

# 2015 DIGEST OF BILLS

Enacted by The Seventieth General Assembly  
First Regular Session



**Civil War Memorial**  
Erected by the  
State of Colorado, 1861-1865.  
In memory of the Colorado soldiers who died in the Civil War.

Prepared by the Office of Legislative Legal Services

June 2015



# DIGEST

SENATE AND HOUSE BILLS ENACTED  
BY THE  
SEVENTIETH GENERAL ASSEMBLY  
OF THE  
STATE OF COLORADO

(2015 First Regular Session)

NOTE: Electronic versions of current and past Digests are available on the Official Colorado State Legislative Home Page at: [www.leg.state.co.us](http://www.leg.state.co.us), click on the "U.S. & Colorado Constitutions, Statutes, Session Laws, and House and Senate Rules" link.



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## PREFACE

Publication of the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Seventieth General Assembly at its First Regular Session ending May 6, 2015. The summaries include the dates upon which the Governor acted and the effective dates of the bills. The Digest also includes an alphabetical subject index and several reference tables. The Digest is not a substitute for the text of the bills or for provisions of the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

## HOW TO USE THE DIGEST

1. The summaries of bills and proposed state constitutional amendments begin on page 1. To determine the page on which the summary of a particular bill may be found, refer to the Table of Enacted Bills, beginning on page xiv.
2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 1.
3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Tables of Enacted Bills, beginning on page xiv.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Tables of Enacted Bills, beginning on page xiv.
5. To identify bills that were vetoed by the Governor or that became law without the Governor's signature, refer to page vii.
6. To identify bills that were enacted without a safety clause, refer to page viii.
7. To identify bills that were originally recommended by statutory and interim committees, refer to pages ix and x.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2015 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.
9. To identify bills that have effective dates of July 1 and later, see the listings beginning on page xi.

10. The general assembly adjourned sine die on the 120th legislative day, May 6, 2015. Accordingly, the 90-day period following adjournment in which referendum petitions may be filed in accordance with section 1 of article V of the state constitution for bills that do not contain a safety clause expires on Tuesday, August 4, 2015. The effective date for such bills is therefore 12:01 a.m., on Wednesday, August 5, 2015, the day following the expiration of the 90-day period. However, in accordance with section 1-1-106 (5), Colorado Revised Statutes, the Secretary of State has indicated that any referendum petitions must be filed on or before Tuesday, August 4, 2015.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for House material) and the Senate Services Office (for Senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 2015.

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303-866-2045



## LEGISLATIVE STATISTICAL SUMMARY

	2015		2014		2013	
	Intro	Passed	Intro	Passed	Intro	Passed
<b>House Bills</b>	392	193	398	274	325	219
<b>Senate Bills</b>	290	174	223	151	288	222
<b>Concurrent Resolutions</b>	6	0	7	0	3	0
<b>Bills signed by Governor</b>	360		419		441	
<b>Bills becoming law without Governor's signature</b>	4		1		0	
<b>Bills partially vetoed by the Governor</b>	0		0		0	
<b>Bills vetoed by the Governor</b>	3		5		0	
<b>Bills referred to the People/Ballot questions</b>	1		0		2	

### **BILLS VETOED BY THE GOVERNOR:**

H.B. 15-1098

H.B. 15-1390

S.B. 15-276

### **BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:**

H.B. 15-1182

H.B. 15-1316

S.B. 15-067

S.B. 15-290

### **BILLS WITH PORTIONS VETOED BY THE GOVERNOR:**

none

## BILLS ENACTED WITHOUT A SAFETY CLAUSE:\*

### HOUSE BILLS

<b>H.B. 15-1004</b>	<b>H.B. 15-1062</b>	<b>H.B. 15-1134</b>	<b>H.B. 15-1217</b>	<b>H.B. 15-1299</b>
<b>H.B. 15-1006</b>	<b>H.B. 15-1063</b>	<b>H.B. 15-1136</b>	<b>H.B. 15-1218</b>	<b>H.B. 15-1303</b>
<b>H.B. 15-1010</b>	<b>H.B. 15-1064</b>	<b>H.B. 15-1142</b>	<b>H.B. 15-1223</b>	<b>H.B. 15-1304</b>
<b>H.B. 15-1013</b>	<b>H.B. 15-1067</b>	<b>H.B. 15-1144</b>	<b>H.B. 15-1226</b>	<b>H.B. 15-1307</b>
<b>H.B. 15-1015</b>	<b>H.B. 15-1069</b>	<b>H.B. 15-1145</b>	<b>H.B. 15-1228</b>	<b>H.B. 15-1308</b>
<b>H.B. 15-1016</b>	<b>H.B. 15-1071</b>	<b>H.B. 15-1153</b>	<b>H.B. 15-1230</b>	<b>H.B. 15-1309</b>
<b>H.B. 15-1019</b>	<b>H.B. 15-1073</b>	<b>H.B. 15-1180</b>	<b>H.B. 15-1239</b>	<b>H.B. 15-1313</b>
<b>H.B. 15-1021</b>	<b>H.B. 15-1074</b>	<b>H.B. 15-1181</b>	<b>H.B. 15-1243</b>	<b>H.B. 15-1316</b>
<b>H.B. 15-1022</b>	<b>H.B. 15-1078</b>	<b>H.B. 15-1182</b>	<b>H.B. 15-1244</b>	<b>H.B. 15-1318</b>
<b>H.B. 15-1026</b>	<b>H.B. 15-1092</b>	<b>H.B. 15-1184</b>	<b>H.B. 15-1246</b>	<b>H.B. 15-1340</b>
<b>H.B. 15-1029</b>	<b>H.B. 15-1094</b>	<b>H.B. 15-1191</b>	<b>H.B. 15-1247</b>	<b>H.B. 15-1344</b>
<b>H.B. 15-1039</b>	<b>H.B. 15-1095</b>	<b>H.B. 15-1192</b>	<b>H.B. 15-1252</b>	<b>H.B. 15-1345</b>
<b>H.B. 15-1042</b>	<b>H.B. 15-1098-v</b>	<b>H.B. 15-1197</b>	<b>H.B. 15-1256</b>	<b>H.B. 15-1348</b>
<b>H.B. 15-1043</b>	<b>H.B. 15-1102</b>	<b>H.B. 15-1202</b>	<b>H.B. 15-1270</b>	<b>H.B. 15-1353</b>
<b>H.B. 15-1048</b>	<b>H.B. 15-1117</b>	<b>H.B. 15-1203</b>	<b>H.B. 15-1271</b>	<b>H.B. 15-1365</b>
<b>H.B. 15-1052</b>	<b>H.B. 15-1121</b>	<b>H.B. 15-1213</b>	<b>H.B. 15-1274</b>	<b>H.B. 15-1377</b>
<b>H.B. 15-1057</b>	<b>H.B. 15-1130</b>	<b>H.B. 15-1215</b>	<b>H.B. 15-1281</b>	<b>H.B. 15-1379</b>

### SENATE BILLS

<b>S.B. 15-004</b>	<b>S.B. 15-041</b>	<b>S.B. 15-090</b>	<b>S.B. 15-196</b>	<b>S.B. 15-248</b>
<b>S.B. 15-008</b>	<b>S.B. 15-046</b>	<b>S.B. 15-099</b>	<b>S.B. 15-197</b>	<b>S.B. 15-251</b>
<b>S.B. 15-012</b>	<b>S.B. 15-047</b>	<b>S.B. 15-121</b>	<b>S.B. 15-198</b>	<b>S.B. 15-260</b>
<b>S.B. 15-015</b>	<b>S.B. 15-049</b>	<b>S.B. 15-122</b>	<b>S.B. 15-210</b>	<b>S.B. 15-261</b>
<b>S.B. 15-021</b>	<b>S.B. 15-051</b>	<b>S.B. 15-137</b>	<b>S.B. 15-212</b>	<b>S.B. 15-262</b>
<b>S.B. 15-023</b>	<b>S.B. 15-055</b>	<b>S.B. 15-171</b>	<b>S.B. 15-218</b>	<b>S.B. 15-264</b>
<b>S.B. 15-024</b>	<b>S.B. 15-057</b>	<b>S.B. 15-182</b>	<b>S.B. 15-221</b>	<b>S.B. 15-265</b>
<b>S.B. 15-025</b>	<b>S.B. 15-060</b>	<b>S.B. 15-184</b>	<b>S.B. 15-226</b>	<b>S.B. 15-276-v</b>
<b>S.B. 15-026</b>	<b>S.B. 15-067</b>	<b>S.B. 15-185</b>	<b>S.B. 15-229</b>	<b>S.B. 15-281</b>
<b>S.B. 15-027</b>	<b>S.B. 15-082</b>	<b>S.B. 15-195</b>	<b>S.B. 15-243</b>	<b>S.B. 15-288</b>
<b>S.B. 15-028</b>	<b>S.B. 15-085</b>			

\* These bills become effective on August 5, 2015, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest. To see specific effective dates for bills, see pages xi to xiv of this digest.

v - vetoed

**BILLS ENACTED AND RECOMMENDED BY STATUTORY AND INTERIM COMMITTEES:**

<b>Capital Development Committee:</b>			
H.B. 15-1333		S.B. 15-207	S.B. 15-208
<b>Colorado Commission on Uniform State Laws:</b>			
H.B. 15-1198			
<b>Committee on Legal Services:</b>			
S.B. 15-035	S.B. 15-047	S.B. 15-100	S.B. 15-264
<b>Early Childhood and School Readiness Legislative Commission:</b>			
S.B. 15-012			
<b>Executive Committee of the Legislative Council:</b>			
H.B. 15-1308		S.B. 15-191	
<b>Joint Budget Committee: (other than supplementals):</b>			
H.B. 15-1149	S.B. 15-098	S.B. 15-189	S.B. 15-242
H.B. 15-1150	S.B. 15-108	S.B. 15-190	S.B. 15-243
H.B. 15-1153	S.B. 15-109	S.B. 15-195	S.B. 15-244
H.B. 15-1186	S.B. 15-111	S.B. 15-211	S.B. 15-245
H.B. 15-1254	S.B. 15-112	S.B. 15-228	S.B. 15-246
H.B. 15-1261	S.B. 15-166	S.B. 15-235	S.B. 15-247
H.B. 15-1266	S.B. 15-167	S.B. 15-236	S.B. 15-248
H.B. 15-1280	S.B. 15-168	S.B. 15-237	S.B. 15-249
H.B. 15-1318	S.B. 15-169	S.B. 15-238	S.B. 15-250
H.B. 15-1367	S.B. 15-170	S.B. 15-239	S.B. 15-251
H.B. 15-1368	S.B. 15-187	S.B. 15-240	S.B. 15-270
	S.B. 15-188	S.B. 15-241	SJM 15-001
v - vetoed			

**BILLS ENACTED AND RECOMMENDED BY STATUTORY AND  
INTERIM COMMITTEES: (cont.)**

<b>Joint Technology Committee:</b>			
H.B. 15-1213		S.B. 15-193	S.B. 15-194
<b>Legislative Audit Committee:</b>			
H.B. 15-1188		S.B. 15-019	S.B. 15-225
H.B. 15-1247		S.B. 15-024	
<b>Marijuana Sales &amp; Excise Taxes Study Committee:</b>			
S.B. 15-014			
<b>Police Officers' and Firefighters' Pension Reform Commission:</b>			
S.B. 15-025	S.B. 15-027	S.B. 15-028	S.B. 15-029
S.B. 15-026			
<b>Transportation Legislation Review Committee:</b>			
H.B. 15-1004			
<b>Water Resources Review Committee:</b>			
H.B. 15-1006	H.B. 15-1016	S.B. 15-008	
H.B. 15-1013		S.B. 15-010	
<b>Wildfire Matters Review Committee:</b>			
H.B. 15-1008	H.B. 15-1017	S.B. 15-022	SJR 15-004
<b>Sunset Review Process:</b>			
S.B. 15-102	S.B. 15-105	S.B. 15-115	S.B. 15-171
S.B. 15-103	S.B. 15-106	S.B. 15-119	S.B. 15-178
S.B. 15-104	S.B. 15-110	S.B. 15-122	S.B. 15-203
v - vetoed			

**ACTS WITH JULY 1, 2015, AND LATER EFFECTIVE DATES:**

<b>July 1, 2015</b>			
<b><u>HOUSE BILLS</u></b>			
<b>H.B. 15-1072</b> <b>H.B. 15-1186</b>	<b>H.B. 15-1198</b> <b>H.B. 15-1248</b>	<b>H.B. 15-1249</b> <b>H.B. 15-1282</b>	<b>H.B. 15-1305</b> <b>H.B. 15-1315</b>
<b><u>SENATE BILLS</u></b>			
<b>S.B. 15-005</b> <b>S.B. 15-058</b> <b>S.B. 15-103</b>	<b>S.B. 15-105</b> <b>S.B. 15-110</b> <b>S.B. 15-116</b>	<b>S.B. 15-126</b> <b>S.B. 15-178</b> <b>S.B. 15-236</b>	<b>S.B. 15-240</b> <b>S.B. 15-283</b>
<b>v - vetoed</b> <b>* - portions only</b>			

**ACTS WITH JULY 1, 2015, AND LATER EFFECTIVE DATES: (cont.)**

<b>August 5, 2015**</b>				
<b><u>HOUSE BILLS</u></b>				
<b>H.B. 15-1004</b>	<b>H.B. 15-1064</b>	<b>H.B. 15-1144</b>	<b>H.B. 15-1226</b>	<b>H.B. 15-1307</b>
<b>H.B. 15-1006</b>	<b>H.B. 15-1067</b>	<b>H.B. 15-1145</b>	<b>H.B. 15-1228*</b>	<b>H.B. 15-1308</b>
<b>H.B. 15-1010</b>	<b>H.B. 15-1069</b>	<b>H.B. 15-1180</b>	<b>H.B. 15-1230</b>	<b>H.B. 15-1309</b>
<b>H.B. 15-1013</b>	<b>H.B. 15-1073</b>	<b>H.B. 15-1181</b>	<b>H.B. 15-1239</b>	<b>H.B. 15-1313</b>
<b>H.B. 15-1015</b>	<b>H.B. 15-1074</b>	<b>H.B. 15-1182</b>	<b>H.B. 15-1243</b>	<b>H.B. 15-1316</b>
<b>H.B. 15-1016</b>	<b>H.B. 15-1092</b>	<b>H.B. 15-1184</b>	<b>H.B. 15-1244</b>	<b>H.B. 15-1318</b>
<b>H.B. 15-1019</b>	<b>H.B. 15-1094</b>	<b>H.B. 15-1191</b>	<b>H.B. 15-1246</b>	<b>H.B. 15-1340</b>
<b>H.B. 15-1021</b>	<b>H.B. 15-1095</b>	<b>H.B. 15-1192</b>	<b>H.B. 15-1252</b>	<b>H.B. 15-1341</b>
<b>H.B. 15-1026</b>	<b>H.B. 15-1098-v</b>	<b>H.B. 15-1202</b>	<b>H.B. 15-1256</b>	<b>H.B. 15-1344</b>
<b>H.B. 15-1039</b>	<b>H.B. 15-1102</b>	<b>H.B. 15-1203</b>	<b>H.B. 15-1270</b>	<b>H.B. 15-1345</b>
<b>H.B. 15-1042</b>	<b>H.B. 15-1117</b>	<b>H.B. 15-1213</b>	<b>H.B. 15-1271</b>	<b>H.B. 15-1348</b>
<b>H.B. 15-1043</b>	<b>H.B. 15-1121</b>	<b>H.B. 15-1215</b>	<b>H.B. 15-1274</b>	<b>H.B. 15-1353</b>
<b>H.B. 15-1048</b>	<b>H.B. 15-1130</b>	<b>H.B. 15-1217</b>	<b>H.B. 15-1281</b>	<b>H.B. 15-1365</b>
<b>H.B. 15-1052</b>	<b>H.B. 15-1134</b>	<b>H.B. 15-1218</b>	<b>H.B. 15-1299</b>	<b>H.B. 15-1377</b>
<b>H.B. 15-1062</b>	<b>H.B. 15-1136</b>	<b>H.B. 15-1223</b>	<b>H.B. 15-1304</b>	<b>H.B. 15-1379</b>
<b>H.B. 15-1063</b>				
<b><u>SENATE BILLS</u></b>				
<b>S.B. 15-004</b>	<b>S.B. 15-041</b>	<b>S.B. 15-085</b>	<b>S.B. 15-195</b>	<b>S.B. 15-243</b>
<b>S.B. 15-008</b>	<b>S.B. 15-046</b>	<b>S.B. 15-099</b>	<b>S.B. 15-196</b>	<b>S.B. 15-248</b>
<b>S.B. 15-012</b>	<b>S.B. 15-047</b>	<b>S.B. 15-121</b>	<b>S.B. 15-198</b>	<b>S.B. 15-251</b>
<b>S.B. 15-021</b>	<b>S.B. 15-049</b>	<b>S.B. 15-122</b>	<b>S.B. 15-210</b>	<b>S.B. 15-261</b>
<b>S.B. 15-023</b>	<b>S.B. 15-051</b>	<b>S.B. 15-137</b>	<b>S.B. 15-212</b>	<b>S.B. 15-262</b>
<b>S.B. 15-024</b>	<b>S.B. 15-055</b>	<b>S.B. 15-171</b>	<b>S.B. 15-218</b>	<b>S.B. 15-264</b>
<b>S.B. 15-025</b>	<b>S.B. 15-057</b>	<b>S.B. 15-182</b>	<b>S.B. 15-221</b>	<b>S.B. 15-265</b>
<b>S.B. 15-026</b>	<b>S.B. 15-060</b>	<b>S.B. 15-184</b>	<b>S.B. 15-226</b>	<b>S.B. 15-276-v</b>
<b>S.B. 15-027</b>	<b>S.B. 15-082</b>	<b>S.B. 15-185</b>	<b>S.B. 15-229</b>	<b>S.B. 15-281</b>
<b>S.B. 15-028</b>				
<p>** These bills do not have a safety clause and do not have an effective date specified in the bill. For further explanation concerning the effective date, see page vi of this digest.</p> <p>v - vetoed * - portions only</p>				

**OTHER UPCOMING EFFECTIVE DATES:**

<b>September 1, 2015</b>			
H.B. 15-1022 H.B. 15-1071 H.B. 15-1142	H.B. 15-1197 H.B. 15-1303	S.B. 15-067 S.B. 15-197	
<b>January 1, 2016</b>			
H.B. 15-1078 H.B. 15-1153	H.B. 15-1228*	S.B. 15-090 S.B. 15-288	
<b>March 26, 2016</b>			
H.B. 15-1057			
<b>July 1, 2016</b>			
S.B. 15-109*	S.B. 15-239*	S.B. 15-260	
<b>September 1, 2016</b>			
H.B. 15-1247			
<b>January 1, 2017</b>			
H.B. 15-1029		S.B. 15-014* S.B. 15-015	
<b>Takes affect one year after passage</b>			
H.B. 15-1290		Approved May 20, 2015	
v - vetoed * - portions only			





## TABLE OF ENACTED HOUSE BILLS

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
1004	Tyler, Todd	Firefighter Motorcycle License Plate	Approved 3/30/2015	No Safety Clause	61	114
1006	Coram, Sonnenberg	Invasive Phreatophyte Grant Program	Approved 5/12/2015	No Safety Clause	185	156
1008	Hamner, Roberts	Ag Land Destroyed By Natural Causes	Approved 4/10/2015	4/10/2015	90	146
1010	Kraft-Tharp, Jahn	Trustee Notice System Presume Notify Beneficiary	Approved 3/18/2015	No Safety Clause	30	121
1012	Becker J., Sonnenberg	Sales & Use Tax Exemption For Dyed Diesel	Approved 3/26/2015	3/26/2015	55	146
1013	Coram, Sonnenberg	South Platte Aquifer Study Recommendations	Approved 5/29/2015	No Safety Clause	235	157
1015	Winter, Cooke	Interstate Compact EMS Providers	Approved 5/8/2015	No Safety Clause	171	86
1016	Coram, Sonnenberg	Promote Precipitation Harvesting Pilot Projects	Approved 5/29/2015	No Safety Clause	236	157
1017	Hamner, Roberts	Volunteer Fire Department Organization	Approved 3/11/2015	3/11/2015	3	75
1019	Lundeen, Woods	Victims Of Human Trafficking And Prostitution	Approved 5/29/2015	No Safety Clause	237	24
1021	Willett, Merrifield	Conform Statutory Court Dates To 7-day Intervals	Approved 3/13/2015	No Safety Clause	25	114
1022	McCann, Steadman	Juvenile Petty Offense Contracts	Approved 3/18/2015	No Safety Clause 9/1/2015	33	24
1023	Lontine, Aguilar	Day Treatment Center Age Of Children Served	Approved 3/13/2015	3/13/2015	22	97
1026	Roupe, Todd	Reserved Parking Disabled Military License Plates	Approved 5/27/2015	No Safety Clause	231	114
1028	Keyser, Jahn	Repeal Merchant Licensing	Approved 3/18/2015	3/18/2015	35	128
1029	Buck, Kefalas	Health Care Delivery Via Telemedicine Statewide	Approved 3/20/2015	No Safety Clause 1/1/2017	38	86

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1030	Landgraf, Crowder	Employment Services For Veterans Pilot Program	Approved 5/27/2015	5/27/2015	228	109
1031	Windholz, Todd	Ban Use Sale Possession Of Powdered Alcohol	Approved 3/30/2015	3/30/2015	62	128
1032	Singer, Aguilar	Licensed Mental Health Professionals Treat Minors	Approved 3/20/2015	3/20/2015	40	97
1033	Primavera, Crowder	Strategic Planning Group On Aging	Approved 6/4/2015	6/4/2015	275	75
1034	Vigil, Crowder	Add Judge In Twelfth Judicial District	Approved 3/20/2015	3/20/2015	39	18
1035	Fields, Cooke	Update Crime Victim Compensation Laws	Approved 3/30/2015	3/30/2015	60	75
1039	Tyler, Neville T.	Prescription Give-back For Institutions	Approved 3/13/2015	No Safety Clause	23	129
1042	Foote, Cooke	Presentence Reports By Probation Officers	Approved 4/24/2015	No Safety Clause	119	25
1043	Saine, Cooke	Felony Offense For Repeat DUI Offenders	Approved 6/1/2015	No Safety Clause	262	114
1045	Ryden, Crowder	Veterans Entrance Fee State Parks	Approved 5/27/2015	5/27/2015	232	119
1046	Moreno, Scott	Highway Project Contract Amount Limit Waivers	Approved 4/8/2015	4/8/2015	88	152
1047	Lawrence, Grantham	Internet Sweepstakes Cafes Simulated Gambling	Approved 3/13/2015	3/13/2015	24	25
1048	Williams, Balmer	Life Insurance Principle-based Reserve Requirement	Approved 3/30/2015	No Safety Clause	63	107
1052	Carver, Todd	Eligibility For Military Family Relief Fund	Approved 3/11/2015	No Safety Clause	4	112
1055	Esgar, Grantham	Participation In State Employee Assistance Program	Approved 3/26/2015	3/26/2015	49	76
1057	Court, Sonnenberg	The Statewide Initiative Process	Approved 5/18/2015	No Safety Clause 3/26/2016	198	49
1059	Garnett, Guzman	Denver Health & Hospital Authority Board	Approved 3/20/2015	3/20/2015	36	87

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1060	Hamner, Cooke	Protection Orders Sex Offense Cases	Approved 3/20/2015	3/20/2015	45	25
1062	Melton, Balmer	Increase Penalties For Animal Fighting	Approved 3/18/2015	No Safety Clause	31	26
1063	Pabon, Balmer	Prohibited Communications Concerning Patents	Approved 6/5/2015	No Safety Clause	309	18
1064	Nordberg, Holbert	Access Safe Deposit Box Of Decedent	Approved 3/18/2015	No Safety Clause	32	121
1067	Kraft-Tharp, Newell	Continuing Professional Development Psychologists	Approved 4/8/2015	No Safety Clause	82	129
1069	Ryden, Holbert	Homestead Exemption Recorded Instrument Reqmnts	Approved 3/18/2015	No Safety Clause	27	137
1070	Buckner, Martinez Humenik	Crime Profits Distribution Changes	Approved 3/20/2015	3/20/2015	43	26
1071	Keyser, Hill	Surviving Entity Owns Attorney-client Privilege	Approved 3/18/2015	No Safety Clause 9/1/2015	28	14
1072	Fields, Newell	Interactive Electronic Harassment	Approved 4/24/2015	7/1/2015	120	26
1073	Salazar, Ulibarri	Driver May Challenge Initial Police Contact	Approved 4/10/2015	No Safety Clause	92	115
1074	Vigil, Crowder	Board Of County Commissioners Member Liability	Approved 4/8/2015	No Safety Clause	89	54
1075	Ginal, Crowder	Registered Naturopathic Doctor Treating Children	Approved 3/26/2015	3/26/2015	52	129
1078	Nordberg, Jahn	Reporting Missing Youth In State's Legal Custody	Approved 3/20/2015	No Safety Clause 1/1/2016	41	103
1083	Primavera, Crowder	Patient Contribution Rehabilitation Services	Approved 6/5/2015	6/5/2015	321	108
1092	Lebsock, Martinez Humenik	Special District Transparency Requirements	Approved 4/8/2015	No Safety Clause	87	61
1094	Lee, Cooke	Restorative Justice Council And Pilot Changes	Approved 3/20/2015	No Safety Clause	44	9
1095	Carver, Lundberg	Common Int Exempt Small Limited Expense Community	Approved 4/21/2015	No Safety Clause	114	137

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1098	Van Winkle, Neville T.	Red Light Camera	Vetoed 6/3/2015			115
1102	Hamner, Donovan	CO Cottage Foods Act Expansion	Approved 6/5/2015	No Safety Clause	313	88
1106	Saine, Sonnenberg	Clarify Access To Unredacted Adoption Records	Approved 3/30/2015	3/30/2015	59	9
1117	Windholz, Guzman	Electronic Transactions By Domestic Entities	Approved 3/26/2015	No Safety Clause	50	14
1121	Becker J., Sonnenberg	Wind Energy Devel Agreement Recording & Expiration	Approved 3/13/2015	No Safety Clause	19	138
1122	Fields, Cooke	Parole Application And Revocation	Approved 3/20/2015	3/20/2015	37	16
1129	Kraft-Tharp, Roberts	CO Disaster Prediction & Decision Support Systems	Approved 5/20/2015	5/20/2015	206	76
1130	Nordberg, Garcia	Overseas Citizens Municipal Election Voting Access	Approved 5/27/2015	No Safety Clause	230	8
1131	Esgar, Lambert	Release Critical Incident Information Juvenile	Approved 5/8/2015	5/8/2015	164	9
1134	Coram, Cooke	New Diesel Motor Vehicles Emissions Testing	Approved 5/8/2015	No Safety Clause	172	115
1136	Navarro, Woods	Parking Privileges Disabled Veteran License Plate	Approved 5/4/2015	No Safety Clause	158	116
1137	Becker K., Cooke	Requests For Multiple Booking Photographs	Approved 3/26/2015	3/26/2015	46	76
1142	McCann, Guzman	Public Trustee Conduct Electronic Foreclosure Sale	Approved 4/21/2015	No Safety Clause 9/1/2015	113	138
1144	Primavera, Todd	Prohibit Plastic Microbeads Personal Care Products	Approved 3/26/2015	No Safety Clause	53	88
1145	Rankin, Hodge	Implement Federal Radioactive Materials Audit	Approved 4/8/2015	No Safety Clause	79	88
1149	Hamner, Lambert	Office Of The Respondent Parents' Counsel	Approved 4/24/2015	4/24/2015	116	10
1150	Rankin, Grantham	Sev Tax Op Fund Transfers For Mine Reclamation	Approved 3/30/2015	3/30/2015	56	146

