H.B. 22-1278**

### **Behavioral Health Administration**

**Sponsors: Reps. Young,  
Pelton/Sens. Lee, Simpson**

Behavioral health administration - creation - duties - commissioner - appropriations. The act creates the behavioral health administration (BHA) in the department of human services (department) to create a coordinated, cohesive, and effective behavioral health system in the state. The BHA will handle most of the behavioral health programs that were previously handled by the office of behavioral health in the department. The act establishes a commissioner as the head of the BHA and authorizes the commissioner and state board of human services to adopt and amend rules that previously were promulgated by the executive director of the department. By July 1, 2024, the act requires the BHA to establish:

- A statewide behavioral health grievance system;
- A behavioral health performance monitoring system;
- A comprehensive behavioral health safety net system;
- Regionally-based behavioral health administrative service organizations;
- The BHA as the licensing authority for all behavioral health entities; and
- The BHA advisory council to provide feedback to the BHA on the behavioral health system in the state.

The act transfers to the department of public health and environment responsibility for community prevention and early intervention programs previously administered by the department. The act makes extensive conforming amendments.

The act appropriates from the general fund to the department:

- \$671,538 for use by the executive director's office;
- \$542,470 for administration and finance; and
- \$2,495,231 for use by the behavioral health administration;

The act makes various adjustments to the 2022 general appropriations act for the department, the department of public health and environment, and the legislative department.

The act appropriates to the department of public health and environment \$638,608 for use by the prevention services division of which \$48,111 is from the general fund and \$590,497 is from the marijuana tax cash fund.

The act appropriates to the department of public health and environment:

- From reappropriated federal funds \$8,181,248 for use by the prevention services division;
- From the marijuana tax cash fund \$18,127 for administration; and
- From the general fund \$11,846 for use by administration and support.

The act appropriates from the general fund to the department of health care policy and financing, \$246,399 for use by the executive director's office.

The act appropriates from the division of insurance cash fund \$142,766 to the department of regulatory agencies for use by the division of insurance.

**APPROVED** by Governor May 25, 2022 PORTIONS EFFECTIVE July 1, 2022 PORTIONS

**EFFECTIVE** July 1, 2023 PORTIONS EFFECTIVE July 1, 2024

**Note:** Specified sections are contingent on House Bills 22-1256 and 22-1283 and Senate Bill 22-021 becoming law. House Bill 22-1256 was signed by the governor on June 8, 2022. House Bill 22-1283 was signed by the governor on May 18, 2022. Senate Bill 22-021 was signed by the governor on June 8, 2022.

**H.B. 22-1298**

**Fee Relief Nurses Nurse Aides And Technicians**

**Sponsors: Rep. Mullica/Sens. Jaquez Lewis, Hinrichsen**

Licensure fee relief - nurses, nurse aides, and psychiatric technicians - transfer from general fund. The act directs the state treasurer to transfer \$11,720,278 from the general fund to the division of professions and occupations cash fund for use beginning in the 2022-23 state fiscal year and until fully expended to fund the expenses of the state of nursing in order to facilitate fee relief for nurses, nurse aides, and psychiatric technicians.

**APPROVED** by Governor May 18, 2022

**EFFECTIVE** May 18, 2022

**H.B. 22-1302**

**Health-care Practice Transformation**

**Sponsors: Reps. Kennedy, Will/Sens. Jaquez Lewis, Priola**

Primary care and behavioral health statewide integration grant program - universal contract - community placement transformation - appropriations. The act creates the primary care and behavioral health statewide integration grant program in the department of health care policy and financing (state department) to provide grants to primary care clinics for implementation of evidence-based clinical integration care models. The act requires the state department, in collaboration with the behavioral health administration and other agencies, to develop a universal contract for behavioral health services. The act requires the state department to undertake efforts to transform the state department's process for clients attempting to receive long-term care in the community to respond to the United States department of justice's letter of findings concerning the investigation of Colorado's use of nursing facilities to serve adults with physical disabilities. The act appropriates to implement the act:

- \$616,968 to the department from the general fund;
- \$986,948 to the department from federal funds; and
- \$31,750,00 to the department from the behavioral and mental health cash fund.

**APPROVED** by Governor May 18, 2022

**EFFECTIVE** May 18, 2022

**Note:** Specified provisions are contingent on House Bills 22-1278 and 22-1411 becoming law. House Bill 22-1278 was signed by the governor on May 25, 2022, and House Bill 22-1411 was signed by the governor on May 27, 2022.

**S.B. 22-056**

**UNC Osteopathic Medicine Degrees Sponsors: Sens. Sonnenberg, Garcia/Reps. Young, Will**

The bill permits the university of northern Colorado (UNC) to offer specialized degree programs in osteopathic medicine. The bill creates an exception to the university of Colorado health sciences center campus' exclusive authority in medicine for UNC's osteopathic medicine degree program.

**APPROVED** by Governor March 17, 2022

**EFFECTIVE** August 10, 2022

**Note:** This act was passed without a safety clause

**S.B. 22-077**

**Interstate Licensed Professional Counselor Impact Sponsors: Sens. Ginal, Woodward/ Reps. Larson, Young**

The bill enacts the "Interstate Licensed Professional Counselors Compact", which, once effective, will allow licensed professional counselors in any state that has joined the compact (member state) to provide:

- Licensed professional counselor services in each member state under a privilege to practice; and
- Telehealth services in each member state under a privilege to practice.

The bill authorizes the state board of licensed professional counselor examiners (board) to promulgate rules and to facilitate Colorado's participation in the compact, including notification to the Counseling Compact Commission (commission) established by the compact of any adverse action taken by the board against a Colorado licensed professional counselor. The commission includes a delegate from each member state and has the powers and duties set forth in the bill. The compact becomes effective on the date the compact is enacted in the tenth member state.

The bill appropriates \$104,538 to the department of regulatory agencies for use by the division of professions and occupations to implement the bill.

**APPROVED** by Governor June 8, 2022

**EFFECTIVE** August 10, 2022

**Note:** This act was passed without a safety clause

**S.B. 22-147**

**Behavioral Health-Care Services For Children Sponsors: Sens. Kolker, Sonnenberg/Reps. Young, Pelton**

The bill creates in the university of Colorado the Colorado pediatric psychiatry consultation and access program (CoPPCAP). The purpose of CoPPCAP is to support primary care providers in identifying and treating mild to moderate behavioral health conditions in children in primary care practices or school-based health centers.

The bill requires the general assembly to appropriate from the behavioral and mental health cash fund:

- \$4.6 million to CoPPCAP;
- \$5 million to the behavioral health care professional matching grant program to expand access to behavioral health-care services for children and families; and
- \$1.5 million to the school-based health center grant program.

