

# LEGISLATIVE DIGEST

## 2013 SESSION

### COLORADO GENERAL ASSEMBLY

#### CSU System Legislative Tracking Sheet - 2013

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#### Successful Legislation – Bills/resolutions that have been passed

1.	HB13-1001	Advanced Industries Acceleration Act	Amend
2.	HB13-1004	Colorado Careers Act Of 2013	Amend
3.	HB13-1008	Preference In Hiring For Disabled Veteran's Spouse	Support
4.	HB13-1012	Extend Wildfire Mitigation Financial Incentives	Monitor
5.	HB13-1015	Disclose Mental Health Claims All-payer Database	Monitor
6.	HB13-1026	WICHE Equipment & Renovation Fee Approp Reqmnt	Support
7.	HB13-1031	All-hazards Resource Mobilization & Reimbursement	Monitor
8.	HB13-1041	Procedures For Transmission Of Records Under CORA	Monitor
9.	HB13-1042	State Income Tax Deduction Disallowed By IRC 280E	Monitor
10.	HB13-1043	Modify Definition Of Deadly Weapon	Neutral
11.	HB13-1044	Authorize Graywater Use	Amend
12.	HB13-1046	Employee User Name Password Privacy Protection	Neutral
13.	HB13-1054	Lessen Unempl Ins Benefit Reduction Retirement	Neutral
14.	HB13-1055	Colorado Works Redetermination Of Eligibility	Monitor
15.	HB13-1115	CoverColorado Repeal	Monitor
16.	HB13-1124	Reduce Unempl Ins Overpayments	Neutral
17.	HB13-1136	Job Protection Civil Rights Enforcement Act 2013	Amend
18.	HB13-1138	Authorize Benefit Corporations	Neutral
19.	HB13-1139	Repeal Various Obsolete Entities	Monitor
20.	HB13-1142	Urban And Rural Enterprise Zone Act Reforms	Neutral
21.	HB13-1147	Voter Registration At Public Higher Ed Institution	Amend
22.	HB13-1165	Creation Of A Manufacturing Career Pathway	Neutral
23.	HB13-1179	Agency & OSPB Deadlines To Submit Approp Documents	Monitor

24.	HB13-1194	In-state Tuition For Military Dependents	Monitor
25.	HB13-1222	Family Care Act Family Medical Leave Eligibility	Monitor
26.	HB13-1223	Carriers Requirement To Submit Cost	Neutral
27.	HB13-1230	Compensation For Persons Wrongly Incarcerated	Amend
28.	HB13-1235	Valuations Of Property Prior To State Purchase	Amend
29.	HB13-1266	Health Insurance Alignment Federal Law	Neutral
30.	HB13-1274	State Bd Of Land Commissioners Real Prop Inv	Neutral
31.	HB13-1292	Keep Jobs In Colorado Act	Amend
32.	HB13-1299	Changes To The SMART Government Act Of 2010	Amend
33.	HB13-1308	Cell Phone Info To Police In Emergency Situation	Monitor
34.	HB13-1311	Clarify Definition Of Veterinary Premises	Monitor
35.	HB13-1314	Transfer Developmental Disabilities To HCPF	Monitor
36.	HB13-1315	Higher Ed Undergrad Student Health Ins Requirement	Support
37.	HB13-1317	Implement Amendment 64 Majority Recommendation	Amend
38.	HB13-1318	Retail Marijuana Taxes	Monitor
39.	HB13-1320	Support For Meritorious Colorado Students	Monitor
40.	SB13-001	Colorado Working Families Economic Opportunity Act	Monitor
41.	SB13-011	Colorado Civil Union Act	Neutral
42.	SB13-018	Permissible Use Of Credit Information By Employers	Neutral
43.	SB13-019	Promote Water Conservation	Support
44.	SB13-023	Increase Damages Caps Under CGIA	Amend
45.	SB13-026	Update Michael Skolnik Medical Transparency Act	Neutral
46.	SB13-028	Track Utility Data High Performance State Building	Monitor
47.	SB13-030	Additional Review Of Rules Promulgated By Agencies	Monitor
48.	SB13-033	In-state Classification CO High School Completion	Amend
49.	SB13-038	Emergency Provider And Rescue Unit Confidentiality	Support
50.	SB13-041	Protect Water Storage Long-term Use	Monitor
51.	SB13-043	On-premises Alcohol Consumption Prohibit Removal	Monitor
52.	SB13-048	Authorize Local Government Use Of HUTF For Transit	Monitor
53.	SB13-053	Exchange Of Student Data K-12 And Postsecondary	Support
54.	SB13-071	Student ID Number For Adult Education Programs	Neutral
55.	SB13-082	Wildfire Matters Review Committee	Monitor
56.	SB13-083	Prescribed Burn Prog Div Fire Prevention & Control	Monitor
57.	SB13-110	Wildland Fire Cost Recovery Fund	Monitor
58.	SB13-127	Sales Tax Revenue To Older Coloradans Cash Fund	Neutral
59.	SB13-133	Distribution Of State Share Of Ltd Gaming Revenues	Monitor
60.	SB13-147	Workers' Compensation Liability Statutory Employer	Neutral
61.	SB13-152	Sunset Review Asbestos Abatement	Neutral
62.	SB13-173	Sunset Review Division Of Gaming	Monitor

63. SB13-174	Sunset Continue Food Systems Advisory Council	Monitor
64. SB13-175	Wildlife Habitat Stamp Programs Continuation	Support
65. SB13-178	Red Rocks Physician Assistant Graduate Program	Monitor
66. SB13-193	Increasing Parent Engagement In Public Schools	Neutral
67. SB13-199	Higher Education Revenue Bond Intercept Program	Amend
68. SB13-230	2013-14 Long Appropriations Bill	Amend
69. SB13-241	Industrial Hemp Growers Registration DOA	Monitor
70. SB13-247	Reciprocal Debt Collection Agreements	Monitor
71. SB13-254	Fleet Vehicle Energy Cost-savings Contracts	Monitor
72. SB13-260	Financing Of Public Schools	Monitor
73. SB13-268	Bills Funded With Gifts Grants & Donations	Neutral
74. SB13-269	Wildfire Risk Reduction Grant Program	Support
75. SB13-270	Wildfire Preparedness & Emergency Response Funds	Neutral
76. SB13-273	Renewable Energy Forest Biomass Incentives	Support
77. SB13-283	Implement Amendment 64 Consensus Recommendations	Amend
78. SB13-285	Workers' Compensation	Neutral
79. SB13-288	GA Approval Additional Payment Under CGIA	Monitor

#### **Bills Pl'd or Killed**

1. HB13-1013	Protect Water Right Ownership Rights
2. HB13-1106	Prohibit Discrimination Labor Union Participation
3. HB13-1107	Prohibit Collective Bargaining Public Employees
4. HB13-1019	Regulatory Reform Act
5. HB13-1037	Cost of Providing Public Records Under CORA
6. HB13-1040	PERA Highest Average Salary
7. HB13-1048	Deadly Force against Intruder at a Business
8. HB13-1066	Preservation of Religious Freedom
9. HB13-1078	Repeal Colorado Health Benefit Exchange
10. HB13-1089	Academic Freedom Acts
11. HB13-1098	Colorado Mandatory E-verify Act
12. HB13-1099	Public Administrators Accountability Act
13. HB13-1112	Open Records Request Passive Traffic Cameras
14. HB13-1120	Eliminate Conservation Easement Disputed for Taxes
15. HB13-1143	Adopt Model Mobile Workforce Income Tax Statute
16. HB13-1150	Sales & Use Tax Holiday Disaster-preparedness Item
17. HB13-1151	Sales & Use Tax Holiday for Higher Ed Textbooks
18. HB13-1162	Concealed Handgun Carry No Permit
19. HB13-1173	Reduce Approp for Legislative Liaison Salaries
20. HB13-1175	Higher Ed Funding Before Medicaid Expansion
21. HB13-1187	No New Federal Firearm Laws

- 22. HB13-1188 Coordinated Response to Federal Land Decisions
- 23. HB13-1192 GMO's
- 24. HB13-1226 No Concealed Carry At Colleges
- 25. HB13-1227 Income Protection Act
- 26. HB13-1244 Continuation of Ed Success Task Force
- 27. HB13-1275 Front Range Oil & Gas Human Health Study
- 28. HB13-1304 Unemployment Compensation Benefits Due To Lockout
- 29. HB13-1309 Health Insurance Coverage for Breast Imaging
- 30. HB13-1313 Local Public Bodies & Executive Session
- 31. SB13-009 School Board Policies Allowing Concealed Carry
- 32. SB13-017 Opt-In Opt-Out Option Teacher's Union Membership
- 33. SB13-020 Business Fiscal Impacts Leg Measures & Exec
- 34. SB13-024 Prohibit Discrimination Labor Union Participation
- 35. SB13-054 Underage Person Alcohol Consumption Parent Consent
- 36. SB13-055 PERA Actuarial Soundness & Reporting Requirements
- 37. SB13-062 Require Security at No-firearms Businesses
- 38. SB13-064 Year-round Daylight Saving Time Standard within CO
- 39. SB13-066 Taxpayer Abortion Separation Act
- 40. SB13-069 Income Tax Credits for Nonpublic Education
- 41. SB13-121 Higher Ed Institutions Fee-for-service Contracts
- 42. SB13-142 Cede Federal Agricultural Public Lands
- 43. SB13-165 Community Colleges Limited Number Bachelor Degrees
- 44. SB13-168 Public Employees & Labor Organizations
- 45. SB13-191 Pipeline Rights-of-way
- 46. SB13-218 CO Key Industries Workforce Grant Program
- 47. SB13-257 Auto Inspection Program Exemption

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**House Bills**

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**HOUSE BILL 13-1001**

**CONCERNING AN ADVANCED INDUSTRY GRANT PROGRAM AND, IN CONNECTION THEREWITH, ENACTING THE "ADVANCED INDUSTRIES ACCELERATION ACT"; ADDING REPRESENTATIVES FROM ADVANCED INDUSTRIES TO THE ECONOMIC DEVELOPMENT COMMISSION; REPEALING THE BIOSCIENCE DISCOVERY EVALUATION GRANT PROGRAM AND THE CLEAN TECHNOLOGY DISCOVERY EVALUATION GRANT PROGRAM; CREATING THE COLORADO ADVANCED INDUSTRIES ACCELERATION CASH FUND TO BE USED TO PROVIDE PROOF OF CONCEPT GRANTS, EARLY STAGE CAPITAL AND RETENTION GRANTS, AND INFRASTRUCTURE FUNDING GRANTS; AND REDUCING AN APPROPRIATION.**

BY REPRESENTATIVE(S) Young and Gerou, Ferrandino, Buckner, Exum, Fields, Fischer, Foote, Gardner, Ginal, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Lee, Levy, McCann, McLachlan, Melton, Mitsch Bush, Moreno, Pabon, Peniston, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Schafer, Singer, Tyler, Vigil, Williams, Duran, May; also SENATOR(S) Heath and Steadman, Giron, Guzman, Hudak, Jahn, Jones, Kefalas, Kerr, Newell, Nicholson, Schwartz, Tochtrop, Todd, Ulibarri, Morse.

The bill creates the advanced industries acceleration grant program (program) in the Colorado office of economic development (office). The following industries are defined to be advanced industries: Advanced manufacturing, aerospace, bioscience, electronics, energy and natural resources, infrastructure engineering, and information technology.

The program includes the following types of grants:

- A proof-of-concept grant for an advanced industry research project to an eligible office of technology transfer;
- An early-stage capital and retention grant to an eligible company for the purpose of accelerating the commercialization of advanced industry products or services to be manufactured or performed in the state; and
- An infrastructure grant for an advanced industry project that builds or utilizes infrastructure to support or enhance the commercialization of advanced industry products or services or that contributes to the development of an advanced industry workforce.

Each type of grant has its own eligibility requirements, preferences, and maximum grant amounts. If an applicant qualifies for a preference, the maximum grant amounts do not apply. All grant applicants are required to identify the anticipated number of jobs created or retained in the state, capital invested or attracted in the state, and any other economic impacts that may result from the grant.

The program absorbs the bioscience discovery evaluation grant program and the clean technology discovery evaluation grant program. The office will continue to operate the bioscience discovery evaluation grant program until it is repealed on January 2, 2015, and the program will continue to receive its funding until the program ends. The clean technology discovery evaluation grant program is repealed immediately.

In administering the program, the office is required to:

- Consult with the economic development commission about all of the potential grants and monetary incentives that a grant applicant is eligible for;
- Consult with Colorado-based advanced industries or representatives from advanced industries about the program;

- Provide at least \$5.5 million of grant moneys for bioscience projects and companies and a minimum amount of moneys for clean technology projects and companies that is based on existing funding for the repealed program;
- Award at least 15% of the total program grants in a calendar year to each of the 3 types of grants; and
- Annually report to legislative committees about the program.

All program grants are made from the advanced industries acceleration cash fund. The fund consists of moneys transferred from the bioscience discovery evaluation cash fund prior to the fund's repeal; limited gaming moneys that were previously used in the bioscience discovery evaluation grant program; income tax withholdings that were to be split between the bioscience discovery evaluation grant program and the clean technology discovery evaluation grant program; gifts, grants, or donations; and any moneys that the general assembly appropriates to the fund.

The bill also adds 2 members to the Colorado economic development commission to represent the advanced industries.

**BillLink:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/24CD86949A5BF7A887257AEE00585E6/\\$FILE/1001\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/24CD86949A5BF7A887257AEE00585E6/$FILE/1001_enr.pdf)

**HOUSE BILL 13-1004**

**A BILL FOR AN ACT CONCERNING THE COLORADO CAREERS ACT OF 2013, AND, IN CONNECTION THEREWITH, ESTABLISHING A TRANSITIONAL JOBS PROGRAM AND MAKING AN APPROPRIATION.**

BY REPRESENTATIVES Duran and Melton; Also SENATOR(S) Kerr.

The bill directs the department of human services (department) to administer a transitional jobs program to provide transitional jobs. The department shall:

- Define eligibility requirements for the program;
- Implement the program throughout the state, potentially with a gradual phase-in through 2014; collect data on performance outcomes and evaluate the data in order to present the results of the program in a timely and structured manner;
- Define the process to select local agency contractors for the program; and
- Define allowable uses of funding from the program.

The bill is repealed effective July 1, 2017.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/E4E98254D4E45CAE87257AEE0054ABA6/\\$FILE/1004\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/E4E98254D4E45CAE87257AEE0054ABA6/$FILE/1004_enr.pdf)

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**HOUSE BILL 13-1008**

**CONCERNING THE EXTENSION OF THE VETERANS PREFERENCE IN STATE HIRING TO THE SPOUSE OF A VETERAN IF THE VETERAN IS UNABLE TO WORK DUE TO A MILITARY SERVICE CONNECTED DISABILITY.**

BY REPRESENTATIVE(S) Ryden, Buckner, Dore, Duran, Exum, Fields, Fischer, Garcia, Gardner, Ginal, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsack, Lee, May, Melton, Moreno, Pabon, Pettersen, Primavera, Rosenthal, Salazar, Schafer, Singer, Vigil, Williams, Young, Ferrandino; also SENATOR(S) Todd, Aguilar, Balmer, Brophy, Cadman, Carroll, Crowder, Giron, Heath, Hodge, Hudak, Jahn, Kefalas, Kerr, King, Lambert, Newell, Nicholson, Scheffel, Schwartz, Tochtrop, Ulibarri, Morse.

The state constitution currently contains a veterans' preference in state hiring (preference). If a numerical method is used for the comparative analysis of candidates, an applicant entitled to preference will have a specified number of points added to his or her score. If a nonnumerical method is used, an applicant entitled to preference will be added to the interview eligible list. The surviving spouse of a veteran who would have been entitled to preference is also eligible for preference.

The bill extends the veterans' preference to the spouse of a veteran who is eligible for preference but has a military service-connected disability and is unable to work. If a numerical method is used for the comparative analysis of candidates, 5 points shall be added to the comparative analysis score of the candidate. If a nonnumerical method is used the candidate is added to the interview eligible list.

In keeping with the constitutional provisions regarding preference, a candidate is not eligible to receive preference with respect to a promotional opportunity.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/41EB110A17DF23B087257AEE0057C2D2/\\$FILE/1008\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/41EB110A17DF23B087257AEE0057C2D2/$FILE/1008_enr.pdf)

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**HOUSE BILL 13-1012**

**CONCERNING THE EXTENSION OF FINANCIAL INCENTIVES FOR WILDFIRE MITIGATION**

BY REPRESENTATIVE(S) Gerou and Levy, Duran, Fields, Fischer, Gardner, Ginal, Hamner, Hullinghorst, Kagan, Labuda, Lawrence, Lebsack, McLachlan, Mitsch Bush, Moreno, Pabon, Pettersen, Rankin, Salazar, Schafer, Stephens, Vigil, Williams, Young, Ferrandino; also SENATOR(S) Roberts and Nicholson, Aguilar, Carroll, Heath, Hodge, Jones, Kefalas, Kerr, King, Lambert, Newell, Schwartz, Todd, Morse.

Lower North Fork Wildfire Commission. Section 1 of the bill continues an income tax deduction for a landowner who performs wildfire mitigation measures on private land in a wildland-urban interface area. Section 2 of the bill continues the authority of the Colorado water resources and power development authority to issue bonds for the purposes of funding watershed protection and forest health projects.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/1384C4AC0C3740D287257A8E0073CB66/\\$FILE/1012\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/1384C4AC0C3740D287257A8E0073CB66/$FILE/1012_enr.pdf)

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**HOUSE BILL 13-1015**

**CONCERNING ELIMINATION OF THE PROHIBITION AGAINST DISCLOSURE OF MENTAL HEALTH CLAIMS INFORMATION BY SMALL GROUP HEALTH PLANS.**

BY REPRESENTATIVE(S) Kraft-Tharp, Court, Duran, Exum, Fields, Fischer, Ginal, Hullinghorst, Kagan, Lee, Levy, McCann, McLachlan, Melton, Mitsch Bush, Pabon, Primavera, Rosenthal, Ryden, Schafer, Singer, Tyler, Williams, Young, Ferrandino; also SENATOR(S) Kefalas, Aguilar, Kerr, Nicholson, Tochtrop, Todd.

Current law prohibits small group health plans from disclosing mental health history, diagnosis, or treatment services information received in an initial application for coverage, or in subsequent claims for benefits, without the written consent of the insured person.

The bill repeals this prohibition, thereby enabling small group carriers to report mental health claims data to the all-payer claims database.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/AE3CDC1DBBEA02FD87257AEE005722BB/\\$FILE/1015\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/AE3CDC1DBBEA02FD87257AEE005722BB/$FILE/1015_enr.pdf)

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**HOUSE BILL 13-1026**

**CONCERNING THE ACCOUNTING OF THE EQUIPMENT AND RENOVATION FEE ASSESSED AS A PART OF THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION COMPACT.**



BY REPRESENTATIVE(S) Fischer, Szabo, Vigil, Fields, Gerou, Hullinghorst, Labuda, Lebsock, McLachlan, Mitsch Bush, Pabon, Ryden, Salazar, Singer, Tyler, Young; also SENATOR(S) Schwartz, Giron, Renfroe, Aguilar.

**Capital Development Committee.** Legislation was enacted in 2009 to simplify the approval process for capital construction projects initiated by a state institution of higher education if the project is funded from cash funds held by the institution. Consequently, an appropriation from a cash fund is no longer necessary in the annual general appropriation act for a capital construction project funded in such a way.

Existing statute related to the equipment and renovation fee assessed as a part of the western interstate commission for higher education compact still requires an appropriation to Colorado state university from such a fund. The bill seeks to modernize this statute in accordance with the simplification process adopted in 2009.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/D68FB4DAEB019CB187257AEE0054B732/\\$FILE/1026\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/D68FB4DAEB019CB187257AEE0054B732/$FILE/1026_enr.pdf)

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**HOUSE BILL 13-1031**

**CONCERNING STATEWIDE ALL-HAZARDS RESOURCE MOBILIZATION AND, IN CONNECTION THEREWITH, CLARIFYING THE POWERS AND DUTIES OF THE DEPARTMENT OF PUBLIC SAFETY WITH RESPECT TO THE STATEWIDE AL-HAZARDS RESOURCE MOBILIZATION PLAN, SPECIFYING HOW MOBILIZED ENTITIES RECEIVE REIMBURSEMENT FOR EXPENSES INCURRED BY RENDERING ASSISTANCE, AND MAKING AN APPROPRIATION.**

BY REPRESENTATIVE(S) Gerou, Levy, Hamner, Kagan, Labuda, Mitsch Bush, Young; also SENATOR(S) Nicholson and Roberts, Aguilar, Giron, Heath, Jones, King, Newell, Schwartz, Todd, Morse.

**Lower North Fork Wildfire Commission.** Currently, the office of emergency management (office) in the division of homeland security and emergency management (division) in the department of public safety (department) is charged with developing a statewide all-hazards resource mobilization plan (plan) to facilitate the interjurisdictional provision of disaster emergency assistance during disasters. The bill:

- Clarifies the duties of the office, the director of the office, and executive director of the department with respect to such plan and establishes the means by which mobilized governmental entities may seek reimbursement for costs incurred by rendering interjurisdictional disaster assistance; and
- Creates the resource mobilization fund, the moneys in which are used by the executive director of the department to reimburse state agencies and jurisdictions in accordance with

the plan, and authorizes the governor to transfer moneys to the fund from the disaster emergency fund when he or she believes that a disaster is imminent.

**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/49DEB6EB9B554FE687257A8C0050734F/\\$FILE/1031\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/49DEB6EB9B554FE687257A8C0050734F/$FILE/1031_enr.pdf)

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**HOUSE BILL 13-1041**

**CONCERNING PROCEDURES GOVERNING THE TRANSMISSION OF PUBLIC RECORDS THAT ARE COPIED IN RESPONSE TO A REQUEST FOR INSPECTION OF SUCH RECORDS UNDER THE "COLORADO OPEN RECORDS ACT".**

BY REPRESENTATIVE(S) Pettersen, Court, Duran, Exum, Fields, Hamner, Hullinghorst, Kraft-Tharp, Melton, Mitsch Bush, Murray, Pabon, Rosenthal, Schafer, Tyler, Young; also SENATOR(S) Kefalas, Heath, Nicholson.