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1153	Young, Steadman	Oversight And Funding Child & Family Investigators	Approved 5/1/2015	No Safety Clause 1/1/2016	124	10
1164	Pettersen, Kerr	Postponement Of Jury Service For Breast-feeding	Approved 4/8/2015	4/8/2015	86	19
1166	Saine, Marble	South Platte Alluvial Aquifer Monitoring Network	Approved 6/5/2015	6/5/2015	302	158
1170	Kraft-Tharp, Hill	Increasing Postsecondary And Workforce Readiness	Approved 5/26/2015	5/26/2015	224	36
1173	Mitsch Bush, Todd	Winter Driving I-70 Tread Depth & Tire Chains	Approved 5/13/2015	5/13/2015	189	152
1174	Carver, Woods	Information Protections Domestic Violence Victims	Approved 3/20/2015	3/20/2015	42	77
1178	Saine, Marble	Emergency Well Pumping Damaging High Groundwater	Approved 6/5/2015	6/5/2015	310	158
1180	Kraft-Tharp, Heath	Sales & Use Tax Refund Med & Clean Technology	Approved 5/26/2015	No Safety Clause	227	146
1181	Keyser, Crowder	Colorado Is Honoring Our Military Tax Exemption	Approved 5/27/2015	No Safety Clause	233	147
1182	Lontine, Aguilar	Scope Of Practice Certified Nurse Aides	Became Law 3/31/2015	No Safety Clause	66	130
1183	Fields, Guzman	Child's Statements Of Attempted Sexual Crimes	Approved 4/10/2015	4/10/2015	96	19
1184	Lontine, Hill	Charter School Networks Authority	Approved 4/8/2015	No Safety Clause	80	37
1186	Young, Steadman	Services For Children With Autism	Approved 5/29/2015	7/1/2015	234	94
1187	Lebsock, Garcia	Veterinarian Peer Health Asst Mental Health Exam	Approved 5/8/2015	5/8/2015	161	130
1188	Ryden, Neville T.	Vocational Rehabilitation Programs And Services	Approved 3/30/2015	3/30/2015	58	104
1191	Pettersen, Grantham	Add Dentists To Physician Designation Act	Approved 4/10/2015	No Safety Clause	95	89
1192	Becker K., Neville T.	Entertainment Dist Expand Licensed Premises Types	Approved 3/26/2015	No Safety Clause	51	131

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1197	Tate, Jahn	Indemnity In Public Construction Contracts	Approved 4/10/2015	No Safety Clause 9/1/2015	93	19
1198	Foote, Steadman	Uniform Interstate Family Support Act 2008 Update	Approved 5/11/2015	7/1/2015	173	10
1202	Singer, Woods	Alcohol Beverage License Reissuance	Approved 4/8/2015	No Safety Clause	85	131
1203	Rosenthal, Steadman	Earned Time For Habitual Offenders Before 1993	Approved 5/4/2015	No Safety Clause	154	26
1204	Pabon, Kerr	Distillery Pub Alcohol Beverage License	Approved 4/24/2015	4/24/2015	121	132
1207	Melton, Todd	Allow Driving With One Earphone	Approved 3/26/2015	3/26/2015	47	116
1209	Tyler, Scott	CDOT Highway Maintenance Division	Approved 3/30/2015	3/30/2015	64	152
1211	Young, Sonnenberg	License Reqmnts For Durable Med Equip Suppliers	Approved 3/26/2015	3/26/2015	48	77
1212	Becker K., Kerr	Authority To Sell State Trust Lands To Local Gov	Approved 5/11/2015	5/11/2015	174	57
1213	Tate, Martinez Humenik	Office Of Information Technology Modifications	Approved 4/8/2015	No Safety Clause	83	77
1214	Singer, Cooke	Abuse-deterrent Opioid Analgesic Drugs	Approved 5/11/2015	5/11/2015	175	89
1215	Priola, Johnston	In-state Tuition Dependents Of Military Members	Approved 5/4/2015	No Safety Clause	152	8
1217	Singer, Holbert	Local Gov Input Liquor Sales Room Applications	Approved 5/14/2015	No Safety Clause	194	132
1218	Fields, Johnston	No Contact With Defense-initiated Victim Outreach	Approved 5/4/2015	No Safety Clause	155	20
1219	McCann, Hodge	EZ Investment Tax Credit For Renewable Energy	Approved 6/5/2015	6/5/2015	314	147
1220	Danielson, Cooke	Campus Sexual Assault Victim Medical Care	Approved 5/4/2015	5/4/2015	156	44
1223	Williams, Balmer	Home Service Contracts	Approved 4/8/2015	No Safety Clause	81	13

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1224	Mitsch Bush, Hill	State Moneys Received By Local Dist Jr Colleges	Approved 4/10/2015	4/10/2015	94	45
1225	Rankin, Roberts	Federal Land Coordination	Approved 5/13/2015	5/13/2015	187	78
1226	Becker K., Hodge	Retail Food Establishment Fees	Approved 5/29/2015	No Safety Clause	238	89
1228	Mitsch Bush, Scott	Special Fuel Tax On Liquefied Petroleum Gas	Approved 6/5/2015	No Safety Clause Portions effective 8/5/2015 Portions effective 1/1/2016	315	148
1229	McCann, Martinez Humenik	Retaliation Against A Prosecutor	Approved 5/29/2015	5/29/2015	239	26
1230	Lee, Heath	Innovative Industry Workforce Development Program	Approved 5/26/2015	No Safety Clause	226	109
1232	Ginal, Todd	Emergency Use Of Epinephrine Auto-injectors	Approved 5/14/2015	5/14/2015	191	90
1233	Landgraf, Aguilar	Respite Care Study Task Force	Approved 5/29/2015	5/29/2015	240	90
1239	McCann, Steadman	Exempt Denver Health & Hosp Postemployment Comp	Approved 5/4/2015	No Safety Clause	153	79
1242	Danielson, Aguilar	Patient Caregiver Designation Hospital Requirement	Approved 5/8/2015	5/8/2015	166	91
1243	Vigil, Sonnenberg	Parks Wildlife Trust Funds Spend Mitigation Moneys	Approved 5/8/2015	No Safety Clause	167	119
1244	Singer, Jahn	Cork & Carry Wine From Liquor-licensed Club	Approved 4/8/2015	No Safety Clause	84	133
1245	Vigil, Sonnenberg	Bd Of Land Commns Use Fund For Maintenance Costs	Approved 4/13/2015	4/13/2015	97	57
1246	Lee, Scheffel	Crowdfund Intrastate Securities On-line	Approved 4/13/2015	No Safety Clause	98	51
1247	Saine, Neville T.	State Engineer Dam Safety Review Fees	Approved 6/5/2015	No Safety Clause 9/1/2016	305	159
1248	Singer, Hill	Child Welfare Check Potential Foster Parents	Approved 6/5/2015	7/1/2015	306	104

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1249	Becker K., Hodge	Recodify Water Pollution Control Fees	Approved 6/4/2015	7/1/2015	273	91
1252	Mitsch Bush, Sonnenberg	Extend Healthy Rivers Fund Voluntary Contribution	Approved 6/5/2015	No Safety Clause	303	149
1254	Hamner, Lambert	Higher Education Funding Appropriations Clean Up	Approved 3/30/2015	3/30/2015	57	45
1255	Dore, Grantham	Prohibited Use Of Elec Benefits Transfer Cards	Approved 5/1/2015	5/1/2015	149	104
1256	Mitsch Bush, Baumgardner	Classification Of Routt County To Category II	Approved 4/10/2015	No Safety Clause	91	54
1261	Young, Grantham	Maximum Reserve For Cash Funds With Fee Revenue	Approved 6/5/2015	6/5/2015	322	79
1262	Rosenthal, Balmer	Contractual Joint Governmental Entity Powers	Approved 5/20/2015	5/20/2015	215	57
1266	Rankin, Lambert	Information Technology Budget Request Process	Approved 4/24/2015	4/24/2015	115	80
1267	Salazar, Guzman	Use Of Medical Marijuana During Probation	Approved 5/8/2015	5/8/2015	168	27
1269	McCann, Grantham	Transfer Persons To And From Correctional Facility	Approved 4/24/2015	4/24/2015	117	17
1270	Duran, Todd	Pathways In Technology Early College High Schools	Approved 5/18/2015	No Safety Clause	195	45
1271	Lontine, Marble	Mobile Learning Labs Workforce Development	Approved 5/13/2015	No Safety Clause	190	110
1273	Lawrence, Newell	Comprehensive School Discipline Reporting	Approved 6/5/2015	6/5/2015	323	37
1274	Garnett, Kerr	Creation Of Career Pathways For Students	Approved 5/18/2015	No Safety Clause	196	46
1275	Winter, Heath	Career & Tech Ed In Concurrent Enrollment	Approved 5/22/2015	5/22/2015	223	38
1276	Pabon, Cooke	Skilled Worker Outreach, Recruitment and Training	Approved 5/26/2015	5/26/2015	225	110
1277	Vigil, Sonnenberg	Species Conservation Trust Fund Projects	Approved 5/22/2015	5/22/2015	221	119



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1280	Young, Grantham	Capital Reserve In Certain Cash Funds	Approved 5/11/2015	5/11/2015	176	80
1281	Primavera, Hodge	Newborn Heart Defect Screening Pulse Oximetry	Approved 5/29/2015	No Safety Clause	241	8
1282	Saine, Newell	Crimes Of Deception & Lying In Birth Certificates	Approved 6/5/2015	7/1/2015	325	92
1283	Lebsock, Holbert	Marijuana Reference Library And Lab Testing Access	Approved 6/5/2015	6/5/2015	307	133
1284	Winter, Grantham	Expand Scope Shared Photovoltaic Facilities	Approved 5/8/2015	5/8/2015	170	141
1285	Kagan, Cooke	Law Enforcement Use Of Body-worn Cameras	Approved 5/20/2015	5/20/2015	214	27
1287	Williams, Cooke	Police Officer Training Improvements	Approved 5/20/2015	5/20/2015	213	28
1290	Salazar, Guzman	Stop Police Interference Cop Incident Recordings	Approved 5/20/2015	One year after passage	212	28
1294	Lee, Todd	Federal Law In-state Tuition For Veterans	Approved 5/1/2015	5/1/2015	143	112
1295	Melton, Holbert	Electrical And Plumbing Inspections By CU	Approved 4/24/2015	4/24/2015	118	47
1299	Hamner, Scott	Compliance Assistance Petroleum Storage Tank Fund	Approved 5/8/2015	No Safety Clause	162	111
1301	Williams, Grantham	Tobacco Credit Shipped To Out-of-state Consumers	Approved 6/5/2015	6/5/2015	336	149
1303	Melton, Lundberg	Sentencing For Certain 2nd Degree Assaults	Approved 5/20/2015	No Safety Clause 9/1/2015	211	29
1304	Willett, Balmer	Bear Control	Approved 5/8/2015	No Safety Clause	169	120
1305	Foote, Grantham	Unlawful Manufacture Marijuana Concentrate	Approved 5/29/2015	7/1/2015	242	29
1307	Esgar, Steadman	Mod Def Preserve Historic Structures Tax Credit	Approved 5/22/2015	No Safety Clause	218	149
1308	Moreno, Lundberg	Adjust Leg Branch Responsibilitites In SMART Act	Approved 5/11/2015	No Safety Clause	180	53

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1309	Ginal, Crowder	Protective Restorations By Dental Hygienists	Approved 6/5/2015	No Safety Clause	326	134
1310	Rankin, Baumgardner	Div Parks & Wildlife Acquire Real Property	Approved 6/5/2015	6/5/2015	335	80
1313	Becker K., Baumgardner	Rocky Mountain National Park License Plate	Approved 5/29/2015	No Safety Clause	243	116
1315	Ryden, Crowder	Support For Veterans Service Officers	Approved 5/22/2015	7/1/2015	219	112
1316	Lebsock, Hill	PUC Simplified Process For Taxicab Certificates	Became Law 6/6/2015	No Safety Clause	339	141
1317	Garnett, Johnston	Pay For Success Contracts	Approved 5/20/2015	5/20/2015	205	81
1318	Young, Grantham	Consolidate Intellectual And Dev Disab Waivers	Approved 6/5/2015	No Safety Clause	304	9
1321	Pettersen, Grantham	Flexibility & Funding For Rural School Districts	Approved 5/22/2015	5/22/2015	217	38
1323	Buckner, Holbert	Changes To Assessments In Public Schools	Approved 5/20/2015	5/20/2015	204	39
1327	Ginal, Garcia	Limit Proxy Marriages To Military & Contractors	Approved 5/27/2015	5/27/2015	229	11
1333	Vigil, Baumgardner	Regional Ctr Depreciation Acct In Cap Constr Fund	Approved 6/5/2015	6/5/2015	327	82
1335	Sias, Woods	Fiscal Notes For Interim Committee Bills	Approved 6/4/2015	6/4/2015	276	53
1337	Williams, Newell	Placement Stability For Children & With Siblings	Approved 6/5/2015	6/5/2015	328	11
1340	Winter, Martinez Humenik	Extend Multiple Sclerosis Check-off	Approved 6/5/2015	No Safety Clause	329	149
1341	Conti, Cooke	Increase Penalty Sexual Exploitation Of Child	Approved 6/4/2015	8/5/2015	274	30
1343	Williams, Todd	Streamline HOA Manager Licensing Reqmnts	Approved 5/20/2015	5/20/2015	216	139
1344	Duran, Sonnenberg	Fund Natl Western Ctr & Capitol Complex Projects	Approved 5/20/2015	No Safety Clause	207	47

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1345	Rosenthal, Neville T.	Low-speed Electric Three-wheel Motorcycle	Approved 6/5/2015	No Safety Clause	330	116
1348	Hullinghorst, Heath	Urban Redevelopment Fairness Act	Approved 5/29/2015	No Safety Clause	261	58
1350	Pettersen, Hill	Review Performance Rules Alternative Educ Campuses	Approved 6/5/2015	6/5/2015	316	42
1352	Ginal, Crowder	Naturopathic Doctor Formulary Changes	Approved 6/5/2015	6/5/2015	317	134
1353	Garnett, Martinez Humenik	Continue Regulation Elevator Conveyances	Approved 6/5/2015	No Safety Clause	318	111
1355	Saine, Marble	Family History Access Birth & Personal Records	Approved 6/5/2015	6/5/2015	311	12
1357	Court, Neville T.	Assessment Ratio For Residential Real Property	Approved 6/5/2015	6/5/2015	312	149
1358	Singer, Lundberg	Differential Response Program Abuse And Neglect	Approved 5/14/2015	5/14/2015	193	105
1359	Danielson, Kefalas	Savings Program For Persons With Disabilities	Approved 6/3/2015	6/3/2015	269	95
1360	Ginal, Lundberg	Acupuncturists Practice Injection Therapy	Approved 6/5/2015	6/5/2015	319	135
1364	Coram, Sonnenberg	Limited Scope Inspections Hydroelectric Projects	Approved 5/29/2015	5/29/2015	244	135
1365	McCann, Crowder	Add Youth Members To Tony Grampsas Board	Approved 5/29/2015	No Safety Clause	245	105
1366	Pabon, Balmer	Expand Job Growth Tax Credit For Higher Ed Project	Approved 6/5/2015	6/5/2015	331	150
1367	Hamner, Steadman	Retail Marijuana Taxes	Approved 6/4/2015	6/4/2015	271	150
1368	Young, Grantham	Cross-system Response Pilot Intellectual Dev Disab	Approved 6/5/2015	6/5/2015	308	96
1370	Primavera, Guzman	Auditor Access To Confidential County Records	Approved 6/5/2015	6/5/2015	324	105
1371	Pabon, Johnston	Exempt Lawyer Trust Acct Funds From Unclaimed Prop	Approved 5/29/2015	5/29/2015	246	83

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1372	Tyler, Heath	Raise The Public Utility Fee Cap	Approved 5/29/2015	5/29/2015	247	142
1373	Singer, Aguilar	Provisional Speech-language Pathology Certificate	Approved 5/29/2015	5/29/2015	248	135
1377	Moreno, Grantham	Shared Renewable Generation Facilities For REAs	Approved 5/19/2015	No Safety Clause	200	142
1379	Pabon, Hill	Marijuana Permitted Economic Interest Registration	Approved 5/29/2015	No Safety Clause	250	136
1387	Pabon, Steadman	End Transfer Of Med Marijuana To Retail Marijuana	Approved 6/5/2015	6/5/2015	332	136
1390	Melton, Holbert	Consumer Credit Finance Charges	Vetoed 6/4/2015			13
1391	Court, Steadman	PERA & Denver Pub Sch 5 Year True-up	Approved 6/3/2015	1/1/2015	265	83
1392	Young, Newell	Payroll Sys To Pay State Employees Twice A Month	Approved 6/5/2015	6/5/2015	320	83

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002	Roberts, Brown	Extend Report Date Statewide Radio Communication	Approved 4/3/2015	4/3/2015	67	62
004	Jahn, Primavera	CASA Volunteer For Youth In A Truancy Proceeding	Approved 5/29/2015	No Safety Clause	254	31
005	Cooke, Foote	Medical Testing For 1st Degree Assault	Approved 4/16/2015	7/1/2015	108	21
008	Roberts, Vigil	Promote Water Conservation In Land Use Planning	Approved 5/1/2015	No Safety Clause	144	153
010	Hodge, Mitsch Bush	Repeal New Augmentation Standard Dawson Aquifer	Approved 3/13/2015	3/13/2015	5	153
011	Todd, Primavera	Pilot Prog Spinal Cord Injury Alternative Medicine	Approved 6/5/2015	6/5/2015	333	93
012	Kefalas, Pettersen	Colorado Works Pass-through Child Support Payment	Approved 6/5/2015	No Safety Clause	282	98
013	Balmer, Court	Extend Deadline For Dog Protection Act	Approved 4/3/2015	4/3/2015	68	62
014	Aguilar, Singer	Medical Marijuana	Approved 5/18/2015	Portions effective upon passage Portions effective 1/1/2017	199	84
015	Kefalas, Primavera	Mental Health Parity For Autism Spectrum Disorders	Approved 4/16/2015	No Safety Clause 1/1/2017	106	106
019	Sonnenberg, Nordberg	Health Exchange Audit	Approved 4/3/2015	4/3/2015	69	106
020	Newell, McCann	Education To Prevent Child Sexual Abuse & Assault	Approved 6/5/2015	6/5/2015	277	31
021	Baumgardner, Vigil	Interstate Pest Control Compact Repeal	Approved 3/13/2015	No Safety Clause	20	2
022	Roberts, Brown	Wildfire Risk Reduction Grant Program	Approved 5/12/2015	5/12/2015	183	118
023	Crowder, Vigil	Off-highway Vehicle State Highway	Approved 3/13/2015	No Safety Clause	21	118

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
024	Sonnenberg, Ryden	Local Government Audit Law Updates	Approved 3/13/2015	No Safety Clause	6	55
025	Jones, Melton	Transfer Pension Plan Funds To FPPA	Approved 3/13/2015	No Safety Clause	7	55
026	Balmer, Ginal	FPPA Beginning Member Contrib Rate	Approved 3/13/2015	No Safety Clause	8	55
027	Ulibarri, Court	FPPA Bd Assess Admin Charges	Approved 3/13/2015	No Safety Clause	9	55
028	Balmer, Ginal	FPPA Plan Employee Participation Reqmnts	Approved 3/13/2015	No Safety Clause	10	56
029	Ulibarri, Melton	Volunteer Firefighter Pension Plan Study	Approved 6/5/2015	6/5/2015	285	56
030	Carroll, Foote	Prostitution Defense For Human Trafficking Victim	Approved 4/16/2015	4/16/2015	107	21
035	Johnston, Kagan	Enactment Of 2014 CRS	Approved 2/25/2015	2/25/2015	1	143
041	Holbert, Van Winkle	Local Government Regulation Amateur Radio Antennas	Approved 3/13/2015	No Safety Clause	26	57
043	Heath, Pabon	Prosecution Fellowship Clean-up	Approved 4/3/2015	4/3/2015	70	43
046	Grantham, Moreno	Renewable Energy Std Adjust REAs Distributed Gen	Approved 5/1/2015	No Safety Clause	142	140
047	Steadman, McCann	Voluntary Opt-out Of Rules Notices To Legislators	Approved 4/3/2015	No Safety Clause	71	62
049	Martinez Humenik, Keyser	Real Estate Title Vests In Entity Once Formed	Approved 4/3/2015	No Safety Clause	72	137
051	Todd, Priola	Ineligible Students Appeal Process Injunctions	Approved 4/3/2015	No Safety Clause	73	31
053	Aguilar, McCann	Dispense Supply Of Emer Drugs For Overdose Victims	Approved 4/3/2015	4/3/2015	78	122
055	Hodge, Arndt	Return Of Water From Tail Ditch	Approved 3/26/2015	No Safety Clause	54	153
056	Kerr, Kraft-Tharp	Frequency Of Statewide Social Studies Testing	Approved 5/20/2015	5/20/2015	203	32

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057	Balmer, Williams	Clean Claims Task Force Reporting Requirements	Approved 3/18/2015	No Safety Clause	34	85
058	Guzman, Kagan	Eyewitness Identifications Policies And Procedures	Approved 4/16/2015	7/1/2015	110	21
060	Holbert, Everett	Preventing Multiple Voter Registrations	Approved 5/1/2015	No Safety Clause	147	49
065	Marble, Nordberg	Ban Public Benefit Transfers At Certain Venues	Approved 5/1/2015	5/1/2015	148	98
067	Cooke, Joshi	Second Degree Assault Injury To Emer Responders	Became Law 6/6/2015	No Safety Clause 9/1/2015	337	22
071	Jahn, McCann	Pharm Substitute Interchangeable Biological Drug	Approved 4/3/2015	4/3/2015	77	122
082	Marble, Moreno	County Workforce Development Prop Tax Incentives	Approved 3/13/2015	No Safety Clause	11	54
085	Martinez Humenik, Winter	Small Business Cottage Foods Act	Approved 5/1/2015	No Safety Clause	150	2
087	Newell, Singer	Foster Care & Kin Care Placement Background Checks	Approved 6/2/2015	6/2/2015	263	99
090	Todd, Tyler	Temporary Registration Document Standards	Approved 6/5/2015	No Safety Clause 1/1/2016	334	113
097	Aguilar, Landgraf	Supplemental Needs Trust For Certain PERA Benefits	Approved 4/16/2015	4/16/2015	111	62
098	Steadman, Young	Codify Stock Phrases Used In Appropriation Clauses	Approved 2/25/2015	2/25/2015	2	143
099	Cooke, Lawrence	Eliminate Duties For Probation Officers	Approved 4/16/2015	No Safety Clause	99	18
100	Steadman, Foote	Rule Review Bill	Approved 5/11/2015	Portions effective upon passage Portions effective 5/15/2015	182	1
102	Holbert, Lee	Sunset Securities Board	Approved 5/29/2015	5/29/2015	249	62
103	Lundberg, Becker K.	Sunset Compliance Advisory Panel	Approved 4/3/2015	7/1/2015	74	85

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
104	Holbert, Lee	Sunset CO Division Of Securities	Approved 5/11/2015	5/11/2015	177	10
105	Martinez Humenik, Primavera	Sunset Review Respiratory Therapy Practice Act	Approved 4/16/2015	7/1/2015	112	123
106	Woods, Arndt	Sunset Barber & Cosmetologist Act & Committee	Approved 5/1/2015	5/1/2015	122	123
108	Steadman, Hamner	Direct Appropriations For CDE Programs	Approved 3/13/2015	3/13/2015	12	32
109	Grantham, Young	Mandatory Abuse Report For Adult With A Disability	Approved 6/5/2015	Portions effective upon passage Portions effective 7/1/2016	278	22
110	Baumgardner, Ginal	Sunset Mortuary Science Regulation	Approved 5/11/2015	7/1/2015	178	124
111	Lambert, Hamner	Educator Licensure Cash Fund Continuous Approp	Approved 4/3/2015	4/3/2015	75	62
112	Steadman, Rankin	General Fund Transfers To Building Regulation Fund	Approved 3/13/2015	3/13/2015	13	63
115	Hill, Pabon	Sunset Medical Marijuana Programs	Approved 6/5/2015	6/5/2015	283	125
116	Steadman, Garnett	Needle-stick Prevention	Approved 4/3/2015	7/1/2015	76	23
119	Sonnenberg, Becker K.	Sunset Pesticide Applicators	Approved 5/19/2015	5/19/2015	201	125
121	Crowder, Dore	Drinking Water Fund Assistance Nonprofit Entities	Approved 5/19/2015	No Safety Clause	202	153
122	Newell, Moreno	Sunset Massage Parlor Regulation	Approved 5/1/2015	No Safety Clause	123	126
124	Merrifield, Lee	Reduce Parole Revocations For Technical Violations	Approved 5/29/2015	5/29/2015	251	15
126	Cooke, Foote	Medical Tests For All Assault Victims	Approved 4/16/2015	7/1/2015	109	23
128	Carroll, Landgraf	Medical Reports Of Alleged Sexual Assaults	Approved 3/30/2015	3/30/2015	65	126



<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
137	Balmer, DelGrosso	PACE Program Flexibility For Business Entity	Approved 5/8/2015	No Safety Clause	163	93
138	Donovan, Wilson	ASCENT Program Funding	Approved 5/13/2015	5/13/2015	188	32
142	Roberts, Pabon	Property Tax Escrow Same As Federal RESPA	Approved 3/18/2015	3/18/2015	29	144
143	Lambert, Hamner	Suppl Approp Dept Agriculture	Approved 3/11/2015	3/11/2015	341	3
144	Lambert, Hamner	Suppl Approp Dept Corrections	Approved 3/11/2015	3/11/2015	342	3
145	Lambert, Hamner	Suppl Approp Dept Education	Approved 3/11/2015	3/11/2015	343	3
146	Lambert, Hamner	Suppl Approp Offices Of Governor, Lt Gov, OSPB	Approved 3/11/2015	3/11/2015	344	3
147	Lambert, Hamner	Suppl Approp Dept Health Care Policy & Fin	Approved 3/11/2015	3/11/2015	345	3
148	Lambert, Hamner	Suppl Approp Dept Higher Education	Approved 3/11/2015	3/11/2015	346	3
149	Lambert, Hamner	Suppl Approp Dept Human Services	Approved 3/11/2015	3/11/2015	347	4
150	Lambert, Hamner	Suppl Approp Judicial Dept	Approved 3/11/2015	3/11/2015	348	4
151	Lambert, Hamner	Suppl Approp Dept Labor & Employment	Approved 3/11/2015	3/11/2015	349	4
152	Lambert, Hamner	Suppl Approp Dept Law	Approved 3/11/2015	3/11/2015	350	4
153	Lambert, Hamner	Suppl Approp Dept Legislature	Approved 3/11/2015	3/11/2015	351	4
154	Lambert, Hamner	Suppl Approp Dept Local Affairs	Approved 3/11/2015	3/11/2015	352	5
155	Lambert, Hamner	Suppl Approp Dept Military Affairs	Approved 3/11/2015	3/11/2015	353	5
156	Lambert, Hamner	Suppl Approp Dept Natural Resources	Approved 3/11/2015	3/11/2015	354	5

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157	Lambert, Hamner	Suppl Approp Dept Personnel	Approved 3/11/2015	3/11/2015	355	5
158	Lambert, Hamner	Suppl Approp Dept Public Health & Environment	Approved 3/11/2015	3/11/2015	356	5
159	Lambert, Hamner	Suppl Approp Dept Public Safety	Approved 3/13/2015	3/13/2015	357	5
160	Lambert, Hamner	Suppl Approp Dept Regulatory Agencies	Approved 3/11/2015	3/11/2015	358	6
161	Lambert, Hamner	Suppl Approp Dept Revenue	Approved 4/3/2015	4/3/2015	359	6
162	Lambert, Hamner	Suppl Approp Dept State	Approved 3/11/2015	3/11/2015	360	6
163	Lambert, Hamner	Suppl Approp Dept Transportation	Approved 3/11/2015	3/11/2015	361	6
164	Lambert, Hamner	Suppl Approp Dept The Treasury	Approved 3/13/2015	3/13/2015	362	6
165	Lambert, Hamner	Suppl Approp Capital Construction	Approved 3/13/2015	3/13/2015	363	7
166	Steadman, Hamner	Current Year Adjustments School Finance	Approved 3/13/2015	3/13/2015	14	33
167	Steadman, Rankin	Modify 2014-15 Approp From Marijuana Revenue	Approved 3/13/2015	3/13/2015	15	63
168	Lambert, Hamner	Intellectual & Dev Disab Fund Transfer To Gen Fund	Approved 3/13/2015	3/13/2015	16	64
169	Lambert, Hamner	Transfer From State Empl Reserve Fund To Gen Fund	Approved 3/13/2015	3/13/2015	17	64
170	Grantham, Young	Transfer Gen Fund Money To Cap Constr Fund	Approved 3/13/2015	3/13/2015	18	64
171	Hill, Moreno	Sunset Private Occupational Education Act	Approved 4/16/2015	No Safety Clause	100	43
178	Newell, Danielson	Sunset Continue Comm'n For Deaf & Hard Of Hearing	Approved 5/1/2015	7/1/2015	151	101
182	Garcia, Navarro	DOC Transfer Offenders To Youthful Offender System	Approved 5/1/2015	No Safety Clause	146	15