**APPROVED** by Governor May 17, 2022

**EFFECTIVE** May 17, 2022

**S.B. 22-181**

**Behavioral Health-care Workforce Sponsors: Sens. Bridges, Simpson/Reps. Cutter, Van Beber**

The bill requires the behavioral health administration (BHA) in the department of human services (department) to create and implement a behavioral health-care provider workforce plan on or before September 1, 2022.

The plan is required to:

- Include recruitment methods to increase and diversify the behavioral health-care provider workforce;
- Require the BHA to partner with the department of higher education to better prepare the future behavioral health-care provider workforce for public sector service, to develop paid job shadowing and internship opportunities, and to develop partnerships with learning facilities and training centers;
- Include strategies for the BHA to work with community colleges and other institutions of higher education to recruit residents of health professional shortage areas, with the goal of educating these individuals in behavioral health-care fields so that they will return to practice in areas of need;
- In collaboration with institutions of higher education, including the community college system, the department of higher education, and the work force development council, create a new program to help behavioral health-care providers advance in their respective fields;
- Require the BHA to expand the peer support professional workforce; and
- Include proposals to work with law enforcement organizations to cross-train peace officers in behavioral health, increase cultural competencies, and reduce the stigma of receiving mental health services; and
- Through an interagency agreement with other state agencies, raise awareness among health-care providers concerning opportunities to invest in and strengthen their behavioral health-care staff.

The bill requires the division of professions and occupations in the department of regulatory agencies (DORA) to make recommendations to expand the portability of existing credentialing requirements and behavioral health-care practice through telehealth.

The bill requires the BHA to:

- In collaboration with DORA, establish workforce standards that strengthen the behavioral health-care provider workforce and increase opportunities for unlicensed behavioral health-care providers;
- Work with other state agencies to reduce the administrative burden across agencies to ensure behavioral health-care providers have additional time to focus on patient care;
- Collaborate with other state agencies on behavioral health-care issues;
- Use the learning management system to develop and implement a comprehensive, collaborative, and cross-system training certification and training curriculum of evidence-based treatment and evidence-based criminal justice approaches for behavioral health-care providers working in programs to obtain a criminal justice treatment provider endorsement; and
- Develop methods to strengthen Colorado's current behavioral health-care provider workforce.

The department is required to provide an overview of the BHA's progress toward addressing the behavioral health-care provider workforce shortage during the hearings held prior to the regular session of the general assembly under the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

On or before January 1, 2023, and January 1, 2024, the community college system is required to submit a report to the BHA that includes a summary of the behavioral health career pathway and its implementation.

The bill appropriates the following money from the behavioral and mental health cash fund for the purposes of the bill:

- \$36,806,984 to the department for use by the BHA;
- \$20,000,000 to the department of public health and environment; and
- \$15,193,018 to the department of higher education.

**APPROVED** by Governor June 8, 2022

**EFFECTIVE** July 1, 2022

**S.B. 22-226**

**Programs To Support Health-care Workforce**

**Sponsors: Sens. Jaquez Lewis, Rankin/Rep. Mullica**

The bill creates the health-care workforce resilience and retention program (program) using existing initiatives to ensure that Colorado's health-care workforce is adequately supported in order to meet the health-care demands of Coloradans and to support the resilience, well-being, and retention of health-care workers. The program is authorized to seek and expend gifts, grants, and donations to support the program. The program is exempt from the procurement code. The bill appropriates \$2 million from the economic recovery and relief cash fund for the program.

The bill creates the practice-based health education grant program (grant program) to increase practice-based training opportunities necessary for health profession students enrolled in accredited Colorado schools to complete degree requirements and become licensed to practice. The primary care office in the department of public health and environment administers the grant program and shall conduct a stakeholder engagement process to determine key operational components of the grant program policies and procedures. The bill appropriates \$20 million from the economic recovery and relief cash fund for the grant program.

The bill directs the state board of community colleges and occupational education (board) to administer the in-demand short-term health-care credentials program in order to support the expansion of available health-care professionals. The bill appropriates \$26 million from the economic recovery and relief cash fund for these programs. The board shall allocate funds to community colleges, area technical colleges, local district colleges, and community not-for-profit organizations that deliver hybrid programming that leverages place-based supports in partnership with online accredited university programs through reimbursement based on students enrolled in eligible programs for fiscal years 2022-23 to 2025-26 to:

- Provide assistance for tuition, fees, and course materials for eligible programs;
- Support alignment with existing efforts, such as apprenticeship and work-based learning, for students to earn eligible program credentials that lead into health-care careers such as nursing; and
- If unexpended resources exist or if the program use is less than anticipated, to expand eligible programs in allied health based on in-demand credential needs or include high school equivalency support and attainment for students without a high school degree who participate in the program.

The bill requires the primary care office and the governor's office of information technology to work through the government data advisory board to determine data-sharing agreements that integrate data collected by the state under existing authorities that may inform the analysis of need, allocation of resources, and evaluation of performance of state-administered or state-financed health workforce planning or development initiatives.

Under current law, a nurse who holds a volunteer nurse license cannot get paid for nursing tasks. The bill removes this limitation.

The bill directs the nurse-physician advisory task force for Colorado health care to make recommendations on:

- Alignment of health-care licensing with federal statutory minimums;
- Identification of unnecessary regulatory burdens or barriers;
- Regulatory reforms that support health-care licensees to work at their full scope of practice; and
- Feasibility of temporary candidate licenses for students nearing the completion of an accredited health-care program.

The bill makes the following changes and additions to the school nurse grant program:

- Repeals the requirement of a 5-year grant cycle;
- Requires that the grant supplement, not supplant, funding for school nurse positions existing in the local education provider's most recent fiscal year prior to applying for a grant;
- Directs the department of public health and environment to annually award grants; and
- Appropriates \$3 million to the department of public health and environment for the grant program from the economic recovery and relief cash fund.

The bill appropriates \$10 million from the economic recovery and relief cash fund to the department of public health and environment. The department shall use this appropriation for recruitment and re-engagement efforts of workers in the health-care profession with current or expired licenses and staffing.