Upon request by a person seeking a copy of any public record for which a right to inspection exists under the "Colorado Open Records Act" (CORA), the records custodian must transmit a copy of the record by United States mail or by any other means of delivery or transmission, including facsimile or via electronic mail if practicable, if the record is already maintained in a digital format.

No fees related to transmission may be charged to the record requester for transmitting public records via electronic mail.

The custodian is required to notify the record requester that a copy of the record is available but will only be sent to the requester once the custodian receives payment for postage if the copy is transmitted by United States mail, or payment for the cost of delivery if the copy is transmitted other than by United States mail, and payment for any other supplies used in the mailing, delivery, or transmission of the record and for all other fees lawfully allowed, unless the imposition of a fee has been waived by the custodian. Upon receiving such payment, the custodian is required to send the record to the requester as soon as practicable but no more than 3 business days after receipt of such payment.

**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/4B0AE8B542D0C4F387257AEE005849E0/\\$FILE/1041\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/4B0AE8B542D0C4F387257AEE005849E0/$FILE/1041_enr.pdf)

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**HOUSE BILL 13-1042**

**CONCERNING A STATE INCOME TAX DEDUCTION FOR A TAXPAYER WHO IS PROHIBITED FROM CLAIMING A FEDERAL INCOME TAX DEDUCTION BY SECTION 280E OF THE INTERNAL REVENUE CODE BECAUSE MARIJUANA IS A CONTROLLED SUBSTANCE UNDER FEDERAL LAW, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY REPRESENTATIVE(S) Kagan, Hulinghorst, Labuda, Lee, Moreno, Singer; also SENATOR(S) Guzman, Hodge, Jahn, Steadman.

The starting point for determining state income tax liability is federal taxable income. This number is adjusted for additions and subtractions (deductions) that are used to determine Colorado taxable income, which amount is multiplied by the state's 4.63% income tax rate.

Section 280E of the internal revenue code (section 280E) prohibits a trade or business that is illegally trafficking controlled substances from claiming any federal income tax deductions. This increases federal taxable income and, consequently, state income tax liability.

The bill allows a taxpayer who is licensed under the "Colorado Medical Marijuana Code" to claim a state income tax deduction for an expenditure that is eligible to be claimed as a federal income tax deduction but is disallowed by section 280E because marijuana is a controlled substance under federal law. Taxpayers eligible for this deduction include medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused product manufacturers.

**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/D12657F864EC4B2F87257AEE0058844F/\\$FILE/1042\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/D12657F864EC4B2F87257AEE0058844F/$FILE/1042_enr.pdf)

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**HOUSE BILL 13-1043**

**CONCERNING THE STATUTORY DEFINITION OF A DEADLY WEAPON.**

BY REPRESENTATIVE(S) Foote, Fields, Fischer, Hulinghorst, Labuda, McLachlan, Melton, Pabon, Pettersen, Rosenthal, Vigil, Young; also SENATOR(S) Heath, Johnston, King, Todd, Ulibarri, Morse.

Under current law, for the purposes of criminal law, a deadly weapon is defined as a firearm, whether loaded or unloaded; a knife; a bludgeon; or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that in the manner it is used or intended to be used is capable of producing death or serious bodily injury.

The bill modifies this definition so that a firearm, whether loaded or unloaded, qualifies as a deadly weapon regardless of the manner in which it is used or intended to be used.

**Bill Link:**

## HOUSE BILL 13-1044

### CONCERNING THE AUTHORIZATION OF THE USE OF GRAYWATER.

BY REPRESENTATIVE(S) Fischer, Coram, Duran, Fields, Ginal, Hamner, Hullinghorst, Labuda, Lebsack, Mitsch Bush, Moreno, Murray, Rosenthal, Salazar, Schafer, Sonnenberg, Young, Peniston, Rankin, Williams; also SENATOR(S) Schwartz, Aguilar, Giron, Guzman, Heath, Jahn, Jones, Kefalas, Kerr, Newell, Nicholson, Steadman, Tochtrop, Todd, Ulibarri, Morse.

Current law is unclear regarding whether, and under what conditions, graywater may be used. **Section 1** of the bill declares the importance of water conservation to the economy of Colorado and the well-being of its citizens.

**Section 2** defines "graywater" as that portion of wastewater that, before being treated or combined with other wastewater, is collected from fixtures within residential, commercial, or industrial buildings or institutional facilities for the purpose of being put to beneficial uses authorized by the water quality control commission (commission) in the department of public health and environment. Sources of graywater may include discharges from bathroom and laundry room sinks, bathtubs, showers, and laundry machines, as well as water from other sources authorized by rules promulgated by the commission. Graywater does not include wastewater from toilets, urinals, kitchen sinks, nonlaundry utility sinks, and dishwashers. Graywater must be collected in a manner that minimizes household wastes, human excreta, animal or vegetable matter, and chemicals that are hazardous or toxic, as determined by the commission. Section 2 also defines "graywater treatment works".

**Section 3** authorizes the commission to establish minimum statewide requirements, standards, and prohibitions. Graywater may only be used:

- In accordance with the terms and conditions of applicable decrees or well permits for source water rights or source water and any return flows therefrom;
- In accordance with all federal, state, and local requirements; and
- If a local government adopts a resolution or ordinance authorizing its use.

**Sections 4 and 5** give counties and municipalities the discretion to authorize graywater use and the exclusive authority to enforce compliance with their graywater use resolutions and ordinances.

**Section 6** authorizes the board of any groundwater management district to adopt rules restricting the use of graywater treatment works. Section 6 also permits a person using a small capacity well within a

designated basin to use graywater, in compliance with the commission's control regulations concerning graywater use and subject to the limitations on use contained in the well permit.

**Sections 7, 8, and 10** authorize a person withdrawing water from a well to use graywater, in compliance with the commission's control regulations concerning graywater use and subject to the limitations on use contained in the well permit or, if applicable, in an approved replacement plan or a decreed plan of augmentation.

**Section 9** concerns graywater use by water users served by a provider of municipal or industrial water supplies. The graywater must be used in compliance with the commission's control regulations concerning graywater use and for purposes that are permissible under the municipality's or water district's water rights. Such use of graywater is not reuse and is deemed not to cause injury.

**Section 11** encourages the examining board of plumbers to adopt appendix C of the international plumbing code, 2009 edition.

**Section 12** appropriates \$110,293 and 1.4 FTE to the department of public health and environment for personal services and operating and travel expenses of the clean water program and for the purchase of legal services.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/7A5BB9369AB7D2F787257AEE005725A9/\\$FILE/1044\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/7A5BB9369AB7D2F787257AEE005725A9/$FILE/1044_enr.pdf)

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**HOUSE BILL 13-1046**

**CONCERNING EMPLOYER ACCESS TO PERSONAL INFORMATION THROUGH ELECTRONIC COMMUNICATION DEVICES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY REPRESENTATIVE(S) Williams, Duran, Exum, Fields, Ginal, Hulinghorst, Labuda, Lee, Melton, Moreno, Pabon, Pettersen, Primavera, Salazar, Schafer, Young, Ferrandino, Hamner, Lebsock, Rosenthal, Ryden; also SENATOR(S) Ulibarri, Aguilar, Carroll, Crowder, Giron, Guzman, Heath, Hudak, Jahn, Jones, Kefalas, Kerr, King, Newell, Nicholson, Steadman, Tochtrop, Todd, Morse.

The bill prohibits an employer from requiring an employee or applicant for employment to disclose a user name, password, or other means for accessing a personal account or service through an electronic communications device. This does not include access to nonpersonal accounts or services that provide access to the employer's internal computer or information systems. The bill also prohibits an employer from discharging, disciplining, penalizing, or refusing to hire an employee or applicant who does not provide access to personal accounts or services.

The bill clarifies that an employer may investigate an employee to ensure compliance with securities or financial law or for suspected unauthorized downloading of proprietary information based on the receipt of information about these activities.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/B1355B3A769E5C4A87257A8E0073C3BA/\\$FILE/1046\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/B1355B3A769E5C4A87257A8E0073C3BA/$FILE/1046_enr.pdf)

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**HOUSE BILL 13-1054**

**CONCERNING LESSENING THE REDUCTION OF UNEMPLOYMENT INSURANCE BENEFITS REQUIRED WHEN A CLAIMANT WITHDRAWS AMOUNTS FROM A RETIREMENT PLAN AS A RESULT OF UNEMPLOYMENT.**

BY REPRESENTATIVE(S) Melton and Exum, Buckner, Fields, Ginal, Hullinghorst, Labuda, Lebsock, Lee, Mitsch Bush, Moreno, Pabon, Rosenthal, Ryden, Salazar, Schafer, Williams, Young; also SENATOR(S) Tochtrop, Newell, Todd.

Under current law, if an unemployment claimant withdraws any amount from a retirement plan contributed to by an employer, the amount of the claimant's full balance in the plan is used to determine the length of time the claimant will not be eligible to receive unemployment insurance benefits, delaying benefits for individuals otherwise entitled to benefits because of job separation. The bill clarifies that only the amount withdrawn from the retirement plan by the claimant, and not the total balance in the plan, is considered in determining the length of time the claimant is not eligible to receive benefits.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/A64FF8684A29864087257AEE00582DCC/\\$FILE/1054\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/A64FF8684A29864087257AEE00582DCC/$FILE/1054_enr.pdf)

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**HOUSE BILL 13-1055**

**CONCERNING REDUCING INEFFICIENCY IN THE ELIGIBILITY REDETERMINATION PROCESS FOR THE COLORADO WORKS PROGRAM.**

BY REPRESENTATIVE(S) May, Buckner, Court, Duran, Fields, Fischer, Ginal, Hamner, Hullinghorst, Kraft-Tharp, Labuda, Lebsock, Levy, Melton, Mitsch Bush, Moreno, Pabon, Ryden, Salazar, Schafer, Tyler, Williams, Young; also SENATOR(S) Kefalas, Aguilar, Carroll, Giron, Guzman, Heath, Newell, Nicholson, Steadman, Morse.

The bill removes the requirement that annual redetermination of eligibility for the Colorado works program be done in person and allows the department to use other methods to determine continued eligibility for the program.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/819496EE7EA4B90C87257AEE0058362D/\\$FILE/1055\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/819496EE7EA4B90C87257AEE0058362D/$FILE/1055_enr.pdf)

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**HOUSE BILL 13-1115**

**CONCERNING THE REPEAL OF COVER COLORADO, AND, IN CONNECTION THEREWITH, TERMINATING HEALTH CARE COVERAGE FOR ALL COVER COLORADO PARTICIPANTS EFFECTIVE APRIL 1, 2014, AS PART OF THE TRANSITION TO HEALTH INSURANCE COVERAGE REGARDLESS OF PREEXISTING MEDICAL CONDITIONS UNDER THE FEDERAL "PATIENT PROTECTION AND AFFORDABLE CARE ACT".**

BY REPRESENTATIVE(S) McCann, Fields, Labuda, Levy, Schafer, Swalm, Tyler, Joshi, Primavera, Ryden, Young, Buckner, Ginal, Hamner, Kagan, Lebsock, Mitsch Bush, Pettersen, Williams, Lee, Melton; also SENATOR(S) Steadman and Roberts, Aguilar, Giron, Guzman, Heath, Jahn, Jones, Kefalas, Kerr, Newell, Nicholson, Schwartz, Tochtrop, Todd.

The bill recognizes that as a result of the passage of health care reform by the federal government, Colorado residents termed "high risk" for purposes of health insurance coverage will be able to obtain health insurance coverage regardless of preexisting medical conditions. Therefore, there is no reason for the continued existence of the CoverColorado program. The bill specifies that loss of coverage under CoverColorado due to the termination of CoverColorado constitutes an event that allows a person to obtain health insurance coverage through the Colorado health benefit exchange or other health insurance plans offered in Colorado.

The bill provides for the repeal of CoverColorado, effective March 31, 2015. Prior to the repeal, the bill requires the board of directors of CoverColorado to develop an orderly plan for cessation of the program including:

- Cessation of enrollment of new participants for coverage after December 1, 2013;
- Termination of health care coverage for existing participants, effective April 1, 2014;
- Payment or settlement of claims for covered services and all other outstanding liabilities by December 31, 2014; and
- By March 31, 2015, final disposition of all remaining funds in any account of the program.

The bill specifies that effective May 1, 2013, the state treasurer shall end the transmission of moneys from the unclaimed property trust fund to CoverColorado. The bill requires that on July 1, 2013, the board of directors of CoverColorado shall transmit \$15 million dollars from the accounts of CoverColorado to the state treasurer for deposit into the unclaimed property trust fund. The bill ends tax credits available to insurance companies making contributions to CoverColorado after the 2012 tax year rather than the 2014 tax year. The bill reduces the cash funds figure shown for informational purposes in the appropriations made to the department of the treasury in the annual general appropriation act for the fiscal year beginning July 1, 2013 by \$36,511,694.

**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/2AEEB69240FA017787257AEE00589DB4/\\$FILE/1115\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/2AEEB69240FA017787257AEE00589DB4/$FILE/1115_enr.pdf)

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**HOUSE BILL 13-1124**

**CONCERNING THE REDUCTION OF IMPROPER UNEMPLOYMENT INSURANCE BENEFIT PAYMENTS THROUGH COMPLIANCE WITH THE FEDERAL "TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011", AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY REPRESENTATIVE(S) Pabon and Stephens, Williams, Melton, Duran, Hullinghorst, Labuda, Young; also SENATOR(S) Jahn, Tochtrop, Newell.

As a result of amendments made to the federal "Unemployment Tax Act" and "Social Security Act" by the federal "Trade Adjustment Assistance Extension Act of 2011", in order to keep Colorado's unemployment insurance system in compliance with federal law, the bill makes the following changes to the state unemployment insurance laws:

- Requires that employer accounts be charged when an individual is erroneously paid benefits if the overpayment occurred as a result of an employer's failure to provide timely information and the division of unemployment insurance establishes a pattern of this behavior by the employer; and
- Increases the penalty on fraudulent overpayments and requires 23% of the penalty to be deposited in the unemployment compensation fund and the remainder into the unemployment revenue fund.

For the implementation of this bill, it appropriates \$144,564 from the unemployment revenue fund to the division of unemployment compensation in the department of labor and employment, for the fiscal year beginning July 1, 2013.

**Bill Link:**



**HOUSE BILL 13-1136**

**CONCERNING THE CREATION OF REMEDIES IN EMPLOYMENT DISCRIMINATION CASES BROUGHT UNDER STATE LAW.**

BY REPRESENTATIVE(S) Levy and Salazar, Buckner, Court, Duran, Exum, Fields, Fischer, Garcia, Ginal, Hullinghorst, Kagan, Labuda, Lebsock, McCann, Melton, Mitsch Bush, Moreno, Peniston, Pettersen, Primavera, Ryden, Schafer, Singer, Tyler, Vigil, Williams, Ferrandino, Foote, Pabon, Rosenthal, Hamner; also SENATOR(S) Carroll and Guzman, Aguilar, Giron, Hodge, Hudak, Jones, Kefalas, Morse, Newell, Nicholson, Steadman, Tochtrop, Todd, Ulibarri, Heath, Johnston, Schwartz.

Current law does not permit an award of compensatory or punitive damages or attorney fees and costs to a plaintiff who prevails in a complaint before the Colorado civil rights commission (commission) or in a lawsuit alleging a discriminatory or unfair employment practice under state law, even in cases of intentional discrimination. While federal employment antidiscrimination laws allow such damages in cases where intentional discrimination is found, and allows an award of reasonable attorney fees and costs, only employers who employ 15 or more employees are subject to federal law. Moreover, victims of employment discrimination on the basis of sexual orientation are not afforded protections under federal law. Thus, employees who work for employers with fewer than 15 employees or who claim employment discrimination on the basis of sexual orientation are not allowed compensatory or punitive damages and cannot recover reasonable attorney fees and costs when they prove a case of intentional employment discrimination.

Additionally, current law precludes a claim of age discrimination by persons 70 years of age or older.

**Section 1** of the bill establishes the "Job Protection and Civil Rights Enforcement Act of 2013", which would allow the additional remedies of compensatory and punitive damages in employment discrimination cases brought under state law against employers where intentional discrimination is proven. These damages would be in addition to the remedies allowed under current law, namely, front pay, back pay, interest on back pay, reinstatement or hiring, and other equitable relief that may be awarded. Compensatory damages are to compensate a plaintiff for other pecuniary losses, emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses. If the plaintiff shows by clear and convincing evidence that the defendant engaged in a discriminatory or unfair employment practice with malice or reckless indifference to the rights of the plaintiff, the plaintiff may recover punitive damages. However, a plaintiff may not recover punitive damages against:

- The state or a political subdivision, commission, department, institution, or school district of the state;

- A defendant who demonstrates good-faith efforts to prevent discriminatory and unfair employment practices; or
- A defendant who demonstrates good-faith efforts to identify and make reasonable workplace accommodations for a person with a disability employed by the defendant.

The bill limits the amount of compensatory and punitive damages to the amounts specified in the federal "Civil Rights Act of 1991", but specifies the following maximum damage awards for the following employers:

- For employers who employ between one and 4 employees, \$10,000; or
- For employers who employ between 5 and 14 employees, \$25,000.

The bill directs the court to consider the size and assets of the defendant and the egregiousness of the intentional discriminatory or unfair employment practice when determining the amount of damages to award the victim. A plaintiff who asserts employment discrimination claims under both federal and state law is limited to recovery only once for the same injuries, damages, or losses. When a plaintiff claims discrimination based on age, the plaintiff may only recover relief authorized under federal law, which includes front pay, back pay, and liquidated damages but excludes compensatory and punitive damages.

When a plaintiff claims compensatory or punitive damages in a civil lawsuit, either party to the action is entitled to demand a jury trial. Additionally, the court may award the prevailing plaintiff reasonable attorney fees and costs and, if the court finds that the action was frivolous, groundless, or vexatious, the court may award attorney fees and costs to the defendant.

When a person seeks damages for an intentional discriminatory or unfair employment practice, the person cannot obtain those damages from the commission or, for state employees, the state personnel board (board); rather, the person must file a civil action in the appropriate district court to pursue a damage award. The bill establishes a process for a complaining party to pursue a damages claim in court after exhausting applicable administrative proceedings, under which process an order or written decision issued by the commission or board is stayed and cannot be appealed by the complaining party or respondent until the damages case is tried in district court and the court issues a decision.

**Section 3** of the bill specifies that claims for compensatory damages against the state are payable from the risk management fund. The bill removes the maximum age limit for purposes of age discrimination claims, thereby permitting persons 70 years of age or older to pursue a claim based on age discrimination.

**Section 4** of the bill authorizes the commission to appoint a working group of employers and employees to assist in education and outreach efforts to foster compliance with laws prohibiting discriminatory or unfair employment practices.

The remedies available under the bill would apply to causes of action alleging discriminatory or unfair employment practices accruing on or after January 1, 2015.

**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/A82168D492556FE687257AF000556F1A/\\$FILE/1136\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/A82168D492556FE687257AF000556F1A/$FILE/1136_enr.pdf)

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**HOUSE BILL 13-1138**

**CONCERNING BENEFIT CORPORATIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY REPRESENTATIVE(S) Lee, Buckner, Court, Duran, Exum, Fields, Fischer, Ginal, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Lebsock, Moreno, Pabon, Peniston, Pettersen, Rosenthal, Ryden, Salazar, Schafer, Singer, Tyler, Young, Foote; also SENATOR(S) Kefalas, Aguilar, Giron, Guzman, Heath, Johnston, Jones, Kerr, Newell, Nicholson, Schwartz, Steadman, Morse.

On and after January 1, 2014, the bill permits a corporation to become a benefit corporation if it includes a statement to that effect in its articles of incorporation and also specifies in its articles of incorporation an additional purpose of providing a general or specific public benefit. A corporation needs to obtain two-thirds of the shareholders' consent to amend its articles of incorporation to become a public benefit corporation; shareholders have dissenting rights.

The corporation and its directors and officers are not liable for failure to pursue or create a general or specific public benefit. The bill specifies directors' and officers' standards of conduct. A benefit corporation must prepare a benefit report and must send the report to its shareholders. The report may assess the corporation's performance in achieving its general or specific public benefit against a third-party standard. \$79,920 is appropriated to the department of state from the department of state cash fund to implement the act.

**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/A29836D875EF946987257AEE00574AC0/\\$FILE/1138\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/A29836D875EF946987257AEE00574AC0/$FILE/1138_enr.pdf)

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**HOUSE BILL 13-1139**

**CONCERNING THE REPEAL OF OBSOLETE ENTITIES.**

BY REPRESENTATIVE(S) Rankin, Conti, DelGrosso, Dore, Foote, Garcia, Gardner, Gerou, Holbert, Joshi, Landgraf, Lawrence, Lee, McLachlan, Mitsch Bush, Pettersen, Priola, Rosenthal, Scott, Szabo, Vigil, Waller, Wright; also SENATOR(S) Crowder, Newell, Steadman.

. The bill repeals the following entities, which are each obsolete for various reasons (including significant

period of inactivity, lack of appointees, fulfillment of duties, or prior transfer of functions to other bodies):

- The state standards and assessments development and implementation council in the department of education;
- The microenterprise development advisory council;
- The gulf war syndrome advisory committee;
- The statewide poison control oversight board;
- The panel of experts appointed by the governor to advise the state department of health care policy and financing regarding the creation of a centennial care choices program; and
- The minerals, energy, and geology policy advisory board in the department of natural resources.

**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/F7413407FB5C97EF87257AEE005841D9/\\$FILE/1139\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/F7413407FB5C97EF87257AEE005841D9/$FILE/1139_enr.pdf)

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**HOUSE BILL 13-1142**

**CONCERNING REFORMS TO THE "URBAN AND RURAL ENTERPRISE ZONE ACT", AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY REPRESENTATIVE(S) Hullinghorst, Court, Ferrandino, Kagan, Pabon, Buckner, Fields, Fischer, Ginal, Labuda, Levy, Melton, Moreno, Singer, Tyler, Young, Exum, Lee, Schafer, Williams; also SENATOR(S) Heath, Aguilar, Carroll, Guzman, Jones, Kefalas, Steadman, Tochtrop.