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
183	Hodge, Arndt	Quantify Water Rights Historical Consumptive Use	Approved 5/4/2015	5/4/2015	157	154
184	Holbert, Fields	No Detention For Failure To Attend School	Approved 6/5/2015	No Safety Clause	286	33
185	Johnston, Fields	Police Data Collection And Community Policing	Approved 5/29/2015	No Safety Clause	252	64
186	Woods, Dore	Yoga Teacher Training Private Occupational School	Approved 4/16/2015	4/16/2015	101	127
187	Grantham, Young	High-performance Transportation Enterprise Loans	Approved 4/16/2015	4/16/2015	102	152
188	Steadman, Rankin	Tier 1 Tobacco Settlement Money Allocation	Approved 4/16/2015	4/16/2015	103	65
189	Steadman, Rankin	Repeal Consolidated Tobacco Prog Reporting Reqmnts	Approved 4/16/2015	4/16/2015	104	86
190	Grantham, Hamner	Establish State Archives Fees Without Rule-making	Approved 4/16/2015	4/16/2015	105	65
191	Scheffel, Duran	FY 2015-16 Legislative Appropriation Bill	Approved 3/30/2015	3/30/2015	340	7
192	Aguilar, Joshi	Therapeutic Drug Selections For Long-term Care	Approved 6/5/2015	6/5/2015	289	127
193	Neville T., Tate	Statewide Internet Portal Authority Reports To GA	Approved 5/1/2015	5/1/2015	125	65
194	Neville T., Tate	Statewide Internet Portal Authority Board Members	Approved 5/1/2015	5/1/2015	126	65
195	Steadman, Hamner	Spending Savings From Earned Time In DOC	Approved 6/5/2015	No Safety Clause	279	16
196	Marble, Lebsock	Industrial Hemp Certified Seeds Concentration Test	Approved 6/5/2015	No Safety Clause	280	2
197	Crowder, Fields	Advanced Practice Nurse Prescriptive Authority	Approved 5/18/2015	No Safety Clause 9/1/2015	197	127
198	Crowder, Vigil	Expand Fallowing Pilot Program Nonmunicipal Uses	Approved 5/1/2015	No Safety Clause	145	154
199	Sonnenberg, Vigil	Continue Funding For Habitat Partnership Program	Approved 5/22/2015	5/22/2015	222	118

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202	Balmer, Pabon	Exclude Water Conditioning Appliance From Plumbing	Approved 6/5/2015	6/5/2015	300	127
203	Cooke, Pabon	Sunset Debt-management Service Providers	Approved 6/5/2015	6/5/2015	287	128
204	Newell, Singer	Autonomy Of Child Protection Ombudsman	Approved 6/2/2015	6/2/2015	264	101
205	Roberts, Keyser	Veterans Fire Corps For Wildland Firefighting	Approved 5/12/2015	5/12/2015	184	66
206	Roberts, Garnett	Implement Conservation Easement Audit Requirements	Approved 6/4/2015	6/4/2015	272	144
207	Baumgardner, Brown	Refinance Authority For CBI Grand Junction Lab	Approved 5/29/2015	5/29/2015	253	66
208	Kefalas, Brown	Capital-related Expenditures	Approved 5/29/2015	5/29/2015	255	66
209	Balmer, Williams	HOA Mgr Lic Debt Collection Exclude Time Shares	Approved 6/5/2015	6/5/2015	290	128
210	Woods, Arndt	Title Insurance Commission	Approved 6/5/2015	No Safety Clause	292	106
211	Lambert, Rankin	Automatic Funding For Capital Assets	Approved 5/11/2015	5/11/2015	179	67
212	Sonnenberg, Winter	Storm Water Facilities Not Injure Water Rights	Approved 5/29/2015	No Safety Clause	256	154
213	Cadman, Hullinghorst	Waive Gov Immunity For Acts Of School Violence	Approved 6/3/2015	6/3/2015	266	68
214	Scheffel, Duran	Interim Committee Safe Schools Youth Mental Health	Approved 6/3/2015	6/3/2015	267	33
217	Roberts, Williams	Police Shooting Data Collection	Approved 5/20/2015	5/20/2015	208	69
218	Roberts, Williams	Disclose Misrepresentations By Peace Officers	Approved 5/20/2015	No Safety Clause	209	23
219	Cooke, Salazar	Peace Officer Shootings Transparency Measures	Approved 5/20/2015	5/20/2015	210	69
220	Carroll, Duran	Provision Of Security For General Assembly	Approved 6/5/2015	6/5/2015	281	70

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221	Cooke, Danielson	Public Transit Officers	Approved 6/3/2015	No Safety Clause	268	61
225	Holbert, Ryden	State Historical Society Governance	Approved 5/5/2015	5/5/2015	159	43
226	Sonnenberg, Vigil	Hunter Education Wildlife Hunting License	Approved 5/22/2015	No Safety Clause	220	118
228	Steadman, Rankin	Medicaid Provider Rate Review	Approved 6/5/2015	6/5/2015	288	93
229	Woods, Joshi	ALS Motor Vehicle License Plate	Approved 6/5/2015	No Safety Clause	293	113
234	Lambert, Hamner	2015-16 Long Appropriations Bill	Approved 4/24/2015	4/24/2015	364	7
235	Steadman, Hamner	Increasing Cap On Appropriation For School Lunches	Approved 5/1/2015	5/1/2015	127	34
236	Grantham, Rankin	Reorganize State Historical Society Funds	Approved 5/1/2015	7/1/2015	128	70
237	Lambert, Hamner	Calculation Of Limitations In Higher Ed Funding	Approved 5/1/2015	5/1/2015	129	9
238	Steadman, Hamner	General Fund Exempt Institutions Of Higher Ed Uses	Approved 5/1/2015	5/1/2015	130	71
239	Lambert, Young	Transfer Vocational Rehab From DHS To CDLE	Approved 5/8/2015	Portions effective upon passage Portions effective 7/1/2016	160	109
240	Steadman, Young	Funding Formula Independent Living Centers	Approved 5/1/2015	7/1/2015	139	102
241	Steadman, Young	Collaborative Management Program Human Services	Approved 5/1/2015	5/1/2015	140	102
242	Grantham, Young	Child Welfare Staff Funding Allocation	Approved 5/1/2015	5/1/2015	141	103
243	Lambert, Young	Prohibit Closure Of Beds For Dev Disab Waiver	Approved 5/1/2015	No Safety Clause	131	103
244	Grantham, Rankin	Transfers Related To Fed Mineral Lease Recoupment	Approved 5/1/2015	5/1/2015	132	71

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245	Grantham, Young	Provide State Funding To Map Natural Hazard Areas	Approved 5/1/2015	5/1/2015	133	155
246	Lambert, Rankin	Statewide Financial IT Systems Mod For DPA	Approved 5/1/2015	5/1/2015	134	71
247	Steadman, Young	Tobacco Settlement Funded Drug Assistance Program	Approved 5/8/2015	5/8/2015	165	72
248	Lambert, Hamner	Repeal State Facility Security Fund	Approved 5/1/2015	No Safety Clause	135	72
249	Lambert, Hamner	Marijuana Tax Cash Fund Transfer To General Fund	Approved 5/1/2015	5/1/2015	136	73
250	Lambert, Hamner	Capital Related Transfers Of Moneys	Approved 5/11/2015	5/11/2015	181	73
251	Lambert, Hamner	Gen Fund Reserve Exclude Lease-purchase Payments	Approved 5/1/2015	No Safety Clause	137	73
253	Sonnenberg, Vigil	CO Water Conservation Bd Construction Fund Project	Approved 5/14/2015	5/14/2015	192	155
254	Grantham, Lee	Renewable Energy Std New Solar Extend Date	Approved 5/29/2015	5/29/2015	257	140
255	Lambert, Hamner	Deposit Severance Tax Revenues In General Fund	Approved 5/1/2015	5/1/2015	138	144
256	Roberts, McCann	CO Health Insurance Exchange Oversight Committee	Approved 6/5/2015	6/5/2015	284	107
260	Aguilar, Ginal	Medical Marijuana Product Testing	Approved 5/29/2015	No Safety Clause 7/1/2016	258	86
261	Sonnenberg, Young	Utility's Public Notice Of Schedule Changes	Approved 6/5/2015	No Safety Clause	291	140
262	Neville T., Williams	Blanket Sickness And Accident Insurance	Approved 6/5/2015	No Safety Clause	294	107
264	Johnston, Kagan	Revisor's Bill	Approved 5/29/2015	No Safety Clause	259	143
265	Cadman, Hullinghorst	Health Insurance Hospital Liens	Approved 5/29/2015	No Safety Clause	260	137
267	Hill, Hamner	School Finance	Approved 6/5/2015	6/5/2015	295	34

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270	Lambert, Rankin	Create The Office Of State Architect	Approved 6/5/2015	6/5/2015	296	73
271	Sonnenberg, Becker J.	Continuation Of The Office Of Consumer Counsel	Approved 6/5/2015	6/5/2015	297	141
276	Balmer, Van Winkle	Voter Approval For Use Of Red Light Cameras	Vetoed 6/3/2015			113
278	Lambert, Hamner	Allow Dome Restoration Moneys For Cap Restoration	Approved 6/5/2015	6/5/2015	298	74
281	Hill, Kraft-Tharp	Institute Charter School Plan Meetings	Approved 6/5/2015	No Safety Clause	299	35
282	Scott, Duran	Jump-start Prog Econ Dev Distressed Counties	Approved 5/13/2015	5/13/2015	186	144
283	Woods, Lee	Debt Collections Actions And Exemptions	Approved 6/5/2015	7/1/2015	301	18
288	Baumgardner, Hamner	Compensation Of State & County Public Officials	Approved 6/3/2015	No Safety Clause 1/1/2016	270	74
290	Todd, Wilson	Colorado Student Leaders Institute	Became Law 6/6/2015	6/6/2015	338	35





## ADMINISTRATIVE RULE REVIEW

**S.B. 15-100** Continuation of 2014 rules of executive branch agencies. Based on the findings and recommendations of the committee on legal services, the act extends all state agency rules and regulations that were adopted or amended on or after November 1, 2013, and before November 1, 2014, with the exception of the rules and regulations specifically listed in the act. Those specified rules and regulations will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2015, on the grounds that the rules and regulations either conflict with statute or lack or exceed statutory authority.

The act repeals a rule of the state board of human services in the department of human services concerning exceptions to rules relating to child welfare services, effective upon the passage of the act.

**APPROVED** by Governor May 11, 2015

**PORTIONS EFFECTIVE** May 11, 2015  
**PORTIONS EFFECTIVE** May 15, 2015

## AGRICULTURE

**S.B. 15-21** Interstate pest control compact - repeal. The act repeals the interstate pest control compact, which was adopted in Colorado in 2007 to coordinate and fund interstate pest control efforts.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-85** Colorado cottage foods act - net revenue - definition of producer. The act increases the amount of net revenue a producer selling under the "Colorado Cottage Foods Act" may earn per eligible product from \$5,000 to \$10,000 each calendar year. The act extends the definition of producer to include limited liability companies that are formed in Colorado and of which all members are residents of Colorado.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-196** Industrial hemp - committee membership - certified seed program - hemp testing - immunity transporting and possession - appropriation. The act expands the industrial hemp committee to include a representative from cannabidiol industry and a representative from the certified seed growers industry. The act requires the department of agriculture to administer an industrial hemp certified seed program (program). The department may import seeds for the program.

The act permits retail marijuana testing facility licensees to test industrial hemp. If a hemp registrant wants a licensed retail marijuana testing facility to test its industrial hemp, the registrant shall use a radio frequency identification-based inventory tracking system approved by the commissioner of agriculture for a sample of the registrant's industrial hemp crop. A licensed retail testing facility shall provide the test results to the registrant and the commissioner. All test results shall be considered confidential business information.

Current law provides criminal immunity from those processing, selling, and distributing industrial hemp. The act extends that immunity to transporting and possessing hemp.

For fiscal year 2015-16, the act appropriates \$249,763 to the department of agriculture from the marijuana cash tax fund to implement the act. The act appropriates \$3,780 to the department of law from the department of agriculture's appropriation.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## APPROPRIATIONS

**S.B. 15-143** Supplemental appropriation - department of agriculture. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the agriculture. The general fund, cash funds, and federal funds portion of the appropriation are increased.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-144** Supplemental appropriation - department of corrections. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the corrections. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased and the federal funds portion is decreased, resulting in an overall increase in funding for the department.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-145** Supplemental appropriation - department of education. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the education. The general fund and federal funds portions of the appropriation are increased and the cash funds and reappropriated funds portion is decreased, resulting in an overall increase in funding for the department.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-146** Supplemental appropriation - offices of the governor, lieutenant governor, and state planning and budgeting. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the offices of the governor, lieutenant governor, and state planning and budgeting. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-147** Supplemental appropriation - department of health care policy and financing. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. The general fund, cash funds, and federal funds portions of the appropriation are increased and the reappropriated funds portion is decreased, resulting in an overall increase in funding for the department.

An appropriation made by House Bill 14-1045, concerning the continuation of the breast and cervical cancer prevention and treatment program, is amended to decrease the amount appropriated to the department by that act.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-148** Supplemental appropriation - department of higher education. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the higher education. The general fund and cash funds

portions of the appropriation are increased and the federal funds portion is decreased, resulting in an overall increase in funding for the department.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-149** Supplemental appropriation - department of human services. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the human services. The general fund portion of the appropriation is decreased and the cash funds, reappropriated funds, and federal funds portions are decreased, resulting in an overall decrease in funding for the department.

The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the human services. The general fund portion of the appropriation is decreased and the cash funds portion is increased, resulting in an overall increase in funding for the department for 2013.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-150** Supplemental appropriation - judicial department. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the judicial department. The general fund and reappropriated funds portions of the appropriation are increased and the cash funds portion is decreased, resulting in an overall increase in funding for the department.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-151** Supplemental appropriation - department of labor and employment. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the labor and employment. The general fund and cash funds portions of the appropriation are increased and the federal funds portion is decreased, resulting in an overall increase in funding for the department.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-152** Supplemental appropriation - department of law. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the law. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased and the federal funds portion is decreased, resulting in an overall increase in funding for the department.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-153** Supplemental appropriation - legislative department. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the legislative department. The general fund portion of the appropriation is increased.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-154** Supplemental appropriation - department of local affairs. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the local affairs. The general fund, cash funds, and reappropriated funds, and federal funds portions of the appropriation are increased.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-155** Supplemental appropriation - department of military and veterans affairs. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the military and veterans affairs. The general fund and federal funds portions of the appropriation are increased.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-156** Supplemental appropriation - department of natural resources. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the natural resources. The general fund and reappropriated funds portions of the appropriation are increased and the cash funds and federal funds portion is decreased, resulting in an overall decrease in funding for the department.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-157** Supplemental appropriation - department of personnel. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the personnel. The general fund and cash funds portions of the appropriation are increased and the reappropriated funds portion is decreased, resulting in an overall increase in funding for the department.

The 2013 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the personnel. The cash funds portion of the appropriation is increased.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-158** Supplemental appropriation - department of public health and environment. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of public health and environment. The general fund and cash funds portions of the appropriation are increased and the reappropriated funds portion is decreased, resulting in an overall increase in funding for the department.

The 2013 general appropriation act is amended to make adjustments to the total amount appropriated to the department of public health and environment. The cash funds and federal funds portions of the appropriation are adjusted.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-159** Supplemental appropriation - department of public safety. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of public health and environment. The general fund, cash

funds, and reappropriated funds portions of the appropriation are increased.

An appropriation made in House Bill 14-1340, concerning the state toxicology laboratory, is amended to decrease the amount appropriated to the department.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** March 13, 2015

**S.B. 15-160** Supplemental appropriation - department of regulatory agencies. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of regulatory agencies. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-161** Supplemental appropriation - department of revenue. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of revenue. The general fund and cash funds portions of the appropriation are increased.

**APPROVED** by Governor April 3, 2015

**EFFECTIVE** April 3, 2015

**S.B. 15-162** Supplemental appropriation - department of state. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of state. The cash funds portion of the appropriation are increased.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-163** Supplemental appropriation - department of transportation. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of transportation. The cash funds portion of the appropriation is increased and the federal funds portion is decreased, resulting in an overall increase in funding for the department.

An appropriation made in House Bill 14-1301, concerning the safe routes to school program, is amended to extend the time in which moneys appropriated are available.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-164** Supplemental appropriation - department of the treasury. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the treasury. The general fund portion of the appropriation is decreased and the cash funds portion is increased, resulting in an overall increase in funding for the department.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-165** Supplemental appropriation - capital construction. The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction projects. The capital construction fund and the cash funds portions of the appropriation are increased and the reappropriated funds and federal funds portions are decrease, resulting in an overall funding increase for 2014 capital construction projects.

Footnote 1 of the capital construction section of 2007 general appropriation act is amended to extend until June 30, 2017, the time for which the appropriation to the department of higher education, Colorado historical society, for the Ute Indian museum, is to remain available.

Footnote 1 of the capital construction section of 2008 general appropriation act is amended to extend until June 30, 2017, the time for which the appropriation to the department of higher education, Colorado historical society, for the Ute Indian museum, is to remain available.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**S.B. 15-191** Legislative appropriation - appropriation to youth advisory council cash fund. \$40,450,144 is appropriated to the legislative department for the payment of expenses in the 2015-16 state fiscal year. In addition, \$25,000 is appropriated to the youth advisory council cash fund.

**APPROVED** by Governor March 30, 2015

**EFFECTIVE** March 30, 2015

**S.B. 15-234** General appropriation act - long bill. For the fiscal year beginning July 1, 2015, the act 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, 2015. The grand total for the operating budget is set at \$26,280,342,056 of which \$7,021,502,865 is from the general fund portion of the appropriation, \$2,489,355,187 is from the general fund exempt portion, \$7,318,615,401 is from the cash funds portion, \$1,450,482,289 is from the reappropriated funds portion, and \$8,000,386,314 is from the federal funds portion.

The grand total for fiscal year 2015 capital construction projects is \$396,231,034 of which \$249,945,429 is from the capital construction fund portion of the appropriation, \$166,938,201 is from the cash funds portion, \$13,911,135 is from the reappropriated funds portion, and \$15,436,269 is from the federal funds portion.

The 2013 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of education and health care policy and financing. The general fund portion is decreased and the general fund exempt is increased resulting in no change in the overall funding for either department.

The head notes to the 2014 long bill are amended to include the human services building in the definitions and general provisions portion.

The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, higher education, human services, judicial, local affairs, public health and environment, public safety, and revenue and the offices of the governor, lieutenant governor, and state

planning and budgeting.

Appropriations made in House Bill 14-1156, concerning extending the age of eligibility for the child nutrition school lunch protection program, is amended to reduce the amount appropriated to the program.

Appropriations made in Senate Bill 14-151, concerning the use of moneys derived from civil penalties imposed on nursing facilities to fund innovations in nursing home care, is amended to clarify where to appropriation is allocated.

Appropriations made in House Bill 14-1045, concerning the continuation of the breast and cervical cancer prevention and treatment program, is amended to make adjustments in the total amount appropriated.

Appropriations made in Senate Bill 14-001, concerning making college education more affordable by imposing further restrictions on tuition increases, increasing financial aid, and increasing operating support for each governing board of a state-supported institution of higher education by eleven percent, is amended to clarify that moneys are appropriated from the general fund exempt account rather than the general fund.

The act clarifies that a specified amount of money appropriated to the child care automated tracking system by House Bill 14-1317 remains available until June 30, 2016.

The act clarifies that a specified amount of money appropriated economic analysis and analytical work for regional tourism projects by House Bill 14-1350 remains available until June 30, 2016.

The act clarifies that a specified amount of money appropriated CITA annual maintenance and support by House Bill 14-1350 remains available until June 30, 2016.

**APPROVED** by Governor April 24, 2015

**EFFECTIVE** April 24, 2015



## CHILDREN AND DOMESTIC MATTERS

**H.B. 15-1094** Restorative justice - victim preconference evaluation - restorative justice coordinating council membership - ability to accept money for trainings - pilot project changes. A restorative justice satisfaction survey is used as an evaluation tool for the restorative justice pilot project. The act clarifies that this preconference evaluation is only given to the offender and participating victim, if practicable.

The act adds the following members to the restorative justice coordinating council:

- The state public defender or his or her designee;
- A judge appointed by the chief justice of the Colorado supreme court; and
- A law enforcement representative appointed by the state court administrator.

The act authorizes the restorative justice coordinating council to accept moneys for providing trainings, gifts, grants, and donations and transfers those moneys to the restorative justice surcharge fund.

Currently there is a restorative justice pilot project for juveniles who commit certain crimes. The act allows the pilot project to accept juveniles who committed petty offenses or municipal offenses and allows the district attorney to waive the first-time offender qualification.

**APPROVED** by Governor March 20, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1106** Access to adoption records - clarification that records are to be released without redaction. The act clarifies a law passed in 2014 on access to adoption records by creating a separate definition of "adoption record" that applies to that law's access provisions. The act clarifies that a court or state agency is required to release the adoption records to eligible persons who are authorized in statute to have direct access to the adoption records, without redaction, including any identifying information and nonidentifying information.

The act takes effect March 30, 2015, and applies to all requests and applications for access to adoption records filed on or after said date.

**APPROVED** by Governor March 30, 2015

**EFFECTIVE** March 30, 2015

**H.B. 15-1131** Youth corrections facilities - critical incident reporting - appropriation. The department of human services, the division of youth corrections, and any other agency with relevant information must release, upon request, specified information related to critical incidents or the aggregate of critical incidents that occur in a facility operated by the division of youth corrections, so long as all identifying information, any information concerning security procedures or protocols, and any information that would jeopardize the safety of the community, youth, or staff has been redacted. The department of human services, the division of youth corrections, and any other agency with relevant information related to a critical incident shall provide redacted records related to the incident and may charge a fee as provided for in statute.

The act appropriates \$14,404 to the department of human services for use by the division

of youth corrections to implement the act.

The act applies to critical incidents that occur on or after January 1, 2014.

**APPROVED** by Governor May 8, 2015

**EFFECTIVE** May 8, 2015

**H.B. 15-1149** Dependency and neglect - judicial proceedings - office of the respondent parents' counsel - appropriation. A 9-member respondent parents' counsel governing commission (commission) is established to oversee operations for the office of the respondent parents' counsel (office). The commission membership is outlined. The duties of the commission include appointing a director for the office and providing support and guidance on issues concerning the office. Transfer of existing respondent parent counsel appointments to the office is delayed 6 months until July 1, 2016, after which time the office shall make all new appointments.

The act reduces appropriations in the 2015 long bill for the office and increases appropriations to the general courts administration and trial courts.

**APPROVED** by Governor April 24, 2015

**EFFECTIVE** April 24, 2015

**H.B. 15-1153** Dependency and neglect - proceedings - child and family investigators - appropriation. Currently, the office of the child's representative (office) has oversight for state-paid child and family investigators (investigators) who are attorneys, and the state court administrator's office (administrator's office) has oversight of state-paid investigators who are nonattorneys, as well as privately paid investigators. The act consolidates oversight and funding of both attorney and nonattorney investigators under the state court administrator's office as of January 1, 2016.

The act makes adjustments to the 2015 long bill by reducing the appropriation to the office and increasing appropriations to the trial court programs and administrator's office by a like amount. The act makes an additional \$27,580 appropriation to the judicial department.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** January 1, 2016

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1198** Child support enforcement - updates to Uniform Interstate Family Support Act. The act updates the "Uniform Interstate Family Support Act" (UIFSA) with the 2008 amendments, adopted by the national conference of commissioners on uniform state laws. The 2008 amendments implement the requirements of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance ("Convention") throughout the states and improve the enforcement of American child support orders in foreign countries. In September 2014, Congress passed the federal "Preventing Sex Trafficking and Strengthening Families Act", which implemented the Convention and required that all states enact UIFSA 2008 as a condition for continued receipt of federal funds for state child support programs.

The act provides that a support order from a country that has agreed to the Convention must be registered immediately unless a tribunal in the state where the registration is sought determines that the language of the order goes against the policy of the state. Once

registered, the nonregistering party receives notice and is allowed the opportunity to challenge the order on certain grounds. Another amendment requires that documents submitted under the Convention must be in the original language and, if not in English, must be accompanied by an English translation.

**APPROVED** by Governor May 11, 2015

**EFFECTIVE** July 1, 2015

**H.B. 15-1327** Marriages - requirements for a proxy marriage. The act limits a proxy marriage to an absent person who is:

- A member of the armed forces of the United States who is stationed in another country or in another state in support of combat or another military operation; or
- A government contractor, or an employee of a government contractor, working in support of the armed forces of the United States in another country or in another state or in support of United States military operations in another country or in another state.

The act states that the requirements for applying for a marriage license for a proxy marriage (where another person is designated to take the place of the absent party at the marriage) are the following:

- One party is a resident of Colorado;
- One party appears in person to apply for the marriage license and pays the required fees;
- The signatures of both parties to the proxy marriage are required, and the party present shall sign the marriage license application and provide an absentee affidavit form containing the notarized signature of the absent party, along with proper identification documents required for a marriage license for the absent party; and
- Both parties are 18 years of age or older.

**APPROVED** by Governor May 27, 2015

**EFFECTIVE** May 27, 2015

**H.B. 15-1337** Placement determinations for children - modifications of placements - consideration of all statutory factors - legislative declaration. The act adds a legislative declaration to the "Colorado Children's Code" regarding the impact upon children of multiple moves while in foster care and the importance of children having stable placements with a primary caregiver and with siblings. The legislative declaration declares that multiple moves for children in the dependency and neglect system should be discouraged in favor of permanent planning upon which these children can rely for their healthy mental, physical, and emotional development.

After the parent-child legal relationship has been terminated, the act mandates that the court consider all of the statutory factors when making a placement determination about placement of the child with relatives or joint placement with siblings and when the court approves a placement decision relating to the placement of the child with relatives or placement with siblings that will result in the child being moved to a different placement.

The act mandates that the court consider all of the statutory factors related to modifying the placement of a child who is in foster care and in out-of-home placement prior to removing the child from his or her placement.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1355** Access to personal records - birth certificates of siblings who share a common birth parent - records relating to a former ward of the state home for dependent and neglected children. The act creates the "Heritage Act" and includes a legislative declaration about the importance of knowing one's familial heritage and origins.

Upon proof of evidence of at least one common birth parent between an adult adoptee and a sibling or half-sibling, an adult adoptee is an eligible party for purposes of obtaining direct access to a noncertified copy of the unaltered original birth certificate and the amended birth certificate of an adult sibling or half-sibling who was born, relinquished, or adopted in the state of Colorado, subject to the existing statutory requirement that all siblings adopted in a sibling group must reach the age of 18 before the birth certificates can be released. The act also allows a descendant of the adult adoptee or a legal representative of the adult adoptee or descendant to access the original birth certificate and amended birth certificate of the adult sibling or half-sibling of the adult adoptee.