**APPROVED** by Governor May 18, 2022

**EFFECTIVE** May 18, 2022

**[H.B. 22-1029](#)**      **Compensatory Direct Distribution To Public Employees' Retirement Association**      **Sponsors: Reps. Bird, Sandridge/Sens. Kolker, Priola**

Direct distributions to public employees' retirement association - additional 2022 distribution - reduction in 2023 and 2024 distributions. In order to recompense the public employees' retirement association (PERA) for the cancellation of a previously scheduled July 1, 2020, direct distribution of \$225 million, the act requires an additional direct distribution to PERA of \$380 million to be made on the effective date of the act or as soon as possible thereafter. The act also reduces the \$225 million July 1, 2023, direct distribution to PERA that is scheduled under current law by at least \$155 million but no more than \$190 million, depending upon the amount of investment income earned by PERA on the additional \$380 million direct distribution so that the July 1, 2023, direct distribution will be between \$35 million and \$70 million. Finally, the act reduces the \$225 million July 1, 2024, direct distribution to PERA that is scheduled under current law by the lesser of an amount equal to 7.25% multiplied by \$380 million or an amount equal to PERA's annual rate of return on investments as reported in PERA's 2022 annual report multiplied by \$380 million; except that there is no reduction if the rate of return is zero or less.

**APPROVED** by Governor June 7, 2022

**EFFECTIVE** June 7, 2022

**[H.B. 22-1149](#)**      **Advanced Industry Investment Tax Credit**      **Sponsors: Reps. Lynch, Bird/Sens. Rankin, Hansen**

Income tax - advanced industry investment tax credit - extension - increase caps - allocation of tax credit by agreement of co-owners - appropriation. The act extends the advanced industry investment tax credit (credit) for an additional 4 years, increases the aggregate annual maximum amount of credits that may be allowed from \$750,000 to \$4 million, increases the credit from 30% to 35% of the amount of a qualified investment in rural or economically distressed areas, and increases the total amount of the credit for each qualified investment from \$50,000 to \$100,000. Current law requires that individuals who are co-owners of a business claim only their pro rata share of the credit. The act allows the credit to be allocated among partners, shareholders, members, or other constituent qualified investors in any manner agreed to by such partners, shareholders, members, or other constituent qualified investors. The act appropriates \$90,000 to the office of the governor for use by economic development programs for advanced industries.

**APPROVED** by Governor June 3, 2022

**EFFECTIVE** August 10, 2022

**Note:** This act was passed without a safety clause

**[H.B. 22-1155](#)**      **In-State Tuition For Colorado High School Graduates**      **Sponsors: Reps. Will, McCluskie/ Sen. Gonzales**

Tuition - in-state classification - Colorado high school graduates. The act repeals the requirement that an institution of higher education (institution) must classify a student, other than a nonimmigrant alien, as an in-state student for tuition purposes if the student has attended a Colorado high school for 3 years and been admitted to college within 12 months of graduating or completing an equivalency examination. Instead, the act requires an institution to classify a student as an in-state student for tuition purposes if the student:

- Either attended a public or private high school for one year immediately preceding the date the student graduated from a Colorado high school or was physically present in Colorado for at least one year immediately preceding the date the student successfully completed a high school equivalency examination in Colorado; and

- Has been physically present in Colorado for at least 12 consecutive months prior to enrolling in an institution.

The act clarifies that a student who is classified as an in-state student because the student meets the requirements in the act is an in-state student for the purposes of determining whether an institution meets the minimum required percentage of in-state students in an incoming freshman class. Because the act repeals the requirement to be admitted to college within 12 months of graduation, the act also repeals the exception to that requirement for a student who does not have lawful immigration status and graduated or successfully completed the equivalency examination prior to September 1, 2013.

**APPROVED** by Governor May 26, 2022

**EFFECTIVE** September 26, 2022

**H.B. 22-1196 Pay Equity Study**

**Sponsors: Reps. Herod,  
Esgar/Sen. Moreno**

State employees - compensation - pay equity study - appropriation. The act requires the equity diversity and inclusion task force (task force) established through a partnership agreement entered into pursuant to the "Colorado Partnership for Quality Jobs and Services Act" (partnership agreement) to contract for a pay equity study to assess pay inequities specific to gender, race, and other protected classes; to provide recommendations to alleviate pay inequities; and to comply with any other specifications set by the state personnel director, the task force, or the partnership agreement. A final report including findings and recommendations from the study must be provided by the contractor performing the study to the members of the general assembly, the governor, and the executive director of Colorado workers for innovative and new solutions, a certified employee organization pursuant to the "Colorado Partnership for Quality Jobs and Services Act". \$500,000 is appropriated from the general fund to the division of human resources in the department of personnel for expenses in connection with the pay equity study.

**APPROVED** by Governor March 1, 2022

**EFFECTIVE** March 1, 2022

**H.B. 22-1317 Restrictive Employment Agreements**

**Sponsors: Rep. Tipper/Sen.  
Bridges**

Covenants not to compete - general prohibition - exceptions - penalties. Current law declares that a covenant not to compete that restricts the right of any person to receive compensation for performance of labor for any employer is void, with certain exceptions. The act adds exceptions for:

- A covenant not to compete governing a person who, at the time the covenant not to compete is entered into and at the time it is enforced, earns an amount of annualized cash compensation equivalent to or greater than the threshold amount for highly compensated workers, if the covenant not to compete is for the protection of trade secrets and is no broader than is reasonably necessary to protect the employer's legitimate interest in protecting trade secrets; and
- A covenant not to solicit customers governing a person who, at the time the covenant is entered into and at the time it is enforced, earns an amount of annualized cash compensation equivalent to or greater than sixty percent of the threshold amount for highly compensated workers if the nonsolicitation covenant is no broader than reasonably necessary to protect the employer's legitimate interest in protecting trade secrets.

Additionally, if the employer provides proper notice of the covenant not to compete to the worker or prospective worker, the following covenants are not prohibited:

- A provision providing for recovery of the expense of educating and training a worker where the training is distinct from normal, on-the-job training, the employer's recovery is limited to the reasonable costs of the training and decreases over the course of the two years subsequent to the training proportionately based on the number of months that have passed since the completion of the training, and recovery for the costs of the training would not violate federal law;



- A reasonable confidentiality provision relevant to the employer's business that does not prohibit disclosure of information that arises from the worker's general training, knowledge, skill, or experience, whether gained on the job or otherwise, information that is readily ascertainable to the public, or information that a worker otherwise has a right to disclose as legally protected conduct;
- A covenant for the purchase and sale of a business or the assets of a business; or
- A provision requiring the repayment of a scholarship provided to an individual working in an apprenticeship if the individual fails to comply with the conditions of the scholarship agreement.

The act prohibits an employer from entering into, presenting to a worker or prospective worker as a term of employment, or attempting to enforce any covenant not to compete that is void under the act. An employer who violates this provision is subject to a penalty of \$5,000 for each worker or prospective worker, injunctive relief, and actual damages. In a private right of action, an employer may also be required to pay reasonable costs and attorney fees.