The bill:

- Repeals the enterprise zone review task force.
- Commencing January 1, 2014, requires the director of the Colorado office of economic development and the Colorado economic development commission (commission) to review the enterprise zone designations at least once every 10 years to ensure that the existing zones continue to meet the statutory criteria to qualify as an enterprise zone.
- Clarifies that if enterprise zone modifications are necessary but are not undertaken because the state is in a high unemployment period, that those modifications must be

reviewed again as soon as the state is no longer in a high unemployment period.

- For credits certified on or after January 1, 2014, limits the amount of an income tax credit that may be claimed in an income tax year for qualified investments in an enterprise zone to the lesser of:
  - the sum of up to \$5,000 of the taxpayer's actual tax liability for the income tax year plus 50% of any portion of the tax liability for the income tax year that exceeds \$5,000; or
  - \$750,000 plus any investment tax credit carryovers of any excess credit allowed or any previously allowed investment tax credit carryovers.
- Specifies that the limitation on the amount a taxpayer may claim for the income tax year in which the total qualified investment is made does not limit the total amount of the credit allowed, nor does it limit the ability of a taxpayer to carryover a credit to subsequent tax years as allowed in the bill or as previously allowed by law.
- Allows a taxpayer to appeal to the commission for a credit in excess of the \$750,000 limit.
- Requires the commission to annually post information regarding certified investment tax credits on its web site or the Colorado office of economic development's web site.
- Increases the income tax credit for investments made in a qualified job training program in an enterprise zone for income tax years commencing on and after January 1, 2014, from 10% of the total investment to 12%.
- Increases the income tax credit for establishing a new business facility in an enterprise zone for income tax years commencing on and after January 1, 2014, from \$500 for each new business facility employee to \$1,100.
- Increases the income tax credit for each new business facility employee in an enterprise zone who is insured under a health insurance plan or program provided through his or her employer for income tax years commencing on and after January 1, 2014, from \$200 per such employee to \$1,000.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/5F083394CCA62F9287257AEE0054BD0D/\\$FILE/1142\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/5F083394CCA62F9287257AEE0054BD0D/$FILE/1142_enr.pdf)

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**HOUSE BILL 13-1147**

**CONCERNING VOTER REGISTRATION FACILITATED BY STATE INSTITUTIONS OF HIGHER EDUCATION.**

BY REPRESENTATIVE(S) Melton, Buckner, Court, Duran, Exum, Fields, Fischer, Lebsock, Mitsch Bush, Moreno, Ryden, Salazar, Singer, Tyler, Williams, Foote, Ginal, Hamner, Hullinghorst, Labuda, McLachlan, Pabon, Pettersen, Primavera, Rosenthal, Schafer, Young; also SENATOR(S) Newell, Todd, Ulibarri, Aguilar, Carroll, Giron, Guzman, Heath, Hodge, Hudak, Jones, Nicholson, Schwartz,

. The bill requires a state institution of higher education (institution) that utilizes electronic course registration to provide its students, when a student so registers at the institution for each term or semester, the opportunity be electronically directed to the web site maintained by the secretary of state in order to register to vote. This option must be offered to students as soon as practicable, but no later than the next regularly scheduled maintenance of an institution's electronic course registration process.

An institution that does not provide electronic course registration must provide voter registration information to students, including posting such information in the institution's registrar's office.

**Bill Link**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/10FEBBC3E16A842B87257AEE0057D9FD/\\$FILE/1147\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/10FEBBC3E16A842B87257AEE0057D9FD/$FILE/1147_enr.pdf)

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**HOUSE BILL 13-1165**

**CONCERNING THE CREATION OF A MANUFACTURING CAREER PATHWAY FOR COLORADO, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY REPRESENTATIVE(S) Wilson, Duran, Fields, Foote, Hullinghorst, Lebsock, Melton, Mitsch Bush, Moreno, Pabon, Pettersen, Rosenthal, Salazar, Schafer, Singer, Vigil, Williams, Young; also SENATOR(S) Heath, Aguilar, Guzman, Hudak, Kefalas, Kerr, Newell, Nicholson, Schwartz, Tochtrop, Todd, Ulibarri, Morse.

The bill requires the state board for community colleges and occupational education (board), after consulting with local district junior colleges and area vocational schools, in conjunction with the department of labor and employment, the state workforce development council, the department of higher education, and the department of education, to design a manufacturing career pathway for the skills needed for employment in Colorado's manufacturing sector.

The manufacturing career pathway shall connect school districts, community colleges, local district junior colleges and area vocational schools, and 4-year institutions of higher education with adult education programs and local workforce development programs and allow a student to earn income while

progressing along the career pathway.

At a minimum, the manufacturing career pathway must include the following components:

- Alignment with the skills and requirements necessary for high-demand occupations within the manufacturing sector;
- A full range of education options with a nonduplicative and clearly articulated progression through the educational programs;
- Technical skills assessments that lead to industry certification or other hiring benefits;
- Academic and career counseling resources and services, particularly at transition points along the career pathway; and
- Curriculum and instructional strategies that integrate learning with work.

Once designed, the bill requires the department of higher education, in collaboration with the department of labor and employment, to post information concerning the manufacturing career pathway to the free, on-line resource known as College in Colorado.

For the 2013-14 fiscal year, the bill includes an appropriation to the department of higher education, for allocation to the state board for community colleges and occupational education, for the implementation of the bill.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/FD81557AE76C4A8F87257AF4007998E9/\\$FILE/1165\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/FD81557AE76C4A8F87257AF4007998E9/$FILE/1165_enr.pdf)

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**HOUSE BILL 13-1179**

**CONCERNING DEADLINES FOR STATE AGENCIES TO SUBMIT DOCUMENTS RELATED TO APPROPRIATIONS TO THE JOINT BUDGET COMMITTEE.**

BY REPRESENTATIVE(S) Levy, Duran, Gerou, Ferrandino; also SENATOR(S) Steadman, Hodge, Lambert.

**Joint Budget Committee. Section 1** of the bill establishes the following deadlines for a state agency to submit a budget request or a budget request amendment to the joint budget committee (JBC):

- November 1 for a budget request;
- January 2 for a budget request amendment related to most supplemental appropriation

requests; and

- January 15 for stand-alone budget request amendments and budget request amendments by the department of education (DOE) related to a supplemental appropriation request for current-year enrollment changes and by the department of corrections (DOC) and the division of youth corrections in the department of human services (DYC) related to a supplemental appropriation request for current-year caseload growth.

Section 1 also establishes the following deadlines for a state agency to request the JBC for a supplemental appropriation:

- January 2 for most supplemental appropriation requests; and
- January 15 for DOE to request a supplemental appropriation related to current-year enrollment changes and for DOC and DYC to each request a supplemental appropriation related to current-year caseload growth.

A state agency may submit a budget request amendment or request a supplemental appropriation after these deadlines if it is based upon circumstances unknown to, and not reasonably foreseeable by, the state agency prior to the applicable deadline. These deadlines apply to the office of state planning and budgeting (OSPB) if it submits a request on behalf of a state agency.

**Section 2** makes conforming amendments related to OSPB's role in the submission of these appropriation-related documents.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/352FF338CF0D680787257AEF00807090/\\$FILE/1179\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/352FF338CF0D680787257AEF00807090/$FILE/1179_enr.pdf)

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## **HOUSE BILL 13-1194**

### **CONCERNING IN-STATE STUDENT CLASSIFICATION FOR DEPENDANTS OF MEMBERS OF THE ARMED FORCES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY REPRESENTATIVE(S) Everett, Saine, Holbert, Nordberg, Rankin, Wright, Priola, Murray, Buck, DelGrosso, Garcia, Landgraf, Lawrence, Melton, Navarro, Pabon, Scott, Wilson, Conti, Duran, Exum, Fields, Foote, Gardner, Ginal, Hamner, Joshi, Kagan, Kraft-Tharp, Labuda, Lebsock, May, Mitsch Bush, Moreno, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Singer, Vigil, Williams, Young, Buckner, Lee, McLachlan, Schafer, Stephens, Tyler; also SENATOR(S) Marble, Lundberg, Aguilar, Baumgardner, Brophy, Cadman, Carroll, Crowder, Grantham, Heath, Hill, Hudak, Jahn, Johnston, Kefalas, Kerr, King, Lambert, Newell, Nicholson, Roberts, Scheffel, Tochtrop, Todd, Morse.



Current law authorizes a dependant of a service member to receive in-state tuition at a Colorado public institution of higher education (Colorado college) if the service member was stationed in Colorado during the dependant's last year of high school and the dependant enrolled in a Colorado college within 12 months after graduating from a high school in Colorado. The bill extends in-state tuition to all dependants, including spouses, of service members.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/D94D9500A8D9027E87257AF000800171/\\$FILE/1194\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/D94D9500A8D9027E87257AF000800171/$FILE/1194_enr.pdf)

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**HOUSE BILL 13-1222**

**CONCERNING THE EXPANSION OF THE GROUP OF FAMILY MEMBERS FOR WHOM COLORADO EMPLOYEES ARE ENTITLED TO TAKE LEAVE FROM WORK UNDER THE FEDERAL "FAMILY AND MEDICAL LEAVE ACT OF 1993".**

BY REPRESENTATIVE(S) Peniston, Court, Fischer, Ginal, Hamner, Hullinghorst, Labuda, Lebsock, Melton, Rosenthal, Salazar, Singer, Tyler, Young, Levy, Moreno, Pabon, Ryden, Schafer, Ferrandino; also SENATOR(S) Ulibarri, Aguilar, Carroll, Giron, Hudak, Kefalas, Todd, Guzman, Heath, Hodge, Johnston, Jones, Kerr, Newell, Nicholson, Schwartz, Steadman, Tochtrop, Morse.

Under the federal "Family and Medical Leave Act" (FMLA), an employee is entitled to 12 workweeks of leave during a 12-month period to care for a spouse, child, or parent of the employee who has a serious health condition. In the case of a parent using FMLA leave to care for a child, the FMLA permits the leave only for the parent of a child who is under 18 years of age or is incapable of self-care because of a mental or physical disability. Current Colorado law is silent with regard to required family and medical leave, so Colorado employees are entitled to leave as specified in the FMLA.

The bill expands the group of family members for whom employees in Colorado may take FMLA leave when the family member has a serious health condition to include a person who is the employee's partner in a civil union or is the employee's domestic partner and either:

- Has registered the domestic partnership with the municipality in which the person resides or with the state, if applicable; or
- Is recognized by the employer as the employee's domestic partner.

An employer may require the employee requesting leave to provide reasonable documentation or a written statement of family relationship, in accordance with the FMLA and to submit the same certification as the employer may require under the FMLA.

FMLA leave taken by an employee pursuant to this section runs concurrently with leave taken

under the FMLA and does not increase the total amount of leave to which an employee is entitled during a twelve-month period under the FMLA, this bill, or both.

An employee who is denied leave to care for a person in the expanded group of family members has the right to recover damages or equitable relief, as is currently the case for persons denied leave to care for a family member for whom leave is permitted under the FMLA.

In the event the FMLA is expanded to allow leave for an employee's partner in a civil union or domestic partner, the bill is repealed.

**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/EAB98A19051427A587257AEE0057BDE7/\\$FILE/1222\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/EAB98A19051427A587257AEE0057BDE7/$FILE/1222_enr.pdf)

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**HOUSE BILL 13-1223**

**CONCERNING THE AUTHORITY OF THE COMMISSIONER OF INSURANCE TO PROMULGATE RULES REGARDING AN INSURANCE CARRIER'S REQUIREMENT TO SUBMIT COST INFORMATION TO THE COMMISSIONER.**

BY REPRESENTATIVE(S) Primavera, Fields, Fischer, Hullinghorst, Labuda, McLachlan, Schafer, Vigil, Young, Ginal, Ryden; also SENATOR(S) Newell, Aguilar, Heath, Kefalas, Nicholson, Schwartz, Todd.

Current law requires all insurance carriers doing business in the state to submit cost information to the commissioner of insurance. The bill allows the commissioner to promulgate rules to establish qualifications for a carrier to meet in order to be required to report the cost information.

**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/8CF4C72367BC9B3087257AFB0072F2ED/\\$FILE/1223\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/8CF4C72367BC9B3087257AFB0072F2ED/$FILE/1223_enr.pdf)

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**HOUSE BILL 13-1230**

**CONCERNING COMPENSATION FOR PERSONS WHO ARE EXONERATED OF THEIR CRIMES AFTER A PERIOD OF INCARCERATION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY REPRESENTATIVE(S) Williams and Pabon, Buckner, Court, Hullinghorst, Melton, Pettersen, Salazar, Duran, Exum, Foote, Ginal, Hamner, Kagan, Labuda, Lebsack, Lee, Levy, May, Mitsch Bush, Moreno, Peniston, Primavera, Rosenthal, Ryden, Schafer, Vigil, Young; also SENATOR(S) Guzman, Aguilar,

Carroll, Giron, Harvey, Heath, Hodge, Jahn, Jones, Kefalas, Kerr, King, Newell, Nicholson, Schwartz, Steadman, Tochtrop, Todd, Ulibarri, Morse.

With certain limitations, the state shall compensate a person, or the immediate family members of a person, who has been:

- Wrongly convicted of a felony, or wrongly adjudicated a juvenile delinquent for the commission of an offense that would be a felony if committed by a person 18 years of age or older;
- Incarcerated; and
- Exonerated and found to be actually innocent (an exonerated person).

The bill sets forth a judicial procedure whereby a person who is eligible to seek compensation from the state as an exonerated person, or the immediate family members of such a person, may petition a district court for an order declaring the person to be actually innocent and eligible to receive an order of compensation. Upon receipt of a petition, the attorney general and the district attorney shall each have 60 days to file a response in the district court. The response shall contain a statement that either:

- The petitioner is eligible to seek compensation; or
- The responding party contests the nature, significance, or effect of the evidence of actual innocence, the facts related to the petitioner's alleged wrongful conviction, or whether the petitioner is eligible to seek compensation.

If the responding party contests the actual innocence of the petitioner, the district court shall set the matter for a trial, at which trial the burden shall be on the petitioner to show by a clear and convincing evidence that he or she is actually innocent of all crimes that are the subject of the petition and that he or she is eligible to receive compensation.

An exonerated person shall be compensated by the state in the form of:

- Monetary compensation;
- Tuition waivers at state institutions of higher education;
- Compensation for child support payments owed by the exonerated person that became due during his or her incarceration, and interest on child support arrearages that accrued during his or her incarceration but which have not been paid;
- Reasonable attorneys' fees; and
- The amount of any fine, penalty, court costs, or restitution imposed upon and paid by the

exonerated person as a result of his or her wrongful conviction or adjudication.

An exonerated person shall receive monetary compensation in an amount of \$70,000 for each year that he or she was incarcerated for the crime of which he or she has been exonerated. In addition to this amount, an exonerated person shall receive compensation in an amount of:

- \$50,000 for each year that he or she was incarcerated and awaiting execution; and
- \$25,000 for each year that he or she served on parole, on probation, or as a registered sex offender as a result of the criminal offense of which he or she has been exonerated.

For a partial year of incarceration, an exonerated person shall receive a prorated amount that is based on the length of time that he or she was incarcerated.

The district court shall not issue to any person any compensation for any period of incarceration during which the person was concurrently serving a sentence for an offense of which he or she has not been exonerated.

The district court shall reduce an exonerated person's award of monetary compensation if, prior to the issuance of such award:

- The exonerated person prevails in or settles a civil action against the state or against any other government body;
- The judgment rendered in the civil action or the settlement of the civil action includes an award of monetary damages to the exonerated person.

Under such circumstances, the district court shall reduce the award by an amount that is equal to the amount of monetary damages that the person is awarded and collects in the civil action; except that, a district court shall not offset any amount exceeding the total amount of monetary compensation awarded to the exonerated person.

The state court administrator shall issue an annual payment to an exonerated person within 14 days after receiving directions to do so from a district court and annually thereafter until the state's obligation is satisfied. An annual payment shall be \$100,000; except that, if the remaining amount owed to the exonerated person is less than \$100,000, then the annual payment shall be the remaining amount.

After the state court administrator issues an initial annual payment to an exonerated person, the exonerated person must complete a personal financial management instruction course before the state court administrator may issue to the person another annual payment.

A district court that directs the state court administrator to compensate an exonerated person or the immediate family members of an exonerated person shall order that all records relating to the person's wrongful conviction or adjudication shall be expunged as if such events had never taken place and such records had never existed. The district court shall direct such an expungement order to every

person or agency that may have custody of any part of any records relating to the person's wrongful conviction or adjudication.

If a district court issues an expungement order, a court, law enforcement agency, or other state agency that maintains records relating to the exonerated person's wrongful conviction or adjudication shall physically seal such records and thereafter treat the records as confidential. Records that have been sealed shall be made available to a court or a law enforcement agency, including but not limited to a district attorney's office or the attorney general, upon a showing of good cause.

On or before September 1, 2013, the Colorado commission on higher education shall implement a policy whereby each institution of higher education in the state shall waive tuition costs for an exonerated person, and for any child or custodial child of an exonerated person who was conceived or legally adopted before the exonerated person was incarcerated, who satisfies the admission requirements of the institution and who remains in satisfactory academic standing in accordance with the academic policies of the institution. To receive a tuition waiver, an exonerated person or child or custodial child of an exonerated person must apply to the institution and request such waiver in writing not later than 2 years after the later of the following dates:

- The date upon which a district court issued to the state court administrator directions to compensate an exonerated person; or
- In the case of a child or custodial child of an exonerated person, the date upon which the child or custodial child graduated from high school.

Neither an exonerated person nor a child or custodial child of an exonerated person shall be eligible for a tuition waiver unless the exonerated person was wrongfully incarcerated for at least 3 years.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/825B615B5119309187257A83006D046D/\\$FILE/1230\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/825B615B5119309187257A83006D046D/$FILE/1230_enr.pdf)

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**HOUSE BILL 13-1235**

**CONCERNING REQUIREMENTS RELATED TO THE VALUATION OF REAL PROPERTY PRIOR TO A STATE AGENCY ENTERING INTO CONTRACTS RELATED TO SUCH REAL PROPERTY.**

BY REPRESENTATIVE(S) Szabo, Fischer, Vigil, Buckner, Conti, Coram, Court, DelGrosso, Dore, Fields, Garcia, Gardner, Gerou, Hamner, Holbert, Hullinghorst, Joshi, Labuda, Landgraf, Lawrence, Melton, Mitsch Bush, Moreno, Navarro, Nordberg, Pabon, Priola, Rankin, Ryden, Saine, Schafer, Singer, Sonnenberg, Stephens, Swalm, Tyler, Waller, Williams, Wilson, Wright, Young, Ferrandino, McLachlan, Pettersen, Scott; also SENATOR(S) Baumgardner, Giron, Schwartz.

**Capital Development Committee.** The bill makes clarifications to existing law regarding appraisal requirements for contracts to purchase and options to purchase real property.

Specifically, the bill requires a contract to purchase real property that has a purchase price of more than one hundred thousand dollars to contain a contingency clause that requires the state to secure an appraisal of the subject real property or interest therein by an appraiser licensed in the state to substantiate the purchase price and that makes the closing of the purchase contingent on the approval of the contract by the state controller.

The bill then specifies that when the state department, institution, or agency entering into the contract receives the appraisal, the state department, institution, or agency is required to provide a copy of the the appraisal to the state controller.

If a state department, institution, or agency enters into an option to purchase real property that has a total purchase price of more than one hundred thousand dollars, the same appraisal contingency must occur prior to closing on the purchase of the real property.

The bill also specifies that prior to a state department, institution, or agency entering into an option to purchase real property or any interest therein that has a total purchase price of more than one hundred thousand dollars, the state department, institution, or agency is required to obtain a written broker opinion of value completed by a broker licensed in the state of Colorado or an appraisal by an appraiser licensed in the state of Colorado of the subject property in order to complete a thorough analysis of the property or interests therein being considered. The bill specifies that the opinion of value or the appraisal must be forwarded to the state controller prior to the state controller approving the option to purchase contract.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/09558F2ABAC8007B87257AF50055B54A/\\$FILE/1235\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/09558F2ABAC8007B87257AF50055B54A/$FILE/1235_enr.pdf)

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**HOUSE BILL 13-1266**

**CONCERNING THE ALIGNMENT OF STATE HEALTH INSURANCE LAWS WITH THE REQUIREMENTS OF THE FEDERAL "PATIENT PROTECTION AND AFFORDABLE CARE ACT".**

BY REPRESENTATIVE(S) McCann and Gardner, Fields, Fischer, Ginal, Kraft-Tharp, Labuda, Lebsock, Levy, Mitsch Bush, Moreno, Ryden, Salazar, Schafer, Young, Buckner, Court, Rosenthal; also SENATOR(S) Aguilar, Carroll, Giron, Guzman, Heath, Hodge, Hudak, Jones, Kefalas, Newell, Nicholson, Schwartz, Tochtrop, Todd, Morse.

The bill aligns the "Colorado Health Care Coverage Act" (Colorado law) with the federal "Patient Protection and Affordable Care Act of 2010" and the federal "Health Care and Education Reconciliation Act of 2010" (federal law) to give the insurance commissioner the necessary authority to regulate health

insurers with respect to new requirements of the federal law. The bill includes the following changes to Colorado law:

- Makes defined terms in Colorado law consistent with the requirements of federal law;
- Enacts the terms of Colorado's essential health benefits package;
- Conforms Colorado's current mandatory coverage provisions to the requirements of federal law;
- Requires all individual and small employer health insurance carriers selling health benefit plans in Colorado to issue and renew plans to all eligible individuals;
- Conforms Colorado law to federal law requirements for dependent health coverage for persons under 26 years of age;
- Prohibits discrimination against licensed or certified health care providers by health insurance carriers in the participation of health care providers in individual or group health benefit plans;
- Conforms Colorado law regulating health insurance rates and the filing of health insurance plans to the requirements of federal law;
- Aligns Colorado law with federal law for internal and external independent review of adverse determinations of health insurance carriers with respect to denial of benefits;
- Consistent with federal law, prohibits carriers offering individual or small employer health benefit plans from imposing any preexisting condition exclusion with respect to coverage;
- Makes wellness and prevention program requirements consistent with federal law;
- Conforms carrier network adequacy requirements to federal law; and
- Authorizes the insurance commissioner to adopt rules necessary to comply with requirements of federal law.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/2FF83C17083A577887257AEE005AB558/\\$FILE/1266\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/2FF83C17083A577887257AEE005AB558/$FILE/1266_enr.pdf)

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**HB 13-1274**

**A BILL FOR AN ACT CONCERNING THE STATE BOARD OF LAND COMMISSIONERS' INVESTMENT**

**IN COMMERCIAL REAL PROPERTY, AND, IN CONNECTION THEREWITH, GRANTING THE STATE BOARD OF LAND COMMISSIONERS THE AUTHORITY TO ENTER INTO LEASE-PURCHASE AGREEMENTS.**

BY REPRESENTATIVE(S) Hullinghorst; also SENATOR(S) Kerr.