The act grants direct access to certain unredacted personal records held by a court or state agency pertaining to a person who as a minor child was in the custody of the state home for dependent and neglected children (former ward), regardless of the former ward's adoption status. The act also grants direct access to certain unredacted personal records of the former ward to the former ward's spouse, siblings, or descendants, or legal representative if the individual requesting access has the notarized written consent of the former ward or if the former ward is deceased. The act defines the types of personal records relating to the custody, relinquishment, or adoption of a former ward that may be accessed, without redaction; except that personal records shall not include prerelinquishment counseling records, which shall remain confidential.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

## CONSUMER AND COMMERCIAL TRANSACTIONS

**H.B. 15-1223** Home warranty service contracts - extension to include warranties on new homes - continuation under sunset law. Current law regulates the sale of home warranty service contracts for preowned homes. The act extends this regulation to home warranty service contracts for new homes.

The act also extends the automatic repeal of the home warranty service contract standards from July 1, 2017, to July 1, 2020.

**APPROVED** by Governor April 8, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1390** Supervised loans and consumer credit sales - finance charges. Current law limits the permissible finance charge on certain supervised loans and consumer credit sales based on the unpaid balances of the amount financed. The act increases the applicable amounts financed to:

- 36% per year on an unpaid balance of the amount financed that is \$3,000 or less (changed from \$1,000 or less);
- 21% per year on an unpaid balance of the amount financed that is more than \$3,000 but less than \$5,000 (changed from more than \$1,000 but less than \$3,000); and
- 15% per year on an unpaid balance of the amount financed that is more than \$5,000 (changed from more than \$3,000).

**VETOED** by Governor June 4, 2015

## CORPORATIONS AND ASSOCIATIONS

**H.B. 15-1071** Merger - effect - transfer of attorney-client privilege. Existing law specifies that when entities merge, all of the privileges of each of the merging entities vest as a matter of law in the surviving entity. The act clarifies that the attorney-client privilege is among the privileges that vest in the surviving entity.

**APPROVED** by Governor March 18, 2015

**EFFECTIVE** September 1, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1117** Domestic entities - electronic signatures and records. The act amends the "Colorado Corporations and Associations Act" by specifying that, unless otherwise provided in a domestic entity's constituent document, a "signature" includes an "electronic signature" and a "writing" includes an "electronic record", as those terms are defined in the "Uniform Electronic Transactions Act".

**APPROVED** by Governor March 26, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## CORRECTIONS

**S.B. 15-124** Parole - revocation proceedings - use of evidence-based practices - appropriation. With certain exceptions, a community parole officer (parole officer) must consider all appropriate or available intermediate sanctions before filing a complaint to revoke a parolee's parole for a technical violation of a condition of parole for which the underlying behavior is not a criminal offense. However, a parole officer may bypass the use of intermediate sanctions if:

- The parolee has received up to 4 intermediate sanctions committing the parolee to a brief jail term; or
- The nature of the technical violation, in combination with the parolee's risk assessment, indicates a heightened risk to public safety.

If a parolee has a technical violation, the parolee's parole officer, with the approval of the director of the division of adult parole (division) or the director's designee, may impose a brief term of confinement in the county jail, not to exceed 5 consecutive days, as an intermediate sanction. The division shall reimburse county jails for the use of beds, and the sheriff of each county has the authority and discretion to determine the number of beds that are available to the department of corrections in their respective facilities for the purpose of imposing an intermediate sanction.

Under current law, a parolee who refuses to submit to chemical testing shall be arrested, and revocation proceedings shall be initiated against him or her. Under the act, a parolee who refuses to submit to chemical testing is deemed to have tested positive for the presence of drugs.

Under current law, the director of the division or any parole officer may arrest a parolee under certain conditions, including when the parolee is on parole as a result of a felony conviction and has tested positive for the illegal or unauthorized use of a controlled substance. The act removes this condition and adds a new condition under which a parole officer may arrest a parolee. That is, if the parole officer has probable cause to believe that the parolee has committed a technical violation of parole for which the underlying behavior is not a criminal offense and the parole officer has exhausted all appropriate or available intermediate sanctions, treatment, and support services, then the parole officer can arrest the parolee. Testing positive for the use of illegal drugs is considered a technical violation of parole.

The act reduces appropriations to reflect the savings and makes appropriations to increase support for parolees and increases the number of treatment beds for parolees.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** May 29, 2015

**S.B. 15-182** Youthful offender system - executive director may transfer youthful offenders in and out of system. The executive director of the department of corrections (DOC) or his or her designee may transfer any youthful offender twenty-four years of age or younger and sentenced to the DOC into and out of the youthful offender system (YOS) at his or her discretion.

The DOC shall develop policies and procedures for decision-making regarding the transfer of any offender not sentenced to the YOS into the YOS in order to ensure that the goals of the YOS, the operations of the rehabilitative program within the YOS, and the delivery of services to those offenders directly sentenced to the YOS are not compromised in any way by the comingled population.

The DOC shall include in its annual report to the judiciary committees of the house of representatives and senate and in any annual YOS report produced by the department information regarding the policies and procedures, the characteristics of the population of transferred youthful offenders, and the impact, if any, of transferred inmates on any YOS programming or DOC programming.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-195** Earned time - achievement earned time - allocation of generated savings - appropriation. Under current law, an offender who successfully completes a milestone or phase of an educational, vocational, therapeutic, or reentry program, or who demonstrates exceptional conduct that promotes the safety of correctional staff, volunteers, contractors, or other persons under the supervision of the department of corrections (department), may be awarded as many as 60 days of achievement earned time per program milestone or phase or per instance of exceptional conduct, in addition to earned time that is otherwise authorized. The act states that the general assembly shall appropriate any savings generated from the awarding of such achievement earned time to:

- The education subprogram, for academic and vocational programs to offenders; and
- The parole subprogram, for parole wrap-around services.

The appropriation must not exceed \$6.5 million in any fiscal year. In allocating the appropriated moneys to the parole subprogram, for parole wrap-around services, the department shall give priority to parole wrap-around services that are administered based on evidence-based practices.

In administering the use of telephones by inmates in any state or private prison facility, the department shall not receive any commission from the phone provider except as much as is necessary to pay for calling costs and the direct and indirect costs incurred by the department in managing the calling system.

The act makes adjustments in the 2015 long appropriations act to reflect the saving.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1122** Parole - eligibility - state board of parole. An inmate is ineligible for parole if the inmate:

- Has been convicted of a class 1 code of penal discipline violation within the 12 months preceding his or her next ordinarily scheduled parole hearing; or
- Has, within the 12 months preceding his or her next ordinarily scheduled parole hearing, declined in writing to participate in programs that have been recommended and made available to him or her.

If 2 schedules with different parole application hearing dates apply to the same inmate, the state board of parole (board) shall give effect to the schedule that includes the later



parole application hearing date.

The board may conduct a parole release review in lieu of a hearing, without the presence of the inmate, if the inmate has a statutory discharge date or mandatory release date within 6 months following his or her ordinarily scheduled parole hearing.

If the board grants a parolee's request to revoke his or her parole, the board may take one of several options regarding custody of the parolee.

Under current law, the board must hold parole revocation hearings for parolees who are arrested for certain serious offenses unless a board member is advised that a criminal charge is still pending and no technical violations are alleged. The act eliminates this condition concerning the allegation of technical violations.

The act clarifies that:

- If an inmate applying for parole was convicted of any class 3 sexual offense, a habitual criminal offense, or any offense requiring the inmate's designation as a sex offender, the board need only reconsider granting parole to such inmate once every 3 years; and
- If an inmate applying for parole was convicted of a class 1 or class 2 felony that constitutes a crime of violence, the board need only reconsider granting parole to such inmate once every 5 years.

**APPROVED** by Governor March 20, 2015

**EFFECTIVE** March 20, 2015

**H.B. 15-1269** Persons with mental illness - transfers between facilities. The act amends current law relating to the transfer of persons with a mental illness or developmental disability either to or from a facility operated by the department of corrections (DOC facility) and a facility operated by the department of human services for treatment of mental illnesses (DHS facility). The DOC is required to develop, maintain, and adhere to a policy concerning the provision of due process guarantees for situations where the executive director of the department of corrections believes that a transfer of an inmate from a DOC facility to a DHS facility is necessary because the person cannot be safely confined in the DOC facility.

A transfer to a DOC facility from a DHS facility can only occur when the person is serving a sentence to the department of corrections. The department of human services may transfer an inmate back to a DOC facility if the inmate cannot be safely confined in the DHS facility.

**APPROVED** by Governor April 24, 2015

**EFFECTIVE** April 24, 2015

## COURTS

**S.B. 15-99** Probation departments - eliminating certain duties of probation officers. Several provisions of current law address the performance of certain duties by probation officers. The act amends these provisions to eliminate these duties. Specifically, the act amends provisions concerning:

- The performance of supplemental evaluations concerning disputed issues in cases involving the allocation of parental responsibilities with respect to a child;
- The exercise of continuing supervision over a case to ensure that terms relating to an allocation of parental responsibilities or parenting time are carried out;
- The duty to make a social study and written report in all children's cases under the "Colorado Children's Code"; and
- The appointment of a probation officer as attendance officer of a school district.

**APPROVED** by Governor April 16, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-283** Property exempt from execution - definition of "earnings" - service of continuing garnishments. For property that a judgment debtor may claim as exempt from levy and sale, the act:

- Increases the dollar value of certain properties;
- Adds crops and dairy products to agricultural assets;
- Excludes certain recreational vehicles from the motor vehicle exemption;
- Establishes a lesser exemption for business property if the business activity is not the debtor's primary occupation; and
- Clarifies the calculation of the nonexempt portion of the cash surrender value of life insurance policies.

The act clarifies definitions of "earnings" to include payments made to independent contractors for labor or services. The act changes the procedure for service of a notice of exemption and pending levy in certain garnishment proceedings.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** July 1, 2015

**H.B. 15-1034** Judges - twelfth judicial district - appropriation. Effective July 1, 2015, the act increases the number of district court judges in the twelfth judicial district from 3 to 4.

The act appropriates \$340,651 to the judicial department to implement the act.

**APPROVED** by Governor March 20, 2015

**EFFECTIVE** March 20, 2015

**H.B. 15-1063** Bad faith patent communications - prohibition - enforcement by attorney general - civil penalty - appropriation. The act prohibits a person from making a written or electronic communication with another concerning a patent if the communication is in bad faith. In finding bad faith, a court may consider if:

- The communication falsely states that litigation has been commenced against the

- recipient or an affiliated party; or
- The allegations in the communication lack a reasonable basis because of specified deficiencies.

The act contains specified exclusions from the prohibition. The act authorizes only the attorney general to file an action to enforce the prohibition and authorizes specified damages.

The act appropriates \$94,441 to the department of law to investigate and enforce the prohibition.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1164** Jury service - postponement for breast-feeding. The act permits a person who is breast-feeding a child to be temporarily excused from jury service for up to 2 consecutive 12-month postponements. The judge or jury commission may request a medical statement in support of the postponement. If provided, a medical statement is not a public record and must not be disclosed to the public.

**APPROVED** by Governor April 8, 2015

**EFFECTIVE** April 8, 2015

**H.B. 15-1183** Out-of-court statements - child - sexual assault -attempted sexual assault. Current law requires an out-of-court statement by a child who is the victim of or witness to a sexual offense to be admitted in evidence. The act extends this evidentiary rule to attempted sexual offenses.

**APPROVED** by Governor April 10, 2015

**EFFECTIVE** April 10, 2015

**H.B. 15-1197** Public entity construction contracts - design professionals - limitation on duty to defend. Currently, public entities in construction-related contracts are prohibited from being indemnified for the public entity's own negligence. The act clarifies this provision by specifying that:

- It also applies to a design contract and to an obligation to pay for the defense of the public entity;
- The contractor's obligation is limited to the amount of negligence attributable to the contractor and its agents, representatives, subcontractors, and suppliers; and
- For design professionals, the obligation only arises when the amount of its liability for the losses of the third party is determined by adjudication, alternative dispute resolution, or mutual agreement.

**APPROVED** by Governor April 10, 2015

**EFFECTIVE** September 1, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1218** Crime victim compensation and victim and witness rights - defense-initiated victim outreach specialists - disclosure required. When any person attempting defense-initiated victim outreach contacts any victim of any crime, the person shall immediately provide full and unambiguous disclosure of:

- The person's legal name; and
- The fact that the person is acting as an agent for the person accused of the class 1 felony or for the defense team of such person.

**APPROVED** by Governor May 4, 2015

**EFFECTIVE** May 4, 2015

## CRIMINAL LAW AND PROCEDURE

**S.B. 15-5** First degree assault - testing for communicable diseases. Current law provides that certain persons charged with or convicted of second or third degree assault are required to undergo testing for communicable diseases. The act expands the testing to a person charged with or convicted of first degree assault if the person's blood, seminal fluid, urine, feces, saliva, mucus, or vomit came into contact with a victim, peace officer, firefighter, emergency medical care provider, or emergency medical service provider.

**APPROVED** by Governor April 16, 2015

**EFFECTIVE** July 1, 2015

**Cross reference:** For another act addressing communicable diseases, see the entry for Senate Bill 15-126 within this heading.

**S.B. 15-30** Prostitution - human trafficking - affirmative defense. The act creates an affirmative defense to the crime of prostitution on or after July 1, 2015, if the person committed the act as a direct result of being a victim of human trafficking. To assert the affirmative defense, the person charged with the offense must demonstrate by a preponderance of the evidence that he or she was a victim of human trafficking at the time of the offense.

On or after January 1, 2016, a person charged with or convicted of prostitution before July 1, 2015, may petition to have the court seal his or her record of any conviction for that offense. A juvenile charged with or adjudicated of prostitution may apply to the court for expungement of his or her record. The court may grant the motion upon a finding that the person's participation in the offense was a direct result of being a victim of human trafficking.

The court may at any time issue a protective order to protect the confidentiality of the person asserting the affirmative defense.

The act directs the human trafficking council to perform a post-enactment review of the provisions of the act and report its findings to the judiciary committees of the house of representatives and the senate, or any successor committees.

**APPROVED** by Governor April 16, 2015

**EFFECTIVE** April 16, 2015

**S.B. 15-58** Eyewitness identifications - policies and procedures. The act requires all Colorado law enforcement agencies (law enforcement) to adopt, on or before July 1, 2016, written policies and procedures (policies) relating to eyewitness identifications. The policies must include protocols related to the use of photo arrays, live lineups, and showup identification procedures; instructions for an eyewitness that clearly state that the perpetrator might not be in the lineup; instructions regarding the use of live or photo fillers in a lineup or array; instructions for eyewitnesses that advise the eyewitness that the perpetrator may or may not be in the photo array or live lineup and that the investigation will continue whether or not the eyewitness identifies an alleged perpetrator; and instructions for obtaining a statement from the eyewitness concerning the eyewitness' confidence in his or her identification. Law enforcement that conduct eyewitness identifications shall complete, adopt, and implement the written policies and procedures, as developed and approved in 2015 by the Colorado attorney general and the Colorado district attorneys' council, on or before July 1, 2016. The policies must be made available, without cost, to the public upon request. Subject to available resources, law enforcement shall approve professional training

programs relating to eyewitness identifications, and the programs may be created, provided, or conducted by any law enforcement agency, the office of the attorney general, the Colorado district attorneys' council, or any other P.O.S.T-approved training entity. Policies and procedures adopted and implemented by a law enforcement agency shall be reviewed by the agency at least every 5 years.

Compliance or failure to comply with written policies is considered relevant evidence in any case involving eyewitness identification.

**APPROVED** by Governor April 16, 2015

**EFFECTIVE** July 1, 2015

**S.B. 15-67** Emergency responders - assault against - penalty increase - appropriation. The act increases the class of offense from assault in the third degree to assault in the second degree for the commission of the following acts:

- Intentionally causing bodily injury to a person whom the actor knows or reasonably should know is an emergency medical care provider and with the intent to prevent the person from performing a lawful duty; and
- With the intent to infect, injure, or harm another person whom the actor knows or reasonably should know to be engaged in the performance of his or her duties as a peace officer, a firefighter, an emergency medical care provider, or an emergency medical service provider, causing the person to come in contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or any toxic, caustic, or hazardous material by any means.

The act makes the following appropriations from the general fund to the department of corrections:

- For the 2016-17 state fiscal year, \$219,576;
- For the 2017-18 state fiscal year, \$329,363;
- For the 2018-19 state fiscal year, \$417,635; and
- For the 2019-20 state fiscal year, \$505,907.

**BECAME LAW** June 6, 2015

**EFFECTIVE** September 1, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-109** Adults with an intellectual or developmental disability - mandatory reporting of abuse or exploitation - task force. Under current law, certain persons are required to report to a law enforcement agency if the person observes or has reason to believe that a person 70 years of age or older has been abused or exploited. Effective July 1, 2016, the act expands this requirement to also cover a person with an intellectual or developmental disability who is 18 years of age or older. The act also clarifies that personnel of a lending or financial institution are only required to report if the person directly observes in person the abuse or exploitation of the adult with an intellectual or developmental disability.

The act establishes a task force in the department of human services to study issues related to requiring persons to report abuse or exploitation of adults with an intellectual or developmental disability and to make recommendations to the governor and specified

committees of the general assembly.

**APPROVED** by Governor June 5, 2015

**PORTIONS EFFECTIVE** June 5, 2015  
**PORTIONS EFFECTIVE** July 1, 2016

**S.B. 15-116** Possession of needle or syringe - inform peace officer or first responder - criminal immunity - legal rights education program. The act creates an exception to arrest and filing charges for the crime of possession of drug paraphernalia if the person prior to being searched by a peace officer or prior to assessment or treatment by an emergency medical technician or other first responder informs the peace officer, emergency medical technician, or other first responder that he or she has a needle or syringe on his or her person or in his or her vehicle or home that is subject to a search. The exception to arrest and filing charges also applies to the crime of possession of a controlled substance as it relates to any minuscule, residual controlled substance that may be found in a used needle or syringe. The information provided to a peace officer about the existence of a needle or syringe may be used in a probable cause determination if the original stop or contact was lawful.

The act directs clean syringe exchange programs to develop an education program regarding the legal rights under that program and the immunity provisions created in this act.

**APPROVED** by Governor April 3, 2015

**EFFECTIVE** July 1, 2015

**S.B. 15-126** Assault - testing for communicable diseases if bodily fluid contacted the victim. Under certain provisions of second and third degree assault, current law requires certain persons to undergo tests of the person's bodily fluid to determine if the person has a communicable disease if the person's bodily fluid came into contact with a peace officer, firefighter, emergency medical care provider, or emergency medical service provider. Senate Bill 15-005 expands this provision to such persons under first degree assault.

This act expands the Senate Bill 15-005 provisions to cover any violation of second or third degree assault and requires the test if the person's bodily fluid came into contact with a victim of the assault.

**APPROVED** by Governor April 16, 2015

**EFFECTIVE** July 1, 2015

**NOTE:** Certain sections of the act are contingent on Senate Bill 15-005 becoming law. Senate Bill 15-005 was signed by the governor April 16, 2015.

**Cross reference:** For another act addressing communicable diseases, see the entry for Senate Bill 15-005 within this heading.

**S.B. 15-218** Law enforcement agencies required to disclose whether a peace officer has made a knowing misrepresentation. A state or local law enforcement agency that employs, employed, or deputized on or after January 1, 2010, a peace officer who applies for employment by another Colorado law enforcement agency shall disclose to the hiring agency information, if available, indicating whether the peace officer's employment history included any instances in which the peace officer had a sustained violation for making a knowing misrepresentation:

- In any testimony or affidavit relating to the arrest or prosecution of a person or to a civil case pertaining to the peace officer or to the peace officer's employment history;

or

- During the course of any internal investigation by a law enforcement agency, which investigation is related to the peace officer's alleged criminal conduct, official misconduct, or use of excessive force, regardless of whether the alleged criminal conduct, official misconduct, or use of excessive force occurred while the peace officer was on duty, off duty, or acting pursuant to a service contract to which the peace officer's employing agency is a party.

The disclosure is required only upon the presentation of a written waiver to the state or local law enforcement agency, which waiver explicitly authorizes the agency to disclose the information, has been signed by the applicant peace officer, and identifies the Colorado law enforcement agency that is considering the applicant peace officer for employment. A state or local law enforcement agency that receives such a waiver shall provide the disclosure to the Colorado law enforcement agency that is considering the applicant peace officer for employment not more than 7 days after such receipt.

A state or local law enforcement agency is not required to provide the disclosure if the agency is prohibited from doing so pursuant to a binding nondisclosure agreement to which the agency is a party, which agreement was executed before the effective date of the act.

A state or local law enforcement agency shall notify the local district attorney within 7 days whenever the agency learns that any peace officer of the agency has made a knowing misrepresentation in such a described setting.

A state or local law enforcement agency is not liable for complying with the provisions of the act.

**APPROVED** by Governor May 20, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1019** Human trafficking council - child victims of commercial sexual exploitation. The human trafficking council will study and make recommendations to the judiciary committees of the senate and house of representatives concerning whether the general assembly should enact legislation related to child victims of commercial sexual exploitation, including statutory defenses.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1022** Juvenile petty ticket - no charges - data collection. For a juvenile 10 years of age or older alleged to have committed a petty offense, the act allows a peace officer to issue a petty ticket requiring the juvenile to appear before a law enforcement officer, an assessment officer, or a screening team (screening entity). If the screening entity finds certain conditions have been met, the screening entity shall offer a petty offense contract to the juvenile and his or her parent or legal guardian. The contract must have a term not to exceed 90 days but may be extended for 30 days for cause. If the juvenile satisfies the conditions of the contract, the prosecuting attorney shall not file charges with the court.



The act requires law enforcement agencies issuing petty tickets to maintain certain data and make it publicly available on request.

**APPROVED** by Governor March 18, 2015

**EFFECTIVE** September 1, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1042** Presentence investigations - presentence reports concerning a defendant's eligibility for release from incarceration. Under current law, following the return of a verdict of guilty of a felony other than a class 1 felony, or following a finding of guilt on such a charge where the issues were tried before the court, or following a plea of guilty or nolo contendere to such a charge, or upon order of the court in any misdemeanor conviction, a probation officer must make an investigation and written report to the court before the imposition of a sentence.

The act requires, with certain exceptions, that if a defendant is convicted of a felony that occurred after July 1, 2004, and he or she is eligible to receive a sentence to the department of corrections, the presentence report must include a statement concerning the defendant's eligibility for release from incarceration, including consideration of certain potentially sentence-reducing factors.

**APPROVED** by Governor April 24, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1047** Gambling - internet sweepstakes cafés - electronic gaming machines - simulated gambling devices - prohibitions - misdemeanor penalties - injunctions. The act declares that internet sweepstakes cafés and similar establishments in which simulated gambling devices are used to award prizes to customers do not comply with existing constitutional and statutory requirements for the conduct of licensed gambling activity in Colorado and, therefore, the operation of these businesses is contrary to public policy.

The act creates a new misdemeanor criminal offense of offering or providing the use of a simulated gambling device in exchange for any type of consideration, whether the consideration is technically classified as the price of using the device, the price of admission to premises on which the device is located, or the purchase price for an associated product or service.

A violation is punishable as a class 3 misdemeanor or by civil penalties and remedies including private damages of up to 3 times the losses suffered by an individual or licensed competitor, injunctions, and attorney fees. Internet service providers and others who only supply equipment, web design, or connectivity to an internet sweepstakes café are exempt unless their primary purpose is to support the conduct of gambling as a business.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** March 13, 2015

**H.B. 15-1060** Protection order - sex offense cases - acknowledgment. Current law requires that the court state the terms of the protection order and that the defendant must acknowledge the order when a defendant is charged with domestic violence or stalking. As

well, the prosecutor can request a hearing to modify the protection order in those cases. The act extends those provisions to all sex-offense cases and clarifies how the acknowledgment is made.

**APPROVED** by Governor March 20, 2015

**EFFECTIVE** March 20, 2015

**H.B. 15-1062** Cruelty to animals - animal fighting - penalty. Under current law, animal fighting is a class 5 felony with an additional potential fine of:

- Up to \$1,000; or
  - For a person who commits a second or subsequent offense, up to \$5,000.
- The act makes these additional fines mandatory in the amount of:
- At least \$1,000; or
  - For a person who commits a second or subsequent offense, at least \$5,000.

**APPROVED** by Governor March 18, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1070** Crime profit distribution. Current law provides a mechanism for any profits that an offender may receive as a result of the crime to be available to victims as restitution. The act makes changes to how the money is distributed. Initially, the money is applied toward any unpaid court-ordered restitution, and then the remaining money is distributed in a pro-rata share to the victims if they are all identified and located. If the victims are not known or can't be located, the money is placed in an escrow account for 3 years for the benefit of the victims.

**APPROVED** by Governor March 20, 2015

**EFFECTIVE** March 20, 2015

**H.B. 15-1072** Harassment - indirect communication - interactive electronic medium. The act makes changes to the harassment statute to cover situations in which a person uses indirect communication to harass another or uses an interactive electronic medium to harass another.

**APPROVED** by Governor April 24, 2015

**EFFECTIVE** July 1, 2015

**H.B. 15-1203** Parole - earned time - offenders sentenced before July 1, 1993. Under current law, an offender who was sentenced to a habitual offender 40-calendar-year life sentence before July 1, 1993, is not accruing earned time. The act permits those sentenced under those circumstances to accrue earned time.

**APPROVED** by Governor May 4, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1229** Offenses related to judicial and other proceedings - retaliation against a prosecutor - appropriation. An individual commits retaliation against a prosecutor if the

individual makes a credible threat or commits an act of harm or injury upon a person or property as retaliation or retribution against a prosecutor, which action is directed against or committed upon:

- An elected district attorney;
- A prosecutor who has served or is serving in a legal matter assigned to the prosecutor involving the individual or a person on whose behalf the individual is acting;
- A member of the prosecutor's family;
- A person in close relationship to the prosecutor; or
- A person residing in the same household with the prosecutor.

Retaliation against a prosecutor is a class 4 felony.

The act makes a statutory appropriation to comply with the statutory requirement that a net increase in periods of imprisonment be funded in the act.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** May 29, 2015

**H.B. 15-1267** Conditions of probation - medical marijuana. Under current law, a person on probation is prohibited from committing another offense. The possession and use of marijuana are offenses under federal law.

The act makes an exception to the probation conditions for the possession and use of medical marijuana pursuant to the state constitution unless:

- The person is convicted of an offense related to medical marijuana; or
- The court determines that prohibiting the use of medical marijuana is necessary to further the goals of sentencing.

**APPROVED** by Governor May 8, 2015

**EFFECTIVE** May 8, 2015

**H.B. 15-1285** Law enforcement officers - body-worn camera - grant program -study group - appropriation. The act establishes the body-worn camera grant program in the division of criminal justice (division) to award grants to law enforcement agencies to purchase body-worn cameras, to pay for associated data retention and management costs, and to train law enforcement officers on their use. It creates a fund to receive gifts, grants, and donations.

The act also establishes a study group appointed by the executive director of the department of public safety to study policies and best practices on the use of body-worn cameras by law enforcement officers and to recommend policies to be adopted by law enforcement agencies on the use of such cameras. The group will also recommend enforcement mechanisms for the public when a policy is not followed. The group is to submit its recommendations in a report to specified committees of the general assembly by March 1, 2016.

The act appropriates \$89,893 to the department of criminal justice for administrative services of the division.

**APPROVED** by Governor May 20, 2015

**EFFECTIVE** May 20, 2015

**H.B. 15-1287** Peace officer training - P.O.S.T board composition - P.O.S.T. board duties - subject matter expertise committees - training requirements for continued certification. Currently there are 20 members of the peace officers standards and training board (P.O.S.T. board). The act expands the membership to 24 members by adding 4 more lay members to the P.O.S.T. board. The act requires the governor to consider an applicant's age, gender, race, professional experience, and geographic location when making appointments to the board.

The act expands the P.O.S.T. board's duties to include:

- Completing a review and evaluation of the basic academy curriculum, including using community outreach as a review and evaluation component, by January 1, 2016, and every 5 years thereafter;
- Establishing, adding, and removing, as necessary, subject matter expertise committees to develop skills training programs, academic curriculums, and P.O.S.T. board rules; reviewing documents for and approving or denying academy programs, lesson plans, training sites, and skills instructors; and assisting P.O.S.T. board staff with academy inspections and skills test-outs;
- Developing a community outreach program that informs the public of the role and duties of the P.O.S.T. board; and
- Developing a recruitment program that creates a diversified applicant pool for appointments to the P.O.S.T. board and the subject matter expertise committees.