**APPROVED** by Governor June 8, 2022

**EFFECTIVE** August 10, 2022

**Note:** This act was passed without a safety clause

**H.B. 22-1329      Long Bill**

**Sponsors: Rep.  
McCluskie/Sen. Hansen**

General appropriation act - 2022 long bill. For the fiscal year beginning July 1, 2022, provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions. The grand total for the operating budget is set at \$37,736,904,638. The general funds portion of the appropriation is set at \$10,446,821,790; the general fund exempt portion is set at \$3,212,346,213; the cash funds portion is set at \$9,971,918,141; the reappropriated funds portion is set at \$2,356,087,392; and federal funds portion is set at \$11,749,731,102.

The grand total for the state fiscal year beginning July 1, 2022, for capital construction projects is set at \$491,102,435. The capital construction fund portion is set at \$5,246,375; the cash funds portion is set at \$484,090,730; and the federal funds portion is set at \$1,765,330.

The grand total for the state fiscal year beginning July 1, 2022, for information technology projects is set at \$146,428,435. The capital construction fund portion is set at \$109,102,442; the cash funds portion is set at \$17,186,989; and the federal funds portion is set at \$20,139,004.

The 2021 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, higher education, law, and public safety.

The 2021 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction projects.

Appropriations were made in several bills during the 2021 legislative session as further amended to extend the appropriation for unexpended amounts to the 2022-23 fiscal year.

**APPROVED** by Governor April 25, 2022

**EFFECTIVE** April 25, 2022

**H.B. 22-1350      Regional Talent Development  
Initiative Grant Program**

**Sponsors: Rep.  
McCluskie/Sens. Bridges,  
Lundeen**

Workforce development - regional talent development grants - annual reporting - grant program cash fund - American Rescue Plan Act and general fund money - repeal. The act establishes the regional talent development initiative grant program (grant program) in the office of economic development (office) to fund talent development initiatives across the state that meet regional labor market needs and specified grant program goals, including initiatives that meet workforce development needs in regions as they recover from the negative economic impacts of the COVID-19 pandemic. The office, a state agency designated by the office, or a third party with whom the office contracts is to serve as the

administrator of the grant program (program administrator). The office is directed to appoint a steering committee of 5 to 8 business, civic, education, and nonprofit professionals (steering committee), including at least one member representing a rural area of the state, one member representing a 2-year institution of higher education, and one member representing a 4-year institution of higher education. The steering committee will support the program administrator in:

- Developing a grant application process;
- Establishing grant application selection and prioritization criteria; and
- Appointing a selection committee to review grant applications and make grant award recommendations.

The office, in collaboration with the departments of labor and employment, higher education, and education and the steering committee, is to identify regions throughout the state to inform the selection of grant applications.

The office is to publish a report on the grant program by November 1, 2023, and by each November 1 through November 1, 2027.

The act creates the regional talent development initiative grant program fund (grant program fund) and directs the state treasurer to transfer \$91 million from the workers, employers, and workforce centers cash fund (cash fund) to the grant program fund as follows:

- \$89,123,184 from federal money in the cash fund that the state received pursuant to the "American Rescue Plan Act of 2021"; and
- \$1,876,816 from money in the cash fund that originated from the general fund.

The money in the grant program fund is continuously appropriated to the office for the grant program and related costs. The grant program repeals on July 1, 2028.

The act also directs the state treasurer to transfer \$32,373,184 from the money in the cash fund that originated from the general fund back to the general fund.

**APPROVED** by Governor May 26, 2022

**EFFECTIVE** May 26, 2022

**H.B. 22-1392**

**Contaminated Land Income Tax & Property Tax Credit**

**Sponsors: Reps. Bird, Lindsay/  
Sen. Moreno**

Tax credit for environmental remediation of contaminated land - property tax exemption for qualified housing projects. Under current law, an affordable housing developer in Colorado can qualify for state property tax exemptions for 15 years and federal income tax credits for 30 years. The act allows affordable housing projects to receive the Colorado state property tax exemptions for an extended period of 15 years to match the period available under federal law. Under current law, the tax credit for environmental remediation of contaminated land (commonly referred to as the Brownfield credit) allows taxpayers to claim income tax credits for voluntary cleanup of contaminated land, known as brownfield, located in Colorado. Taxpayers can claim a transferable credit equivalent to 40% of the first \$750,000 spent on remediation and 30% of the next \$750,000 spent, for a maximum credit of \$525,000 on remediation costs of \$1.5 million or more. In addition, a "qualified entity", which is a county, municipality, or private nonprofit entity, is allowed an essentially identical transferable expense amount for expenses incurred in performing approved environmental remediation that can be transferred to a taxpayer as an income tax credit. The Colorado department of public health and environment (CDPHE) is authorized to certify a total of \$3 million in both tax credits for each income tax year. The act:

- Extends the tax credit, which is set to expire on January 1, 2023, to January 1, 2025, for an additional 2 years;
- Increases the annual total cap on tax credits from \$3 million to \$5 million for calendar year 2022 and after;
- Expands the definition of "qualified entity" to include school districts, charter schools, special districts, institutions of higher education, and other quasi-governmental entities;

- Allows a taxpayer whose credit is tied to remediation of a site in a rural community to claim a credit equivalent to 50% of the first \$750,000 spent on remediation and 40% of the next \$750,000 spent; 2022 DIGEST 314 TAXATION19
- Eliminates some restrictions that taxpayers have on the transferability of credits, including a restriction that requires any transfer to occur within the first 2 years of receiving the tax credit and the requirement that the transferee certify that the taxpayer satisfied statutory requirements; and
- Requires a taxpayer and a transferee of a tax credit or transferable expense amount to jointly file a copy of the transfer agreement with CDPHE, specifies that such filing perfects the transfer, and clarifies that the transferee and the department of revenue can rely upon the certification by CDPHE of the ownership and the amount of the tax credit as being accurate.

**APPROVED** by Governor June 7, 2022

**EFFECTIVE** June 7, 2022

**S.B. 22-005**

**Law Enforcement Agency Peace Officer Services (Sens. Bridges; Cooke/Rep. Roberts)**

**Sponsors: Sens. Bridges, Cooke/Rep. Roberts**

The bill requires the department of law (department) to implement a pilot grant program (grant program) to support a law enforcement agency to retain and recruit qualified and trained P.O.S.T.-certified peace officers. The department may award grants to help fund retention programs, recruitment purposes, and to provide financial resources for law enforcement academy training, academy trainees, and continuing education opportunities. For the 2022-23 state fiscal year, \$5 million is appropriated from the general fund to the P.O.S.T. board cash fund to be spent in accordance with the purpose of the grant program and requires that no more than 2% of the appropriated funds be used for administrative purposes.