Section 1 of the bill makes amendments to an existing definition and creates others in order to clarify what the lands are to which the article refers.

Section 2 of the bill ensures that any lease payments and rental payments for land, including by definition any lease payments from commercial real property, would be distributed in the same way that all revenues generated from state trust lands are currently distributed.

Section 3 of the bill grants the state board of land commissioners the authority to instruct the state treasurer to enter into lease-purchase agreements on behalf of the state school lands for the acquisition, construction, renovation, and improvement of commercial real property that the board will then lease as office space for state agencies or other tenants. The bill specifies that it is the general assembly's intent that annual lease payments be paid from commercial real property revenues, but sets up secondary and tertiary options in the event of a shortfall. Prior to instructing the state treasurer to enter into such lease-purchase agreements, the bill requires the state board of land commissioners to present a financial plan related to such a lease-purchase agreement to the department of personnel and the office of state planning and budgeting. No later than 60 days after presentation of the financial plan, the capital development committee is required to review the financial plan and may make recommendations. The bill also:

Limits the total amount of annual lease payments payable by the state in any fiscal year;

Specifies additional procedural and legal requirements relating to the lease-purchase agreements; and

Creates the state board of land commissioners lease-purchase fund.

Section 4 of the bill makes clear that any interest earned on damage deposits that the state board of land commissioners receives from a lessee related to leases on state lands for nonagricultural purposes may be retained by the state board of land commissioners.

Section 6 of the bill creates the commercial real property operating fund to properly establish how to account for lease revenues generated from all commercial real property investments held by the state board of land commissioners on behalf of any of the state trust funds.

Sections 7, 8, and 9 of the bill make conforming amendments to statutory sections related to contracting for services and procurement for the commercial real property operating fund that are consistent with a similar state board of land commissioners cash fund.



**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/F7353678BB0B001087257AEE00574603/\\$FILE/1274\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/F7353678BB0B001087257AEE00574603/$FILE/1274_enr.pdf)

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**HOUSE BILL 13-1292**

**CONCERNING MODIFICATIONS TO PROCUREMENT REQUIREMENTS FOR GOVERNMENT CONTRACTS RELATED TO UNITED STATES DOMESTIC EMPLOYMENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY REPRESENTATIVE(S) Lee and Pabon, Buckner, Court, Duran, Exum, Ferrandino, Fields, Fischer, Foote, Garcia, Ginal, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Levy, May, McCann, McLachlan, Melton, Mitsch Bush, Moreno, Peniston, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Schafer, Singer, Tyler, Vigil, Williams, Young; also SENATOR(S) Kerr and Nicholson, Aguilar, Carroll, Giron, Guzman, Heath, Hodge, Hudak, Jahn, Johnston, Jones, Kefalas, Morse, Newell, Schwartz, Steadman, Tochtrop, Todd, Ulibarri.

**Colorado hiring on public works projects.** Current law requires a contractor to use at least 80% Colorado labor for any public works contract that is financed in whole or in part by state, county, school district, or municipal moneys (Colorado labor requirement). Any violation of the Colorado labor requirement is currently a misdemeanor punishable by fine, imprisonment in county jail, or both. Current law does not specifically require any state entity to enforce the Colorado labor requirement.

The bill repeals the existing criminal penalties and directs the department of labor and employment (CDLE) to enforce the Colorado labor requirement. In connection with its enforcement duties, CDLE is required to receive complaints about potential violations of the Colorado labor requirement, investigate such complaints, and impose fines for violations.

If a contractor has violated the Colorado labor requirements multiple times, the executive director of CDLE may, in his or her discretion, initiate proceedings to debar the contractor. The general assembly is required to appropriate any revenue from the fines collected by CDLE to CDLE to be used for its enforcement of the Colorado labor requirements.

The governmental body financing a public works project is required to waive the Colorado labor requirement if there is reasonable evidence to demonstrate insufficient Colorado labor to perform the work of the project.

Compliance with the requirements of the Colorado labor requirement will be calculated on the total taxable wages and fringe benefits, minus any per diem payments, paid to workers employed directly on the site of the project and who satisfy the definition of Colorado labor.

**Nonresident bidder reciprocity.** Colorado is one of many states that requires reciprocal

treatment for a non-resident bidder who is from a state that offers a preference for resident bidders of that state (non-resident bidder reciprocity). Current law does not require any state entity to enforce the nonresident bidder reciprocity requirements.

The bill clarifies the current nonresident bidder reciprocity law by specifying that in any bidding process for public works in which a bid is received from a nonresident bidder who is from a state that provides a percentage bidding preference, a comparable percentage disadvantage shall be applied to the bid of that bidder.

The department of personnel (DPA) is required to determine which states provide a bidding preference on public works contracts for their resident bidders and to submit a report to the general assembly that includes the list as well as recommendations for the implementation and enforcement of the nonresident bidder reciprocity law. In addition, the bill requires that any request for proposals issued by a state agency or political subdivision of the state include notice of Colorado's nonresident bidder reciprocity law.

**Competitive sealed best value bidding for construction contracts for public projects.** Currently, construction contracts for public projects are awarded through competitive sealed bidding. The bill creates a competitive sealed best value bidding process and authorizes construction contracts to be awarded either through the existing competitive sealed bidding process or the new competitive sealed best value bidding process.

The bill requires a contract under competitive sealed best value bidding to be solicited through an invitation for bids that identifies the evaluation factors upon which the award shall be based. The bill specifies certain evaluation factors to be included in the bids.

A contract shall be awarded to the bidder whose bid is determined in writing to be the most advantageous to the state and that represents the best overall value to the state, taking into consideration the price and other evaluation factors set forth in the invitation for bids.

The bill requires the executive director of a governmental agency or the president of an institution of higher education (institution), as applicable, that enters into a construction contract for a public project to disclose to the public the agency or institution's rationale for selecting the competitive sealed bidding process, the competitive sealed best value bidding process, or the integrated project delivery process, which also currently exists in law, as applicable. The agency or institution is required to post the disclosure on its web site.

To ensure that the best value bidding process is open and transparent to the public, the bill requires that after the selection of qualified participants, all statements of qualification shall be made available to the public and that after the contract has been awarded, all requests for proposals shall be made public along with the score sheets used to make the bid selection.

**Disclosure of outsourcing contract duties by vendor.** Current law requires any prospective vendor for a contract from the state for services to disclose where services will be performed under the contract, including subcontracts, and whether any services under the contract or subcontract are anticipated to be performed outside the state or the United States. The bill modifies current law by

requiring prospective vendors to make this disclosure for subcontracts only.

In addition, the bill requires each contract entered into or renewed by a governmental body to contain a clause that requires the vendor to provide written notice to the governmental body if the vendor decides, after the contract is awarded, to subcontract any part of the contract to a subcontractor that will perform such duties in a location outside the state or the United States.

The notice must include the specific duties that will be outsourced and the reason for the outsourcing. The governmental body is required to provide the written notice from a vendor to the director of DPA (director), and the director is required to post the notice on the official web site of DPA. If a vendor fails to notify the governmental body that is a party to the contract of outsourcing, the governmental body may, in its discretion, void the contract.

**Outsourcing of certain contract duties by governmental body prohibited.** The bill prohibits a governmental body from awarding a contract to a vendor outside the United States that will perform the direct labor necessitated by the contract outside the United States. Direct labor includes labor that is required to be performed under a contract when the governmental body has a direct business relationship with the vendor performing the contract. It does not include computer systems, including hardware and software, that is not specifically designed pursuant to the terms of the contract.

Each prospective vendor that submits a bid or proposal to a governmental body is required to certify that the direct labor covered by the bid or proposal will be performed in the United States.

A governmental body may submit to the director written request for a waiver of the direct labor requirements. A governmental body shall include in its written waiver request findings of one or more specified circumstances to justify the need for a waiver.

The director is required to post information regarding any waiver allowed on the official web site of DPA, periodically analyze the direct labor services for which waivers are granted to a governmental body, and work with governmental bodies to facilitate the performance of such outsourced direct labor services within the United States for future contracts.

**Disclose use of foreign-produced iron, steel, and related manufactured goods.** The bill requires the contractor for any ~~public buildings or~~ public works project that is funded in whole or in part by state moneys and that costs more than \$500,000 to disclose to DPA the 5 most costly goods incorporated into the contract.

The bill specifies that, in the case of an iron or steel product, the product will be considered manufactured in the United States if all of the manufacturing processes for the final product take place in the United States, and in the case of a manufactured good, a good will be considered manufactured in the United States if all of the manufacturing processes for the final product take place in the United States. In order for a manufactured good to be considered subject to disclosure, the product must be manufactured predominantly of steel or iron.

DPA is required to develop and maintain a list of the 5 most costly goods that are incorporated into

each contract and that are not produced in the United States, as disclosed to DPA.

**Public utilities commission consideration of best value metrics in request for proposal process.** Currently, the public utilities commission is required to consider certain best value employment metrics when it evaluates electric resource acquisitions. The bill requires that the public utilities commission also consider the best value employment metrics in connection with requests for a certificate of convenience and necessity for construction or expansion of generating facilities, including pollution control or fuel conservation upgrades and conversion of existing coal-fired plants to natural gas plants.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/8C52AC8D8E104C7B87257AEE005749B6/\\$FILE/1292\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/8C52AC8D8E104C7B87257AEE005749B6/$FILE/1292_enr.pdf)

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**HB 13-1299**

**A BILL FOR AN ACT CONCERNING CHANGES TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" OF 2010, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

The bill repeals and reenacts the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" of 2010 with amendments. The bill creates 7 standing interim committees, with the intention of eliminating specialized interim committees in the future, with the following responsibilities:

- **Standing education interim committee:** Issues and policies related to preschool through postsecondary education, including basic adult education;
- **Standing health care and human services interim committee:** Issues and policies related to health, health care, human services, and insurance;
- **Standing judiciary and criminal justice interim committee:** Issues and policies related to children and domestic matters, civil law, corrections, youth corrections, criminal law and procedure, juvenile law, and probate and trusts;
- **Standing science and energy interim committee:** Issues and policies related to agriculture, livestock, natural resources, public utilities, and energy;
- **Standing finance and business interim committee:** Issues and policies related to state and local government finance, taxation, business, labor and industry, professions and occupations, and economic development and tourism;
- **Standing state and local government and military affairs interim committee:** Issues and policies related to elections, state departments and agencies, state and local

government, public employees' retirement association, fire and police pension association, and military and veterans affairs; and

- **Standing transportation interim committee:** Issues and policies related to transportation and motor vehicle and traffic regulation.

The bill repeals and reenacts the transportation legislation review committee so that it is instead the standing transportation interim committee. The bill also repeals the police officers' and firefighters' pension reform commission and places the commission's duties under the standing state and local government and military affairs interim committee instead.

Each executive branch department and the judicial department is assigned to a specific standing interim committee so that the legislature may give guidance and direction to such department in the development of its policies and programs, to provide legislative overview of and input regarding the implementation of its policies and programs, and to review its performance plans and performance evaluations.

A legislative member may submit a request in writing to the legislative council regarding an issue that he or she wishes a standing interim committee to add to its agenda. The legislative council is required to meet during the regular session each year to review and prioritize requests made by legislative members and, if approved, assign such requests to the appropriate standing interim committee.

The bill specifies that each standing interim committee must meet at least twice during each interim between legislative sessions, and may meet more often as authorized by the executive committee of the legislative council, to develop its policies and programs, to review any performance plan, and to consider any approved policies to be studied requested by legislative members and any policies to be studied as requested by the joint budget committee, the legislative audit committee, or the office of state planning and budgeting.

The bill repeals the annual SMART hearings at the commencement of each legislative session. The bill also makes changes to the strategic planning requirements found in the 2010 act so that departments are now required to prepare performance plans and performance evaluations that the joint budget committee may use to prioritize departments' requests for new funding that are expressly intended to enhance productivity, improve efficiency, reduce costs, and eliminate waste in the processes and operations that deliver goods and services to taxpayers and customers of state government.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/84BF07B2B4E4007087257AEE0054BD7A/\\$FILE/1299\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/84BF07B2B4E4007087257AEE0054BD7A/$FILE/1299_enr.pdf)

**CONCERNING ALLOWING A LAW ENFORCEMENT AGENCY TO ACQUIRE CALL LOCATION INFORMATION FROM A TELECOMMUNICATIONS DEVICE WITHOUT A COURT ORDER IN AN EMERGENCY SITUATION.**

BY REPRESENTATIVE(S) Kagan and Gardner, Buckner, Court, Fields, Foote, Hamner, Labuda, Lee, McLachlan, Melton, Mitsch Bush, Moreno, Pettersen, Rosenthal, Schafer, Williams, Young; also SENATOR(S) Ulibarri and King, Newell, Morse.

Any supervising representative of a law enforcement agency (requesting authority) may order a previously designated security employee of a wireless telecommunications provider (employee) to provide to the agency, without requiring the agency to obtain a court order, location information concerning the telecommunications device of a named person if the requesting authority has probable cause to believe that:

- An emergency situation exists that involves the risk of death or serious bodily injury to the named person or to another person who is in the named person's company; and
- The time required to obtain a search warrant or other court order authorizing the acquisition of the information would increase such risk.

A wireless telecommunications provider may establish protocols by which the provider discloses location information, provided that such protocols shall include keeping a record of:

- The name of the requesting authority that requested the location information; and
- The time and date when the request was made.

No cause of action may be brought against any wireless telecommunications provider, its officers, employees, agents, or other specified persons for providing location information in response to a request from a law enforcement agent with actual or apparent authority to act as a supervising representative.

A law enforcement agency that acquires such location information shall not divulge the information to any person other than to another law enforcement agency, or an employee thereof, unless the law enforcement agency has obtained a court order authorizing the agency to retain the information.

Not more than 24 48 hours after ordering an employee to provide location information, a law enforcement agency shall request a court order stating whether:

- At the time that the requesting authority ordered the employee to provide the information, the requesting authority had probable cause to believe that an emergency situation exists; and
- The law enforcement agency may retain the information for a bona fide investigative purpose.

Unless a court orders that the law enforcement agency may retain the information for a bona fide investigative purpose, the law enforcement agency shall destroy the information and not retain any copy of the information for any purpose.

If the court issues an order stating that the requesting authority did not have probable cause to believe that an emergency situation existed and that the information was not lawfully obtained, then neither the information nor any other evidence that is obtained as a result of the law enforcement agency's acquisition of the information may be admitted in any subsequent criminal proceeding unless the information or other evidence was also acquired independently in a lawful manner.

Any ruling by a court that the information obtained may be retained for a bona fide investigative purpose shall not be considered a ruling on the admissibility of the evidence in any criminal proceeding under the constitutional and statutory provisions of the United States or Colorado.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/442DEF62D7EEA3C087257B330051CF70/\\$FILE/1308\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/442DEF62D7EEA3C087257B330051CF70/$FILE/1308_enr.pdf)

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**HOUSE BILL 13-1311**

**CONCERNING A CLARIFICATION OF THE DEFINITION OF VETERINARY PREMISES IN THE "COLORADO VETERINARY PRACTICE ACT".**

BY REPRESENTATIVE(S) Fischer, Fields, Ginal, Lebsack, Mitsch Bush, Pabon, Primavera, Vigil; also SENATOR(S) Schwartz, Crowder, Newell.

Current law defines veterinary premises as a veterinary office or other location in which veterinary medicine is practiced by, or under the direct or immediate supervision of, a licensed veterinarian. The bill expands this definition to include a place where veterinary medicine is practiced under the direction and supervision of a licensed veterinarian, though not necessarily in the veterinarian's physical presence.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/6DC337670E18908787257B4A005FB BFE/\\$FILE/1311\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/6DC337670E18908787257B4A005FB BFE/$FILE/1311_enr.pdf)

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**HOUSE BILL 13-1314**

**A BILL FOR AN ACT CONCERNING THE TRANSFER OF THE ADMINISTRATION OF LONG-TERM SERVICES FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES TO THE**

## **DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.**

BY REPRESENTATIVE(S) Levy and Gerou, Duran, Buckner, Fields, Gardner, Ginal, Kraft-Tharp, May, Melton, Mitsch Bush, Pettersen, Primavera, Salazar, Schafer, Singer, Williams, Young, Ferrandino, Hamner, Hulinghorst, Murray, Pabon, Peniston, Rosenthal, Ryden, Wilson; also SENATOR(S) Hodge, Steadman, Lambert, Aguilar, Carroll, Giron, Guzman, Jahn, Kefalas, Kerr, Newell, Todd.

**Joint Budget Committee.** The bill transfers the powers, duties, and functions of the department of human services (DHS) relating to the programs, services, and supports for persons with intellectual and developmental disabilities contained in article 10.5 of title 27, Colorado Revised Statutes (C.R.S.) to the department of health care policy and financing (HCPF) on March 1, 2014. The transferred provisions are repealed and relocated, with amendments, to a new article 10 of title 25.5, C.R.S.

The following provisions of article 10.5 of title 27 are being relocated:

- Part 1 - Rights of Developmentally Disabled
- Part 4 - Family Support Services
- Part 5 - Colorado Family Support Loan Fund

Provisions relating to regional centers and the coordinated system of payment for early intervention services for infants and toddlers will remain in article 10.5 of title 27 and will continue to be administered by DHS. Because certain programs and responsibilities will remain with DHS, certain provisions in article 10.5 of title 27 relating to definitions for the article and the duties of the department are amended in the bill.

The transferred programs, services, and supports will be administered by the newly created division of intellectual and developmental disabilities (division) within the newly created office of community living (office). The director of the office will be appointed by the executive director of HCPF and will report to the executive director. The office is created as of July 1, 2013.

In September and November 2013, HCPF, in conjunction with intellectual and developmental disability advocates and service providers, will report to the joint budget committee of the general assembly concerning any issues relating to the set up of the office and the upcoming transfer of programs. Additionally, quarterly, commencing after the March 2014 transfer and concluding in December 2014, HCPF, along with the above-referenced advocates and providers will report to the joint budget committee and the health care committees of the general assembly concerning the operation of the division and its administration of the transferred programs, services, and supports.

The bill changes certain terminology in the provisions contained in the bill, including changing the phrase, "developmental disabilities" to "intellectual and developmental disabilities". Additionally, the bill makes conforming amendments.

**Bill Link:**



[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/D7115BBAEFCBD12587257B2700565235/\\$FILE/1314\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/D7115BBAEFCBD12587257B2700565235/$FILE/1314_enr.pdf)

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**HB 13-1315**

**A BILL FOR AN ACT CONCERNING THE AUTHORITY OF A GOVERNING BOARD OF AN INSTITUTION OF HIGHER EDUCATION TO MANDATE PURCHASES RELATING TO HEALTH CARE.**

BY REPRESENTATIVE(S) Fischer, Fields, Ginal, Hullinghorst, Labuda, Lebsock, Moreno, Rosenthal, Salazar, Vigil, Young, McCann, Pabon, Pettersen, Schafer; also SENATOR(S) Kefalas, Guzman, Nicholson.

Under current law, the governing board of an institution of higher education may not require an undergraduate student to purchase health care insurance. The bill repeals this prohibition.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/B5108174F9C5902187257B4B007E4FB6/\\$FILE/1315\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/B5108174F9C5902187257B4B007E4FB6/$FILE/1315_enr.pdf)

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**HB 13-1317**

**A BILL FOR AN ACT CONCERNING THE RECOMMENDATIONS MADE IN THE PUBLIC PROCESS FOR THE PURPOSE OF IMPLEMENTING RETAIL MARIJUANA LEGALIZED BY SECTION 16 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY REPRESENTATIVE(S) Pabon, Fischer, Labuda, Rosenthal, Singer, Fields, Hullinghorst, Melton; also SENATOR(S) Jahn and Baumgardner, Crowder, Guzman, Heath, Hodge, Jones, Kerr, Nicholson, Steadman, Todd, Ulibarri.

**Sections 1 through 4.** The bill converts the medical marijuana enforcement division to the marijuana enforcement division and gives the division the authority to regulate medical marijuana and retail marijuana. The bill allows the division to receive moneys from the general fund. The bill deposits all of the application and licensing fees and sales, excise, and special marijuana sales taxes from retail and medical marijuana into a cash fund and permits supplementing the fund with moneys from the general fund to allow the division to operate. Once the division achieves a balance of cash funds sufficient to support the division, any excess revenue up to the amount of general fund moneys provided shall be transferred to the general fund. The bill sets the application fees for applicants who are current medical marijuana licensees or applicants at \$500 and at \$5,000 for new applicants. One half of the fee is transferred to the local jurisdiction. On April 1, 2014, and each year thereafter, the state licensing authority must provide a report to the finance committees regarding specified items including the amount

of revenue generated by retail marijuana, expenses of the division, and its regulatory work.

The bill creates the regulatory framework for retail marijuana. The bill allows an existing medical marijuana licensee or an existing medical marijuana applicant the opportunity to apply for a retail marijuana establishment license with the option of converting its operation to a retail marijuana business or retaining a medical marijuana business and adding a retail marijuana business. The bill places a 9-month moratorium on retail marijuana license applications from individuals who are not currently licensed for medical marijuana or an applicant for a medical marijuana license. During the 9-month period, the retail marijuana establishments are subject to requirements of vertical integration similar to the existing requirements for medical marijuana. Starting January 1, 2014, persons who are not medical marijuana licensees or applicants may submit notice of intent to submit an application and as of July 1, 2014, such applications may be submitted. Preference is to be given persons who have submitted notices of intent. The state licensing authority must act upon the applications no sooner than 45 days after receipt and no later than 90 days after receipt. The following businesses must be licensed to operate a retail marijuana establishment: retail marijuana stores, retail marijuana products manufacturers, retail marijuana cultivation facilities, and marijuana testing facilities. The bill allows the state licensing authority to issue a state license that is conditioned on the local jurisdiction's approval.