The act requires the chair of the P.O.S.T. board to consider an applicant's age, gender, race, professional experience, and geographic location when making appointments to the subject matter committees. If available, the subject matter expertise committees must have at least 2 lay members who have law enforcement expertise or expertise in providing effective training through professional experience or subject matter training.

The act requires the P.O.S.T. board to include a 2-hour anti-bias course and, in alternating years, either a 2-hour community policing course or a 2-hour situation de-escalation training program in the annual in-service training. The courses must be available by July 1, 2016, and all certified peace officers shall satisfactorily complete the courses by July 1, 2017, and then at least once every 5 years thereafter. The P.O.S.T. board shall suspend a peace officer's certification if he or she does not complete the training and reinstate the certification upon completion of the certification.

**APPROVED** by Governor May 20, 2015

**EFFECTIVE** May 20, 2015

**H.B. 15-1290** Right to record peace officer incidents - right of recovery - civil action - law enforcement procedure for requesting recording. The act creates a right of recovery against a peace officer's employing law enforcement agency if a person records an incident involving a peace officer and a peace officer destroys the recording or seizes the recording without receiving consent or obtaining a warrant or if the peace officer intentionally interferes with the recording, retaliates against the person making the recording, or refuses to return the person's recording device that contains a recording of a peace officer-involved incident within a reasonable time period and without legal justification. The aggrieved property owner may submit an affidavit to the peace officer's employing law enforcement agency stating the facts, describing the damage to the owner's property, and a verifiable estimate of the replacement cost for any damaged or destroyed device. The owner may claim \$500 as the value for a damaged or destroyed recording. After receipt of the affidavit, the law enforcement agency has thirty days to either pay the aggrieved property owner the amount requested in the affidavit or issue a denial of the request in writing. If the agency

denies the request, the aggrieved property owner may bring a civil action against the peace officer's employing law enforcement agency for actual damages, including the replacement value of the device, \$500 for any damaged or destroyed recording, and any costs and fees associated with the filing of the civil action. The court may order punitive damages up to \$15,000 and attorneys' fees to the property owner upon a finding that the denial by the law enforcement agency to reimburse the person was made in bad faith. If the court finds that an action brought by a property owner is frivolous and without merit, the court may award the law enforcement agency its reasonable costs and attorneys' fees.

The act creates a right to lawfully record any incident involving a peace officer and to maintain custody and control of that recording and the device used to record the recording. A peace officer is prohibited from seizing a recording or recording device without consent, without a search warrant or subpoena, or without a lawful exception to the warrant requirement. A peace officer has the authority to temporarily seize and maintain control over a device that was used to record an incident involving a peace officer until a search warrant can be obtained when exigent circumstances exist such that the peace officer believes it is necessary to save a life or when the peace officer has a reasonable, articulable, good-faith belief that seizure of the device is necessary to prevent the destruction of the evidentiary recording while a warrant is obtained.

**APPROVED** by Governor May 20, 2015

**EFFECTIVE** (See note)

**NOTE:** Section 4 of the act specifies that the act takes effect one year after passage and applies to actions committed on or after said date.

**H.B. 15-1303** Assault - in the second degree - mandatory minimum sentences. Under current law, for sentencing purposes, second-degree assault is considered a crime of violence if the defendant caused bodily injury to any person with intent to prevent one whom he or she knows, or should know, to be a peace officer, firefighter, or emergency medical service provider from performing a lawful duty. Under the act, such an offense is still a crime of violence; however, the court is not required to sentence the defendant to the department of corrections for a mandatory term of incarceration.

The act makes second-degree assault a crime of violence if the defendant caused serious bodily injury to any person with intent to prevent one whom he or she knows, or should know, to be a peace officer, firefighter, or emergency medical service provider from performing a lawful duty.

**APPROVED** by Governor May 20, 2015

**EFFECTIVE** September 1, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1305** Unlicensed marijuana concentrate manufacturing - inherently hazardous substance - level 2 drug felony - appropriation. The act makes it a level 2 drug felony for an unlicensed person to manufacture marijuana concentrate or permit marijuana concentrate manufacturing on any premises using an inherently hazardous substance. An inherently hazardous substance is any liquid chemical, compressed gas, or commercial product that has a flash point at or lower than 38 degrees celsius or 100 degrees Fahrenheit, excluding all forms of alcohol or ethanol.

The act appropriates to the department of corrections to implement the act:

- \$22,068 for fiscal year 2016-17;
- \$22,068 for fiscal year 2017-18; and
- \$11,034 for fiscal year 2018-19.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** July 1, 2015

**H.B. 15-1341** Sexual exploitation of a child - possession of child pornography - appropriation. Currently, sexual exploitation of a child by possession of sexually exploitative material is a class 6 felony for first-time offenses. The act increases current class 6 felonies to class 5 felonies. The term "video tape" is changed to "recording or broadcast of moving visual images".

The act makes the following appropriations:

- For the 2015-16 state fiscal year, \$11,034 to the department of corrections (department);
- For the 2016-17 state fiscal year, \$275,849 to the department;
- For the 2017-18 state fiscal year, \$487,701 to the department;
- For the 2018-19 state fiscal year, \$487,701 to the department; and
- For the 2019-20 state fiscal year, \$487,701 to the department.

**APPROVED** by Governor June 4, 2015

**EFFECTIVE** August 5, 2015

## EDUCATION - PUBLIC SCHOOLS

**S.B. 15-4** Truancy - proceedings - court-appointed special advocates - duties. The act allows for the memorandum of understanding that establishes a court-appointed special advocate (CASA) program to be amended or modified at any time. CASA programs and volunteers are allowed to advocate for a child in a truancy proceeding. If a judge or a magistrate provides notice to a parent or legal guardian and obtains written consent from that parent or legal guardian, the judge or magistrate may appoint a CASA volunteer in a truancy proceeding brought pursuant to the "School Attendance Law of 1963". Training requirements for CASA volunteers are expanded to include information related to educational standards. The duties of a CASA volunteer are expanded to include services necessary to ensure educational success for a child appointed to the CASA volunteer as a result of a truancy proceeding.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-20** School safety - resource center - prevention of child sexual abuse and assault - materials - training - appropriation. The act requires the director of the school safety resource center in the department of public safety to appoint a person to collect and make available materials and training regarding the awareness and prevention of child sexual abuse and assault, including materials and training that are specific to preventing sexual abuse and assault of children with developmental disabilities. The materials must include professional development materials for school personnel and parents and age-appropriate curricula for kindergarten through twelfth grade. The appointed person must also offer in-person and on-line training for school personnel and parents and publicize and make available on-line the materials, training, and curricula. The training must include information concerning use of the child abuse reporting hotline system. The appointed person must seek to work with appropriate community-based organizations in creating and collecting the materials, training, and curricula.

Each school district is encouraged to include in its school safety plan a child sexual abuse and prevention plan, and each charter school is encouraged to adopt a child sexual abuse and prevention plan. A plan may include professional development for school personnel and parents, including information concerning use of the child abuse reporting hotline system, and age-appropriate curricula for students in kindergarten through twelfth grade.

An educator who receives professional development in the awareness and prevention of child sexual abuse and assault may use the professional development to meet the requirements for renewing his or her educator license.

For the 2015-16 fiscal year, the act appropriates \$72,512 to the department of public safety for use by the school safety resource center in implementing the act.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**S.B. 15-51** Extracurricular and interscholastic activities - student appeals of findings of ineligibility. Current law provides that any student who is sanctioned or found to be ineligible to participate in an activity may appeal the sanction or finding. A student who has completed the appeal process may file a petition or complaint with a group of sitting or

retired judges or other group of neutral arbitrators.

The act eliminates the option to file a petition or complaint with a group of sitting or retired judges or other group of neutral arbitrators. Instead, a student who has completed the appeal process may seek a preliminary injunction or restraining order.

**APPROVED** by Governor April 3, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-56** State assessments - social studies. The act requires the department of education (department) to administer the statewide assessment in social studies to students enrolled in a single elementary grade, middle school grade, and high school grade, as selected by the department, but the department cannot administer the state social studies assessment in twelfth grade. The department must administer the state social studies assessment annually to a representative sample of public schools, ensuring that it administers the assessment in each public school at least once every 3 years. A school district or a charter school may ask the department to administer the test in a public school that is not scheduled.

For the 2015-16 fiscal year, the act appropriates \$935,180 to the department for the state assessment program.

**APPROVED** by Governor May 20, 2015

**EFFECTIVE** May 20, 2015

**NOTE:** (1) Certain sections of the act are contingent on whether or not Senate Bill 15-257 becomes law. Senate Bill 15-257 did not take effect.

(2) Certain sections of the act are contingent on whether or not House Bill 15-1323 becomes law. House Bill 15-1323 was signed by the governor May 20, 2015.

**S.B. 15-108** Cash funds - reappropriations. Under current law, the general assembly appropriates moneys into certain cash funds and then reappropriates moneys out of the cash funds to the department of education (department). Under the act, the general assembly directly appropriates moneys to the department for the programs covered by the cash funds. If a cash fund does not accept moneys from other sources, the cash fund is repealed. If a cash fund does accept other moneys, language concerning the appropriation of moneys by the general assembly to the cash fund is repealed.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** March 13, 2015

**S.B. 15-138** Accelerating students through concurrent enrollment program - funding. Under existing law, the department of education (department) designates a certain number of students who meet certain requirements to participate in the accelerating students through concurrent enrollment (ASCENT) program. For purposes of school finance funding, the local education provider that enrolls a designated ASCENT program student may include that student in its funded pupil count for one year after the student finishes twelfth grade, while the student takes higher education courses. Funding for the student is calculated through the school finance formula and included in the local education provider's total program funding.

The act allows a local education provider that receives funding for ASCENT program students to use the moneys in the budget year in which it receives the moneys or in the next



budget year for students who are admitted to institutions of higher education for purposes of the ASCENT program by May 1 of the budget year in which it receives the moneys. The local education provider must submit to the department a list of admitted ASCENT program students by May 10. The local education provider must remit to the department any moneys that are not used during the budget year or committed to be used for ASCENT program students by May 1 of the budget year, and those moneys are credited to the state public school fund.

**APPROVED** by Governor May 13, 2015

**EFFECTIVE** May 13, 2015

**S.B. 15-166** School finance - mid-year adjustments to total program funding. The general assembly recognizes that the actual 2014-15 pupil count is less than projected during the 2014 legislative session. In addition, increases in property tax and specific ownership tax receipts reduce the projected state share of total program funding. These reductions have enabled the general assembly to reduce the dollar amount of the negative factor. Due to variations in the amounts of state aid distributed to school districts, the act increases the minimum amount of total program funding for the 2014-15 budget year to \$5,930,091,660.

The act decreases cash fund appropriations from the state education fund for the state share of districts' total program funding to \$149,464,894 and for hold-harmless full-day kindergarten funding decreases the appropriation to \$189,854.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** March 13, 2015

**S.B. 15-184** Truancy - alternatives to detention - judicial district policies. The act requires the chief judge in each judicial district in the state to convene a meeting of community stakeholders to create a policy for addressing truancy cases that seeks alternatives to the use of detention as a sanction for truancy. The chief judge must adopt the policy by March 15, 2016. The state court administrator's office must report to the judiciary committees of the general assembly by April 15, 2016, concerning the policies adopted in each judicial district.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-214** Interim committee on school safety and youth in crisis - appropriation. The act creates the school safety and youth in crisis committee (committee) to:

- Study issues relating to school safety and the prevention of threats to the safety of students, teachers, administrators, employees, and volunteers;
- Study and evaluate programs and methods for identifying and monitoring students in crisis;
- Develop standardized criteria for school personnel to use in assessing the potential threat posed by one or more students; and
- Study and evaluate the implementation of Senate Bill 15-213.

The committee may recommend legislative changes. The committee may form such subcommittees and other groups of interested parties as it deems necessary for the performance of its duties. The committee shall meet no more than 6 times each legislative interim, unless additional meetings are authorized by the executive committee of the

legislative council, and may meet as necessary throughout the year. Each appointing party shall make his or her appointment or appointments to the committee on or before June 1, 2015.

The act appropriates \$25,857 to the legislative department to pay the costs of the committee.

**APPROVED** by Governor June 3, 2015

**EFFECTIVE** June 3, 2015

**S.B. 15-235** Child nutrition school lunch protection program - funding limit - appropriation. Before passage of this act, the general assembly was authorized to annually appropriate up to \$1,500,000 to the department of education to allow school food authorities to provide free lunches for children enrolled in state-subsidized public preschool programs, kindergarten, or grades 1 through 5 who would otherwise be required to pay a reduced price for lunch. The act increases the limit to \$2,500,000 for the 2014-15 budget year and budget years thereafter.

For the 2014-15 fiscal year, the act appropriates \$141,471 to the department of education for the child nutrition school lunch protection program. For the 2015-16 fiscal year, the act appropriates \$161,258 to the department of education for this program.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**NOTE:** Section 4 of the act states that it applies to fiscal years beginning on or after July 1, 2014.

**S.B. 15-267** Public school finance - appropriation. The act sets the statewide base per pupil funding amount for the 2015-16 budget year at \$6,292.39, which is an inflationary increase of 2.8%, and establishes the minimum amount of total program funding for the 2015-16 budget year at \$6,233,955,737. The minimum amount of total program funding reflects a reduction of the dollar amount of the negative factor by \$25 million.

For the 2016-17 budget year, the difference between the amount of statewide total program funding calculated without the negative factor and the amount of statewide total program funding calculated with the negative factor cannot exceed the dollar amount of that difference for the 2015-16 budget year.

Under current law, a school district must receive a minimum amount of state aid, regardless of the amount of local tax revenues that the school district receives. The act repeals the minimum state aid requirement.

Using \$5 million dollars in interest and income earned on the investment of moneys in the public school fund, the act requires the department of education to annually distribute at-risk per pupil additional funding to school districts and the state charter school institute for the district's at-risk pupils for the applicable budget year and the at-risk pupils enrolled in the institute charter schools for the applicable budget year.

The act authorizes the annual transfer to the state public school fund of an additional \$5 million dollars of interest and income earned on the investment of moneys in the public school fund.

Further, the act states that, if the December 2015 revenue forecast prepared by legislative

council staff estimates that more local property tax revenues will be available to school districts for the 2015-16 budget year than the revenues estimated in the December 2014 revenue forecast, the general assembly, through the supplemental appropriations process during the 2016 regular session, will maintain and not reduce state appropriations for school finance after consideration of other forecast changes, including changes in the number of pupils and at-risk pupils enrolled, the inflation rate, and the expected state education fund revenues.

The act appropriates \$25 million in general fund moneys to the department of education for the state share of districts' total program funding. Further, the act appropriates \$5 million dollars from the state public school fund to the department of education for at-risk per pupil additional funding. In addition, the act increases the appropriation for the accelerating students through concurrent enrollment program (ASCENT) for fiscal year 2015-16 to authorize up to \$3,666,850 for ASCENT students.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**S.B. 15-281** State charter school institute - performance plans - public meetings. Before passage of the act, the state charter school institute (institute) was required to hold a public meeting to review an institute charter school's proposed school priority improvement plan or school turnaround plan before the plan is finally adopted. The act requires the institute charter school to hold the public meeting and requires the institute to ensure that the institute charter school complies with the meeting requirements.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-290** Colorado student leaders institute - created - appropriation - repeal. The act creates the Colorado student leaders institute (institute) in the office of the lieutenant governor to operate as a pilot program through the summer of 2019. The institute is an annual, 4-week, summer residential educational program for students who are entering tenth or eleventh grade. The institute is hosted by an institution of higher education in Colorado (host institution). The institute combines courses, lectures, and seminars with enrichment classes in music, art, and theater. Students who participate in the institute must also complete a history research project as part of a competition held during the institute and complete a public service practicum. Each student who successfully completes the institute will receive 3 hours of postsecondary academic credit from the host institution. To apply to the institute, a student who attends a public school that is not a charter school must be nominated by the superintendent of the school district in which the student is enrolled. A student who attends a charter school or a private school must be nominated by the school principal. A student who participates in a nonpublic home-based educational program may apply without being nominated.

The institute is overseen by an executive board consisting of educators and persons from the community, appointed by the governor, and the chief executive officer of the host institution, the commissioner of education, and the executive director of the department of higher education, or their designees. The executive board reviews applications and selects students to participate in the institute, selects the faculty and courses for the institute, and contracts with the host institution to manage the institute. The executive board may also appoint an advisory board to assist in raising funds and marketing for the institute.

Under its contract, the host institution must create the application and establish timelines for submitting applications and selecting participants, review the applications and make recommendations to the executive board, and solicit faculty members for the institute, as well as provide meeting and living space and food service for institute participants.

Beginning in the 2017 legislative session, the executive board must report to the joint education committees regarding the success of the institute, which at a minimum is measured by the success of institute alumni in postsecondary educational programs.

A student who participates in the institute is encouraged to donate up to \$400 to the institute. The institute is funded by appropriations, which may include appropriations from the state education fund. In addition, the executive board may accept gifts, grants, and donations for the operations of the institute. Each year, operation of the institute is conditional on receiving at least \$40,000 in gifts, grants, and donations.

The institute is repealed, effective July 1, 2019.

For the 2015-16 fiscal year, the act appropriates \$218,825 from the state education fund to the department of education. The department of education must transfer the moneys to the office of the lieutenant governor for the institute.

**BECAME LAW** June 6, 2015

**EFFECTIVE** June 6, 2015

**H.B. 15-1170** Postsecondary and workforce readiness - performance indicators - accountability committees - career and technical education authorizations - statewide coordinator - appropriation. Postsecondary and workforce readiness and closing the achievement gap are 2 of the performance indicators that the department of education (department) must use to measure a public school's, a public school district's, the state charter school institute's, and the state's level of performance. The act adds as a measure for each of these indicators the percentages of high school graduates who enroll in a career and technical education program, community college, or 4-year institution of higher education in the school year immediately following graduation. The department must give each postsecondary enrollment option equal weight in calculating performance.

Currently, each school district accountability committee must include a person from the community who is involved in business, and each school accountability committee must include a person from the community. The act clarifies that the community person on the school district accountability committee must be involved in business or industry and that the community person on the school accountability committee must be involved in business or industry in the community.

The act clarifies that the state board of education will issue career and technical education authorizations based on the qualifications that the state board for community colleges and occupational education adopts.

The act creates the position of postsecondary and workforce readiness statewide coordinator (statewide coordinator). The statewide coordinator is responsible to the state work force development council (council) in the department of labor and employment. The executive committee of the council and the commissioner of the department of education will enter into a memorandum of understanding as necessary to enable the statewide coordinator to collaborate with appropriate offices within the department of education. The statewide coordinator will work with local education providers, college preparation programs, apprenticeship programs, area vocational schools, community colleges,

businesses, industry, the departments of education and labor and employment, and the work force development council to raise the level of postsecondary and workforce readiness that Colorado high school graduates achieve, especially with regard to obtaining skilled career positions in business and industry upon high school graduation. The statewide coordinator, collaborating with the departments of education and higher education and community colleges, will develop electronic tools and a support network to assist local education providers in providing workforce readiness programs and initiatives. The council and the department must annually review the work of the statewide coordinator and include a summary of the coordinator's work in the annual Colorado talent report.

For the 2015-16 fiscal year, the act appropriates \$92,934 to the department of education for longitudinal analysis of student assessment results and \$118,969 to the department of labor and employment to implement the act.

**APPROVED** by Governor May 26, 2015

**EFFECTIVE** May 26, 2015

**H.B. 15-1184** Charter school networks. A charter school network, as defined in the act, is a charter school that subsequently organizes an additional charter school. In addition to other provisions, the act includes provisions relating to the operation and authority of a charter school network, including appropriate expenditures for schools in the network, the sharing of expenses among the schools in the network, and accounting for those expenditures. Further, the act requires an authorizer of a school within a charter school network to assess and report separately on the performance of each charter school within the performance framework and to hold each school independently accountable for its performance.

**APPROVED** by Governor April 8, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1273** School safety - reporting requirements - appropriation. The act adds acts of sexual violence and the unlawful use of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned event to the current list of conduct and discipline code violations that a school is required to report as part of the safe school reporting requirements. Acts of sexual violence must only be reported in the aggregate, without any identifying information. The act clarifies that the term "law enforcement" includes school resource officers.

The division of criminal justice (division) shall compile, from reports submitted by law enforcement, and report on the number of arrests, summons, and tickets that occurred on school grounds and the court dispositions of those cases. The division shall prepare a retroactive report using the best available data for the 2013-14 and 2014-15 school years. The division shall annually post the report on its web site. The division is only required to compile and prepare the reports if existing appropriations or resources are available.

During the 2020 legislative session, the act encourages the education committees of the house of representatives and the senate to formally review the reports from the division and discuss whether to continue requiring the submission of data.

For the 2015-16 state fiscal year, \$73,457 is appropriated to the department of public safety for use by the division of criminal justice. The appropriation is based on savings

generated from the implementation of the provisions of Senate Bill 15-124, enacted in 2015.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1275** Concurrent enrollment - course work related to apprenticeship and internship programs - Colorado commission on higher education - tuition assistance program for career and technical education certificate programs - appropriation. The act clarifies that a local education provider may include course work related to apprenticeship programs and internship programs in the programs that are available for concurrent enrollment. The act directs the concurrent enrollment advisory board (advisory board) to collaborate with persons from the department of education, the department of labor and employment, the community college system, the local district junior colleges, area vocational schools, and the Colorado work force development council to create recommendations to assist local education providers in creating cooperative agreements to include course work related to apprenticeship programs and internship programs in the available concurrent enrollment programs. The annual report that the department of education prepares concerning concurrent enrollment must include information concerning enrollment in courses related to apprenticeship programs and internship programs.

The act directs the Colorado commission on higher education to create and, subject to available appropriations, implement a tuition assistance program for students who meet the income eligibility requirements for a Pell grant but do not qualify for the grant because the career and technical education certificate program in which they are enrolled does not meet the Pell grant's minimum credit hour requirements.

For the 2015-16 fiscal year, the act appropriates \$450,000 to the department of higher education for the tuition assistance program created as a result of the act.

**APPROVED** by Governor May 22, 2015

**EFFECTIVE** May 22, 2015

**H.B. 15-1321** Rural school districts - small rural school districts - exemptions from statutory requirements - funding - appropriation. The act exempts a school district that is rural and enrolls fewer than 1,000 students in kindergarten through twelfth grade (small rural district) from the requirements to:

- Adopt a district policy for increasing and supporting parent engagement in public schools;
- Identify an employee to act as a point of contact for parent engagement training and resources; and
- Perform certain duties of the school district and school accountability committees that relate to increasing parent engagement.

As the law existed before passage of the act, if a school district enrolled 500 or fewer students, a member of the school district board of education could serve on a school accountability committee and the district accountability committee could serve as a school accountability committee. The act extends these provisions to each small rural district.

Each school district board of education and board of cooperative services (BOCES) is statutorily required to provide written notice of special meetings to the board members. The act allows the board of education of a school district that is rural and enrolls 6,500 or fewer students in kindergarten through twelfth grade (rural district) and a BOCES that includes a rural district to deliver the written notice by electronic mail.

Statutes existing before passage of the act require each school district to report its expenditures at the district level and at the school-site level. The act allows a small rural district to report expenditures only at the district level, except for school-site level expenditures that are partially charged to a district charter school.

The act allows a person who is employed in multiple educator roles simultaneously to receive a single performance evaluation that takes into account the person's performance in each of the roles. Statutes existing before passage of the act require both an administrator and a principal to serve on a school district's personnel performance evaluation council, in addition to a teacher and specified residents of the school district. Under the act, if a school district does not employ both a superintendent and a principal, the person who is employed as both the superintendent and the principal may serve on the council.

The act directs the general assembly to appropriate \$10 million for the 2015-16 budget year to the department of education to distribute to small rural districts and institute charter schools that are located within small rural districts. The money is distributed on a per pupil basis. If the small rural district is the authorizer for a district charter school, the small rural district must distribute the full per pupil share of the amount received to the district charter school. The small rural districts and charter schools that receive the moneys must use them for one of the purposes specified in the provision that creates the state education fund.

Statutes existing before passage of the act prohibit a school district from receiving mill levy override revenues that exceed 25% of the school district's total program. The act increases the limit to 30% of total program for small rural districts.

For the 2015-16 fiscal year, the act appropriates \$10,000,000 from the state education fund to the department of education for per pupil distribution to small rural school districts and institute charter schools located within small rural school districts.

**APPROVED** by Governor May 22, 2015

**EFFECTIVE** May 22, 2015

**NOTE:** Certain sections of the act are contingent on whether or not House Bill 15-1339 becomes law. House Bill 15-1339 did not become law.

**H.B. 15-1323** State assessments - pilot program - excusing students from assessments - READ act assessments - school readiness assessments - accountability for local education providers - licensed personnel evaluations - appropriation. Before passage of the act, state law required the department of education (department) to administer a statewide assessment in:

- English language arts to students enrolled in grades 3 through 10;
- Math to students enrolled in grades 3 through 8 and 3 statewide assessments in math to students enrolled in a public high school in the state;
- Science to students once in elementary school, once in middle school, and once in high school; and
- Social studies to students once in elementary school, once in middle school, and once in high school.

The act requires the department to administer a state assessment in:

- English language arts and math to students enrolled in grades 3 through 9; and
- Science to students once in elementary school, once in middle school, and once in high school at grade levels that the department selects. The act prohibits the

department from selecting twelfth grade as the high school grade in which it administers the state science assessment.

The department must select and the state must pay the cost of administering an assessment for students enrolled in tenth grade. The assessment must be aligned with the state academic standards for students enrolled in tenth grade and with the curriculum-based college entrance exam administered for students enrolled in eleventh grade. School districts, charter schools, and boards of cooperative services (local education providers) must administer the selected assessment for students enrolled in tenth grade. Local education providers will continue to administer, at state expense, the curriculum-based college entrance exam for students in eleventh grade. Every 5 years, the department must solicit bids and contract for the tenth-grade assessment and the curriculum-based college entrance exam for students in eleventh grade.

The act requires the department to request waivers of federal law:

- To allow the state assessments administered in ninth grade to meet the federal requirements for high school assessments in English language arts and math;
- To enable a local education provider to administer a state assessment that is in a language other than English for up to 5 years to a student who is an English language learner; and
- To enable the department to exclude from accountability measures the English language arts assessment score of an English language learner who takes the assessment within the first 24 months in which the student is enrolled in a school in the United States.

If all or part of a state assessment requires a student to use a computer to take the assessment, the act requires the department to administer that part of the state assessment in a format that a student can complete using pencil and paper if requested by a local education provider. Each local education provider must adopt a written policy by which it decides, in consultation with schools and parents, whether to request pencil and paper state assessments for the students enrolled by the local education provider.

The act repeals the existing statute that governs state assessments. The act recreates the statutory provisions that relate to testing in languages other than English, testing children with disabilities, exempting from testing the children who participate in nonpublic, home-based educational programs and nonpublic schools, disseminating and using test results, allowing nonpublic schools to administer the state assessments, and appropriating moneys to fund the state assessments.

The act creates a pilot program to allow local education providers to create or select assessments that the state board of education (state board) may choose to administer rather than the existing state assessments. A local education provider must meet specified requirements to participate in phase one of the pilot program, and the assessments that the local education provider administers must meet specified requirements. A participating local education provider will administer its assessments for 2 years to all or some of the students enrolled in at least one elementary grade, one middle school grade, and one high school grade. At the end of the 2 years, the local education provider must submit to the department its assessment data and evidence demonstrating that the results are comparable to results obtained on the state assessments for those 2 years. The department will review the results and recommend, and the state board shall select, 2 local education providers to participate in phase 2 of the pilot program. The participating local education providers must administer their assessments for up to 2 years and submit to the department the assessment scores and evidence demonstrating comparability to the state assessments. At the end of phase 2, the



department will review the data and recommend, and the state board will decide, whether to adopt one of the assessments as the new state assessments or continue administering the existing state assessments. If the state board adopts new assessments, implementation is conditional upon passage of legislation that approves the new assessments. The department must apply for federal waivers to implement each phase of the pilot program, including waiver of the use of a single statewide assessment, and, if necessary, a waiver to adopt a new assessment. If required by the federal department of education, each participating local education provider must administer the state assessments in addition to the local assessments throughout the pilot program and notify parents that, by participating in the pilot program, it is choosing to administer both assessments.