The bill establishes a P.O.S.T. board committee to review grant applications and advise the department on the grant program. The bill grants the attorney general the power to administer the requirements of the grant program. The grant program is repealed effective July 1, 2024.

Under current law, there is a peace officer behavioral health support and community partnership grant program (program). The program specifies the purposes that grants can be used for. The bill adds to the program purposes services that support peace officers involved in job-related traumatic situations. Additionally, for state fiscal year 2022-23, the bill appropriates \$5 million from the general fund to the peace officers behavioral health support and community partnership fund.

**APPROVED** by Governor May 31, 2022

**EFFECTIVE** May 31, 2022

**H.B. 22-1249**

**Electric Grid Resilience And  
Reliability Roadmap**

**Sponsors: Reps. Burnett,  
Hooton/Sen. Rankin**

Electric grid resilience and reliability roadmap - use of microgrids - recommendations regarding critical facilities, high-risk communities, and legislative and administrative changes - publication and presentation of roadmap - appropriation. The act requires the Colorado energy office (office), in collaboration with the department of local affairs (department) and the Colorado resiliency office (resiliency office), to develop a grid resilience and reliability roadmap (roadmap) for improving the resilience and reliability of electric grids in the state (grid), which roadmap must include guidance on how microgrids may be used to harden the grid, improve grid resilience and reliability, deliver electricity where extending distribution infrastructure may not be practicable, and operate autonomously and independent of the grid, when necessary. In developing the roadmap, the office, department, and resiliency office are required to engage interested persons throughout the state in stakeholder meetings and consider stakeholder input. The roadmap may identify:

- The potential benefits of developing microgrids, including whether and how developing microgrids improves grid resilience and reliability;
- The critical facilities and infrastructure and the high-risk communities that should be prioritized for microgrid projects (projects); and
- Recommendations regarding potential legislative or administrative changes needed to help facilitate projects, including needed statutory or rule changes, key factors to consider regarding the safety, development, maintenance, and deployment of microgrids, metrics for evaluating the costs and benefits of microgrids, financial and technical support for microgrid deployment, and education and outreach programs, including apprenticeship programs.

The office is required to post a draft of the roadmap on its website on or before July 1, 2024, and the office and department are required to post the completed roadmap on their websites. The office is also required to submit a copy of the roadmap to the public utilities commission (commission), and, on or before March 1, 2025, in collaboration with the department, present the roadmap to the legislative committees of reference with jurisdiction over energy matters. On a periodic basis at least every 5 years, the office, department, and resiliency office are required to review the roadmap and, if necessary, update it. If the roadmap is updated, it must be posted on the office's and department's websites and submitted to the commission and the legislative committees of reference with jurisdiction over energy matters.

For the 2022-23 state fiscal year, \$22,470 is appropriated from the general fund to the office of the governor for use by the Colorado energy office to develop the roadmap.

**APPROVED** by Governor June 2, 2022

**EFFECTIVE** August 10, 2022

**Note:** This act was passed without a safety clause

**H.B. 22-1326**

**Fentanyl Accountability And  
Prevention**

**Sponsors: Reps. Garnett,  
Lynch/Sens. Pettersen, Cooke**

Synthetic opiates - fentanyl, carfentanil, benzimidazole opiate, analogs - unlawful possession penalties - distribution penalties - distribution resulting in death penalties - sentencing to treatment - appropriations. The act makes the knowing possession of any material, compound, mixture, or preparation that weighs:

- More than one gram and not more than 4 grams and contains any quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, a level 4 drug felony; except if a defendant shows supporting evidence to establish that the defendant made a reasonable mistake of fact and did not know that the controlled substance contained fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, the matter must be submitted to the finder of fact

in the form of interrogatory included in the verdict form. If the finder of fact determines the defendant made a reasonable mistake of fact, the defendant commits a level 1 drug misdemeanor.

- Not more than one gram and contains any quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, a level 1 drug misdemeanor; except that a fourth or subsequent offense is a level 4 drug felony.

The act makes the possession of any material, compound, mixture, or preparation that contains a quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof that is more than 60% of the total composition of the material, compound, mixture, or preparation a level 2 drug felony. This offense is effective after required notice is provided by the Colorado bureau of investigation that it has the resources to determine the quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, compared to the total composition of the material, compound, mixture, or preparation. The act creates an exemption to the unlawful possession of a controlled substance offense for employees, agents, or volunteers of certain agencies who are in possession of the controlled substance, including fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, for the purpose of safe disposal of the controlled substance.

The act makes the unlawful distribution, manufacturing, dispensing, or sale of a material, compound, mixture, or preparation containing fentanyl, carfentanil, benzimidazole opiate, or an analog thereof:

- A level 1 drug felony if it weighs more than 50 grams;
- A level 2 drug felony if it weighs more than 4 grams, but not more than 50 grams; and
- A level 3 drug felony if it weighs not more than 4 grams. The act makes it a level 1 drug felony if the defendant unlawfully distributed, manufactured, dispensed, or sold a material, compound, mixture, or preparation containing fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, and a person died as a proximate cause of using or consuming it.

The act makes a defendant a special offender, subjecting the defendant to a level 1 drug felony, if the defendant:

- Introduced or imported into Colorado any material, compound, mixture, or preparation that weighs more than 4 grams and contains fentanyl, carfentanil, benzimidazole opiate, or an analog thereof; or
- Unlawfully distributed, manufactured, dispensed, or sold a material, compound, mixture, or preparation containing fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, and the defendant possessed pill or tablet manufacturing equipment with the intent to use the equipment in the manufacture of a controlled substance.

If a person reports an emergency overdose event and complies with related requirements, the act creates immunity from arrest and prosecution for an offense for the unlawful distribution, manufacture, dispensing, or sale of a material, compound, mixture, or preparation containing fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, resulting in the death of a person who died as a proximate cause of using or consuming it, if the material, compound, mixture, or preparation weighs not more than 4 grams and contains any amount of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof.

For certain offenses, the act requires a court to order placement in a residential treatment facility for treatment of an addiction that includes fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, as a condition of probation if recommended pursuant to a substance abuse assessment. Furthermore, for certain offenses, a court is required to order a fentanyl education program, which the act requires the behavioral health administration to develop.

The act expands the list of eligible entities that are eligible for standing orders to receive opiate antagonists.