The bill requires the state licensing authority to promulgate rules as required by the constitution and requires the state licensing authority to promulgate other rules with the assistance of the department of public health and environment.

The bill describes persons who are prohibited from being licensees and requires license applicants to undergo a background check. The bill also limits the areas where a licensed operation may be located. The state licensing authority may set fees for the various types of licenses it issues. The bill requires all officers, managers, and employees of a retail marijuana business to be residents of Colorado. All owners must be residents of Colorado for at least 2 years prior to applying for licensure.

On and after September 1, 2014, a licensed retail marijuana store and licensed retail marijuana products manufacturer may either grow its own marijuana or purchase it from a retail marijuana cultivation facility.

A retail marijuana store may only sell one-fourth of an ounce of marijuana to a nonresident during a single transaction. A retail marijuana store may not sell any retail marijuana product that contains nicotine or alcohol. A retail marijuana store must place each sold item in a sealed nontransparent container at the point of sale.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/807A035CD583C95E87257B1F005CD B59/\\$FILE/1317\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/807A035CD583C95E87257B1F005CD B59/$FILE/1317_enr.pdf)

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**HB 13-1318**

**A BILL FOR AN ACT CONCERNING THE RECOMMENDATIONS MADE IN THE PUBLIC PROCESS FOR THE PURPOSE OF IMPLEMENTING CERTAIN STATE TAXES ON RETAIL MARIJUANA LEGALIZED BY SECTION OF ARTICLE XVIII OF THE COLORADO CONSTITUTION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY REPRESENTATIVE(S) Singer, Fields, Fischer, Ginal, Hullinghorst, Kagan, Labuda, Pabon, Rosenthal, Tyler, Court, Melton, Ryden, Schafer; also SENATOR(S) Jahn, Crowder, Giron, Guzman, Heath, Hodge, Johnston, Jones, Kerr, Nicholson, Schwartz, Steadman, Todd, Ulibarri, Morse.

Subject to voter approval at the statewide election in November 2013, the bill imposes a sales tax and an excise tax on the sale of retail marijuana, which was legalized by section 16 of article XVIII of the state constitution.

**Sales tax:** Beginning January 1, 2014, the bill imposes a tax of 10% on the sale of retail marijuana or retail marijuana products to a consumer by a retail marijuana store. The tax imposed is in addition to the 2.9% state sales tax and any local government sales tax that is imposed on the sale of all property and services pursuant to current law.

On or after January 1, 2014, the general assembly is authorized to establish a rate that is lower than 15% by a bill enacted by the general assembly and signed into law by the governor. After establishing a tax rate that is lower than 15% the general assembly may increase the rate by bill enacted by the general assembly and signed into law by the governor, so long as the rate does not exceed 15%. An increase in the rate does not require additional voter approval.

A retail marijuana store is required to obtain a surety bond in an amount equal to 2 months of the store's anticipated collections of the additional sales tax. In addition, a retail marijuana store is required to collect and remit the tax to the department in the same manner as the state sales tax is collected and remitted to the department pursuant to current law.

Of the revenues collected pursuant to the 10% sales tax, 15% will be distributed to each local government in the state that has one or more retail marijuana stores within its boundaries. Each local government's share of the revenues collected shall be apportioned according to the percentage of retail marijuana and retail marijuana products sales tax revenues collected by the department in the local government as compared to the total retail marijuana and retail marijuana products sales tax collections in the state. The remaining revenues shall be deposited in the marijuana cash fund for the enforcement of regulations on the retail marijuana industry and for the other purposes of the fund as determined by the general assembly.

**Excise tax:** Beginning January 1, 2014, the bill imposes a tax on the sale or transfer of unprocessed retail marijuana by a retail marijuana cultivation facility to a retail marijuana store, retail marijuana product manufacturing facility, or another retail marijuana cultivation facility. The amount of the tax is 15% of the average market rate of unprocessed retail marijuana statewide on the date that it is sold or transferred, as determined by the department, and the tax is imposed when a retail marijuana cultivation facility sells or transfers unprocessed retail marijuana to a retail marijuana store, a retail

marijuana product manufacturing facility or another retail marijuana cultivation facility.

On or after January 1, 2014, the general assembly is authorized to establish a rate that is lower than 15% of the average market rate by a bill enacted by the general assembly and signed into law by the governor. After establishing a tax rate that is lower than 15% the general assembly may increase the rate by bill enacted by the general assembly and signed into law by the governor, so long as the rate does not exceed 15%. An increase in the rate does not require additional voter approval.

The bill specifies that every retail marijuana cultivation facility is required to keep certain records regarding the sale or transfer of unprocessed retail marijuana and is required to collect and remit the tax to the department. A retail marijuana cultivation facility is also required to obtain a surety bond in an amount equal to 2 months of the facility's anticipated excise tax liability.

As required by section 16 of article XVIII of the state constitution, the bill specifies that the first \$40 million received and collected in payment of the excise tax on unprocessed retail marijuana shall be transferred to the public school capital construction assistance fund currently created in law. Any amount remaining after the transfer shall be transferred to the marijuana cash fund.

**Revenue and spending limitations:** The bill allows the state to collect and spend any revenues generated by the retail marijuana sales tax and retail marijuana excise tax as voter approved revenue changes.

**Submission of ballot questions by the secretary of state:** The bill requires the secretary of state to submit a ballot question, to be treated as a proposition, at the statewide election to be held in November 2013 asking the voters to:

- Allow the general assembly to impose a retail marijuana sales tax at a rate beginning at 10% and not to exceed 15% of the sale of retail marijuana and retail marijuana products;
- Allow the general assembly to impose a retail excise tax at a rate not to exceed 15% of the average market rate of unprocessed retail marijuana on unprocessed retail marijuana at the time when a retail marijuana cultivation facility sells or transfers retail marijuana to a retail marijuana product manufacturing facility, a retail marijuana store, or another retail marijuana cultivation facility;
- Allow the general assembly to decrease or increase the rate of either tax without further voter approval so long as the rate does not exceed 15% for either tax; and
- Allow any additional tax revenue to be collected and spent notwithstanding any limitations in TABOR or any other law.

**Marijuana cash fund:** The bill changes the name of the existing medical marijuana license cash fund to the marijuana cash fund.

The bill specifies that the sale of marijuana or marijuana products by a medical marijuana center to a consumer and the sale or transfer of unprocessed marijuana by a marijuana cultivation facility to a

medical marijuana center are not subject to either tax. The department of revenue (department) is required to promulgate rules for the implementation of both taxes.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/31D153749B49700187257B2F00580E15/\\$FILE/1318\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/31D153749B49700187257B2F00580E15/$FILE/1318_enr.pdf)

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**HOUSE BILL 13-1320**

**CONCERNING FINANCIAL SUPPORT FOR MERITORIOUS COLORADO STUDENTS AT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION.**

BY REPRESENTATIVE(S) Waller and Hullinghorst, Foote, Melton, Pettersen, Priola, Singer, Young, Ferrandino, Gardner, Gerou, Landgraf, Lawrence, Levy, Murray, Wilson, Wright, Buckner, Court, Exum, Fields, Ginal, Kraft-Tharp, Labuda, Lee, May, Mitsch Bush, Moreno, Pabon, Peniston, Primavera, Rosenthal, Ryden, Salazar, Schafer, Duran, Hamner, Joshi, Kagan, Lebsock, Vigil, Williams; also SENATOR(S) Heath, Guzman, Hudak, Kerr, Crowder, Hodge, Kefalas, Roberts, Schwartz, Ulibarri.

Under current law, state-supported institutions of higher education (institution) must generally maintain a required ratio of resident student admissions to nonresident student admissions. The bill allows an institution to count a student who is admitted as a Colorado scholar as 2 in-state students for purposes of calculating this ratio.

The university of Colorado system and Colorado state university are also required to ensure that the percentage of students who are admitted based on criteria other than the statewide admissions criteria does not fall below the average of the percentage of these students admitted for the 3 preceding years. Under the bill, these institutions are considered to meet this requirement if the percentage of in-state students admitted based on the alternative criteria plus the percentage of in-state students enrolling as Colorado scholars is greater than the percentage of nonresident students admitted based on the alternative criteria.

The number of Colorado scholars that an institution counts in a year cannot be more than 8% of the total number of in-state students that the institution counts for that year.

To qualify as a Colorado scholar, an in-state student must graduate in the top 10% of his or her class, or graduate with at least a 3.75 grade point average, and meet any additional criteria that an institution may set. Each Colorado scholar that an institution counts as 2 in-state students must receive at least \$2,500 in annual financial aid or scholarship moneys through the institution's Colorado scholar program.

The bill appropriates \$3 million to the department of higher education for allocation through

Colorado commission on higher education financial aid as merit-based grants.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/6D5099338FA6922187257B3A0057E36F/\\$FILE/1320\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/6D5099338FA6922187257B3A0057E36F/$FILE/1320_enr.pdf)

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**Senate Bills**

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**SENATE BILL 13-001**

**CONCERNING INCOME TAX CREDITS TO SUPPORT WORKING FAMILIES, AND, IN CONNECTION THEREWITH, ENACTING THE "COLORADO WORKING FAMILIES ECONOMIC OPPORTUNITY ACT OF 2013" AND MAKING AN APPROPRIATION.**

BY SENATOR(S) Kefalas and Morse, Aguilar, Guzman, Ulibarri, Carroll, Giron, Hudak, Jones, Nicholson, Tochtrop; also REPRESENTATIVE(S) Kagan, Levy, Buckner, Exum, Ginal, Hulinghorst, Labuda, Lebsack, Lee, May, Melton, Moreno, Primavera, Rosenthal, Ryden, Salazar, Schafer, Singer, Tyler, Williams, Young.

The bill creates a Colorado earned income tax credit and a child tax credit that are contingent on a trigger occurring, which is that the estimate of gross general fund revenue for the fiscal year 2013-14, or the next two fiscal years thereafter, increases by at least \$100,000,000 from the March estimate that precedes the fiscal year to any of the next four quarterly estimates after the March estimate. Both credits are refundable and will not be used to determine eligibility for state benefits.

If triggered, the Colorado earned income tax credit replaces the existing state earned income tax credit that is a refund mechanism under the taxpayer's bill of rights (TABOR), and it makes a corresponding reduction in the threshold for the succeeding refund mechanism. The credit is equal to the following percentages of the federal earned income tax credit:

- 7% of the federal credit for the first income tax year that the credit is allowed;
- 8.5% for the second income tax year; and
- 10% for all income tax years thereafter.

The child tax credit is available for a resident individual who claims a federal child tax credit for a child who is under 6 years of age. The credit is equal to a percentage of the federal credit that is dependent on the individual's federal adjusted gross income and whether there is a single or joint return.

**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/D505A068C325614587257AEE0057B/CB5/\\$FILE/001\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/D505A068C325614587257AEE0057B/CB5/$FILE/001_enr.pdf)

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**SENATE BILL 13-011**

**CONCERNING AUTHORIZATION OF CIVIL UNIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY SENATOR(S) Steadman and Guzman, Ulibarri, Aguilar, Carroll, Giron, Heath, Hodge, Hudak, Jahn, Johnston, Jones, Kefalas, Kerr, Morse, Newell, Nicholson, Schwartz, Tochtrop, Todd; also REPRESENTATIVE(S) Ferrandino and Schafer, Ginal, Moreno, Rosenthal, Court, Buckner, Duran, Exum, Fields, Fischer, Foote, Garcia, Gerou, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Lee, Levy, May, McCann, McLachlan, Melton, Mitsch Bush, Pabon, Peniston, Pettersen, Primavera, Ryden, Salazar, Singer, Tyler, Vigil, Williams, Young.

The bill creates the "Colorado Civil Union Act" (Act) to authorize any 2 unmarried adults, regardless of gender, to enter into a civil union. Parties wanting to enter into a civil union apply to a county clerk and recorder for a civil union license. Certain persons may certify a civil union. After the civil union is certified, the officiant files the civil union certificate with the county clerk and recorder. A priest, minister, rabbi, or other official of a religious institution or denomination or an Indian nation or tribe is not required to certify a civil union in violation of his or her right to free exercise of religion. The criteria for a valid civil union are set forth in the bill.

The executive director of the department of public health and environment and the state registrar of vital statistics shall issue forms necessary to implement the Act. Each county clerk and recorder submits records of registered civil unions to the office of vital statistics. A county clerk and recorder collects a fee for a civil union license, which fee is credited to the vital statistics records cash fund. The state registrar of vital statistics is authorized to set and collect an additional fee for verification of civil unions, which fee is credited to the vital statistics records cash fund. A county clerk and recorder collects a \$20 fee to be credited to the Colorado domestic abuse program fund.

The rights, benefits, protections, duties, obligations, responsibilities, and other incidents under law that are granted or imposed under the law to spouses apply in like manner to parties to a civil union, including the following:

- Responsibility for financial support of a party to a civil union;
- Rights and abilities concerning transfer of real or personal property to a party to a civil union;
- The ability to file a claim based on wrongful death, emotional distress, loss of consortium,

dramshop, or other laws, whether common law or statutory, related to or dependent upon spousal status;

- Prohibitions against discrimination based upon spousal status;
- The probate laws relating to estates, wills, trusts, and intestate succession, including the ability to inherit real and personal property from a party in a civil union under the probate code;
- The probate laws relating to guardianship and conservators, including priority for appointment as a conservator, guardian, or personal representative;
- Survivor benefits under and inclusion in workers' compensation laws;
- The right of a partner in a civil union to be treated as a family member or as a spouse under the "Colorado Employment Security Act" for purposes of unemployment benefits;
- The ability to adopt a child of a party to a civil union;
- The ability to insure a party to a civil union under group benefit plans for state employees;
- The ability to designate a party to a civil union as a beneficiary under the state public employees retirement system;
- Survivor benefits under local government firefighter and police pensions;
- Protections and coverage under domestic abuse and domestic violence laws;
- Rights and protections under victims' compensation laws and victims and witness protection laws;
- Laws, policies, or procedures relating to emergency and nonemergency medical care and treatment and hospital visitation;
- Rights to visit a party in a civil union in a correctional facility, jail, or private contract prison or in a facility providing mental health treatment;
- The ability to file a complaint about the care or treatment of a party in a civil union in a nursing home;
- Rights relating to declarations concerning administering, withholding, or withdrawing medical treatment, proxy decision-makers and surrogate decision-makers, CPR directives, or directives concerning medical orders for scope of treatment forms with respect to a party to a civil union;



- Rights concerning the disposition of the last remains of a party to a civil union;
- The right to make decisions regarding anatomical gifts;
- Eligibility for family leave benefits;
- Eligibility for public assistance benefits;
- A privilege from providing compelled testimony against a party in a civil union and evidentiary privileges for parties to a civil union;
- The right to apply for emergency or involuntary commitment of a party to a civil union;
- The right to claim a homestead exemption;
- The ability to protect exempt property from attachment, execution, or garnishment;
- Dependent coverage under life insurance for plans issued, delivered, or renewed on or after January 1, 2014;
- Dependent coverage under health insurance policies for plans issued, delivered, or renewed on or after January 1, 2014; and
- Other insurance policies that provide coverage relating to joint ownership of property for plans issued, delivered, or renewed on or after January 1, 2014.

The same processes that are provided in law for dissolution, legal separation, and declaration of invalidity of a marriage apply to dissolution, legal separation, and declaration of invalidity of a civil union. Any person who enters into a civil union in Colorado consents to the jurisdiction of the courts of Colorado for the purpose of any action relating to a civil union even if one or both parties cease to reside in the state. The courts are directed to follow the laws of Colorado in a matter filed in Colorado that is seeking a dissolution, legal separation, or invalidity of a civil union that was entered into in another state. The courts are authorized to collect docket fees for the dissolution of a civil union, legal separation of a civil union, and declaration of invalidity of a civil union.

Parties to a civil union may create agreements modifying the terms and conditions of a civil union in the manner specified in the law for creating marital agreements. The Act states that this Act does not invalidate or affect an otherwise valid domestic partnership agreement or civil contract between 2 individuals who are not married to each other if the agreement or contract was made prior to the effective date of this Act or, if made after the effective date of this Act, the agreement or contract is not made in contemplation of entering into a civil union.

The Act shall not be construed to create a marriage between the parties to a civil union or alter the public policy of this state that recognizes only the union of one man and one woman as a marriage.

The Act includes a reciprocity and principle of comity section that states that a relationship

between 2 persons that does not comply with section 31 of article II of the state constitution and that is legally entered into in another jurisdiction is deemed in Colorado to be a civil union and that, under principles of comity, a civil union or domestic partnership or a substantially similar legal relationship between 2 persons that is legally created in another jurisdiction is deemed to be a civil union for purposes of Colorado law.

The Act includes a severability clause.

Until a statutory change is enacted to authorize the filing of a joint state tax return by parties to a civil union, the Act shall not be construed to permit the filing of a joint income tax return by the parties to a civil union.

A custodian of records is prohibited from allowing a person, other than the person in interest or an immediate family member of the person in interest, to inspect the application for a civil union license of any person; except that a district court may order the custodian to permit inspection of the license application for a civil union upon a showing of good cause. A record of an application for a civil union license is available for public inspection 50 years after the date that the record was created.

A person who has entered into a designated beneficiary agreement under Colorado's designated beneficiary statute is precluded from entering into a civil union with a different person. If both parties to a designated beneficiary agreement are eligible to enter into a valid civil union and subsequently enter into a civil union, the civil union certificate constitutes a superseding legal document that supersedes and invalidates the prior designated beneficiary agreement.

The bill makes other conforming amendments.

For the 2012-13 fiscal year, the bill appropriates \$6,976 and 0.1 FTE from the vital statistics records cash fund to the department of public health and environment for implementation of the bill. For the 2013-14 fiscal year, the bill appropriates \$4,021 and 0.1 FTE from the vital statistics records cash fund to the department of public health and environment for implementation of the bill.

The bill takes effect May 1, 2013; except that the provisions relating to the inclusion of a partner in a civil union as a dependent on a health or life insurance policy and the provisions relating to insurance policies concerning the ownership of property take effect January 1, 2014.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/35CE5FDC5F040FF487257A8C0050715D/\\$FILE/011\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/35CE5FDC5F040FF487257A8C0050715D/$FILE/011_enr.pdf)

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**SENATE BILL 13-018**

**CONCERNING THE USE OF CONSUMER CREDIT INFORMATION BY EMPLOYERS.**

BY SENATOR(S) Ulibarri, Aguilar, Carroll, Giron, Guzman, Heath, Hodge, Hudak, Jones, Kefalas, Kerr, Nicholson, Schwartz, Steadman, Tochtrop, Todd, Morse; also REPRESENTATIVE(S) Fischer, Buckner, Court, Fields, Ginal, Hamner, Hullinghorst, Kraft-Tharp, Labuda, Lebsock, Melton, Moreno, Pabon, Pettersen, Primavera, Rosenthal, Salazar, Schafer, Singer, Tyler, Williams, Young, Ferrandino.

The bill creates the "Employment Opportunity Act", which specifies the purposes for which consumer credit information (i.e., consumer credit reports and credit scores) can be used by an employer or potential employer (jointly referred to as "employer"). Specifically, the bill:

- Prohibits an employer's use of consumer credit information for employment purposes unless the information is substantially related to the job;
- Requires an employer to disclose to an employee or applicant for employment (jointly referred to as "employee") when the employer uses the employee's consumer credit information to take adverse action against him or her and the particular credit information upon which the employer relied;
- Authorizes an employee aggrieved by a violation of the above provisions to file a complaint with the division of labor in the department of labor and industry, with a penalty not to exceed \$2,500; and
- Requires the department of labor and employment to enforce the laws related to employer use of consumer credit information.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/5E2C07DC74DD73D687257AEE0057DC52/\\$FILE/018\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/5E2C07DC74DD73D687257AEE0057DC52/$FILE/018_enr.pdf)

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**SENATE BILL 13-019**

**CONCERNING THE PROMOTION OF WATER CONSERVATION MEASURES.**

BY SENATOR(S) Schwartz, Aguilar, Carroll, Crowder, Heath, Jones, Kefalas, Kerr, King, Newell, Tochtrop, Todd; also REPRESENTATIVE(S) Fischer, Duran, Exum, Fields, Ginal, Hamner, Hullinghorst, Kraft-Tharp, Labuda, Lebsock, Lee, Mitsch Bush, Pabon, Pettersen, Rosenthal, Schafer, Stephens, Young.

**Section 1** of the bill declares that decreasing water consumption by appropriators who participate in government-sponsored water conservation programs promotes the maximum utilization of Colorado's water resources and is in the public interest.

The amount of water that currently can be changed to a new type or place of use is limited by the

amount of water that was historically consumed by the original type and place of use. Therefore, a water user has no incentive to reduce the amount of water diverted. Current law encourages the conservation of water in some contexts by eliminating from the determination of abandonment the period during which water is conserved under a variety of government-sponsored programs. However, in these contexts, the water conserved through a reduction in the application of the water to a beneficial use results in a reduction of consumptive use. **Section 2** directs the water judge to disregard the decrease in use of water from such programs in its determinations of historical consumptive use in change of water right cases.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/C2813880C9875D7E87257AEE005716A6/\\$FILE/019\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/C2813880C9875D7E87257AEE005716A6/$FILE/019_enr.pdf)

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**SENATE BILL 13-023**

**CONCERNING AN INCREASE IN THE LIMITATION ON THE AMOUNT OF DAMAGES THAT MAY BE RECOVERED BY AN INJURED PARTY UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT".**

BY SENATOR(S) Cadman and Morse, Carroll, Giron, Guzman, Heath, Jones, Kefalas, Newell, Schwartz, Steadman, Todd, Ulibarri; also REPRESENTATIVE(S) Levy and Gardner, Exum, Fischer, Ginal, Hullinghorst, Lebsock, Lee, Mitsch Bush, Moreno, Murray, Pabon, Peniston, Pettersen, Rosenthal, Salazar, Ferrandino.