Each local education provider must annually distribute to parents written information concerning the state and local assessments it administers during the school year and an assessment calendar. Each local education provider must adopt a written policy by which a parent may excuse his or her student from participating in a state assessment. A local education provider cannot impose negative consequences on a student who is excused from a state assessment or on the student's parent. A local education provider cannot impose a burden that would discourage a student from taking a state assessment or encourage the student's parent to excuse him or her from taking the state assessment.

Each local education provider is required by law existing before passage of the act to administer a reading assessment and a school readiness assessment to kindergarten students. The act requires the local education provider to administer the reading assessment within the first 90 days of the school year. If the local education provider administers the reading assessment within the first 60 days of the school year, then the local education provider is not required to administer the literacy component of the school readiness assessment.

Under the act, if a kindergarten or first-, second-, or third-grade student's score on a state-approved literacy assessment indicates that the student may have a significant reading deficiency, the teacher must assess the student again within 60 days to determine whether the student does have a significant reading deficiency. If a student's score on a state-approved literacy assessment indicates that the student is reading at grade-level competency, then the local education provider is not required to administer the reading assessment again during the same school year. The act requires the department to ensure that at least one of the approved reading assessments can be completed using pencil and paper.

Under law existing before passage of the act, each local education provider must administer a school readiness assessment to students in kindergarten and prepare an individual school readiness plan for each student. The act requires the local education provider to administer the school readiness assessment during the first 60 days of the school year. A local education provider may choose to administer the school readiness assessment multiple times during the school year to monitor a student's progress toward school readiness. If a kindergarten student demonstrates a significant reading deficiency, the "Reading to Ensure Academic Development" plan that the local education provider creates for the student will be a component of the student's individual school readiness plan.

Under the act, the department will not assign accreditation ratings for school districts or the state charter school institute or recommend performance plans for public schools for the 2015-16 school year. In determining whether a school district or the institute is accredited with priority improvement plan or lower for five consecutive school years, or whether a public school implements a priority improvement plan or lower for 5 consecutive school years, the department will consider the 2016-17 school year as if it were consecutive to the 2014-15 school year.

A school district cannot use the state assessment results obtained during the 2014-15 school year as a measure of student academic growth for purposes of evaluating teachers or principals; it may use the 2014-15 state assessment results only as a baseline for measuring student academic growth in later school years. For the 2015-16 school year and school years thereafter, a school district may use state assessment data as a measure of student academic growth for teacher and principal evaluations only if it receives the data by the deadline for providing the written evaluations. If it does not receive the data in time, the school district must use the data as a measure of student academic growth for teacher and principal evaluations in the next school year. If a school district cannot use state assessment data, it must use other local measures of student academic growth in evaluating teachers and principals.

The act repeals references to the postsecondary and workforce planning, preparation, and readiness assessments and clarifies that students' demonstration of postsecondary and workforce readiness is determined in part by scores on the state assessments administered in high school.

For the 2015-16 fiscal year, the act reduces by \$2,369,118 the cash fund appropriation made in the annual general appropriation act to the department of education for the Colorado student assessment program.

**APPROVED** by Governor May 20, 2015

**EFFECTIVE** May 20, 2015

**H.B. 15-1350** Alternative education campuses - accreditation - performance indicators. The act requires the department of education (department) to convene stakeholder meetings for the purpose of reviewing state statutes and state board of education (state board) rules relating to the performance indicators for the accreditation of public schools that are classified as alternative education campuses. In convening the meetings, the department must invite representatives from, among others, alternative education campuses, school authorizers, and a student and a parent of a student attending an alternative education campus. Members of the department's staff that have knowledge of accountability and data analysis and dropout prevention are also invited to attend the stakeholder meetings.

Among other issues, the stakeholder group's review may include qualitative and quantitative measures of a school's performance, consideration of the 95% threshold for designation as an alternative education campus and verification and documentation required to meet the threshold, and the development of measure-specific cut points. No later than December 1, 2015, the department must submit to the commissioner of education, stakeholders participating in the review, the education committees of the general assembly, and the state board written recommendations relating to the accreditation of alternative education campuses.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

## EDUCATION - POSTSECONDARY

**S.B. 15-43** Prosecution fellowship - clarifications. In the 2014 session, a prosecution fellowship program was created to place law school graduate fellows in rural district attorneys' offices. The act clarifies that the fellows are independent contractors and not employees of the Colorado district attorneys' council and clarifies that up to 6 district attorneys' offices may be selected per year for the placement of fellows.

**APPROVED** by Governor April 3, 2015

**EFFECTIVE** April 3, 2015

**S.B. 15-171** Private occupational schools - continuation under sunset law. This act extends the automatic termination date of the "Private Occupational Education Act of 1981" (act) from September 1, 2015, to September 1, 2024, pursuant to the sunset law. In addition, this act:

- Expands the authority of the private occupational school board (board) from its current ability to issue fines or seek injunctions to the ability to issue cease and desist orders to facilities that are operating in violation of the act;
- Repeals the requirement that the Colorado commission on higher education approve any board-approved fee adjustments;
- Repeals the requirement that the board award a credential to barber and cosmetology instructors; and
- Moves the responsibility for the preservation of records when a facility ceases operations from the department of personnel to the division of private occupational schools.

**APPROVED** by Governor April 16, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-225** Colorado historical society - board of directors - directors council. Prior to the act, the Colorado historical society (historical society) was governed by a board of directors (board) elected by the historical society members. The act changes the method of selecting the board to appointments by the governor. The governor appoints 5 members with the consent of the senate. Four additional members are selected by the board and their names submitted to the governor for approval and appointment with the consent of the senate. Members appointed to the board have the authority to act on behalf of the board prior to confirmation by the senate. Terms of members of the board are 3 years, but initial terms are staggered.

The act also establishes a directors council (council) to advise the board. Council members are elected by the historical society members. The board establishes the number of members of the council and their terms.

**APPROVED** by Governor May 5, 2015

**EFFECTIVE** May 5, 2015

**S.B. 15-237** Higher education funding formula - definitions - clarifications. The act clarifies the definition of terms in the higher education funding model enacted in House Bill 14-1319 related to the calculation of the limitations on appropriations to governing boards of state institutions of higher education (governing boards) and the college opportunity fund

stipend allocation.

The act defines "preceding fiscal year" and "applicable fiscal year". The calculation of the "total appropriations for the preceding fiscal year" includes appropriations in the annual general appropriations act (long bill), as enacted, unless otherwise specified in a supplemental appropriations act, plus any appropriations in acts other than the long bill that were enacted in the same session, unless the act otherwise specifies.

The calculation of the "total state appropriation for the applicable fiscal year" includes appropriations in the long bill adopted for the applicable fiscal year, as enacted, unless a supplemental appropriations act or other act otherwise specifies. The calculation excludes out-year costs that the general assembly determines were not accounted for in the preceding year's appropriations.

The definition of "total governing board appropriation" for the "preceding fiscal year" and the "applicable fiscal year" is the same as the "total state appropriation" for those years, as applied to the governing boards.

The act delays by one year the implementation of the performance funding plan.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**H.B. 15-1215** In-state tuition classification - active duty military dependents. The act expands existing law that permits in-state tuition status to the dependents of active duty members of the armed forces of the United States if the member moves to Colorado on a permanent duty assignment. The act increases by two years the length of time during which a dependent retains in-state tuition status to include dependents who are under twenty-three years of age and who enroll in a Colorado institution within twelve years after the member was stationed in Colorado. The act repeals an obsolete tuition status for active duty military members who are covered pursuant to the presumptions in statute relating to granting in-state tuition status.

**APPROVED** by Governor May 4, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1220** Sexual assault - agreements with medical facilities - training and response policy - information on web site. The act requires all public institutions of higher education and private institutions of higher education that enter into a performance contract with the state (institutions) to enter into at least one memorandum of understanding or other agreement with a nearby medical facility or other facility that employs persons trained in sexual assault patient care and sexual assault forensic evidence collection. Additionally, the act requires institutions to:

- Post information on the institution's web site concerning where a sexual assault medical forensic examination may be obtained; and
- Have a sexual assault training and response policy that includes training for staff, referral to victim advocates, and information concerning transportation or assistance in transportation to the facility.

**APPROVED** by Governor May 4, 2015

**EFFECTIVE** May 4, 2015

**H.B. 15-1224** Colorado mountain college - Aims community college - funding. Colorado mountain college is authorized to operate up to 5 baccalaureate degree programs, subject to approval of the Colorado commission on higher education. The act clarifies that Colorado mountain college may use state-appropriated moneys to operate the approved baccalaureate degree programs.

The act clarifies that the general assembly will annually determine the amounts of the direct grants paid to Colorado mountain college, Aims community college, and the area vocational schools. The state board for community colleges and occupational education will no longer determine how to allocate the annual appropriation of moneys for the local district junior colleges and area vocational schools.

**APPROVED** by Governor April 10, 2015

**EFFECTIVE** April 10, 2015

**H.B. 15-1254** Governing board - funding - appropriations. The act clarifies a definition in current law that limits "total governing board appropriation" to the amount of the appropriation to a governing board of an institution of higher education in the general appropriations act for a fee-for-service contract plus the amount reappropriated to the governing board for college opportunity stipends. The act eliminates the limitation that "total governing board appropriation" is only the amount in the general appropriations act, as that amount could change due to supplemental appropriations or substantive acts.

**APPROVED** by Governor March 30, 2015

**EFFECTIVE** March 30, 2015

**H.B. 15-1270** Pathways in technology (p-tech) early college high schools - creation - appropriation. The act authorizes the operation of a limited number of pathways in technology early college high schools (p-tech schools) in the state. A p-tech school enrolls students in grades 9 through 14 in an educational program that focuses on science, technology, engineering, and mathematics. The p-tech school combines high school and college-level course work with workplace educational experiences. A student who graduates from a p-tech school is expected to graduate with a high school diploma and an associate degree in applied science and may also earn pre-apprenticeship certificates and other industry-recognized certificates.

To operate a p-tech school, a school district, board of cooperative services, or charter school (local education provider) must enter into an agreement with a community college, as defined in the bill, and one or more employers. The parties to the agreement will collaborate in presenting the courses, providing student support services, and providing workplace educational experiences. They must also share decision-making responsibilities for the p-tech school.

The commissioner of education (commissioner) and the executive director of the department of higher education, acting jointly, must approve a p-tech school before it can operate within the state. The local education provider that operates the school must apply by submitting to the commissioner and the executive director a copy of the operating agreement, a description of the operating model for the p-tech school, the plan for enrolling students in the p-tech school, and other specified information. A p-tech school is subject to the same accountability requirements as other public schools, and a p-tech school's performance rating takes into account the employability of students who graduate from the p-tech school.

A p-tech school is funded through the state school finance formula. Students enrolled in

grades 9 through 12 are funded on the same basis as other high school students enrolled in public schools, and students enrolled in grades 13 and 14 are funded at the same funding level as students who participate in the ASCENT program. Students enrolled in a p-tech school are included in the district pupil enrollment as full-time students. In addition, students enrolled in a p-tech school are eligible to receive a stipend through the college opportunity fund for courses that earn college credit.

The article repeals, effective July 1, 2017, if the commissioner does not notify the revisor of statutes that the commissioner and the executive director of the department of higher education have approved a p-tech application by January 1, 2017.

For the 2015-16 state fiscal year, the act appropriates \$7,232 of general fund moneys to the department of education for 0.1 FTE for preschool to postsecondary education alignment and \$7,232 of general fund moneys to the department of higher education for 0.1 FTE for administration.

**APPROVED** by Governor May 18, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1274** Career pathways - state work force development council - appropriation. Based upon the model developed for creating the manufacturing career pathway, the act directs the state work force development council (state council) to coordinate multiple agencies and industries in the design of industry-driven career pathways for critical occupations in growing industries. The state council will work with partners through the talent pipeline work group to define critical occupations and growing industries to determine which career pathways to design and in what order.

The act includes the initial time frame for the development of career pathways and specifies that the first 3 career pathways will be in construction and related skilled trades, information technology, and health care. At least one career pathway must be designed and ready for implementation in the 2016-17 academic year, and at least 2 career pathways must be created annually in subsequent years. Industry, through regional sector partnerships, and statewide trade associations shall review each career pathway to ensure that the career pathways remains relevant to the industry. The career pathways must include provisions that allow students to learn industry-related skills and obtain employment in the industry sector, including internship and apprenticeship opportunities when relevant and available, as well as advance to higher levels of employment or education. The state council will provide outreach and training to agency partners and industries related to advising students on the career pathways.

The act requires the state board of community colleges and occupational education to collaborate with the state council in the design of the career pathways and to use the development model created for the design of the manufacturing career pathway.

The act requires information about the career pathway to be posted on-line.

The act appropriates:

- \$485,043 of general fund moneys to the department of labor and employment for use by the division of employment and training, based upon the assumption that the division will require an additional 2.5 FTE to implement the act. The division may

- use the appropriation for the work force development council.
- \$86,960 in reappropriated funds from the college opportunity fund program fee-for-service contracts with state institutions for use for the state board for community colleges and occupational education state system community colleges.
- \$200,000 in reappropriated funds to the department of higher education from the funds received by the department of labor and employment. The department of higher education may use the funds for administration for the Colorado commission on higher education.

**APPROVED** by Governor May 18, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1295** Plumbing and electrical inspections - Boulder, Denver, and health sciences campuses - non-contiguous buildings Auraria campus. Current law authorizes the university of Colorado (CU) to conduct electrical and plumbing inspections for its buildings on the Boulder campus. The act extends this authorization to the Denver campus and the health sciences campus and to buildings on property owned by the Boulder, Denver, or health sciences campuses but excludes contiguous buildings at the Auraria higher education center.

Current law also requires CU or any local government to start or cease inspections as of July 1 of any year and requires them to notify the state electrical board or the state plumbing board of its intentions by October 1 of the preceding calendar year. The act allows CU to start its inspections on July 1, 2015, without having given the required notice.

**APPROVED** by Governor April 24, 2015

**EFFECTIVE** April 24, 2015

**H.B. 15-1344** National Western Center - lease-purchase financing - capitol complex master plan - funding. The national western center (NWC) is a partnership among the western stock show association, the city and county of Denver, Colorado state university (CSU), the Denver museum of nature and science, and history Colorado that was formed for the purpose of building and operating a new year-round, multi-purpose national western center on and near the existing site of the Denver coliseum and historic national western stock show complex. Among other things, the NWC master plan provides for an integrated facilities program that includes a variety of specified facilities for CSU. Other facilities and CSU spaces may be identified as design progresses.

Subject to specific project approval by the Colorado commission on higher education, the office of state planning and budgeting, and the capital development committee and inclusion of the projects to be financed in the governor's annual executive budget proposed to the general assembly, the state, acting by and through the state treasurer, is authorized to enter into lease-purchase agreements in a total principal amount not to exceed \$250 million and with a maximum term of principal and interest payments of 20 years for the purpose of financing the construction of facilities for CSU at the NWC and affiliated facilities on the CSU campus. Such a lease-purchase agreement does not create any liability or indebtedness of CSU. Upon the final approval of state funding for any NWC project, the NWC partnership is subject to open meetings and open records laws and auditing by the state auditor.

No later than August 1, 2016, and no later than August 1 of each year thereafter, the NWC partnership must submit an annual national western center project report to the offices

of the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate. The report must include an update on the NWC project work plan and a general progress report. If the NWC is requesting state funding based upon the phased development schedule for the NWC project, it must also provide information regarding necessary facility programming and an estimated budget.

The NWC trust fund is created, and the state treasurer is required to annually transfer general fund moneys to the trust fund for any fiscal year commencing on or after July 1, 2019, in an amount equal to the lesser of \$20 million or the amount of the annual payments due on any outstanding lease-purchase agreements. Subject to annual appropriation by the general assembly, CSU may expend money from the trust fund to make lease payments.

The capitol complex master plan implementation fund (implementation fund) is created. On July 1, 2019, and on July 1 of each succeeding fiscal year, the state treasurer, upon the request of the capital development committee, may make a transfer from the general fund to the implementation fund in an amount equal to \$20 million less the amount transferred to the NWC trust fund subject to the following limitations:

- If the state has not entered into lease-purchase agreements and no transfer is made to the NWC trust fund, \$10 million may be transferred to the implementation fund and \$10 million may be transferred to the controlled maintenance trust fund; and
- The total amount transferred to the implementation fund may not exceed \$80 million.

Subject to project-specific approval by the capital development committee and annual appropriation by the general assembly, the department of personnel may expend money from the implementation fund for any project that is included in the capitol complex master plan.

**APPROVED** by Governor May 20, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.



## ELECTIONS

**S.B. 15-60** Update electors' voter registration records - use of motor vehicle information - secretary of state. In an effort to eliminate multiple voter registrations by the same elector, the secretary of state is permitted to forward any information obtained from the division of motor vehicles in the department of revenue to the appropriate county clerk and recorder. If the information meets minimum matching criteria specified in current law, the clerk is then required to update an elector's voter registration record in the master list of registered electors.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1057** Initiatives - initial fiscal impact statement on petition sections - appeal process - related lobbying disclosures - mandatory attendance at review and comment meetings. The act requires the director of research of the legislative council of the general assembly (director) to prepare an initial fiscal impact statement for each initiative submitted to the title board. When preparing the initial fiscal impact statement, the director is required to consider the fiscal impact estimates that the designated representatives of the initiative proponents (designated representatives) and any other interested person submits. The designated representatives or any registered elector who is not satisfied with the director's abstract may appeal the abstract by filing a motion for rehearing to the title board based on specified grounds. Decisions of the title board at the rehearing may be directly appealed to the Colorado supreme court, just like ballot title appeals.

The abstract from the initial fiscal impact statement must be printed at the beginning of an initiative petition section that is circulated for signatures, and a notice about the abstract is included in the information printed at the top of each page of a petition. The director is also required to post the initial fiscal impact statement on legislative council staff's web site.

The act also requires the designated representatives to appear at all review and comment meetings. If either designated representative fails to appear at a review and comment meeting, the initiative is considered withdrawn. If one of the designated representatives fails to attend the review and comment meeting, the initiative may be automatically resubmitted and scheduled for a hearing no later than 5 days later.

Communications to legislative council staff for the purpose of aiding or influencing the preparation of an initial fiscal impact statement are added to the definition of "lobbying" in the connection with required lobbyist disclosures.

**APPROVED** by Governor May 18, 2015

**EFFECTIVE** March 26, 2016

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1130** Municipal elections - active military or overseas voters - voting procedures and deadlines. The federal "Uniformed and Overseas Citizens Absentee Voting Act" (UOCAVA) and the state "Uniform Military and Overseas Voters Act" (UMOVA) provide procedural requirements for the conduct of federal and state elections that help ensure that United States military personnel and American civilians living abroad can vote in such

elections. Because county elections are coordinated with state elections, UOCAVA and UMOVA also indirectly help ensure that such military personnel and civilians can vote in county elections. The act specifies procedural requirements for the conduct of municipal elections to help ensure that such military personnel and civilians can vote in such elections and extends certain deadlines that govern the conduct of municipal elections to ensure that the procedural requirements can be met.

**APPROVED** by Governor May 27, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## FINANCIAL INSTITUTIONS

**S.B. 15-104** Securities - regulation by the division of securities - continuation under sunset law - registration of securities - fees. The act continues the division of securities to 2026.

The act further implements the recommendations contained in the department of regulatory agencies' sunset report on the division of securities by:

- Requiring securities offered in Colorado pursuant to section 3 (b) of the federal "Securities Act of 1933" to be registered by coordination; and
- Repealing the fee cap applied to licenses for sales representatives and investment adviser representatives.

**APPROVED** by Governor May 11, 2015

**EFFECTIVE** May 11, 2015

**H.B. 15-1246** Securities - crowdfunding - on-line intermediaries. Current securities law restricts businesses' ability to raise capital through crowdfunding, which is the raising of money on-line through small contributions from a large number of investors. The act enacts the "Colorado Crowdfunding Act" to facilitate crowdfunding by authorizing on-line intermediaries to match a Colorado investor with a Colorado business that wishes to sell securities (an "issuer") pursuant to a simplified regulatory regime, including the following:

- During any 12-month period:
  - The aggregate amount sold to any single investor cannot exceed \$5,000 unless the investor is an "accredited investor" as defined by the federal securities and exchange commission; and
  - The sum of all consideration paid for an issuer's securities cannot exceed \$1 million unless the issuer submits audited financial statements to the securities commissioner, in which case the cap is \$2 million;
- Issuers must:
  - Inform investors, in plain, nontechnical language, that the securities have not been registered pursuant to federal or state securities law and that the securities are subject to limitations on resale, and the investor must acknowledge the risks associated with the purchase; and
  - Provide a free quarterly report to investors that includes an analysis of the business operations and financial condition of the issuer and compensation to officers and directors, which report can simply be posted on the on-line intermediary's web site;
- On-line intermediaries cannot offer investment advice or handle investor funds or securities, and must:
  - Maintain records of securities transactions, which are subject to inspection by the division of securities; and
  - Be compensated only by a fixed amount for each offering, a variable amount based on the length of time that the securities are offered by the on-line intermediary, or a combination of the fixed and variable amounts.

Crowdfunding cannot begin until the securities commissioner adopts rules to implement the act.

**APPROVED** by Governor April 13, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## GENERAL ASSEMBLY

**H.B. 15-1308** State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act - appointment of members - payment of per diem and reimbursement of expenses - number of hearings - repeal committee of reference liaisons. The act:

- For purposes of the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" (SMART Act) hearings, requires the appointees to the committees of reference to be designated no later than the December 1 prior to the convening of the general assembly at which such member is to serve, unless the election determination for a particular race has not been made by such date, whether such appointee is a member of the then current general assembly or a member-elect of the next general assembly;
- Allows any member or member-elect appointed to a committee of reference for the current general assembly or the next general assembly to attend the SMART Act hearings;
- Clarifies that the chairs of the committees of reference appointed for the current general assembly are to serve as chair until the convening of the next general assembly;
- Makes clear that members and members-elect are entitled to the payment of per diem and reimbursement of expenses for attending SMART Act hearings;
- Clarifies the number of SMART Act hearings that the joint committees of reference must conduct; and
- Eliminates the requirement that 2 members of the joint committee of reference be appointed as liaisons to the departments.

**APPROVED** by Governor May 11, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1335** Fiscal notes for interim committee bills. The act requires the general assembly to provide for legislative service agency review of the fiscal impact of legislative measures considered by committees of the general assembly meeting during the legislative interim. For each interim, the deadlines and guidelines adopted prior to each interim by the executive committee of the legislative council for requesting and finalizing interim committee bills must allow for sufficient time between the public release of the fiscal note by the staff of the legislative council for a particular measure and the final vote by the applicable legislative committee so that members of the committee are able to consider the fiscal note in voting on the measure. For each interim, the specific dates by which these requirements will be satisfied must be specified in the applicable set of deadlines and guidelines for that interim. All other requirements governing fiscal notes for legislative measures considered during the regular legislative session also govern fiscal notes considered by interim committees.

**APPROVED** by Governor June 4, 2015

**EFFECTIVE** June 4, 2015

## GOVERNMENT - COUNTY

**S.B. 15-82** Workforce development incentives - county powers and functions. Each county is authorized to establish a workforce development program to be known as "bright future Colorado" to provide financial assistance to county residents who pursue post-secondary education or training from an accredited institution of higher education or certified training program. A county workforce development program may include, but need not be limited to, county residents who are high school graduates, county residents who have successfully completed a high school equivalency examination, or county residents who are veterans. Any county that establishes a workforce development program may also establish a workforce development fund to accept contributions for the purpose of the program.

Each county that has established a workforce development program is authorized to offer an incentive, in the form of a county property tax credit or rebate, to a residential or commercial property owner in the county who contributes to a county workforce development fund. A county cannot give a credit or rebate unless the board of county commissioners approves the total program amount annually at a public budget hearing.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1074** Fair campaign practices act - violations - liability of individual county commissioners. If a board of county commissioners makes a contribution or expenditure in violation of the fair campaign practices act, an individual member of the board who approved the contribution or expenditure may be ordered to reimburse an amount, as long as the amount does not exceed the amount ordered to be reimbursed by any other board member who approved the contribution or expenditure.

**APPROVED** by Governor April 8, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1256** County officer salaries - categorization of counties - recategorization of Routt county. The act reclassifies Routt county as a category II county for purposes of establishing the salaries of county officers.

**APPROVED** by Governor April 10, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## GOVERNMENT - LOCAL

**S.B. 15-24** Audit law - budget and services - financial statements - exemption. To provide consistency with federal requirements, for fiscal years commencing on or after January 1, 2015, the threshold for a local government to apply to the state auditor for an exemption from the requirement to have an annual audit of its financial statements is increased from \$500,000 to \$750,000 or less in annual local government revenues or expenditures. In addition, terminology in the exemption statute is updated to be consistent with auditing standards.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-25** Fire and police pension association - new hire pension plans - statewide defined benefit plan - purchased or rolled over service credit - separate processes. The act creates a new process, to be used in lieu of the existing purchase of service credit process, for a member of the fire and police pension association (FPPA) to roll over distributions from an eligible pension plan to the statewide defined benefit plan administered by the FPPA for other employment not covered by the statewide defined benefit plan. The current process for the purchase of service credit will still be used for a member to purchase service credit. The FPPA board of directors is required to award service credit to the member in an amount calculated by the board on an actuarially equivalent basis.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-26** Fire and police pension association - new hire pension plans - statewide defined benefit plan - contribution rate for starting participants. The act specifies the contribution rate for an active employee of a municipality, fire protection district, fire authority, or fire improvement district who is directly involved with the provision of police or fire protection and who becomes a participant in the statewide defined benefit plan administered by the fire and police pension association (FPPA) as the result of a merger, consolidation, or exclusion or dissolution proceeding among one or more employers. The contribution rate for such employee is the continuing uniform rate of contribution established by the FPPA board as directed by statute.

**APPROVED** by Governor March 13, 2014

**EFFECTIVE** August 5, 2014

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-27** Fire and police pension association - new hire pension plans - FPPA board - assessment of administrative charges. The fire and police pension association (FPPA) board of directors (board) is authorized to promulgate rules for the assessment of interest on unpaid contributions to statewide plans. The board is authorized to include rules regarding the waiver of interest due for good cause. The interest rate is one-half of one percent per month.

The board is also authorized to assess the individual plans administered by the FPPA with the reasonable actuarial, audit, and operational costs that are incurred by the FPPA in complying with regulatory requirements and that are attributable to each plan.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-28** Fire and police pension association - new hire pension plans - statewide defined benefit plan - statewide death and disability plan - requirements for participation. If a department chief opts out of the statewide defined benefit plan administered by the fire and police pension association, federal law requires that the chief participate in either social security or a federal insurance contribution act (FICA) replacement plan. If a chief opts for a FICA replacement plan, the chief may participate in an employer sponsored plan, the statewide money purchase plan, or the statewide hybrid plan. A department chief who elects to become exempt from the statewide defined benefit plan must participate in the statewide money purchase plan, the statewide hybrid plan, or a local money purchase plan with a contribution rate of at least 16% if the chief wants to maintain coverage in the statewide death and disability plan.

In addition, beginning January 1, 2017, any employer participating in the social security supplemental plan that elects coverage under the statewide death and disability plan must also participate in the social security supplemental retirement plan.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-29** Fire and police pension association - pension reform commission - volunteer firefighter pension plans - study - appropriation. The state auditor, in cooperation with the fire and police pension association (FPPA) and the department of local affairs (DOLA), is required to contract with a nationally recognized law firm with experience in federal tax law as it relates to public sector pension plans, and an actuary if necessary, to study certain issues regarding the legal status of the volunteer firefighter pension plans in the state. The law firm is required to deliver a report detailing the findings of the study to the state auditor, the legislative audit committee, FPPA, DOLA, and the members of the police officers' and firefighters' pension reform commission of the state legislature (commission).