The act creates immunity from civil liability for certain persons who or entities that act in good faith to furnish a non-laboratory synthetic opiate detection test to another person.

The act requires a jail to provide opiate antagonists to, prescribe medication for an opiate use disorder to, and assist with continued care for, certain persons upon release.

The act requires community corrections programs to assess individuals for substance use withdrawal symptoms and provide medication-assisted treatment.

The act permits the correctional treatment board to direct money in the correctional treatment cash fund for drug overdose prevention, opiate antagonists, and non-laboratory synthetic opiate detection tests.

The act permits a school district board of education, the charter school institute, or governing board of a nonpublic school to adopt and implement a policy to permit a school to acquire and maintain non-laboratory synthetic opiate detection tests and furnish them on school grounds.

The act requires the appropriation of \$19,700,000 from the behavioral and mental health cash fund to the opiate antagonist bulk purchase fund.

The act requires the appropriation of \$600,000 to the department of public health and environment for the purchase and distribution of non-laboratory synthetic opiate detection tests to eligible entities.

The act requires the department of public health and environment to develop and implement a statewide fentanyl prevention and education campaign.

The act expands the types of entities that are eligible for a harm reduction grant and the permissible uses of the grant funds.

The act requires a jail that receives funding through the jail-based behavioral health services program to assess all individuals when booked into the jail and at any time when clinically indicated for substance use withdrawal symptoms, to develop protocols for medication-assisted treatment and withdrawal management care, and to develop, implement, and publish a policy that describes the provision of medication-assisted treatment to individuals upon release.

The act requires each managed service organization to evaluate current supply and necessary demand within its region for certain harm reduction and treatment services and report findings to the general assembly.

If a person successfully completes certain sentence conditions, the act makes the level 4 drug felony offense for knowing possession of any material, compound, mixture, or preparation that weighs more than 1 gram and not more than 4 grams and contains any quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof, eligible to be vacated and then entered as a level 1 drug misdemeanor. This is commonly referred to as "the wobbler".

The act makes a person convicted of a level 4 drug felony for the offense of knowing possession of any material, compound, mixture, or preparation that contains any quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof:

- Eligible to file a motion to have conviction records sealed 2 years after the later date of final disposition or release from supervision; and
- Exempt from habitual criminal status.

The act requires the department of public health and environment to contract with an independent entity to conduct a study and publish a report concerning the impact and implementation of the act, which must include data obtained from the judicial department and treatment providers.

The act requires managed service organizations to contract with short-term residential treatment providers for withdrawal management, crisis stabilization, or medication-assisted treatment. Also, managed service organizations are required to provide training to first responders or referring entities concerning available services to be utilized in lieu of arrest and transport to jail, to the greatest extent possible.

The act creates in the division of criminal justice in the department of public safety the synthetic opiate poisoning investigation and distribution interdiction grant program to provide grants to law enforcement agencies for the purpose of investigating deaths caused by synthetic opiate poisoning and disrupting synthetic opiate supplies.

The act requires the department of law to study and report upon the use of the internet, including retail, payment, and social media platforms, for the purpose of trafficking fentanyl, fentanyl analogs or compounds thereof, synthetic opiates, and counterfeit prescription drugs.

The act requires the behavioral health administration to contract with an independent entity to conduct a study and publish a report concerning the health effects of criminal penalties for unlawful possession of any material, compound, mixture, or preparation that contains any quantity of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof.

The act requires jails to provide medication-assisted treatment, and other appropriate withdrawal management care to a person with a substance use disorder through the duration of the person's incarceration, as medically necessary. Furthermore, the behavioral health administration is required to provide technical assistance to the jails in meeting these requirements.

The act permits emergency medical service providers, emergency departments, state and local law enforcement agencies, sheriffs' offices, and coroners to participate in a web-based overdose detection mapping application program to report incidences of fatal and non-fatal drug overdoses and synthetic opiate poisonings. The act prohibits law enforcement from using the data from the program for welfare checks, warrant checks, or criminal investigations.

The act requires the department of public health and environment to convene interested stakeholders for the purpose of developing recommendations for the establishment of an overdose trends review committee and report its recommendations to the joint budget committee and any substance use interim committee existing in 2024. The act requires the overdose trends review committee to be established by September 1, 2024.

The act requires that the medical assistance program reimburse a hospital or emergency department for the cost of an opiate antagonist if dispensed under certain conditions. The department of health care policy and financing is required to seek federal financial participation for the cost of reimbursement, but shall provide full reimbursement until federal financial participation is available. The act requires the behavioral health administration to train emergency departments and certified peace officers in procedures for emergency commitment and involuntary commitment of a person with a substance use disorder.

The act requires the legislative services agencies of the general assembly to perform a post-enactment review of certain criminal provisions 3 years following the act becoming law.

The act requires the following appropriations for the purposes of the act:

- \$14,389,055 to the department of human services for the behavioral health administration, of which \$10,986,092 is from the general fund, \$402,963 is from the correctional treatment cash fund, and \$3 million is from the behavioral and mental health cash fund consisting of money the state received from the federal coronavirus state fiscal recovery fund. The amount includes assumptions that the behavioral health administration will require an additional 4.1 FTE;
- \$869,288 to the judicial department for probation and related services, of which \$138,362 is from the general fund and \$730,926 is from the correctional treatment cash fund. The amount includes an assumption that the judicial department will require an additional 1.6 FTE;
- \$150,000 to the department of law from the general fund;
- \$5,792,413 to the department of public health and environment for the prevention services division from the general fund. The amount includes an assumption the prevention services division will require an additional 1.5 FTE.
- \$7 million to the department of public safety for the division of criminal justice from the general fund. The amount includes an assumption the division of criminal justice will require an additional 1.8 FTE;
- \$360,000 to the department of health care policy and financing from the general fund;
- \$19,700,000 to the opiate antagonist bulk purchase fund from the behavioral and mental health cash fund consisting of money the state received from the federal coronavirus state fiscal recovery fund;
- \$6 million to the harm reduction grant program cash fund from the behavioral and mental health cash fund consisting of money the state received from the federal coronavirus state fiscal recovery fund; and
- \$300,000 to the department of public health and environment for the prevention services division, from the behavioral and mental health cash fund consisting of money the state received from the federal coronavirus state fiscal recovery fund.