Currently, the "Colorado Governmental Immunity Act" (act) sets as a maximum amount that may be recovered by a person suing a public entity or public employee for loss or injury caused by the entity or employee in any single occurrence, whether from one or more public entities and public employees:

- For any injury to one person in any single occurrence, the sum of \$150,000; and
- For an injury to 2 or more persons in any single occurrence, the sum of \$600,000, and, in such circumstances, the act prohibits any single person from recovering in excess of \$150,000.

To ensure these limitations on damages reflect the effects of inflation since the specific limitations were last increased by the general assembly, the bill increases the damages limitation for any injury to one person in any single occurrence to \$350,000. For an injury to 2 or more persons in any single occurrence, the bill increases the damages limitation to \$990,000 and further specifies that, in such circumstances, a single person is precluded from recovering in excess \$350,000.

The bill further provides that the increased damages amounts are:

- To be adjusted for inflation every 4 years. The bill requires the secretary of state to make

this required adjustment on an every 4-year basis commencing January 1, 2018, to certify the amount of the adjustment, and to publish the amount of the adjustment on the secretary of state's web site.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/5CF99C5C65A90D0B87257AEE0057AE90/\\$FILE/023\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/5CF99C5C65A90D0B87257AEE0057AE90/$FILE/023_enr.pdf)

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**SENATE BILL 13-026**

**CONCERNING EXPANSION OF THE "MICHAEL SKOLNIK MEDICAL TRANSPARENCY ACT OF 2010" TO REQUIRE ADDITIONAL HEALTH CARE PROVIDERS TO DISCLOSE INFORMATION ABOUT THEIR PRACTICE HISTORY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY SENATOR(S) Carroll and Aguilar, Giron, Guzman, Kefalas, Newell, Nicholson, Tochtrop, Todd, Morse; also REPRESENTATIVE(S) Primavera, Fields, Ginal, Hullinghorst, Labuda, May, Ryden, Schafer, Singer, Tyler, Young.

Currently, the "Michael Skolnik Medical Transparency Act of 2010" (act) requires most regulated health care providers who are applying for, renewing, reinstating, or reactivating a license, certification, or registration to disclose specified information about their practice history to the director of the division of professions and occupations for inclusion in a publicly available database.

The bill adds the following health care providers to the list of providers required to report information to the director, with the requirement taking effect July 1, 2014:

- Athletic trainers;
- Massage therapists;
- Certified nurse aides;
- Occupational therapists;
- Respiratory therapists;
- Pharmacists;
- Psychiatric technicians; and

- Surgical assistants and surgical technologists.

Additionally, the bill removes from the list of health care providers subject to the act hearing aid providers because the state no longer licenses those professionals.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/6D3F5C76E45A1E8987257A8E0073C515/\\$FILE/026\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/6D3F5C76E45A1E8987257A8E0073C515/$FILE/026_enr.pdf)

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**SENATE BILL 13-028**

**CONCERNING TRACKING THE UTILITY DATA OF A STATE BUILDING THAT HAS ACHIEVED THE HIGHEST PERFORMANCE CERTIFICATION ATTAINABLE AS PART OF ITS CAPITAL CONSTRUCTION PROJECT.**

BY SENATOR(S) Jones, Crowder, Giron, Guzman, Heath, Kerr, Nicholson, Schwartz, Todd; also REPRESENTATIVE(S) Tyler, Vigil, Buck, Court, Fields, Fischer, Ginal, Labuda, Lee, Levy, McCann, McLachlan, Melton, Mitsch Bush, Moreno, Pabon, Pettersen, Ryden, Salazar, Schafer, Williams, Young.

For all state-assisted facilities that started the design process on or after January 1, 2010, each state agency is required to monitor, track, and verify utility vendor bill data pertaining to the state-assisted facility and annually report to the office of the state architect. The annual report must include information related to building performance based on the state-assisted facility's utility consumption.

State-assisted facilities that have achieved the highest performance certification attainable and started the design process prior to January 1, 2010, are strongly encouraged to monitor, track, and verify utility vendor bill data pertaining to such state-assisted facility to ensure that the increased initial costs to achieve the highest performance certification attainable are recouped. If such data is not monitored, tracked, and verified, then the state agency or department must provide the state architect, in writing, a reasonable explanation why such data is not monitored, tracked, and verified by the state agency or department.

The bill defines "utility vendor bill data" as being limited to the usage data measured by the state agency or department or the information or data required to meet minimum program standards by an independent third party pursuant to the high performance standard certification program.

The bill also removes a statute allowing a state-assisted facility to be exempted from complying with the high performance standard certification requirements upon a determination by the executive director that extenuating circumstances exist that preclude the implementation of the requirements.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/285CA3C9F24D53FC87257AEE00571BEC/\\$FILE/028\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/285CA3C9F24D53FC87257AEE00571BEC/$FILE/028_enr.pdf)

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**SENATE BILL 13-030**

**CONCERNING AN ADDITIONAL REVIEW OF RULES PROMULGATED PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT" BY COMMITTEES OF REFERENCE OF THE GENERAL ASSEMBLY.**

BY SENATOR(S) Scheffel; also REPRESENTATIVE(S) Nordberg, Holbert, Labuda, Lawrence, Rankin.

For rules adopted on or after November 1, 2013, the staff of the committee on legal services are required to identify the rules that were adopted during each applicable one-year period as a result of legislation enacted during any legislative session commencing on or after January 1, 2013. After such rules have been identified, the staff of the committee on legal services are required to notify in writing any prime sponsors and cosponsors of the enacted legislation who are still serving in the general assembly, and the current members of the applicable committees of reference in the senate and house of representatives for that enacted legislation that a rule has been adopted as a result of the legislation.

The bill also requires the posting of a completed cost-benefit analysis on the official web sites of the agencies completing the cost-benefit analysis and the official web site of the department of regulatory agencies.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/54CDAF1CF70A57FA87257AEE005AA49D/\\$FILE/030\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/54CDAF1CF70A57FA87257AEE005AA49D/$FILE/030_enr.pdf)

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**SENATE BILL 13-033**

**CONCERNING IN-STATE CLASSIFICATION AT INSTITUTIONS OF HIGHER EDUCATION FOR STUDENTS WHO COMPLETE HIGH SCHOOL IN COLORADO.**

BY SENATOR(S) Giron and Johnston, Aguilar, Guzman, Ulibarri, Steadman, Carroll, Heath, Hodge, Hudak, Morse, Nicholson, Schwartz, Todd, Crowder, Jahn, Jones, Kefalas, Newell; also REPRESENTATIVE(S) Duran and Williams, Salazar, Moreno, Garcia, Vigil, Pabon, Buckner, Exum, Fields, Foote, Kraft-Tharp, Lebsock, McCann, Melton, Peniston, Rosenthal, Ryden, Singer, Court, Fischer, Gerou, Ginal, Hamner, Hullinghorst, Kagan, Labuda, Lee, Levy, May, McLachlan, Mitsch Bush, Pettersen, Primavera, Schafer, Tyler, Young, Ferrandino.

The bill requires an institution of higher education (institution) in Colorado to classify a student as an in-

state student for tuition purposes if the student:

Attends a public or private high school in Colorado for at least 3 years immediately preceding graduation or completion of a general equivalency diploma (GED) in Colorado; and

Is admitted to a Colorado institution or attends an institution under a reciprocity agreement.

In addition to the above requirements, a student who does not have lawful immigration status must submit an affidavit stating that the student has applied for lawful presence or will apply as soon as he or she is able to do so. These students shall not be counted as resident students for any other purpose, but are eligible for the college opportunity fund stipend pursuant to the provisions of that program, and may be eligible for institutional or other financial aid.

The bill creates an exception to the requirement of admission to an institution within 12 months after graduating or completing a GED for certain students who either graduated or completed a GED prior to a certain date and who have been continuously present in Colorado for a specified period of time prior to enrolling in an institution.

The bill exempts persons receiving educational services or benefits from institutions of higher education from providing any required documentation of lawful presence in the United States.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/E083F0BE76DFD8F087257A8E0073BFC9/\\$FILE/033\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/E083F0BE76DFD8F087257A8E0073BFC9/$FILE/033_enr.pdf)

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**SENATE BILL 13-038**

**CONCERNING THE CONFIDENTIALITY OF CERTAIN COMMUNICATIONS AMONG EMERGENCY RESPONDERS.**

BY SENATOR(S) Balmer, Aguilar, Guzman, King, Lambert, Newell, Roberts, Tochtrop, Todd, Morse; also REPRESENTATIVE(S) Garcia, Buckner, Dore, Exum, Fields, Foote, Gerou, Ginal, Holbert, Labuda, Lebsock, Melton, Mitsch Bush, Navarro, Rosenthal, Schafer, Singer, Vigil, Williams, Young.

Current law makes certain communications between law enforcement officers and firefighters and their peer support team members confidential for purposes of testifying in court. The bill extends this confidentiality to emergency medical service providers and members of rescue units.

**Bill Link:**

<http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/6C76016537ACE7AE87257AEE0056F>



**SENATE BILL 13-041**

**CONCERNING THE PROTECTION OF STORED WATER, AND, IN CONNECTION THEREWITH, PRESERVING SUPPLIES FOR DROUGHT AND LONG-TERM NEEDS.**

BY SENATOR(S) Hodge and Roberts, Baumgardner, Brophy, Carroll, Crowder, Giron, Grantham, Jahn, Jones, Kefalas, King, Lambert, Lundberg, Marble, Newell, Nicholson, Schwartz, Todd; also REPRESENTATIVE(S) Fischer and Sonnenberg, Buckner, Coram, Duran, Fields, Ginal, Hamner, Holbert, Hullinghorst, Labuda, Pettersen, Primavera, Rosenthal, Saine, Salazar, Scott, Vigil, Young.

In the case of *Upper Yampa Water Conservancy Dist. v. Wolfe*, 255 P.3d 1108 (Colo. 2011), the Colorado supreme court held that storage of water is not a beneficial use, at least where flood control and fire or drought protection are not the stated uses of the water, and that to perfect a conditional storage right, the water must be released from storage and put to beneficial use. Further, an applicant must show that it has exhausted its absolute storage rights before its conditional storage rights can be perfected.

The bill reverses these holdings by:

- Expanding the definition of "beneficial use" to include the impoundment of water for firefighting or storage for any lawful purpose (**section 1** of the bill);
- Specifying in **section 2** that:
  - An applicant doesn't have to demonstrate that all existing absolute decreed water rights that are part of an integrated system have been utilized to their full extent to make a conditional water storage right absolute, in whole or in part;
  - When conditional water storage rights are made absolute, the decreed volume should be the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure; and
  - Carrying water over in storage from one year to another is not grounds for a determination of abandonment.

**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/17CA7564330B0A5787257AEE0057333F/\\$FILE/041\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/17CA7564330B0A5787257AEE0057333F/$FILE/041_enr.pdf)

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**SENATE BILL 13-043**

**CONCERNING THE PROHIBITION AGAINST KNOWINGLY PERMITTING REMOVAL OF ALCOHOL BEVERAGES FROM AN ESTABLISHMENT LICENSED TO SELL ALCOHOL BEVERAGES FOR ON-PREMISES CONSUMPTION.**

BY SENATOR(S) Kerr, Baumgardner, Heath, Jahn, Newell, Steadman, Todd; also REPRESENTATIVE(S) Gardner.

Current law prohibits a retail gaming licensee that is licensed to sell alcohol beverages for on-premises consumption from knowingly permitting patrons to remove an alcohol beverage from the licensed premises and protects a retail gaming licensee from prosecution if the licensee either stations personnel at each exit to prevent removal of alcohol beverages from the premises or posts a sign by each exit notifying patrons that removal of alcohol beverages is illegal.

The bill applies the prohibition and protection from prosecution to all persons licensed under the "Colorado Liquor Code" to sell alcohol beverages for on-premises consumption. Additionally, instead of permitting an on-premises licensee to choose to either post a sign or station personnel at each exit, the bill requires all on-premises licensees to post a sign notifying patrons that they cannot remove alcohol from the premises, regardless of whether the licensee also stations personnel at exits, and permits licensees other than retail gaming establishments to post a sign that is smaller than that required at retail gaming establishments.

The bill also modifies the definition of "entertainment district" under the "Colorado Liquor Code" to clarify that a municipality may authorize more than one entertainment district within the municipality.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/CB80AB56A867D3CC87257AEE0057BEE8/\\$FILE/043\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/CB80AB56A867D3CC87257AEE0057BEE8/$FILE/043_enr.pdf)

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**SENATE BILL 13-048**

**CONCERNING THE USE OF HIGHWAY USER TAX FUND MONEYS ALLOCATED TO LOCAL GOVERNMENTS FOR MULTIMODAL TRANSPORTATION INFRASTRUCTURE.**

BY SENATOR(S) Todd, Jones, Cadman, Heath, Hudak, Kerr, Newell, Aguilar, Carroll, Giron, Guzman, Jahn, Kefalas, King, Nicholson, Schwartz, Steadman, Ulibarri, Morse; also REPRESENTATIVE(S) Tyler and Labuda, Fields, Melton, Peniston, Ryden, Salazar, Buckner, Fischer, Hamner, Hullinghorst, Lebsock, McLachlan, Mitsch Bush, Moreno, Primavera, Rosenthal, Singer.

Current law authorizes the department of transportation to spend a portion of its highway users tax fund moneys on transit-related projects and specifies that the funding of such projects constitutes maintenance

and supervision of public highways because it will help to reduce traffic on state highways, thereby reducing wear and tear on state highways and bridges and increasing their reliability, safety, efficient performance, and expected useful life. The bill similarly authorizes counties and municipalities to spend moneys that they receive from the highway users tax fund on transit-related projects.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/9D4690717C1FF9DC87257AEE00572392/\\$FILE/048\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/9D4690717C1FF9DC87257AEE00572392/$FILE/048_enr.pdf)

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**SENATE BILL 13-053**

**CONCERNING ESTABLISHING A PROCEDURE BETWEEN THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HIGHER EDUCATION THAT ALLOWS FOR THE TRANSFER OF AVAILABLE STUDENT DATA RELEVANT TO THE TRANSITION FROM HIGH SCHOOL TO THE POSTSECONDAR SYSTEM.**

BY SENATOR(S) Kerr, Aguilar, Carroll, Guzman, Heath, Hodge, Hudak, Jones, Kefalas, Newell, Nicholson, Schwartz, Steadman, Tochtrop, Todd, Morse; also REPRESENTATIVE(S) Hamner, Duran, Fields, Fischer, Ginal, Labuda, Melton, Mitsch Bush, Pabon, Rosenthal, Salazar, Young.

The bill establishes a procedure between the department of education and the department of higher education that allows for the transfer of available student data relevant to the transition from high school to the postsecondary system. The procedure must utilize student unit record data currently collected and maintained by the department of education and administered at no charge to local education providers, public institutions of higher education, or students.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/342E36F0592DE15D87257AEE0057453B/\\$FILE/053\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/342E36F0592DE15D87257AEE0057453B/$FILE/053_enr.pdf)

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**SENATE BILL 13-071**

**CONCERNING UNIQUELY IDENTIFYING STUDENT NUMBERS FOR PERSONS ENROLLED IN ADULT EDUCATION PROGRAMS.**

BY SENATOR(S) Hudak, Newell; also REPRESENTATIVE(S) Fields, Buckner, Ginal, Hullinghorst, Labuda, Rosenthal, Schafer, Young.

**Educational Success Task Force.** The bill requires the education data subcommittee of the government

data advisory board in the governor's office of information technology to identify a method or methods, if feasible, for assigning a unique student identifier for each person enrolled in an adult basic education program or high school general equivalency diploma program.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/CF4D660FBC7362CF87257A8E0073C8D9/\\$FILE/071\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/CF4D660FBC7362CF87257A8E0073C8D9/$FILE/071_enr.pdf)

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**SENATE BILL 13-082**

**CONCERNING THE CREATION OF A PERMANENT INTERIM COMMITTEE OF THE GENERAL ASSEMBLY TO REVIEW MATTERS RELATING TO WILDFIRES IN THE STATE.**

BY SENATOR(S) Nicholson and Roberts, Aguilar, Carroll, Giron, Guzman, Heath, Hudak, Jahn, Kefalas, Kerr, King, Newell, Schwartz, Todd, Ulibarri; also REPRESENTATIVE(S) Levy, Exum, Fields, Hamner, Hullinghorst, Labuda, Lee, Mitsch Bush, Pettersen, Rosenthal, Schafer, Young, Ferrandino.

**Lower North Fork Wildfire Commission.** The bill creates the wildfire matters review committee as an interim committee of the general assembly (committee) to address wildfire prevention and mitigation and to review and propose legislation relating to such matters. The committee is required to meet at least once during the interim of each year to review and to propose legislation or other policy changes relating to wildfire prevention and mitigation and all related matters. The bill authorizes the committee to consult with experts in all fields relating to wildfire prevention and mitigation as may be necessary to achieve the committee's objectives. All personnel of any state agency or political subdivision of Colorado involved in wildfire prevention and mitigation, including the Colorado department of public safety and the Colorado state forest service, are required to cooperate with the committee and with any persons assisting the committee in carrying out its duties.

The bill transfers any remaining powers, duties, and responsibilities delegated to and possessed by the lower north fork wildfire commission to the committee.

Membership of the committee consists of 10 members of the general assembly, equally divided between members of the house and senate. The bill specifies the manner in which the appointments are to be made and additional requirements relating to the service of members of the committee.

The interim committee is repealed on July 1, 2018.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/D6F86B139081E33187257A8E0073CB0C/\\$FILE/082\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/D6F86B139081E33187257A8E0073CB0C/$FILE/082_enr.pdf)

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**SENATE BILL 13-083**

**CONCERNING THE CREATION OF A PRESCRIBED BURNING PROGRAM UNDER THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY, AND, IN CONNECTION THEREWITH, SPECIFYING THE POWERS AND DUTIES OF THE DIVISION AND ITS DIRECTOR WITH RESPECT TO THAT PROGRAM AND MAKING AN APPROPRIATION.**

BY SENATOR(S) Roberts and Nicholson, Aguilar, Cadman, Carroll, Crowder, Grantham, Guzman, Heath, Jahn, Johnston, Jones, Kefalas, Kerr, King, Lambert, Lundberg, Marble, Newell, Renfroe, Scheffel, Schwartz, Tochtrop, Todd, Morse; also REPRESENTATIVE(S) Gerou and Levy, Fields, Ginal, Hamner, Hullinghorst, Kagan, Labuda, Peniston, Rosenthal, Schafer, Singer, Stephens, Young.

**Lower North Fork Wildfire Commission.** The bill creates the "Colorado Prescribed Burning Act", which:

- Requires the division of fire prevention and control (division) in the department of public safety to implement a prescribed burning program (program);
- Excludes controlled ditch burns from the definition of "prescribed burning";
- Authorizes the director of the division (director) to promulgate rules to implement the program, including establishing a fee, at an amount not to exceed that necessary to recover the actual and direct costs incurred by the division in providing training and processing applications for prescribed burning manager certifications;
- Instructs the director to conduct rulemaking with regard to certain program provisions, including the adoption of standards that will constitute the minimum criteria for prescribed burns conducted in the state and the processes for certifying persons as prescribed burn managers;
- Empowers the division to enter into agreements to conduct prescribed burning on wildland, and requires the director, prior to entering into such an agreement, to verify that the owner or other person having legal control of the wildland has evaluated all the alternatives to prescribed burning; ~~and~~
- Excludes private landowners conducting a prescribed burn on their own properties from the requirement to be certified by the division or otherwise qualified, and clarifies that such landowners are still subject to any applicable federal, state, and local open burning requirements;
- Exempts certified or qualified private landowners from civil liability for damage or injury resulting from prescribed burns conducted on their private property, except for acts that are grossly negligent or willful and wanton; and

- Establishes policies related to wildfires or potential wildfires resulting from the escape of prescribed burns.

The bill makes conforming amendments as follows:

- **Section 4** of the bill relocates, and makes nonsubstantive changes to, certain defined terms relating to the division and prescribed burning. As a result of these relocations, **section 3** makes technical amendments.
- House Bill 12-1283 transferred fire and wildfire prevention, suppression, response, and risk-mitigation duties, including duties relating to prescribed burning, from the state forest service to the division. **Sections 8 and 9** update statutes that contain obsolete allusions to the state forest service with respect to implementation authority over prescribed burning.
- **Sections 10, 11, 12, and 13** make conforming amendments to reflect the renaming of the firefighter, first responder, and hazardous materials responder certification fund to the firefighter, first responder, hazardous materials responder, and prescribed fire training and certification fund.

**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/5F5B370100DCF8DC87257A8C00507309/\\$FILE/083\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/5F5B370100DCF8DC87257A8C00507309/$FILE/083_enr.pdf)

**SENATE BILL 13-110**

**CONCERNING THE WILDLAND FIRE COST RECOVERY FUND.**

BY SENATOR(S) Lambert, Hodge, Steadman, Aguilar, Baumgardner, Cadman, Giron, Grantham, Guzman, Heath, Jahn, Lundberg, Newell, Nicholson, Schwartz, Todd, Ulibarri, Morse; also REPRESENTATIVE(S) Levy and Gerou, Duran, Exum, Fields, Ginal, Hamner, Holbert, Humphrey, Labuda, Lawrence, Lebsack, Lee, McLachlan, Melton, Mitsch Bush, Moreno, Pabon, Pettersen, Priola, Salazar, Schafer, Scott, Vigil, Williams, Young, Ferrandino.

**Joint Budget Committee.** House Bill 12-1283 established the wildland fire cost recovery fund (fund), which is administered by the division of fire prevention and control in the department of public safety to finance personnel and operating expenses associated with wildland fire suppression activities. The bill:

- Makes the fund noninterest-bearing;
- Exempts wildland fire cost recovery activities for which the fund is used from the \$12 million limit imposed on advances authorized by the controller; and

- Corrects an incorrect statutory citation relating to the fund.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/7349B0813C0F40D587257AF000016771/\\$FILE/110\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/7349B0813C0F40D587257AF000016771/$FILE/110_enr.pdf)

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**SENATE BILL 13-127**

**CONCERNING AN INCREASE IN THE AMOUNT OF THE STATE SALES AND USE TAX RECEIPTS THAT ARE CREDITED TO THE OLDER COLORADANS CASH FUND, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.**

BY SENATOR(S) Guzman, Aguilar, Carroll, Giron, Heath, Hudak, Jahn, Johnston, Jones, Kefalas, Kerr, King, Newell, Nicholson, Steadman, Tochtrop, Todd, Ulibarri, Morse; also REPRESENTATIVE(S) Primavera, Court, Exum, Fields, Fischer, Ginal, Hamner, Hullinghorst, Labuda, Levy, Peniston, Rosenthal, Ryden, Salazar, Schafer, Young.