Upon receipt of the report, the state auditor, FPPA, and DOLA are required to work collectively to develop recommendations for the legislature regarding changes to the system of volunteer firefighter pension plans based on the information contained in the report. In furtherance of developing the recommendations, the 3 entities are required to take into consideration several specified issues regarding volunteer firefighter pension plans in the state.

The commission is required to meet as soon as practicable after receiving the report, but not less than 45 days after receiving the report, to hear a presentation of the report from a representative of the law firm and to hear a presentation from the state auditor's office, FPPA, and DOLA regarding recommendations for the volunteer firefighter pension plans in the state. The commission is required to discuss the presentations and determine whether



to propose legislation relating to the funding and structure of the volunteer firefighter pension plans. The commission is required to ensure that relevant stakeholders and members of the public have an opportunity to provide input and comments on the findings of the report, the recommendations from the state auditor's office, FPPA, and DOLA, and on any legislation proposed by the commission.

In connection with the study, for the 2015-16 state fiscal year, \$100,000 is appropriated to the legislative department for use by the office of the state auditor, \$4,271 is appropriated to DOLA, and \$848 is appropriated to the office of the governor.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**S.B. 15-41** Amateur radio communications - regulation by local government. The federal communications commission (FCC) currently limits the authority of local governments to regulate amateur radio communications. Any local government regulation must be based on health, safety, or aesthetic considerations, must be crafted to reasonably accommodate amateur radio communications, and must represent the minimum practicable regulation to accomplish a legitimate purpose of the local government. This federal preemption is contained in a memorandum opinion and order from the FCC known as "PRB-1".

The act specifies that no local government shall enact or enforce an ordinance or resolution regulating amateur radio antennas that fails to comply with the restrictions contained in the PRB-1.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1212** State board of land commissioners - authority to convey land to units of local government - 5-year extension. In 2010, a law was enacted that allowed the state board of land commissioners to convey land to units of local government if the conveyance would add value to adjoining or nearby state trust property, benefit board operations, or comply with local land use regulations. When enacted, the authority to convey land was set to repeal on July 1, 2015. The act specifies that the law is repealed on July 1, 2020, unless the board files a written report on January 6, 2020, to the general assembly regarding all property conveyances made pursuant to the law.

**APPROVED** by Governor May 11, 2015

**EFFECTIVE** May 11, 2015

**H.B. 15-1245** State board of land commissioners - investment and development fund - authority to use specified amount in fund for asset maintenance. The act allows the state board of land commissioners to use up to \$1 million of the moneys in the investment and development fund for asset maintenance, including, but not limited to, upkeep and replacement of buildings, agricultural sprinklers, fences, windmills, and water wells.

**APPROVED** by Governor April 13, 2015

**EFFECTIVE** April 13, 2015

**H.B. 15-1262** Separate legal entities formed by multiple local governments - legal status - powers. Two or more governments, including federal agencies and political subdivisions

of a state that borders Colorado, may contract to establish a separate legal entity to provide any function, service, or facility that each government has legal authority to provide on its own. The act clarifies that a separate legal entity formed by a contract between 2 or more counties, municipalities, special districts, or other political subdivisions of the state:

- Is itself a political subdivision and public corporation of the state if the contract forms the entity in accordance with and makes the entity subject to specified provisions;
- May, to the extent provided by the contract or an amendment to the contract and deemed by the contracting parties to be necessary or convenient to allow the entity to achieve its purposes, exercise any general power of a special district if each of the parties to the contract may lawfully exercise the power; except that it may not levy a tax or exercise the power of eminent domain if the establishing contract makes the entity subject to specified provisions.
- Is authorized to issue tax-exempt revenue bonds, notes, or other financial obligations and acquire, sell, or lease property.

A contract establishing a separate legal entity must include specified information regarding the name, purpose, and governance of the entity.

**APPROVED** by Governor May 20, 2015

**EFFECTIVE** May 20, 2015

**H.B. 15-1348** Urban renewal authority - tax increment financing - appointments to authority - repayment or reimbursement of certain moneys to taxing bodies - calculation of the property tax increment - negotiation among municipality and taxing bodies of agreement governing tax revenues of taxing entities to be allocated under the urban renewal plan - mediation in absence of agreement. The act modifies statutory provisions governing an urban renewal authority (authority) in the following respects:

- Except where the governing body of the municipality (governing body) designates itself as the authority, an authority is required to have 13 commissioners, not fewer than 10 of whom are appointed by the mayor.
- In order to represent the collective interests of the county and all taxing bodies levying a mill levy in one or more urban renewal areas managed by the authority (urban renewal authority area), other than the municipality, one such commissioner on the authority must be appointed by the board of county commissioners of the county in which the territorial boundaries of the urban renewal authority area are located, one such commissioner must also be a board member of a special district selected by agreement of the special districts levying a mill levy within the boundaries of the urban renewal authority area, and one commissioner must also be an elected member of a board of education of a school district levying a mill levy within the boundaries of the urban renewal authority area. If the urban renewal authority area is located within the boundaries of more than one county, the appointment is made by agreement of all of the counties in which the boundaries of the urban renewal authority area are located. Procedures governing the filling of a vacancy in an appointment are specified. If the appointing county is a city and county, the requirements pertaining to county representation on the authority board need not be satisfied.
- When the governing body of a municipality designates itself as the authority, an authority consists of the same number of commissioners as the number of members of the governing body. In addition, additional commissioner appointments representing counties, special districts, and school districts are authorized.
- The provisions in a plan allowing for tax increment financing apply with respect to

- the property taxes of specifically designated public bodies.
- In the case of the special fund established to collect the revenues from certain taxes allocated to the authority upon the payment of indebtedness, all moneys remaining in the special fund that have not previously been rebated and that originated as property tax increment generated based on the mill levy of a taxing body, other than the municipality, within the boundaries of the urban renewal area must be repaid to each taxing body based on the pro rata share of the prior year's property tax increment attributable to each taxing body's current mill levy in which property taxes were divided. Any moneys remaining in the special fund not generated by property tax increment are excluded from any such repayment requirement. Any additional revenues the municipality, county, special district, or school district receives either because the voters have authorized the municipality, county, special district, or school district to retain and spend said moneys pursuant to the taxpayer's bill of rights provisions of the state constitution subsequent to the creation of the special fund or as a result of an increase in the property tax mill levy approved by the voters of the municipality, county, special district, or school district subsequent to the creation of the special fund, to the extent the total mill levy of the municipality, county, special district, or school district exceeds the respective mill levy in effect at the time of approval or substantial modification of the urban renewal plan, are not included in the amount of the increment that is allocated to and, when collected, paid into the special fund of the authority.
  - Within the 12-month period prior to the effective date of the approval or modification of the urban renewal plan requiring the allocation of moneys to the authority, the municipality, county, special district, or school district is entitled to the reimbursement of any moneys that such municipality, county, special district, or school district pays to, contributes to, or invests in the authority for the project. The reimbursement is to be paid from the special fund of the authority.
  - Before any urban renewal plan containing any tax allocation provisions that allocates any taxes of any public body other than the municipality may be approved by the municipal governing body, the governing body must notify the board of county commissioners of each county and the governing boards of each other public body whose property tax revenues would be allocated under such proposed plan. Representatives of the municipal governing body and each board of county commissioners and each public body are required to meet and attempt to negotiate an agreement governing the types and limits of tax revenues of each taxing entity to be allocated to the urban renewal plan. The act specifies the items to be addressed in the agreement. The agreement may be entered into separately among the municipality, the authority, and each such county or other public body, or through a joint agreement among the municipality, the authority, and any public body that has chosen to enter that agreement. Any such allocated shared tax revenues governed by any agreement are limited to all or any portion of the taxes levied upon taxable property by the public body within the area covered by the urban renewal plan in addition to any sales tax revenues generated within the area covered by the urban renewal plan by the imposition of the sales tax of the municipality and any other public body.
  - The agreement may provide for a waiver of any provision of the urban renewal law pertaining to certain notice, filing, consent, or enforcement requirements. The act permits the municipality to delegate to the authority the responsibility for negotiating the agreement as long as final approval of the plan or any modification of the plan is made by the governing body.
  - If, after a period of 120 days from the date of notice or such longer or shorter period as the municipal governing body and any public body may agree, there is no agreement between the municipal governing body and any public body, the parties must submit to mediation on the issue of appropriate allocation of urban renewal

project costs among the municipality and all other taxing entities whose taxes will be allocated pursuant to an urban renewal plan. The act specifies the elements the mediator must consider in making this determination. Within 90 days, the mediator is required to issue his or her findings of fact as to the appropriate allocation of costs and to promptly transmit such information to the parties. The municipality may agree to the mediator's findings by including in the urban renewal plan provisions that allocate municipal and incremental tax revenues of taxing bodies in accordance with the cost allocations determined by the mediator or by entering into an intergovernmental agreement with the taxing entity providing an alternative cost allocation methodology. Notwithstanding any other provision of law, no payments may be made into the special fund of the authority unless the municipality or the authority has satisfied these requirements of the act. A city and county is not required to reach an agreement with a county otherwise required by the act.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** May 29, 2015

## GOVERNMENT - SPECIAL DISTRICTS

**S.B. 15-221** Public transit officers - peace officer status and authority. The act specifies that a public transit officer is a peace officer while engaged in the performance of his or her duties in accordance with any policies and procedures adopted by a public transportation entity.

The authority of a public transit officer is modified to specify that it includes the enforcement of all laws of the state and is not limited to the enforcement of laws and the provision of security on public transportation vehicles and facilities. The definition of public transit facilities is replaced with a definition of public transportation entity.

**APPROVED** by Governor June 3, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1092** Division of local government - disclosure of budget, election, and other district information. In addition to requirements that local governments file copies of their annual budgets with the division of local government in the department of local affairs (division), the act requires special districts to also file copies of resolutions adopting the budget, appropriating moneys, and fixing the rate of any mill levy.

The act requires the division to post the results for certain local government elections on its web site and the secretary of state to provide a link to the division's post on the department of state's web site.

A name change for a special district is not effective until a court decree or order confirming the change is filed with the county clerk and recorder.

Requirements for disclosing information about special districts to electors, affected local governments, and the division are consolidated and modified.

The act clarifies that a board of a special district in a specific circumstance calls for nominations for a special election rather than calling for the election itself.

The name of a special improvement district established by a special district is required to include the name of the special district.

**APPROVED** by Governor April 8, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## GOVERNMENT - STATE

**S.B. 15-2** Public safety - emergency management - interoperable communications among safety radio systems - needs assessment - report. The date by which the executive director of the department of public safety is required to submit to the joint budget committee a report setting forth findings and conclusions of a statewide radio communications needs assessment and business plan is extended from December 31, 2014, to June 30, 2015.

**APPROVED** by Governor April 3, 2015

**EFFECTIVE** April 3, 2015

**S.B. 15-13** Dog encounter training - training completion deadline extension. Currently, law enforcement officers are required to complete dog encounter training by January 1, 2015, and any officer hired on or after January 1, 2015, must complete the training within a year of being hired. The act moves the deadline to June 30, 2015.

**APPROVED** by Governor April 3, 2015

**EFFECTIVE** April 3, 2015

**S.B. 15-47** Administrative procedure act - voluntary opt-out system for notices of rules implementing new legislation. Under the direction of the committee on legal services, the office of legislative legal services may implement a voluntary system that allows legislators to opt-out of receiving notices sent to cosponsors of legislation about the adoption of rules implementing newly enacted legislation.

**APPROVED** by Governor April 3, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-97** Public employees' retirement association - benefit options - change in cobeneficiary - supplemental needs trust. The act allows a retiree of the public employees' retirement association (PERA) to designate a supplemental needs trust as a cobeneficiary eligible to receive a continuing benefit upon the PERA retiree's death. The act also states that a supplemental needs trust is an eligible survivor under PERA law and able to receive PERA survivor benefits as provided under the PERA law and rules.

**APPROVED** by Governor April 16, 2015

**EFFECTIVE** April 16, 2015

**S.B. 15-102** Securities - regulation - continuation of the securities board. The act implements the recommendations contained in the department of regulatory agencies' sunset report on the securities board by continuing the securities board to 2026.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** May 29, 2015

**S.B. 15-111** Educator licensure cash fund - continuous appropriation. Moneys in the educator licensure cash fund, which includes educator license fees, are generally subject to annual appropriation by the general assembly for expenditures of the state board of education and of the department of education (department) incurred in the administration of the "Colorado Educator Licensing Act of 1991". However, there is an exception to this annual appropriation requirement for the 4 fiscal years beginning with the fiscal year

2011-12, during which time the moneys in the fund are continuously appropriated to the department for the same purpose. Also, during this time, the department is required to report to legislative committees about its expenditures from the fund and it is required to hire independent contractors, rather than employees, to reduce educator license processing times.

The act grants the department 3 more fiscal years of continuous appropriation authority, and it likewise extends the reporting requirement and the requirement that the department use independent contractors to reduce the license processing times.

**APPROVED** by Governor April 3, 2015

**EFFECTIVE** April 3, 2015

**S.B. 15-112** Building regulation fund - repayment of transfer to general fund. The building regulation fund (fund) supports programs to inspect and regulate manufactured buildings. In 2009, the general assembly transferred \$1.1 million from the fund to the general fund to address statewide revenue shortfalls. The act repays a portion of this amount by transferring \$300,000 on April 1, 2015, and \$200,000 on July 1, 2016, from the general fund to the fund. The act also creates a temporary waiver from the statutory target reserve requirement to accommodate the inclusion of the additional revenues in the fund.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** March 13, 2015

**S.B. 15-167** Taxes on marijuana and marijuana projects - marijuana tax cash fund - appropriations from fund for 2014-15 fiscal year - appropriation of moneys received in current fiscal year - modifications. The act reduces the difference between appropriations made from the marijuana tax cash fund (fund) for the 2014-15 fiscal year and the actual moneys collected and deposited in the fund during the 2013-14 fiscal year by creating a one-year exception to the prohibition on appropriating moneys in the fund for the current fiscal year, authorizing the general assembly to appropriate, in the 2014-15 fiscal year, a certain amount of moneys in the fund received by the state during the 2014-15 fiscal year, and by reducing appropriations for marijuana-related programs and services for the 2014-15 fiscal year in 4 principal departments of the executive branch of state government as follows:

- Reduces the appropriation from the fund to the department of law for optional training for certified peace officers who will act as trainers in advanced roadside impaired driving enforcement by \$76,000, as the department of law is unable to use such amount;
- Reduces the appropriation from the fund to the department of revenue for the marijuana enforcement division by \$6.4 million and increases the appropriation from the marijuana cash fund to the department of revenue for the marijuana enforcement division by the same amount;
- Reduces the general fund appropriation to the department of health care policy and financing (HCPF) for the school-based substance abuse prevention and intervention grant program by \$1,081,344 to reflect the actual amount of grants HCPF awarded plus \$50,000 for HCPF's administrative costs. In addition, the act reduces the amount that the state treasurer is required to transfer from the fund to the general fund by \$1,151,631 to offset the general fund appropriation for the grant program for the associated 6.5% statutory reserve.
- Reduces the appropriation from the fund to the department of human services (DHS) for jail-based behavioral health services to offenders, including screening and providing treatment for adult inmates with a substance use disorder and providing continuity of care within the community after the inmate's release from jail. The appropriation is reduced by \$452,787 to reflect actual allocations to counties for the

fiscal year.

In addition, the act authorizes DHS to use moneys appropriated from the fund for the 2014-15 fiscal year for the provision of substance use disorder treatment services for adolescents and pregnant women for the expanded purposes of providing substance use disorder treatment and prevention services and intensive wrap around services for adolescents and pregnant women. The act also authorizes DHS to spend such appropriated moneys in the 2014-15 fiscal year if necessary.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** March 13, 2015

**S.B. 15-168** Intellectual and developmental disabilities services cash fund - transfer to general fund. The act requires the state treasurer to transfer \$2,059,079 from the intellectual and developmental disabilities services cash fund to the general fund on April 1, 2015.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** March 13, 2015

**S.B. 15-169** State employee reserve fund - transfer back to the general fund. The state employee reserve fund (fund) was created as a part of the modernization of the state personnel system. The laws related to the fund direct the state controller and the state treasurer to transfer unexpended general fund moneys from state agency operating budgets at the end of each fiscal year to this fund. The transfers are credited to separate accounts within the state employee reserve fund created for each executive branch department for the purpose of funding merit pay increases for state employees. In accordance with the requirements of the fund, the state controller and the state treasurer transferred \$6.4 million from the general fund to the department's account in the fund. This act transfers the amount that was automatically transferred back to the general fund.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** March 13, 2015

**S.B. 15-170** Capital construction - transfers to the capital construction fund. For the 2014-15 fiscal year, the act transfers \$23,008,332 from the general fund to the capital construction fund.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** March 13, 2015

**S.B. 15-185** Criminal justice data reporting - police arrest data - judicial charging and disposition data - parole outcomes data - demographic data - appropriation. The act requires each law enforcement agency to report the data it reports for the uniform compilation of statewide reported crime, arrest, and recovered property statistics including offense and arrest information disaggregated by summons, custody, and on view to the division of criminal justice (division). The act requires the judicial department to report data on charges, dispositions, sentences, and probation revocations, including race and gender, and incident report number, to the division. The act requires the state board of parole to report data on parole hearings, grants of parole, and parole denials, including race, ethnicity, and gender, to the division. The division then compiles and reports the data on an annual basis.

The act appropriates \$38,799 to the division, \$9,800 to the department of corrections,



and \$9,800 to the office of information technology to implement the act.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-188** Tobacco settlement defense account - annual statutory allocation - appropriation. Beginning in fiscal year 2016-17, the act makes a new annual statutory allocation of 2% of tobacco litigation settlement money to the tobacco settlement defense account (account) of the litigation settlement cash fund and an offsetting 2% reduction in the annual statutory allocation of such money to the children's basic health plan trust. Under previous law, only the department of law was authorized to use money in the account. The act authorizes the department of revenue to also use money in the account to help administer, coordinate, and support the activities of the departments of revenue and law, including the investigation of and response to settlement agreement manufacture and distribution reporting irregularities identified by the department of law.

For the fiscal year 2015-16, \$69,453 is appropriated from the account to the department of revenue to help administer, coordinate, and support the activities of the departments of revenue and law in relation to the tobacco litigation settlement agreements, consent decree, and related state laws, including the investigation of and response to tobacco master settlement agreement manufacture and distribution reporting irregularities identified by the department of law.

**APPROVED** by Governor April 16, 2015

**EFFECTIVE** April 16, 2015

**S.B. 15-190** State archives - fees. The act eliminates the requirement that the executive director of the department of personnel promulgate rules to establish the fees that state archives charges for responding to requests for information and research.

**APPROVED** by Governor April 16, 2015

**EFFECTIVE** April 16, 2015

**S.B. 15-193** Statewide internet portal authority - annual reports to general assembly - consolidation. The annual reporting requirements of the statewide internet portal authority are consolidated from 2 separate reports to different committees of the general assembly into one annual report to the members of the joint technology committee, the joint budget committee, and the committees of the house of representatives and the senate that oversee business affairs.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**S.B. 15-194** Statewide internet portal authority - board of directors - designees of board members - vacancies. Each executive director appointed to the board of directors (board) of the statewide internet portal authority (authority) may appoint a designee to sit on the board. In addition, the chief information officer and the designee of the chief justice are authorized to appoint a designee to serve on the board. A board member is required to notify the executive director of the authority in writing of his or her appointed designee.

There is no longer a requirement that a vacancy among the 4 legislators who serve on the

board be filled by a legislator who sits on the joint technology committee.

The board may elect any member serving on the board to be the chairperson of the authority, rather than only a member of the board who is an elected official. The appointee of an elected official, of the chief information officer, or of the chief justice may not be elected as an officer of the board.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**S.B. 15-205** Department of public safety - fire prevention and control - veterans' fire corps programs - employment of post-9/11 era veterans. The act states legislative findings concerning the increasing severity of wildfires in Colorado, the scarcity of firefighting crews during the periods when fires often occur, the availability of post-9/11 era veterans to help if needed, and the importance of providing employment and training to these veterans in natural resource management and wildland fire control.

The act authorizes the division of fire prevention and control to use moneys in the wildfire preparedness fund to train, equip, or supervise firefighting units that include post-9/11 era veterans.

**APPROVED** by Governor May 12, 2015

**EFFECTIVE** May 12, 2015

**S.B. 15-207** Capital construction - department of public safety - Colorado bureau of investigation's Grand Junction regional office and forensic lab - authority to enter into lease-purchase agreement for refinancing. The act authorizes the state treasurer to enter into one or more lease-purchase agreements on the state's behalf for the refinancing of the Colorado bureau of investigation's Grand Junction regional office and forensic laboratory.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** May 29, 2015

**S.B. 15-208** Capital construction - nonmonetary adjustments to capital construction appropriations while general assembly not in session - clarifications to the art in public places requirement. The act grants the state controller authority, with certain specific requirements, to allow any department, institution, or agency of the state, including any institution of higher education, to expend moneys differently from the authority granted by an item of appropriation for a capital construction budget item if the capital construction, controlled maintenance, or capital renewal project that the appropriation was for requires a nonmonetary adjustment for its timely continuation and the nonmonetary adjustment is due to unforeseen circumstances arising while the general assembly is not meeting in regular or special session during which such nonmonetary adjustment would be legislatively addressed. The act defines nonmonetary adjustment as a change that does not affect the amount of the appropriation, including a name change, an extension of time for completion, a scope change, a transfer between departments, or other such similar changes.

The act amends the arts in public places statute, which currently requires each appropriation for a capital construction project to include an allocation of not less than 1% of the state-funded portion of the total construction costs to be used for the acquisition of works of art (1% requirement). The act specifies that the 1% requirement does not apply to a capital construction project that the capital development committee agrees, in consultation with the council, does not meet the original purpose of the 1% requirement and that the capital development committee determines by affirmative vote meets one of the exceptions

allowed in current law. The act also adds a legislative declaration that specifies that exceptions to the 1% requirement must be determined by the general assembly, through the capital development committee, not by individual state agencies, institutions of higher education, or the council. The act also clarifies that a capital construction project for purposes of the 1% requirement does not include the installation of fixed or moveable equipment or the contracting of services of consultants to prepare construction plans.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** May 29, 2015

**S.B. 15-211** Capital construction - automatic funding mechanism for payment of future costs. The act specifies that for every appropriation in the capital construction section of the 2015-16 annual general appropriation act and every appropriation in the capital construction section of each annual general appropriation act thereafter, not including appropriations for information technology projects, additional funding must be set aside as follows:

- If the funding source for the appropriation is from a cash fund, not including the lottery fund or the limited gaming fund, the state agency is required to annually calculate an amount equal to the depreciation of the capital asset acquired, repaired, improved, replaced, renovated, or constructed with the appropriation based on the depreciation period, and on June 30 the state controller is required to credit such amount from the cash fund that was the source of funding for the appropriation to a capital reserve account established by the state agency in such cash fund;
- If the funding source for the appropriation is from the general fund, the capital construction fund, or the controlled maintenance trust fund, the general assembly is required to include an annual depreciation-lease equivalent payment line item payable from the general fund in the operating section of the annual general appropriation act for each state agency or state institution of higher education equal to the depreciation of the capital asset acquired, repaired, improved, replaced, renovated, or constructed with the appropriation based on the depreciation period, as calculated by the state agency or state institution of higher education. The state controller is required to credit the depreciation-lease equivalent payment to the capital construction fund on June 30; except that, of such payment, an amount equal to 1% of the project cost will be deducted from the payment and credited to the principal of the controlled maintenance trust fund.
- If the funding source for the appropriation is a financing arrangement and the source of the funding for the financing payment is:
  - From a cash fund, then the state agency is required to annually calculate an amount equal to one percent of the project cost and the general assembly is required to include an annual controlled maintenance line item payable from the cash fund in the operating section of the annual general appropriation act for each agency equal to such amount. The state controller is required to credit such amount on June 30 to a capital reserve account established by the state agency in such cash fund; and
  - From the general fund, the capital construction fund, or the controlled maintenance trust fund, then the general assembly is required to include an annual controlled maintenance line item payable from the general fund in the operating section of the annual general appropriation act for each state agency or state institution of higher education equal to one percent of the project cost, as calculated by the state agency or state institution of higher education. The state controller is required to credit such amount on June 30 to the controlled maintenance trust fund.
- If the funding source for the appropriation is a combination of the funding sources, then the annual set aside must be made in proportion to the funding source.

The act also specifies that moneys that are credited by the state controller from the general fund to the capital construction fund or to the principal of the controlled maintenance trust fund are not part of the basis for the calculation of the general fund reserve.

**APPROVED** by Governor May 11, 2015

**EFFECTIVE** May 11, 2015

**S.B. 15-213** Colorado governmental immunity act - waiver of immunity for claims against public schools for injuries resulting from incidents of school violence - when damages are awarded. Portions of the act are titled the "Claire Davis School Safety Act". The act amends the "Colorado Governmental Immunity Act" (CGIA):

- To recognize that public school districts, charter schools, and their employees have a duty to exercise reasonable care to protect students, faculty, staff, and others from harm from acts committed by another person that is reasonably foreseeable while such students, faculty, staff, and others are within the school facilities or are participating in school-sponsored activities; and
- To waive the governmental immunity of public school districts and charter schools for claims brought for serious bodily injury or death resulting from an incident of school violence that occurs on the property of a school or during school-sponsored activities on or after June 3, 2015.

The maximum amount of damages that may be recovered from a school district or charter school in an action brought under the CGIA for an incident of school violence is subject to the limits on damages specified under the CGIA; except that no compensatory damages shall be awarded for an incident of school violence that occurs on or after the June 3, 2015, and on or before July 1, 2017. The court shall not issue a declaratory judgment regarding the negligence of the public school, school district, or charter school; however, in such an action, the plaintiff is entitled to full discovery regarding the incident of school violence.

"Serious bodily injury" means a bodily injury that, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body. "Incident of school violence" means on school property or at a school-sponsored event, a person engaged in a crime of violence (committed, conspired, or attempted to commit murder, first degree assault, or a felony sexual assault), and that action caused serious bodily injury or death to another person.

An employee of a public school, school district, or a charter school is not subject to suit in his or her own individual capacity unless the employee's actions or omissions are willful and wanton. The provisions of the "Teacher and School Administrator Protection Act" do not apply to claims brought against a school district or charter school under the CGIA resulting from an incident of school violence.

A public school, school district, or charter school shall not be found negligent under the CGIA in a claim resulting from an incident of school violence solely as a result of not expelling or suspending any student.

The act states that it shall not be construed to constitute a waiver of sovereign immunity if the injury arises from any act, or failure to act, of an employee of a school district or a charter school if the act is the type of act for which the public employee would be or previously has been personally immune from liability.

A public school district or charter school shall also have the same immunity as a public employee for any act or failure to act for which a public employee would be or has been personally immune from liability.

In order to promote vigorous discovery of events leading to an incident of violence in schools, the act states that an offer of judgment by a defendant prior to the completion of discovery is not deemed rejected if not accepted until 14 days after the completion of discovery, and the plaintiff is not liable for costs due to not accepting such an offer of judgment until 14 days after discovery has been completed. If any defendant refuses to answer any complaint, if a default judgment is entered for failure to answer a complaint, or if a defendant confesses liability in an action brought against a public school district, the court shall allow full discovery upon request of the plaintiff.

The act also precludes any rule of law imposing absolute or strict liability from being applied in any action against a public school employee for serious bodily injury or death suffered as a result of the breach of the duty of care. No liability is to be imposed in any such action unless negligence is proven.

The act takes effect upon passage and applies to claims asserted against a school district or charter school resulting from an incident of school violence occurring on or after the June 3, 2015.

**APPROVED** by Governor June 3, 2015

**EFFECTIVE** June 3, 2015

**S.B. 15-217** Peace officer-involved shootings - report demographic and incident information - division of criminal justice annual report - appropriation. After an officer-involved shooting occurs, the act requires the peace officer's law enforcement agency to provide the division of criminal justice (division) with demographic information on the officer and individual shot and search, citation, and arrest information related to the incident. Each law enforcement agency shall provide the information for all shootings that occurred between January 1, 2010, and June 30, 2015, by September 1, 2015, and the information for each successive fiscal year until 2019-20 by September 1 of the following fiscal year. The division shall compile and report the data to the house and senate judiciary committees.