**APPROVED** by Governor May 25, 2022

**EFFECTIVE** July 1, 2022

**H.B. 22-1355**

**Producer Responsibility Program  
For Recycling**

**Sponsors: Rep. Cutter/Sens.  
Priola, Gonzales**

Producer responsibility program for statewide recycling - advisory board - needs assessment - plan proposal - producer responsibility dues - convenience standards - reimbursement of recycling service providers - minimum recyclable list - education and outreach program - annual audit - creation of fund - report - individual plan proposal - administrative penalty - appropriation. On or before June 1, 2023, the executive director (executive director) of the Colorado department of public health and environment (department) must designate a nonprofit organization (organization) to implement and manage a statewide program (program) that provides recycling services to covered entities in the state, which are defined as residences, public places, small businesses, schools, hospitality locations, and state and local government buildings. The program is funded by annual dues (producer responsibility dues) paid by producers of products that use covered materials (producers). Covered materials are defined as packaging materials and paper products.

The act creates the producer responsibility program for statewide recycling advisory board (advisory board), which consists of members who have expertise in recycling programs and are knowledgeable about recycling services in the different geographic regions of the state.

Prior to the implementation of the program, the organization must:

- On or before September 1, 2023, hire an independent third party to conduct an assessment of the recycling services currently provided in the state and the recycling needs in the state that are not being met (needs assessment);
- On or before January 30, 2024, report the results of the needs assessment to the advisory board and the executive director;
- On or before March 15, 2024, submit and present the needs assessment to the joint budget committee; and
- On or before February 1, 2025, after soliciting input from the advisory board and other key stakeholders, submit a plan proposal for the program (plan proposal) to the advisory board and executive director.

The plan proposal will initially cover recycling services only for residential covered entities. The plan proposal must:

- Describe how the organization will meet certain convenience standards and statewide recycling, collection, and postconsumer-recycled-content rates (rates);
- Establish a funding mechanism through the collection of producer responsibility dues that covers the organization's costs in implementing the program and the costs of the department in overseeing the program;
- Establish an objective formula to reimburse 100% of the net recycling services costs of public and private recycling service providers (providers) performing services under the program;
- Provide a list of covered materials (minimum recyclable list) that providers performing services under the program must collect to be eligible for reimbursement under the program;
- Set minimum rate targets that the state will strive to meet by January 1, 2030, and January 1, 2035, and describe how the state can meet increased rates after 2035; and
- Describe a process and timeline, beginning no later than 2028, to expand recycling services to applicable nonresidential covered entities.

As part of the program, the organization must:

- Utilize and expand on providers' existing recycling services to provide 24 statewide recycling services at no charge to covered entities for all covered materials on the minimum recyclable list;
- Develop and implement a statewide education and outreach program on the recycling and reuse of covered materials;
- Contract with an independent third party to conduct an annual audit of the program; and
- Submit an annual report to the advisory board describing the progress of the program (annual report).



On January 1, 2025, and each January 1 thereafter, as an alternative to participating in the program, a producer may submit an individual plan proposal to the advisory board. The advisory board will review and make recommendations on, and the executive director shall approve or reject, the individual plan proposal.

The act establishes the producer responsibility program for statewide recycling administration fund (fund). On or before June 30, 2026, and on each June 30 thereafter, the department will notify the organization of its costs in overseeing and enforcing the program, and the organization will transmit a portion of the producer responsibility dues to the fund for the purposes of reimbursing the department for its costs.

Effective July 1, 2025, a producer may not sell or distribute any products that use covered materials in the state unless the producer is participating in the program or, after January 1, 2029, as set forth in the final plan or another plan approved by the executive director.

The advisory board has the following duties:

- Advise the organization on the needs assessment;
- Review the needs assessment;
- Review the plan proposal and make recommendations to the executive director regarding its approval or rejection;
- Consult with the organization on any amendments to the plan proposal and then make recommendations to the executive director regarding approval or rejection of the amendments;
- Review the annual report submitted by the organization; and
- Consult with the organization on the development and updating of the minimum recyclable list.

The act establishes an administrative penalty for the organization's or a producer's violation of the relevant statutes and rules. The collected penalties are deposited into the recycling resources economic opportunity fund.

For the 2022-23 fiscal year, \$119,130 is appropriated from the general fund to the department to implement the act, of which \$20,503 is reappropriated to the department of law to provide legal services for the department.

**APPROVED** by Governor June 2, 2022

**EFFECTIVE** August 10, 2022

**Note:** This act was passed without a safety clause

**[H.B. 22-1405](#)      **Add Faculty To Key Participant  
Definition For Hemp****

**Sponsors: Rep. Lindsay**

Industrial hemp - registration - designation of key participants in registered activity - addition of faculty members at institutions of higher education. To engage in industrial hemp cultivation in the state, a person is required to apply to the department of agriculture for a registration. In applying for a registration, the person must include the names and addresses of all key participants in the registered activity. The act amends the definition of "key participant" to include faculty at an institution of higher education to align with federal law requirements that all individuals authorized to grow hemp under a registration undergo a criminal history record check.

**APPROVED** by Governor June, 2022

**EFFECTIVE** June 7, 2022

**[H.B. 22-1412](#)      **Sunset Division Of Gaming****

**Sponsors: Reps. Garnett, Van  
Winkle**

Division of gaming - continuation under sunset law - measures to address unlicensed gaming activities - minimum age of casino employees - sports betting winnings subject to child support intercept law. The act implements the recommendations of the department of regulatory agencies in its sunset review and report on the division of gaming (division) in the department of revenue. Specifically, the act:

- Continues the division for 11 years, until 2033;
- Allows the Colorado limited gaming control commission (commission) to delegate licensing duties to the division;
- Lowers the minimum age for a casino employee from 21 years of age to 18 years of age;
- Designates the department of revenue's hearings division to conduct hearings under the "Fantasy Contests Act";
- Repeals the requirement that internationally based internet sports betting personnel submit to a fingerprint-based criminal history record check; and
- Subjects payments of sports bet winnings to the "Gambling Payment Intercept Act" on and after July 1, 2023.

The act also empowers the commission to determine whether persons that are not licensed by the commission to conduct sports betting or limited gaming operations are offering to one or more members of the public, in any city, town, city and county, or county:

- Unlicensed sports betting operations;
- Unlicensed internet sports betting operations; or
- Unlicensed establishments that allow the use of equipment or devices that qualify as slot machines or are used to play roulette or craps.

The act also prohibits a person from offering sports betting or one or more games, authorized as "limited gaming", to the public without possessing the required license from the commission to conduct:

- Sports betting operations;
- Internet sports betting operations; or
- Operations using equipment or devices that qualify as slot machines or are used to play roulette or craps.

The act also adjusts the elements of the existing offense of underage gaming and resets the penalties for the offense as follows:

- For a first offense, a civil penalty of \$500;
- For a second offense, a civil penalty of \$1,000; and
- For a third or subsequent offense, a class 2 misdemeanor.