The state constitution requires 85% of the sales and use tax receipts to be credited to the old age pension fund. The remaining 15% of this revenue is currently split between the general fund and the older Coloradans cash fund as follows:

- \$8 million to the older Coloradans cash fund;
- The remainder to the general fund.

The bill increases the state sales and use tax receipts that are credited to the older Coloradans cash fund by two million dollars and the allocation to the general fund is proportionally decreased.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/3C07D3840FBD9FC287257AEF005D63B3/\\$FILE/127\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/3C07D3840FBD9FC287257AEF005D63B3/$FILE/127_enr.pdf)

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**SENATE BILL 13-133**

**CONCERNING THE DISTRIBUTION OF THE STATE SHARE OF LIMITED GAMING FUND REVENUES.**

BY SENATOR(S) Steadman, Aguilar, Newell, Nicholson, Morse; also REPRESENTATIVE(S) Gerou, Fischer, Gardner, Salazar, Young, Ferrandino.

The bill inserts dollar amounts instead of percentages for the transfers of the state share of limited gaming revenues to:

- The Colorado travel and tourism promotion fund;
- The bioscience discovery evaluation cash fund;
- The local government limited gaming impact fund;
- The innovative higher education research fund;
- The creative industries cash fund; and
- The Colorado office of film, television, and media operational account cash fund.

The bill also makes clear that any amount of limited gaming revenues over and above the transfers to these funds will be transferred to the general fund.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/E33E79E998A9C4C887257AF6007D9FF9/\\$FILE/133\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/E33E79E998A9C4C887257AF6007D9FF9/$FILE/133_enr.pdf)

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**SB 13-147**

**A BILL FOR AN ACT CONCERNING AN EMPLOYER'S WORKERS' COMPENSATION LIABILITY TO A PERSON WHEN THE PERSON IS INJURED WHILE NOT ON THE EMPLOYER'S PREMISES.**

BY SENATOR(S) Jahn, Newell; also REPRESENTATIVE(S) Gardner, Conti, Coram, DelGrosso, Murray, Saine, Scott.

The bill clarifies that an employer is not liable as a statutory employer when a lessee, sublessee, contractor, or subcontractor, or their employee, is injured while not on the employer's premises.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/FB96D0E8A680CA9787257AEE005C5FAC/\\$FILE/147\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/FB96D0E8A680CA9787257AEE005C5FAC/$FILE/147_enr.pdf)

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**SENATE BILL 13-152**



**CONCERNING THE CONTINUATION OF THE ASBESTOS ABATEMENT CERTIFICATION PROCESS CONDUCTED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE DEPARTMENT OF REGULATORY AGENCIES' RECOMMENDATIONS IN THE 2012 SUNSET REPORT.**

BY SENATOR(S) Aguilar, Carroll, Guzman, Jones, Kefalas, Nicholson, Schwartz, Todd; also REPRESENTATIVE(S) May, Hamner, Labuda, Moreno, Young.

**Sunset Process - Senate Health and Human Services Committee.** The bill implements the recommendations of the department of regulatory agencies' review of the Colorado department of public health and environment's certification process in connection with asbestos abatement by:

- Continuing the certification process for 9 years, until 2022; and
- Requiring property owners applying for permits to renovate or demolish property to disclose knowledge of whether the building materials that will be disturbed by a renovation or demolition project have been inspected for asbestos. A local government entity need not require a property owner applying for a property renovation or demolition permit to make the disclosure until the entity has updated its application forms, which it may do when it otherwise creates and disseminates updated application forms pursuant to its standard practice.

**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/48D96EB5A6B1609887257AEE0054A911/\\$FILE/152\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/48D96EB5A6B1609887257AEE0054A911/$FILE/152_enr.pdf)

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**SB 13-173**

BY SENATOR(S) Kerr and Nicholson, Grantham, King; also REPRESENTATIVE(S) Pabon, Rosenthal, Singer.

**CONCERNING THE CONTINUATION OF THE DIVISION OF GAMING, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS IN THE 2012 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES, AND MAKING AN APPROPRIATION.**

**Sunset Process - Senate Finance Committee.** The bill implements the recommendations of the department of regulatory agencies' review of the division of gaming (division) within the department of revenue by:

- Continuing the division for 9 years, until 2022;
- Amending certain definitions to make it clear that electronic versions of games and gaming

equipment are permitted;

- Creating a new type of license to be issued to suppliers of equipment used remotely or directly in connection with gaming, including equipment used to monitor, collect, or report gaming transactions data or to calculate adjusted gross proceeds and gaming taxes, and defining terms related to the new type of license;
- Redefining "vintage slot machine" to exclude slot machines introduced on the market before 1984 but fitted with component parts manufactured in 1984 or thereafter;
- Requiring the Colorado limited gaming control commission (commission) to promulgate rules concerning the conditions under which the division may authorize a retail gaming license applicant to own or possess slot machines;
- Permitting the commission to promulgate rules regarding procedures for depositing and accounting for tips or gratuities;
- Clarifying that the statute concerning possession of slot machines includes retailers among the persons who may legally possess slot machines; and
- Making conforming amendments.

The bill also makes technical changes to portions of the "Colorado Limited Gaming Act", including:

- Removing from the considerations the commission is required to take into account in setting the gaming tax on adjusted gross proceeds of gaming the consideration of other "for-profit" forms of gambling in Colorado;
- Allowing a licensee to offer a new game or technology without the commission's prior approval if offering the game or technology in compliance with the commission's rules regarding field trials of new games or technology;
- Authorizing the commission to promulgate rules concerning the redemption of chips to replace the requirement that a licensee issue a check to a patron redeeming surrendered chips in any amount over twenty-five dollars; and
- Updating the provision concerning limited gaming events sponsored by charitable organizations to reflect the vote at local elections held in the cities of Central, Black Hawk, and Cripple Creek in November 2008 to expand the hours of operation for limited gaming.

The bill continues the gambling addiction account of the local government limited gaming impact fund for 9 years, until 2022.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/FF0C0008A269A3D087257AEE0054A8EA/\\$FILE/173\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/FF0C0008A269A3D087257AEE0054A8EA/$FILE/173_enr.pdf)

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**SENATE BILL 13-174**

**CONCERNING THE CONTINUATION OF THE COLORADO FOOD SYSTEMS ADVISORY COUNCIL.**

BY SENATOR(S) Schwartz, Giron, Jones, Carroll, Guzman, Heath, Kefalas, Tochtrop, Todd; also REPRESENTATIVE(S) Lebsack, Fischer, Ginal, Hullinghorst, Labuda, Mitsch Bush, Ryden, Schafer, Singer, Vigil.

Sunset Process - Senate Agriculture, Natural Resources, and Energy Committee. In 2010, the general assembly created the Colorado food systems advisory council (council) to foster a healthy food supply available to all Colorado residents while enhancing the state's agricultural and natural resources, encouraging economic growth, expanding the viability of agriculture, and improving the health of Colorado's communities and residents by making recommendations to the general assembly. The council is scheduled to repeal July 1, 2013. The bill continues the council indefinitely. The bill also adds 2 more members to the committee and ensures diversity among the existing members.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/1376DD57B847E09687257AEE0054AA69/\\$FILE/174\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/1376DD57B847E09687257AEE0054AA69/$FILE/174_enr.pdf)

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**SENATE BILL 13-175**

**CONCERNING THE CONTINUATION OF PROGRAMS BENEFITING THE PRESERVATION OF WILDLIFE HABITAT, AND, IN CONNECTION THEREWITH, CONTINUING THE WILDLIFE HABITAT STAMP COMMITTEE.**

BY SENATOR(S) Schwartz, Giron, Jones, Roberts, Hodge, Tochtrop, Aguilar, Crowder, Guzman, Heath, Hudak, Kefalas, Kerr, Newell, Nicholson, Steadman, Ulibarri, Morse; also REPRESENTATIVE(S) Hamner and McLachlan, Coram, Fischer, Mitsch, Bush, Rosenthal, Vigil, Fields, Ginal, Hullinghorst, Labuda, Moreno, Pettersen, Ryden, Salazar, Singer.

The bill continues the wildlife habitat stamp committee indefinitely by deleting its repeal scheduled for December 31, 2013. The bill eliminates the Colorado wildlife passport and the Colorado wildlife passport fund. The parks and wildlife commission is directed to use revenues from the wildlife habitat stamp to give sufficient priority to conserve and protect winter range and vital habitats, including migration corridors, for deer, elk, and other big game wildlife species; to improve public access for hunting, access for anglers to

the waters of the state, and access for other wildlife-related recreation; to protect habitat for species of concern; and to preserve the diversity of wildlife.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/C3A71FACEDBA816987257AF5007998D5/\\$FILE/175\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/C3A71FACEDBA816987257AF5007998D5/$FILE/175_enr.pdf)

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**SENATE BILL 13-178**

**CONCERNING AUTHORIZING RED ROCKS COMMUNITY COLLEGE TO OFFER A PHYSICIAN ASSISTANT STUDIES PROGRAM AS A PROGRAM OF GRADUATE EDUCATION.**

BY SENATOR(S) Hudak, Giron, Grantham, Jahn, Kerr, Newell, Todd, Aguilar, Brophy, Crowder, Kefalas, Lundberg, Nicholson, Steadman; also REPRESENTATIVE(S) Hamner, Kraft-Tharp, May, Navarro, Schafer, Coram, Fischer, Gerou, Ginal, Hullinghorst, Labuda, Landgraf, Lebsock, Melton, Mitsch Bush, Pabon, Pettersen, Rosenthal, Tyler, Vigil, Young.

Currently, Red Rocks community college offers a certificate program in physician assistant studies, and, through an affiliation with St. Francis university in Pennsylvania, students may obtain a master of medical science degree. The eligibility requirements of the accrediting body of physician assistant programs now requires the sponsor of the program to confer a graduate degree upon completion of the program.

The bill authorizes Red Rocks community college to continue providing its physician assistant studies program by authorizing Red Rocks community college to confer a graduate degree on students who complete the physician assistant studies program.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/CFE2981D6D63BF5B87257AEE005903ED/\\$FILE/178\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/CFE2981D6D63BF5B87257AEE005903ED/$FILE/178_enr.pdf)

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**SENATE BILL 13-193**

**CONCERNING INCREASING PARENT ENGAGEMENT IN PUBLIC SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY SENATOR(S) Hudak, Todd, Giron, Heath, Kerr, Ulibarri, Carroll, Jones, Newell, Nicholson, Schwartz, Steadman, Tochtrop, Morse; also REPRESENTATIVE(S) Kraft-Tharp, Duran, Fischer, Ginal, Hullinghorst, Labuda, Lebsock, Melton, Mitsch Bush, Rosenthal, Salazar, Schafer.

In addition to their duties under existing law, the bill requires the school accountability committees to hold

public meetings to solicit input concerning the contents of school priority improvement plans and school turnaround plans before the plans are written.

In addition, district accountability committees and school accountability committees must work to increase parent engagement in the public schools by publicizing openings on district and school accountability committees, soliciting parents to serve on the district and school accountability committees, and assisting school personnel in communications with parents.

A public school that must adopt a priority improvement plan or turnaround plan must include in the plan strategies for increasing parent engagement in the school.

The existing state advisory council for parent involvement in education (council), in addition to its other duties, will also provide training and other resources to help the district and school accountability committees increase parent engagement. The council must also work with the department of education (department) to provide training to the district and school accountability committees in leadership and in increasing parent engagement. The council must also work with the department to provide training for school personnel concerning working with parents. A member of the council may be reimbursed for expenses incurred in completing the council's duties, including expenses incurred in providing training.

The council will identify key indicators of parent engagement in elementary, secondary, and postsecondary schools, and use the indicators to develop recommendations for methods by which the department and the department of higher education may measure and monitor the level of parent engagement with elementary and secondary public schools and institutions of higher education. The council will annually report to the state board of education, the Colorado commission on higher education, and the education committees of the general assembly, the council's progress in promoting parent engagement in the state and in fulfilling its duties.

Under current law, a school district board of education may adopt a policy for parent engagement in the district. The bill requires each board of education to adopt a parent engagement policy and requires each board to work with the district accountability committee in creating the policy. The policy may include training for personnel concerning working with parents.

Each school district and the state charter school institute (institute) shall identify, and submit to the department the name of, an employee to act as the point of contact for parent engagement training and resources. The person will also serve as the liaison between the district or institute, the district accountability committee if applicable, the council, and the department to facilitate the district's or institute's efforts to increase parent involvement.

Under current law, a school district or the institute must hold a public hearing before adopting a school improvement plan, priority improvement plan, or turnaround plan. Under the bill, a school district or the institute does not have to hold a public hearing before adopting a school improvement plan. The institute must hold the public hearing on a priority improvement plan or turnaround plan within the boundaries of the school district in which the institute charter school is located. Members of the school accountability committees are encouraged to attend the district's public hearings.

Bill Link:

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/E3067C862EE41F1387257AEE00570F0A/\\$FILE/193\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/E3067C862EE41F1387257AEE00570F0A/$FILE/193_enr.pdf)

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**SENATE BILL 13-199**

**CONCERNING MODIFICATION OF THE STANDARD FOR DETERMINING WHETHER BONDS ISSUED BY A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION QUALIFY FOR THE HIGHER EDUCATION REVENUE BOND INTERCEPT PROGRAM.**

BY SENATOR(S) Giron, Baumgardner, Schwartz, Newell; also REPRESENTATIVE(S) Fischer, Szabo, Vigil, Buckner, Court, Garcia, Ginal, Hullinghorst, Lebsock, Melton, Mitsch Bush, Pabon, Priola, Rosenthal, Young.

**Capital Development Committee.** Under current law, bonds issued by a state-supported institution of higher education (institution) qualify for the higher education revenue bond intercept program (program) only if, on the date of their issuance, the total amount of the annual payments on the bonds and any other bonds issued by the institution and secured under the program does not exceed the amount of the institution's fee-for-service contract revenue for the prior year. The bill replaces this requirement with a credit and coverage test that requires the governing body of the institution to have:

- A credit rating in one of the 3 highest categories, without regard to modifiers within a category, from at least one major credit rating organization and no credit rating that is in a category below the 3 highest categories, without regard to modifiers within a category, from any such organization; and
- A debt service coverage ratio of at least one and one-half to one.

The state treasurer may exempt an institution from the credit and coverage test if the revenue bonds to be issued are refunding bonds that result in cost savings to the institution.

Bill Link:

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/657D93426CD7B10687257B09005CDB4A/\\$FILE/199\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/657D93426CD7B10687257B09005CDB4A/$FILE/199_enr.pdf)

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**SB 13-230**

**CONCERNING THE PROVISION FOR PAYMENT OF THE EXPENSES OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL DEPARTMENTS OF THE STATE OF COLORADO, AND OF ITS AGENCIES AND INSTITUTIONS, FOR AND DURING THE FISCAL YEAR BEGINNING JULY 1, 2013,**

**EXCEPT AS OTHERWISE NOTED.**

BY SENATOR(S) Steadman, Hodge, Aguilar, Carroll, Guzman, Heath, Hudak, Johnston, Kefalas, Nicholson, Tochtrop, Todd, Ulibarri, Morse; also REPRESENTATIVE(S) Levy, Duran, Gerou, Buckner, Court, Exum, Fields, Fischer, Foote, Ginal, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Lee, McCann, Melton, Mitsch Bush, Moreno, Pabon, Peniston, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Schafer, Singer, Tyler, Williams, Young, Ferrandino.

Provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2013, except as otherwise noted.

**Bill Link:**

<http://www.leg.state.co.us/CLICS/CLICS2013A/csl.nsf/BillFoldersSenate?openFrameset>

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**SENATE BILL 13-241**

**CONCERNING THE CREATION OF A PROGRAM IN THE DEPARTMENT OF AGRICULTURE TO REGULATE INDUSTRIAL HEMP PRODUCTION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY SENATOR(S) Schwartz and Crowder, Nicholson, Ulibarri, Aguilar, Brophy, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Jones, Kefalas, Steadman, Tochtrop, Todd; also REPRESENTATIVE(S) Coram and Fischer, Sonnenberg, Buckner, Gerou, Ginal, Hullinghorst, Labuda, Lebsock, Levy, May, Mitsch Bush, Moreno, Pabon, Rankin, Rosenthal, Saine, Singer, Vigil, Young.

The bill repeals the industrial hemp remediation pilot program in the department of public health and environment, enacted by House Bill 12-1099, and replaces the pilot program with a program in the department of agriculture (department) that requires a person seeking to engage in industrial hemp cultivation for commercial purposes or to grow industrial hemp for research and development purposes to register with the department. The bill renames the industrial hemp remediation pilot program committee, established pursuant to House Bill 12-1099, as the industrial hemp committee, specifies the qualifications and terms of office of members serving on the committee, and tasks the committee with assisting the department and the commissioner of agriculture (commissioner) in the development of the registration program.

The commissioner is authorized to collect fees from registration applicants to cover the costs of the program. Each registrant authorized to cultivate industrial hemp for commercial purposes must submit reports to the department certifying that the crop it plants complies with the delta-9 THC limits, as well as documenting that the registrant has a purchase agreement with an in-state industrial hemp processor.

The commissioner is to develop rules requiring registrants to submit crop samplings for testing and verification of delta-9 THC levels and establishing a process for waiving delta-9 THC limits.

Upon finding that a registrant violated the requirements of the program, the commissioner may impose a civil penalty on the registrant or deny, revoke, or suspend the registration.

The registration program repeals upon the enactment of federal legislation establishing a federal regulatory system for industrial hemp and the economic and financial viability of the industrial hemp industry, as determined by the commissioner in consultation with the industrial hemp committee.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/4524325568A5A7F987257AF5007B9CD6/\\$FILE/241\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/4524325568A5A7F987257AF5007B9CD6/$FILE/241_enr.pdf)

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**SENATE BILL 13-247**

**CONCERNING THE COLLECTION OF DEBT OWED TO GOVERNMENTAL ENTITIES, AND, IN CONNECTION THEREWITH, SPECIFYING PROCEDURAL REQUIREMENTS FOR OFFSETTING SUCH DEBTS AGAINST STATE TAX REFUNDS AND AUTHORIZING THE STATE TO ENTER INTO RECIPROCAL DEBT COLLECTION AGREEMENTS WITH THE FEDERAL GOVERNMENT AND OTHER STATES.**

BY SENATOR(S) Heath; also REPRESENTATIVE(S) Court, Hullinghorst, Schafer.

Current law authorizes the department of personnel to provide centralized debt collection services for debts owed to agencies, institutions, and political subdivisions of the state. The bill specifies procedural requirements, including a hearing requirement, to be followed before the state controller may certify such a debt to the department of revenue to be offset against a tax refund. The bill also authorizes the state to enter into reciprocal debt collection agreements with the federal government and other states. Under such agreements:

- The state uses moneys owed by the state to a person, including tax refunds, to pay debts that the person owes to the federal government or another state; and
- The federal government or another state uses moneys that it owes to another person, excluding tax refunds in the case of the federal government, to pay debts that the person owes to the state of Colorado.

If multiple creditors have claims against the same person to be paid from moneys owed by the state to the person, such moneys must be used first to pay debts owed to agencies and institutions of the state, next to pay debts owed to political subdivisions of the state, and last to pay debts owed to the



federal government and other states.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/3A436B6B8AC73E9587257AEE005A7EC8/\\$FILE/247\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/3A436B6B8AC73E9587257AEE005A7EC8/$FILE/247_enr.pdf)

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**SENATE BILL 13-254**

**CONCERNING AN EXPANSION OF THE UTILITY COST-SAVINGS MEASURES LAW TO ALLOW A GOVERNMENTAL ENTITY TO ENTER INTO A VEHICLE FLEET MAINTENANCE AND FUEL COST-SAVINGS CONTRACT.**

BY SENATOR(S) Jones, Guzman, Schwartz; also REPRESENTATIVE(S) Tyler, Levy, Court, Fields, Hullinghorst, Labuda, Lee, Mitsch Bush, Pabon, Primavera, Salazar, Schafer, Williams.

Current law allows a state agency or political subdivision to enter into a contract for analysis and recommendations regarding energy conservation measures that would increase utility cost savings and operation and maintenance cost savings in buildings or other facilities owned or rented by the state agency or political subdivision. The bill expands current law to allow a state agency or political subdivision to enter into a contract for such analysis and recommendations regarding energy conservation measures that would significantly increase vehicle operational and fuel cost savings in state or political subdivision fleet vehicles.

Current law also allows a state agency or political subdivision to enter into a utility cost-savings contract with any person or entity experienced in the design and implementation of utility cost-savings measures for buildings or other facilities if the energy analysis and recommendations indicate that annual payments for utility cost-savings measures are expected to be equal to or less than the sum of utility and operation and maintenance cost savings achieved by implementation of such measures. The bill expands current law to allow a state agency or political subdivision to enter into a vehicle fleet operational and fuel cost-savings contract if the energy analysis and recommendations indicate that the annual payments for vehicle fleet operational and fuel cost-savings measures are expected to be equal to or less than the sum of the vehicle fleet cost savings achieved by the implementation of such measures.

In addition, the bill clarifies that special districts are authorized to enter into such cost-savings contracts.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/3AC116DAEBB3835787257B2E00783000/\\$FILE/254\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/3AC116DAEBB3835787257B2E00783000/$FILE/254_enr.pdf)

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**SENATE BILL 13-260**

**CONCERNING THE FINANCING OF PUBLIC SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.**

BY SENATOR(S) Hudak and Steadman, Aguilar, Carroll, Giron, Guzman, Heath, Jahn, Jones, Kefalas, Kerr, Newell, Nicholson, Schwartz, Tochtrop, Todd, Ulibarri, Morse; also REPRESENTATIVE(S) Hamner, Court, Duran, Exum, Fields, Fischer, Ginal, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Levy, May, Melton, Mitsch Bush, Moreno, Pabon, Peniston, Pettersen, Rosenthal, Salazar, Schafer, Singer, Tyler, Vigil, Young.

The bill amends the "Public School Finance Act of 1994" (act) to modify the funding for public schools from preschool through the twelfth grade for the 2013-14 budget year, and, in some circumstances, for budget years thereafter, as follows:

**Statewide base per pupil funding:** For the 2013-14 budget year, the statewide base per pupil funding is increased to \$5,954.28 to account for a 1.9% inflation rate.

**Funded pupil count:** Currently, a district's funded pupil count is calculated by adding the district's on-line pupil enrollment, preschool program enrollment, supplemental kindergarten enrollment, and accelerating students through concurrent enrollment (ASCENT) program pupil enrollment, all for the applicable budget year, and the greater of the district's pupil enrollment for the current budget year or an average of the district's pupil enrollment for the current budget year and the 2, 3, or 4 immediately preceding budget years.

The bill specifies that, notwithstanding the calculation for determining funded pupil count, for the 2013-14 budget year and each budget year thereafter, a district's funded pupil count will not be less than 50 pupils.

**Negative factor:** During the 2010 and 2011 legislative sessions, the general assembly amended the act for the 2010-11 budget year and budget years thereafter to reduce the amount of the annual appropriation to fund the state's share of total program funding for all school districts and the funding for institute charter schools (total program funding) to assist in stabilizing the state budget. The general assembly accomplished the reduction to each district through a calculation that resulted in a factor, called the negative factor, to be applied to each district's total program funding amount in the applicable budget year.

For the 2013-14 budget year, the general assembly has determined that application of the negative factor to total program funding is necessary, but without an additional reduction in the amount of the annual appropriation to fund the state's share of total program funding. For the 2013-14 budget year, the bill increases the total program funding amount by a specified amount compared with the amount currently required in law to account for increases in student enrollment.

**Charter school at-risk supplemental aid:** Currently, certain qualified school districts, district charter schools, and institute charter schools receive at-risk supplemental aid (aid) in addition to the at-

risk funding received pursuant to the act. A portion of the funding for the aid comes from the amount recovered by the department of education (department) from school district and charter school audits. The bill eliminates this funding source for the aid and funds the aid from the state public school fund.

**Charter school capital construction:** Currently, \$6 million from the state education fund is annually appropriated for capital construction costs for all eligible districts and for all eligible institute charter schools. For the 2013-14 budget year ~~only~~ and each budget year thereafter, the appropriation from the state education fund for charter school capital construction costs is increased to \$7 million.

**Facility school funding:** Currently, approved facility schools and state programs receive one and one third of the state average per pupil revenue for each student enrolled in an approved facility school or state program for the applicable budget year. The additional 33% of the state average per pupil revenue is to recognize the increased costs of educating students in approved facility schools and state programs year-round.

For the 2013-14 budget year and each budget year thereafter, the bill requires that approved facility schools and state programs receive one and seventy-three hundredths of the statewide base per pupil funding. Of the additional 73% of statewide base per pupil funding, 33% is to recognize the increased costs of educating students in approved facility schools and state programs year-round, and 40% is to offset the increased costs inherent in providing education services to the students who are placed in approved facility schools and state programs.

In addition to the changes to the act, the bill modifies other provisions related to funding for public schools as follows:

**"READ Act" funding:** During the 2012 legislative session, the general assembly enacted the "READ Act" and specified that, for the 2013-14 state fiscal year and for each state fiscal year thereafter, any interest or income, up to \$16 million, earned on the investment of moneys in the public school fund in excess of \$11 million, other than interest and income credited to the public school capital construction assistance fund, shall be transferred to the early literacy fund to be used for purposes of the "READ Act".

The bill eliminates the provision that authorizes the early literacy fund to receive a transfer from the public school fund and, for the 2013-14 budget year and each budget year thereafter, requires the state treasurer to annually transfer \$16 million from the state education fund to the early literacy fund for purposes of the "READ Act".

**Educator effectiveness:** The great teachers and leaders fund was created to accept moneys to be used for the implementation of the state council for educator effectiveness. For the 2013-14 fiscal year, the bill requires the state treasurer to transfer \$200,000 to the great teachers and leaders fund from the state education fund.

**"Tier B" special education funding:** "Tier B" special education funding is \$6,000 per child with one or more specific disabilities described in law. The department determines the percentage of children for which a district receives such funding based on the amount remaining from the appropriation for special education funding after several other special education funding requirements have been met. For the 2013-14 budget year and each budget year thereafter, the appropriation for special education is

increased by \$20 million and is required to be used for "Tier B" special education funding.

**Colorado preschool program:** The Colorado preschool program (CPP) serves children from ages 3 to 5 who lack overall learning readiness due to one or more factors specified in law. For the 2013-14 budget year and each budget year thereafter, the bill increases the number of children who may participate in CPP by 3,200 for a total of 23,360 children who may participate in CPP statewide. The bill allows school districts to serve the total number of additional children eligible to participate in CPP pursuant to the bill with either a half-day or full-day of preschool through the CPP or through a full-day of kindergarten through preexisting school district full-day kindergarten programs.

**Public school fund:** The bill eliminates the requirement that up to \$16 million from the interest or income earned on the public school fund be used for the "READ Act" and increases the amount of interest or income earned on the investment of the moneys in the public school fund that shall be credited to the state public school fund for distribution as provided by law from \$11 million to \$16 million.

**Quality teacher recruitment:** The bill requires the department to contract at least one organization (vendors) to create a quality teacher recruitment program (recruitment program) for the state to recruit, select, train, and retain highly qualified teachers to teach in schools and school districts in Colorado that can demonstrate historic difficulty in recruiting and retaining highly qualified teachers. The department must select a vendor that:

- Commits to working with one or more districts in the state for at least 2 years to recruit highly qualified teachers;
- Has a documented history of recruiting, training, and retaining highly qualified teachers in areas of Colorado or in other states that have had historic difficulty in recruiting and retaining highly qualified teachers;
- Commits to hiring only teachers who are highly qualified pursuant to the United States department of education guidelines;
- Can demonstrate that the teachers it has worked with in the past achieve high academic growth from their students based on state achievement data or independent studies;
- Has a documented history of providing professional development for educators; and
- Commits to matching 100% of any moneys paid to the vendor through the contract.

The bill requires a vendor that enters into a contract with the department to operate a recruitment program to submit a report to the department that includes specified data and performance metrics from the prior school year. In addition, the department must contract with a third party to evaluate the recruitment program and to submit a report to the department regarding the progress of the vendor based on the same specified data and performance metrics.

**Transfer of general fund surplus to state education fund:** On the date that the state controller publishes the comprehensive annual financial report of the state for the 2013-14 fiscal year, after making

a transfer required by law, the bill requires the state treasurer to transfer 50% of the remaining general fund surplus to the state education fund.

**Nationally board certified teachers:** The department is required to award an annual stipend to a teacher or principal who is employed to teach in a school district, a program operated by a board of cooperative services, a district charter school, or an institute charter school, and who holds a certification from the national board for professional teaching or principal standards. The bill increases the appropriation from the state education fund for the stipends by \$1,339,200.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/0B4CB910FEB88B0187257AEE005738D8/\\$FILE/260\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/0B4CB910FEB88B0187257AEE005738D8/$FILE/260_enr.pdf)

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**SENATE BILL 13-268**

**CONCERNING THE REPEAL OF CERTAIN REQUIREMENTS IN CONNECTION WITH ANY BILL ENACTED BY THE GENERAL ASSEMBLY THAT RELIES ON GIFTS, GRANTS, OR DONATIONS AS ITS FUNDING SOURCE.**

BY SENATOR(S) Steadman, Ulibarri; also REPRESENTATIVE(S) May, Buckner, Hullinghorst, Levy, Ryden, Schafer, Singer.

Current law requires state agencies to submit a report to the general assembly when the state agency receives a gift, grant, or donation (grant) from the federal government or from a nongovernmental source and the grant provides funding for a bill enacted by the general assembly that created a program, service, study, interim committee, or other government function (program) that relies entirely or in any part on grant moneys as its funding source.

The bill modifies the reporting requirement to apply only when a grant to a state agency is from a nongovernmental source and only when the bill creating the program relies entirely on grant moneys as the funding source for the program.

Current law also requires legislative staff to track any bill enacted by the general assembly that relies on grant moneys, determine whether the state agency received the grant moneys, and prepare a bill under the supervision and direction of the committee on legal services to repeal any program that has not received adequate grant moneys to support it. The bill repeals this requirement.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/B48D5A8448B41F8C87257B170076225D/\\$FILE/268\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/B48D5A8448B41F8C87257B170076225D/$FILE/268_enr.pdf)

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**SENATE BILL 13-269**

**CONCERNING THE CREATION OF A GRANT PROGRAM TO ASSIST WITH EFFORTS TO REDUCE THE RISK OF CATASTROPHIC WILDFIRES TO FORESTED LANDS IN COLORADO.**

BY SENATOR(S) Nicholson and Roberts, Schwartz, Aguilar, Baumgardner, Carroll, Giron, Guzman, Heath, Hodge, Hudak, Johnston, Jones, Kefalas, Kerr, King, Morse, Newell, Steadman, Tochtrop, Todd, Ulibarri, Cadman, Crowder; also REPRESENTATIVE(S) Coram and McLachlan, Fischer, Duran, Garcia, Gardner, Ginal, Hamner, Labuda, Lebsock, Levy, Mitsch Bush, Moreno, Pettersen, Rankin, Rosenthal, Salazar, Schafer, Singer, Vigil, Wright, Young, Ferrandino.

The bill creates the wildfire risk reduction grant program (grant program) in the department of natural resources (department). The purpose of the grant program is to provide funding opportunities for projects implementing hazardous forest fuel reduction treatments to reduce the risks associated with wildfires in Colorado.

In developing and administering the grant program, the department shall:

- Dedicate up to 25% of the grant funds for capacity-building efforts, including neighborhood slash piles and community equipment;
- Work in collaboration with an advisory committee to assess grant applications and award grants, giving priority to proposed projects that are located in areas where a high risk of catastrophic wildfire endangers homes, communities, utilities, and watersheds;
- Monitor grant recipients' compliance with the grant program; and
- Measure the grant program's effectiveness.

Eligible grant applicants are required to demonstrate that:

- The applicant has matching funds available, which may come from federal or state sources, but no more than 50% may come from state sources unless the applicant is a state agency; and
- The applicant's proposed project includes a plan for utilizing any woody material generated by the project.

The bill creates the wildfire risk reduction fund (fund) and transfers \$9,800,000 from the general fund to the fund for implementation of the grant program.

**Bill Link:**

**SENATE BILL 13-270**

**CONCERNING FUNDING FOR CERTAIN ACTIVITIES RELATING TO WILDFIRE.**

BY SENATOR(S) Nicholson and Roberts, Aguilar, Carroll, Kefalas, Kerr, Newell, Schwartz, Steadman, Ulibarri; also REPRESENTATIVE(S) Coram and Fischer, Exum, Gerou, Ginal, Hamner, Hullinghorst, Lebsock, Lee, Levy, Mitsch Bush, Peniston, Pettersen, Rankin, Rosenthal, Salazar, Schafer, Vigil, Young.

The bill amends various provisions relating to wildfire preparedness and response.

**Section 1** of the bill authorizes the governor to direct the state treasurer to transfer moneys from the disaster emergency fund to the wildfire emergency response fund (WERF) if the governor determines that a wildfire-related disaster emergency is imminent. **Section 2**, which becomes effective only if House Bill 13-1031 is enacted, contains an alternate version of this provision that harmonizes the governor's authority with a similar grant of authority contained in House Bill 13-1031.

Currently, the WERF and the wildfire preparedness fund are created under a single statute. **Sections 3 and 4** bifurcate the funds' organic provisions into 2 distinct statutes and exempt both funds from the reporting requirements for funds that rely on gifts, grants, and donations.

**Section 3** makes the following changes with respect to the WERF:

- Clarifies the sources of moneys in the fund;
- Establishes the minimum activities for which the WERF provides financing or reimbursement;
- Allows the governor to authorize funding or reimbursements beyond that statutory minimum, pursuant to the division of fire prevention and control (division) in the Colorado department of safety; and
- Specifies that the governor may increase or decrease the WERF usage as warranted by the actual severity of a wildfire.

**Section 4** creates a new statute for the wildfire preparedness fund and, with respect to that fund:

- Authorizes the director of the division to enter into agreements to provide firefighting services to federal, state, and local agencies; and
- Changes the dates by which the annual wildfire preparedness plan must be developed and

submitted to the general assembly.

**Section 5** allows the general assembly to appropriate revenues collected for insurance premium taxes to the WERF and the wildfire preparedness fund, and directs the state treasurer to transfer \$500,000 to the WERF by July 1, 2013.

**Sections 6 through 9** make conforming amendments to update and correct statutory citations to the WERF, the wildfire preparedness fund, and the annual wildfire preparedness plan.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/657A17382CBC12E387257B29008159DA/\\$FILE/270\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/657A17382CBC12E387257B29008159DA/$FILE/270_enr.pdf)

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**SENATE BILL 13-273**

**CONCERNING INCENTIVES FOR THE BENEFICIAL USE OF FOREST BIOMASS.**

BY SENATOR(S) Schwartz and Nicholson, Aguilar, Guzman, Heath, Jones, Kefalas, Todd, Ulibarri; also REPRESENTATIVE(S) Hamner and Coram, Fischer, Lebsock, Levy, Mitsch Bush, Pabon, Pettersen, Rosenthal, Schafer, Singer, Tyler, Young.

**Sections 1 and 2** of the bill declare that reducing the large amount of diseased timber in Colorado by encouraging the use of forest biomass for energy generation and material for forest industry development will reduce the risk of future catastrophic wildfires, benefit the state's economy, and address Colorado communities' long-term forest health needs. Section 2 also directs the state forest service to collaborate with federal agencies to facilitate the use of forest biomass as feedstock for timber mills and other industries and for renewable energy generation.

**Section 3** encourages a community that adopts or updates its community wildfire protection plan (CWPP) to incorporate, as part of the CWPP, a biomass utilization plan developed in consultation with the state forest service. **Section 6** adds biomass utilization projects to the definition of a "forest health project" under existing law.

**Section 4** authorizes the executive director of the department of revenue to evaluate, apply, and publicize the application of economic development tax credits and other incentives for the forest, agriculture, and biomass industries. **Section 5** authorizes the air quality control commission to analyze equipment fueled by biomass (e.g., wood-burning stoves, etc.) for compliance with emissions standards and publish the results for units of less than 1 million BTU per hour.

**Section 7** requires the public utilities commission, when evaluating proposed new sources of supply for electric utilities, to consider the potential contributions of those sources to wildfire risk mitigation specifically, in addition to environmental protection generally.



**Bill Link:**

[http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/A011E5FCF4FD587D87257B190067B9B5/\\$FILE/273\\_enr.pdf](http://www.leg.state.co.us/clics/clics2013a/csl.nsf/fsbillcont3/A011E5FCF4FD587D87257B190067B9B5/$FILE/273_enr.pdf)

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**SB 13-283**

**CONCERNING IMPLEMENTATION OF AMENDMENT 64, AND, IN CONNECTION THEREWITH MAKING AND REDUCING AN APPROPRIATION.**

**BY SENATOR(S) Jahn and Baumgardner, Schwartz, Carroll, Grantham, Kerr, Newell, Todd, Ulibarri, Tochtrop; also REPRESENTATIVE(S) May, Buckner, Ginal, Hullinghorst, Labuda, Ryden, Schafer, Singer.**

Section 1. The bill permits a local government to prohibit the use of a compressed flammable gas as a solvent in residential marijuana cultivation.

Sections 2 and 3. The bill allows retail marijuana businesses to participate in the medical marijuana responsible vendor program.

Section 4. The bill declares that it is public policy of the state that a contract related to a marijuana business is not void.

Section 5. The bill creates the crime of illegal possession of retail marijuana by an underage person to mirror the same crime for alcohol.

Sections 6 through 10. The bill amends the offenses related to marijuana and drug paraphernalia to conform to the legal structure of amendment 64 and creates crimes for the gaps not covered by current law based the legal quantity and age limit for marijuana.

Section 11. The bill authorizes the governor to designate the appropriate state agency to:

Create a list of banned substances in marijuana cultivation;

Work with a private organization to develop good cultivation and handling practices;

Work with a private organization to develop good laboratory practices;

Establish an educational oversight committee for marijuana issues;

Section 12. The bill requires peace officer training to include advanced roadside impairment driving enforcement training.

Section 13. The bill requires the division of criminal justice in the department of public safety to undertake

or contract for a scientific study of law enforcement activities related to retail marijuana implementation.

Section 14. The bill requires the department of public health and environment to create a marijuana destruction program for marijuana that cannot be legally sold by licensed businesses.

The department of public health and environment must monitor the emerging science and medical information regarding marijuana through a panel of health care experts. The panel must report its findings every 2 years.

Section 15. Current law prohibits the use of all tobacco products on school property. The bill adds lawful retail marijuana products to the prohibition.

Sections 16 through 18. The bill adds marijuana to the Colorado clean indoor air act.

Section 19. The bill allows the license of a child care center, children's resident camp, cradle house, day treatment center, family child care home, foster care home, guest child care facility, homeless youth shelter, medical foster care, neighborhood youth organization, public services short-term child care facility, residential child care facility, secure residential treatment center, and specialized group facilities to be denied, suspended, or revoked if retail marijuana is consumed or cultivated onsite.

Sections 20 and 21. The bill prohibits the cultivation, use, or consumption of marijuana at a community residential home or regional center.

Sections 22 and 23. Federal law prohibits deducting certain business expenses related to the sale of marijuana to calculate the federal tax owed. The bill would permit those deductions to be used to calculate the state tax owed.

Section 24. The bill creates an open container offense for marijuana to mirror the open container offense for alcohol.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/4B75534D3719DBD687257B490074E195/\\$FILE/283\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/4B75534D3719DBD687257B490074E195/$FILE/283_enr.pdf)

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**SENATE BILL 13-285**

**CONCERNING THE PROCEDURES IN WORKERS' COMPENSATION CLAIMS FOR THE RESOLUTION OF DISPUTES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

BY SENATOR(S) Tochtrop, Guzman; also REPRESENTATIVE(S) Williams, Labuda, Lebsock, Melton, Moreno, Salazar, Schafer, Singer.

The bill requires a claimant to be reimbursed by the employer or workers' compensation carrier for medical treatment provided if the employer, after notice of the injury, fails to provide medical treatment.

After notice of termination of a fringe benefit or other advantage, the employer, carrier, or third-party administrator is required to recalculate the average weekly wage and begin payment of the wages based on the recalculated amount.

The bill requires temporary partial disability to be paid at least once every 2 weeks and requires an employer, carrier, or third-party administrator to provide a claimant a complete copy of the claim file within 15 days after the mailing of a written request.

In order to request attorney fees and costs when an opposing attorney requests a hearing for an unripe issue, the requesting party must prove that it attempted to have any unripe issues stricken by a prehearing administrative law judge. Fees and costs may only be awarded if they are directly caused by the listing of the unripe issue.

The bill extends the amount of time that must pass before an employer or insurer may request an independent medical examiner if the treating physician has not determined that an injured worker has reached maximum medical improvement from 18 to 24 months. If the independent medical examiner selected determines that the worker has reached maximum medical improvement, the independent medical examiner shall also determine the worker's permanent medical impairment.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/540EFEDB845AFC9D87257B490076E566/\\$FILE/285\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/540EFEDB845AFC9D87257B490076E566/$FILE/285_enr.pdf)

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**SENATE BILL 13-288**

**CONCERNING THE PROCESS BY WHICH THE GENERAL ASSEMBLY APPROVES RECOMMENDATIONS MADE BY THE STATE CLAIMS BOARD FOR AN ADDITIONAL PAYMENT TO CLAIMANTS THAT EXCEEDS THE MAXIMUM LIABILITY UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT".**

BY SENATOR(S) Cadman and Morse, Nicholson, Lambert, Aguilar, Baumgardner, Brophy, Carroll, Crowder, Giron, Grantham, Guzman, Harvey, Heath, Hill, Hodge, Hudak, Jahn, Johnston, Jones, Kefalas, Kerr, King, Lundberg, Marble, Newell, Renfro, Roberts, Scheffel, Schwartz, Steadman, Tochtrop, Todd, Ulibarri, Balmer; also REPRESENTATIVE(S) Levy and Gerou, Labuda, Young, Ferrandino.

Current law authorizes a person with tort claims against the state brought under the "Colorado Governmental Immunity Act" (CGIA) to recover an additional payment against the state where the state claims board (board) compromises or settles a claim on behalf of the state for the maximum liability limits under the CGIA and determines, in its sole discretion, to recommend to the general assembly that the

general assembly, by bill, authorize all or any portion of the additional payment.

The bill makes the following modifications to these provisions:

The bill clarifies the existing method for exceeding the CGIA limit based on the board recommendation and authorization through a bill.

In connection with a recommendation made by the board to make a payment to one or more claimants resulting from a claim of an injury arising out of the lower north fork wildfire in March 2012 that is received by the general assembly while the general assembly is adjourned sine die, upon certification from the department of law that the board process has been satisfied and on or after July 1, 2013, the bill authorizes the office of the state controller to pay one or more additional payments to such claimants from moneys previously appropriated by bill until such specifically appropriated moneys are exhausted or replenished.

In connection with any claim arising out of an injury occurring on or after the effective date of the bill that does not arise out of the lower north fork wildfire, where the board has made a recommendation to the general assembly for an additional payment while the general assembly has adjourned sine die, the payment is authorized where all of the members of the joint budget committee have voted to authorize the additional payment; except that the bill prohibits payment from being made until the general assembly has ratified by bill the authorization to make the payment.

**Bill Link:**

[http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/2557464826E77A2487257B50006230ED/\\$FILE/288\\_enr.pdf](http://www.leg.state.co.us//clics/clics2013a/csl.nsf/fsbillcont3/2557464826E77A2487257B50006230ED/$FILE/288_enr.pdf)