**APPROVED** by Governor June 7, 2022

**EFFECTIVE** June 7, 2022

## **S.B. 22-013**

## **Boards And Commissions**

**Sponsors: Sens. Fenberg,  
Holbert/Reps. Garnett, McKean**

The bill makes changes related to the requirements for various boards and commissions (boards).

**Section 1** of the bill includes standard provisions that generally apply to boards for which membership is based in full or in part on representation from the congressional districts of the state. Specifically, unless a statute or constitutional provision creating a board provides otherwise:

- If a member appointed to represent a district no longer resides in the district due solely to a change in the district's boundaries following redistricting, the member may serve the remainder of their term notwithstanding the nonresidency;
- If a board increases in size due to the addition of a new congressional district in the state, the appointing authority shall appoint a new member to represent the new district as soon as practicable; and
- If a board decreases in size due to the loss of a congressional district in the state, the appointing authority shall determine which current member's term should be terminated, or, if the member will be replaced by an at-large or other member, which member should be replaced at the expiration of the member's term. The appointing authority must attempt to ensure that the remaining membership adequately represents the remaining congressional districts.

**Section 2** establishes standard provisions that apply to all boards unless the statute or constitutional provision creating a board provides differently. The standard provisions include: requiring an

appointing authority to fill a vacancy for the remainder of the unexpired term, allowing the designee of a state official to fulfill the official's duties on the board, defining the term "minimum majority" to mean the lowest number of members that is more than half, allowing members to participate in meetings of the board remotely, and clarifying how partial terms count towards any applicable term limit. **Sections 33 and 40** update the statutes that establish the membership of the state board of education and the board of regents of the university of Colorado, respectively, both of which are elected boards created in the state constitution. For the state board of education, **section 33** provides for the election of one new member to represent the eighth congressional district and one new member from the state at large at the 2022 general election. For the board of regents, **section 40** requires the election of a member to represent the eighth congressional district in place of the election of a member representing the state at large at the 2022 general election. **Sections 37, 42, 52, 60, 73, 85, 86, 90, 101, and 107** amend statutes governing boards for which membership is based on the number of congressional districts in the state. For each board, the total number of members is no longer specified. Instead, each statute provides for the appointment of members from each congressional district in the state plus, as applicable, additional members as is currently provided for each board. Provisions requiring staggering of terms and limits on the number of board members who may be affiliated with a single political party are amended to refer to a "minimum majority" of the board to accommodate any future changes in board membership resulting from changes in the number of Colorado congressional districts. **Section 133** repeals a statute that addressed the impact of redistricting on boards following the 2000 federal decennial census, and a statute that adjusted the lengths of terms of members of certain boards in 1987.

The remaining sections of the bill make changes to statutory provisions governing various boards with appointed members, including:

- Repealing deadlines for events or actions that have already occurred;
- Repealing language setting specific expiration dates or requirements for board members' terms in order to create staggering of the board members' terms, and replacing it with a general requirement that the terms of office are staggered;
- Repealing requirements for notice and hearing before a board member can be removed for cause by an appointing authority;
- Repealing, for certain boards, the requirement that a board member serve until the board member's successor is confirmed by the senate;
- Updating archaic language to conform to current drafting standards;
- Reorganizing sections to clarify requirements related to appointments, qualifications for appointees, and terms of office;
- Clarifying requirements related to the number of board members that may be affiliated with one political party; and
- Making conforming amendments.

**APPROVED** by Governor February 25, 2022

**EFFECTIVE** February 25, 2022, except that section 90 of the bill does not take effect because House Bill 22-1035 became law, and section 107 of the bill does not take effect because Senate Bill 22-042 became law.

**S.B. 22-139**

**Juneteenth New State Holiday**

**Sponsors: Sens. Buckner,  
Coleman/Rep. Herod**

The bill establishes Juneteenth as a state legal holiday.

**APPROVED** by Governor May 2, 2022

**EFFECTIVE** May 2, 2022

**S.B. 22-230**

**Collective Bargaining for Counties**

**Sponsors: Sens. Fenberg,  
Moreno/Rep. Esgar**

Beginning January 1, 2023, the bill grants the public employees of a county the right to:

- Organize, form, join, or assist an employee organization or refrain from doing so;

- Engage in collective bargaining;
- Engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection;
- Communicate with other county employees and with employee organization representatives and receive and distribute literature regarding employee organization issues; and
- Have an exclusive representative at formal discussions concerning a grievance, a personnel policy or practice, or any other condition of employment.

The bill clarifies that county employees may participate fully in the political process.

Additionally, the bill:

- Grants the exclusive representative of county employees the right to access public employees at work, through electronic communication, and through other means, including employee orientations;
- Requires counties to honor county employee authorizations for payroll deductions for the exclusive representative;
- Clarifies that specific rights of county employers are not impaired unless otherwise agreed to in a collective bargaining agreement;
- *Clarifies that nothing in a collective bargaining agreement restricts or usurps the existing authority granted to county commissioners;*
- Requires the director of the division of labor standards and statistics in the department of labor and employment (director) to enforce, interpret, apply, and administer the provisions of the bill, and, in doing so, to hold hearings and impose administrative remedies;
- Authorizes the director or any party of interest to request a district court to enforce orders made pursuant to the bill;
- Sets forth the process by which an employee organization is certified and decertified as the exclusive representative of county employees;
- Sets forth the process by which an appropriate bargaining unit is determined; and
- Requires the county and the exclusive representative to collectively bargain in good faith.

The bill states that the collective bargaining agreement is an agreement negotiated between an exclusive representative and a county *with the approval of the board of county commissioners of the county* that must:

- Be for a term of at least 12 months and not more than 60 months; and
- Provide a grievance procedure that culminates in final and binding arbitration.

The bill prohibits a collective bargaining agreement from:

- Delaying the prompt interviewing of county employees under investigation;
- Permitting a public employee to use paid time for a suspension from employment;
- Permitting the expungement of disciplinary records under certain circumstances; and
- Imposing limits on the period of time for which a county employee may be disciplined for incidents of violence.

The bill describes the dispute resolution process that the exclusive representative and a county must follow if an impasse arises during the negotiation of a collective bargaining agreement.

The bill sets forth the actions taken during the collective bargaining process by a county or an exclusive representative that are unfair labor practices.

**APPROVED** by Governor May 27, 2022

**PORTIONS EFFECTIVE** July 1, 2022

**PORTIONS EFFECTIVE** July 1, 2023