The act appropriates \$30,851 to the department of public safety from the general fund to implement the act.

**APPROVED** by Governor May 20, 2015

**EFFECTIVE** May 20, 2015

**S.B. 15-219** Peace officer-involved shootings - multi-agency investigations - district attorney report when no charges filed - grand jury report. The act requires each police department, sheriff's office, and district attorney in the state to develop protocols for participating in a multi-agency team or involving another law enforcement agency in the investigation of a peace officer-involved shooting. The law enforcement agency shall post the protocols on its web site or make it publicly available if it does not have a web site.

The act requires a district attorney who declines to file criminal charges against a peace officer for a peace officer-involved shooting to make a report and publicly disclose the report explaining the basis for not charging the officer. The district attorney shall post the report on its web site or make it publicly available if it does not have a web site. If the district attorney refers the matter under investigation to the grand jury, the district attorney shall release a statement at the time the matter is referred to the grand jury disclosing the

general purpose of the grand jury's investigation. If there are no charges from the grand jury, the grand jury may issue a report of its findings.

**APPROVED** by Governor May 20, 2015

**EFFECTIVE** May 20, 2015

**S.B. 15-220** Patrol services - general assembly. The act requires the Colorado state patrol to:

- Provide protection for members of the general assembly when they are present in the state capitol buildings group;
- Respond to complaints relating to criminal activity or security threats against members of the general assembly; and
- Provide law enforcement services for legislative buildings, grounds, and other facilities and to coordinate these security efforts with local law enforcement and security officers of each house of the general assembly when appropriate.

The act permits the state patrol to decide whether to:

- Provide additional protection and security services as may be requested by the president or minority leader of the senate or the speaker or the minority leader of the house of representatives; and
- Provide protection and security services at any function held in Colorado that a member of the general assembly is attending in an official capacity with appropriate coordination with local law enforcement.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**S.B. 15-236** State historical fund - accounting for revenues. Under current law, a portion of the revenues generated by limited gaming in the state each year are deposited in the state historical fund. Of the moneys in the fund, 20% are distributed back to the cities of Black Hawk, Central City, and Cripple Creek for the preservation and restoration of the cities.

The remaining 80% of the revenues in the state historical fund are used by the state historical society (history Colorado) for the historic preservation and restoration of historical sites and municipalities throughout the state as follows:

- 50.1% of the revenues (majority share) are used to provide historic preservation grants; and
- 49.9% of the revenues (minority share) are used to further history Colorado's mission as a state educational institution to collect, preserve, and interpret history, including capital construction and controlled maintenance costs relating to its properties.

The act creates 2 distinct subaccounts in the state historical fund to separately track the deposit and expenditure of the majority share and the minority share of revenues. The majority share is deposited in a new preservation grant program account. Moneys in this account that are used to provide grants are continuously appropriated to history Colorado, and moneys used to administer the grant program are subject to annual appropriation. The minority share is deposited in a new museum and preservation operations account. Moneys in this account are subject to annual appropriation.

Currently, some nongaming revenues received by history Colorado, such as donations, store sale revenues, and admission fees, are deposited in the state historical fund. The act

requires these revenues to be deposited in a separate cash fund called the enterprise services cash fund, which is subject to annual appropriation. The fund is exempted from the existing statutory limit on uncommitted reserves.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** July 1, 2015

**S.B. 15-238** General fund - exempt account - higher education appropriations - expansion. The act expands the allowable higher education-related appropriations from the general fund exempt account to include:

- Work-study programs;
- Tuition for qualified Indian pupils who attend Fort Lewis college;
- Local district junior college grants; and
- Area vocational school grants.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**S.B. 15-244** Federal mineral lease payments - Roan Plateau recoupment - offsetting transfers. The state has provided the United States bureau of land management an acknowledgment and acceptance of the fact that, by operation of federal law, the state must reimburse the United States for its percentage of the previously disbursed bonus payments and annual rental payments attributable to mineral leases that are to be refunded as part of the settlement of a lawsuit related to the Roan Plateau. The state's share of the refund is about \$23 million and this amount will be recouped from the state's mineral lease payments over the next 3 years.

To avoid the recoupment impacting water projects, school districts, and other local governments, the act requires the state treasurer to transfer \$7,788,866 from the general fund to the state public school fund to be used for the support of the public schools of the state. The state treasurer must also transfer \$4,026,844 of federal moneys from the state public school fund as follows:

- \$3,115,546 to the local government mineral impact fund to be used for direct distributions and grants to local governments;
- \$778,887 to the Colorado water conservation board construction fund; and
- \$132,411 to the local government mineral impact fund for distributions to school districts.

The distributions from the state public school fund are made with the first quarterly distributions of mineral lease payments, if there are sufficient federal moneys, or with subsequent quarterly distributions if necessary. A portion of the transfer to the state public school fund and all of the transfers from the state public school fund are counted like other federal mineral lease moneys for the application of maximum allowable distribution limits.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**S.B. 15-246** Department of personnel - state administrative support services - accounts and control - statewide financial and human resources information technology systems - cash fund. The executive director (director) of the department of personnel (department) or the director's designee is required to develop a method for billing users of the department's statewide financial and human resources information technology services for the full cost

of the services, including materials; depreciation related to capital costs; labor; and administrative overhead. Any money generated from the billing is required to be deposited in the statewide financial information technology systems cash fund (fund).

The fund is created in the state treasury. Moneys in the fund are annually appropriated to the department for the costs of information technology maintenance and upgrades and for the direct and indirect costs of the department in connection with statewide financial and human resources information technology systems. All interest earned on the investment of moneys in the fund is credited to the fund, and any unexpended and unencumbered moneys in the fund at the end of any fiscal year remain in the fund.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**S.B. 15-247** Drug assistance program - augmentation of scope of services - appropriation. Subject to an annual cap of \$5 million and certain exceptions, 3.5% of the tobacco litigation settlement moneys annually received by the state have been allocated and are for the AIDS drug assistance program through which the department of public health and environment (DPHE) provides certain pharmaceutical products to qualifying individuals of lower income who have AIDS or HIV. The act augments the scope of services of the AIDS drug assistance program to include funding for preventative and nondrug-related health services by renaming it as the drug assistance program (program) and allowing program money to be used to fund assistance with indicated screening, general medical, preventative, and pharmaceutical costs for qualifying individuals of lower income who have medical or preventative needs concerning AIDS or HIV, viral hepatitis, or a sexually transmitted infection.

The act also:

- Specifies that any moneys received in excess of a federal price agreement are a donation;
- Expands the duties of the existing subcommittee of the governor's advisory group on HIV and AIDS policy that currently only provides advice and recommendations to DPHE concerning which pharmaceutical products should be listed on the drug formulary for the program to include the provision of advice regarding income and other eligibility requirements and uses for funding for the program;
- Provides prioritization criteria for enrollment in the program among eligible applicants if the program is reaching its fiscal limitations;
- Eliminates end of fiscal year transfers of unexpended and unencumbered program fund money to the tobacco litigation settlement cash fund, and requires all such money to remain in the program fund; and
- Appropriates \$263,033 for the 2015-16 fiscal year from the drug assistance program fund to DPHE for use by the disease control and environmental epidemiology division.

**APPROVED** by Governor May 8, 2015

**EFFECTIVE** May 8, 2015

**S.B. 15-248** Public safety - building security and occupant protection rules - state facility security fund - repeal. The general assembly created the state facility security fund (fund) in 2002 and specified that the moneys in the fund are to assist executive branch departments and agencies in implementing rules concerning building security and occupant protection and continuity of state government operations (rules), as required by law. The fund is repealed, as it never received moneys from the general fund or from gifts, grants, and



donations. Executive branch departments or agencies are authorized to receive moneys from sources other than the fund to comply with rules that require funding.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-249** Marijuana tax cash fund - transfer to general fund. The act increases the amount that the state treasurer is required to transfer on June 30, 2015, from the marijuana tax cash fund to the general fund by \$27.7 million.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**S.B. 15-250** Capital construction - transfers to the capital construction fund. For the 2013-14 fiscal year, the act changes \$84,639,619 of that fiscal year's general fund transfer to a general fund exempt transfer because those moneys were for capital construction appropriations related to higher education.

For the 2015-16 fiscal year, the act transfers:

- \$143,951,639 from the general fund to the capital construction fund;
- \$76,877,790 from the general fund to the information technology capital account of the capital construction fund; and
- \$500,000 from the general fund exempt account of the general fund to the capital construction fund.

For the 2015-16 fiscal year, the act transfers \$1 million from the state historical fund to the capital construction fund for historical renovations of the state house of representatives' chambers and the state senate's chambers.

**APPROVED** by Governor May 11, 2015

**EFFECTIVE** May 11, 2015

**NOTE:** Certain sections of the act are contingent on whether or not Senate Bill 15-236 becomes law. Senate Bill 15-236 was signed by the governor May 1, 2015.

**S.B. 15-251** General fund - statutory reserve - basis exclusion of certain lease-purchase agreement payments. The act excludes appropriations for rental and other payments under a lease-purchase agreement for real property from the basis for the calculation of the general fund reserve, which reduces the amount of the required reserve.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-270** Capital construction - office of the state architect - statewide planning. The act statutorily creates the office of the state architect (office) within the department of personnel (department). The act makes conforming amendments to replace the office as the responsible party for duties attributed in current law to the department. The office is already managing

these responsibilities in practice. The act adds a new responsibility to the office for statewide planning. With respect to the planning responsibilities, the office must:

- Work with the office of state planning and budgeting, the Colorado commission on higher education, the department of higher education, and a representative from a state institution of higher education to develop and establish criteria for recommending capital construction projects;
- Review and make recommendations to the office of state planning and budgeting regarding all capital construction budget requests and supplemental budget requests submitted by a state agency;
- Review each state agency's operational master plan and approve each state agency's facilities master plans, facilities program plans, and 5-year plans;
- Provide the capital development committee with a report regarding the approved facilities master plans, facilities program plans, and 5-year plans of each state agency;
- Develop, after consultation with the office of state planning and budgeting, standards for the preparation of current facilities master plans coordinated with operational master plans, and facility program plans coordinated with operational program plans for each state agency, except state institutions of higher education;
- Coordinate the preparation and maintenance of long-range master plans that recommend executive and legislative actions for achieving desired state objectives and that include recommended methods for evaluation.

The act makes clear that the acquisition of a capital asset or a capital construction project for any state agency may not be authorized unless the facilities program plan has been approved by the state architect. The act also clarifies that it is the policy of the general assembly to only appropriate funds for capital construction projects if such projects have been approved by the office.

The act also specifies that the office of state planning and budgeting's plan for capital construction expenditures must consider recommendations made by the office of the state architect for state agencies and by the Colorado commission on higher education for state institutions of higher education.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**S.B. 15-278** Department of personnel - capital construction - Colorado state capitol dome restoration - use of moneys previously appropriated. The general appropriation act for the 2013-14 fiscal year is amended to allow the department of personnel to use the moneys originally appropriated for the Colorado state capitol dome restoration project, which has since been completed, for the next planned phase of the Colorado state capitol restoration.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**S.B. 15-288** State and local elected officials - salaries. The salaries paid to the governor, lieutenant governor, attorney general, secretary of state, state treasurer, and members of the general assembly are aligned with a specified percentage of the salaries paid to certain judicial branch officials. The aligned salaries take effect for terms beginning on or after the second Tuesday of January 2019. The salary amount for each official will be posted on specified web sites.

The number of categories used to fix the salaries of elected county officials is increased from 6 to 24. Counties in the state are grouped into 6 of the new categories, resulting in

higher salary amounts for elected county officials in each county. The general assembly is specifically authorized to amend the law by bill in the future to move counties to other categories. The director of research of the legislative council is directed to periodically adjust the salary amounts in each category for inflation. These adjusted salaries will be posted on the general assembly's web site and take effect for terms commencing after the adjustment is made.

The Colorado state officials' compensation commission and the county elected officials' salary commission are repealed, effective January 1, 2016, and July 1, 2016, respectively.

**APPROVED** by Governor June 3, 2015

**EFFECTIVE** June 3, 2015

**H.B. 15-1017** Nongovernmental volunteer fire departments - state assistance. The act creates the "Volunteer Fire Department Organization Act" setting forth the framework to establish and maintain volunteer fire departments recognized by the division of fire prevention and control in the department of public safety to assist areas that currently lack full-time fire protection services. The act does not prohibit a private entity from organizing, training, or equipping itself as a private fire department or providing fire protection services. Grants for technical and funding assistance are available for the establishment of volunteer fire departments recognized by the division.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** March 11, 2015

**H.B. 15-1033** Strategic action planning group on aging - action plan - updates - appropriation. The act establishes a strategic action planning group (group), appointed by the governor, to study issues related to the increasing number of Colorado residents 50 years of age and older and to issue a comprehensive strategic action plan on aging (plan). The act directs specific areas for the group to analyze and to make recommendations. The group shall also make two updates to the plan.

The act establishes a cash fund to receive appropriations and gifts, grants, and donations to pay for the group's work. The act appropriates \$364,915 to support the group.

**APPROVED** by Governor June 4, 2015

**EFFECTIVE** June 4, 2015

**H.B. 15-1035** Victim compensation - eligibility - compensation - confidentiality of records - suspension of collection proceedings - restitution. Under current law, in an incident of hit and run or careless driving, crime victim compensation (compensation) is only available if a death results. The act allows for compensation when an incident of hit and run or careless driving causes bodily injury.

The act allows compensation to a person who is a dependent of the accused if the accused provided support for the person or the person's dependents.

The act expands compensable losses to include the cost of rekeying vehicles or other locks necessary to ensure a victim's safety.

The act clarifies the confidentiality of records of a crime victim compensation board (board) by prohibiting the discovery of certain records in a civil or criminal case except:

- To the extent necessary for a judicial review of the board's decision; or

- Upon a showing that the information is only in the records of the board, and, after review by the court, the court determines that the disclosure would not endanger the victim or another person.

The act increases the maximum compensation to \$30,000 and emergency compensation to \$2,000 and eliminates the requirement that losses be at least \$25.

The act requires medical service providers to suspend collection proceedings for 90 days while a claim for compensation is considered.

Finally, the act specifies that a court must consider the amount of compensation requested by a crime victim compensation board in a restitution order and how the amount may be established.

**APPROVED** by Governor March 30, 2015

**EFFECTIVE** March 30, 2015

**H.B. 15-1055** State personnel system - state employee group benefits - employee assistance program - dependents of state employees. The act clarifies that the dependent of a state employee is not eligible to be the sole and direct recipient of services from an employee assistance program that is established and operated by the state personnel director, but that the program may allow the participation of a state employee's dependent or any other person who is not a state employee in an employee assistance program if such participation is necessary to provide effective counseling and assistance to a state employee.

**APPROVED** by Governor March 26, 2015

**EFFECTIVE** March 26, 2015

**H.B. 15-1129** Public safety - division of fire prevention and control - Colorado wildland fire prediction and decision support system - partner with nonprofit Colorado-based research organization. The act requires the division of fire prevention and control (division) to enter into a contract with a nonprofit Colorado-based research organization focused on research, education, and advanced technology development for atmospheric and related earth sciences to establish and support a Colorado wildland fire prediction and decision support system. The system must be science based and able to improve the ability of the division to predict wildland fire behavior, improve the safety and efficiency of the division's operations, improve flight operations of the Colorado firefighting air corps, and enhance mechanisms for communicating wildland fire hazard information to users.

The division is required to assist in the coordination of users across the state to further refine the systems.

The division may seek and accept gifts, grants, or donations to assist in the development of the Colorado wildland fire prediction and decision support system.

**APPROVED** by Governor May 20, 2015

**EFFECTIVE** May 20, 2015

**H.B. 15-1137** Booking photographs - multiple requests. Current law requires a person requesting a copy of a booking photograph to sign a statement at the time that the request is made. The act authorizes a custodian of the photographs to allow a person to sign the statement once for all booking photographs requested for a specified period of time not to

exceed one year.

**APPROVED** by Governor March 26, 2015

**EFFECTIVE** March 26, 2015

**H.B. 15-1174** Domestic violence - address confidentiality program - internet information.

The act extends the protections related to the confidentiality of personal information on the internet that are currently in place for law enforcement officials and their immediate family to participants in the address confidentiality program for victims of domestic violence, sexual assault, or stalking (participants). A participant may submit a written request to a state or local government official requesting that his or her personal information not be made available on the internet. A state or local government official who receives such a request shall comply.

The act clarifies the term "actual address" to include any unique identifying information related to a participant's residential, work, or school address. Disclosure of unique identifying information of a participant in criminal and civil proceedings is limited to those circumstances where the potential harm to the participant is substantially outweighed by the public interest in the disclosure and when no other alternative would satisfy the necessity for disclosure.

**APPROVED** by Governor March 20, 2015

**EFFECTIVE** March 20, 2015

**H.B. 15-1211** Durable medical equipment supplier license - exemptions. The act narrows the definition of "durable medical equipment (DME) supplier" and exempts:

- Persons or entities that supply or provide insulin infusion products and products as part of Medicare's national mail-order program;
- A pharmacy located in Colorado that has a current pharmacy accreditation exemption that is accepted and recognized by the national supplier clearinghouse that enables the pharmacy to be enrolled in Medicare to supply durable medical equipment without having the accreditation;
- A practitioner identified in 42 U.S.C. sec. 1395u (18) (C) or a physician, if the practitioner or the physician is supplying or providing durable medical equipment to his or her own patients as part of the practitioner's or physician's own services; or
- A person or entity that supplies or provides devices directly to a practitioner identified in 42 U.S.C. sec. 1395u (18) (C) or a physician that require a prescription for dispensing to the patient as part of his or her own services, whether mailed to the practitioner or physician for fitting or directly mailed to the patient.

Current law requires a DME supplier to have a physical location within the state or within 50 miles of the state. The act removes this requirement and allows an applicant for a DME supplier license to instead attest that he or she has at least one accredited physical facility that is staffed during reasonable business hours and is within 100 miles of any Colorado resident Medicare beneficiary being served by the applicant.

**APPROVED** by Governor March 26, 2015

**EFFECTIVE** March 26, 2015

**H.B. 15-1213** Office of information technology - office responsibilities - definitions. For purposes of the office of information technology (office), "enterprise agreement" is defined as an agreement to purchase information technology equipment and other information technology-related goods or services and "enterprise facility" is redefined to include

specified state buildings and vendor facilities where state data, equipment, information technology, and information technology-related goods will be stored or where information technology-related services will be performed. Procuring enterprise facilities and using enterprise agreements for procurement purposes are included in the responsibilities of the office.

The office is required to use the emergency procurement procedures specified in the "Procurement Code." The office's exemption from the emergency procurement procedures specified in the "Procurement Code" and the office's requirement to promulgate rules for emergency procurement procedures are eliminated.

**APPROVED** by Governor April 8, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1225** Federal land management - local government mineral impact fund - local government severance tax fund - grants - state-provided technical support to local governments for improving coordination, cooperation, and collaboration in federal land management decision-making - appropriation. The act requires the governor, in cooperation with the executive director of the department of natural resources, the commissioner of agriculture, and the executive director of the department of local affairs, to make available to interested local governments technical support to aid local governments in:

- Entering into cooperating agency relationships with federal agencies;
- Sharing information and expertise with federal land managers;
- Developing local land use plans;
- Hiring consultants to perform analyses of local government interests;
- Entering into memoranda of understanding with federal land management agencies;
- or
- Similar methods to improve coordination, cooperation, and collaboration in federal land management decision-making.

The governor may establish an advisory committee to provide technical assistance for one or more federal land management decision-making processes if the governor determines that the advisory committee would provide effective and efficient technical support for collaborative engagement.

The governor, in cooperation with the executive director of the department of natural resources, the commissioner of agriculture, and the executive director of the department of local affairs, is required to notify local governments of the availability of technical assistance.

No later than July 1, 2015, the division of local government is required to formally announce, on its web site and by letter to the state's local governments, an initiative from the local government mineral impact fund or the local government severance tax fund of one million dollars per year for 3 years for grant funding to local governments for planning, analyses, public engagement, and coordination and collaboration with federal land managers and stakeholders, or for similar or related local government processes needed by local governments for engagement in federal land management decision-making.

The act makes changes to the statutes for the local government mineral impact fund and the local government severance tax fund to allow the use of those funds for planning,

analyses, public engagement, and coordination and collaboration with federal land managers and stakeholders, or for similar or related local government processes needed by local governments for engagement in federal land management decision-making.

\$32,369 is appropriated to the department of local affairs for the implementation of the act.

**APPROVED** by Governor May 13, 2015

**EFFECTIVE** May 13, 2015

**H.B. 15-1239** Government-supported employees - prohibition against postemployment compensation by governmental units - exception for Denver health and hospital authority. Under current law, a governmental unit is generally prohibited from paying postemployment compensation to a government-supported official or employee after that individual's employment has ended. The act excludes the Denver health and hospital authority from the definition of "governmental unit", thereby excepting the authority from the prohibition against paying postemployment compensation to former employees.

**APPROVED** by Governor May 4, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1261** Cash fund with fee revenue - maximum reserve - exceptions. Previously, there was a year-end limit on the amount of the uncommitted reserves of many cash funds with fee revenue. This limit was called the target reserve and it was equal to 16.5% of the amount expended from the cash fund during the fiscal year. If the uncommitted reserves in the fund exceeded this limit, then the entity that collected the fees was generally required to reduce them. The act makes the following changes related to the target reserve:

- Changes the name of the "target reserve" to the "maximum reserve";
- Clarifies the definition of "fees" to exclude moneys transferred from the state general fund and any charges that are established in law and are not controlled by the entity;
- Raises the minimum amount of uncommitted reserves that a cash fund must have to be subject to the maximum reserve from \$50,000 to \$200,000;
- Repeals exemptions that appear in the statutes related to specific cash funds and adds those funds to the general maximum reserve statute;
- On July 1, 2017, repeals the exemptions of some of the cash funds that are exempt from the maximum reserve;
- Excludes funds used by a state institution of higher education from the definition of "cash fund", which excludes those funds from the maximum reserve requirement;
- Permits the state controller to average uncommitted reserves over a multi-year period for a cash fund related to a program that has a multi-year revenue-collection cycle or a revenue-contract period;
- Creates a process for an entity to seek from the joint budget committee a 3-year waiver from the maximum reserve, which waiver may establish an alternative maximum reserve or exempt the fund altogether; and
- Restricts spending from a cash fund as a penalty for having excess uncommitted reserves for 3 or more years in a row.

Section 11 of the act specifies that it applies to fiscal years beginning on or after July 1, 2014.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1266** Information technology - budget request process - cost-benefit analysis and return on investment calculation - supplemental funding process - information technology capital account created in capital construction fund. Any new or amended information technology budget request or supplemental information technology budget request that is submitted to the joint technology committee for prioritization for funding must clearly identify and quantify anticipated administrative and operating efficiencies or program enhancements and service expansion through cost-benefit analyses and return on investment calculations.

A department, institution, or agency of the state, including any institution of higher education, may use the statutory process to request permission to make an expenditure in excess of the amount authorized by an item of appropriation for a particular fiscal year for information technology project appropriations.

The information technology capital account is created in the capital construction fund. The general assembly is authorized to make appropriations from the account, rather than from the general fund, for information technology projects in the same manner that it makes appropriations from the capital construction fund for capital construction projects. The account consists of any moneys appropriated or transferred to the account by the general assembly.

**APPROVED** by Governor April 24, 2015

**EFFECTIVE** April 24, 2015

**H.B. 15-1280** Cash funds - identification of capital reserve for accumulated depreciation - annual report - exclusion of capital reserve from uncommitted reserve requirements. The act requires a department to identify a capital reserve, which consists of accumulated depreciation related to a capital outlay or capital construction, in each cash fund except the state general fund, the lottery fund, the highway users tax fund, or the limited gaming fund. The capital reserve is subject to annual appropriation in the annual general appropriation act.

The act also requires the state controller to include in the annual report on cash fund uncommitted reserves the amount of the capital reserve that is excluded from the uncommitted reserves, specifies that long-term assets credited to a cash fund, which are excluded from uncommitted reserves, include a capital reserve, and makes a conforming amendment that repeals a provision that is made unnecessary by the express inclusion of a capital reserve as a long-term asset.

**APPROVED** by Governor May 11, 2015

**EFFECTIVE** May 11, 2015

**NOTE:** Section 5 of House Bill 15-1280 states that the act applies to fiscal years that begin on or after July 1, 2014.

**H.B. 15-1310** Capital construction - department of natural resources - division of parks and wildlife - authority to acquire real property - appropriation. The act grants the division of parks and wildlife the authority to acquire real property for their Garfield county administrative office and public service center.



For the 2015-16 state fiscal year, the act appropriates \$552,500 to the department of natural resources for use by the division of parks and wildlife.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1317** Pay for success contracts - authorization - requirements - creation of pay for success contracts fund. Pay for success contracts leverage private sector resources to implement social services programs that are likely, but not guaranteed, to generate subsequent direct or indirect reductions in government spending for other programs. Under a pay for success contract program, a government enters into a pay for success contract with a lead contractor under which the lead contractor implements one or more desired programs, the government agrees to make success payments to the lead contractor from resulting direct or indirect reductions in government spending if the lead contractor meets defined performance targets, and the lead contractor uses the success payments to recoup its costs incurred in implementing the program or financing the implementation of the program. The government shifts the risk of a program being unsuccessful to the lead contractor because it only pays the lead contractor if the lead contractor meets defined performance targets and if sufficient direct or indirect reductions in government spending for other programs result from the implementation of the program.

The act establishes the state pay for success contracts program for the purpose of authorizing the office of state planning and budgeting (OSPB) to enter into state pay for success contracts with one or more lead contractors for the provision of program-eligible interventions for services that will reduce the need for the state to provide other services in the future.

A state pay for success contract must:

- Clearly define the type, scope, and duration of the program-eligible interventions that the lead contractor will directly or indirectly provide, which must not supplant any existing state, local government, or school district employees who are providing the same interventions, and the specific outcomes sought to be achieved based on defined performance targets;
- Detail the roles and responsibilities of each party to the contract and identified subcontractors;
- State that once the contract is executed, an investor that is funding a lead contractor's contract-related activities may not dictate the manner of delivery of any services by the lead contractor or any other service provider that are not related to the potential for the project to deliver the success measures in the contract.
- Provide for an objective process by which an independent evaluator will determine whether the defined performance targets have been achieved;
- Prohibit a lead contractor from providing program-eligible interventions for more than 7 years unless one or more defined performance targets have been met within the first 7 years of interventions;
- Specify the procedures that the lead contractor must follow in order to request success payments;
- Specify that the OSPB must approve any request for payment made by the lead contractor and that the obligation of the OSPB to make any payment is subject to annual appropriation by the general assembly; and
- Include a clause that specifies any causes for and procedures for early termination of the contract, requires at least 90 days notice to each party to the contract and any service provider of any proposed termination, and requires a transition plan that minimizes any negative impact to individuals being served by the lead contractor

should early termination occur.

With the approval of the OSPB and the lead contractor, one or more local governments may be additional parties to a pay for success contract to be entered into by the OSPB if the chief financial officer and the governing body of each participating local government review and approve the terms of the proposed contract. Any pay for success contract that includes one or more local governments as additional parties must provide for the allocation of success payment responsibilities between the state and each local government if the lead contractor meets the defined performance targets specified in the contract.

The OSPB must enact a sustainability plan based on successful outcomes and performance at the end of a pilot period for those program-eligible interventions that yield savings as assessed by an independent evaluator and must annually make publicly available a summary that identifies the defined performance targets met and not met and the amounts of success payments made. If requested by the OSPB or the state auditor, the independent evaluator must provide its assessment and the data underlying its assessment to the state auditor for review.

The pay for success contracts fund is created in the state treasury and consists of money transferred or appropriated by the general assembly from direct or indirect reductions in state spending resulting from the provision of program-eligible interventions under a pay for success contract or from any other source, any money received by the state from a local government that has joined a contract as an additional party for the purpose of making payments to a lead contractor, and fund investment earnings. Subject to annual appropriation by the general assembly, the OSPB may expend moneys in the fund for administrative costs and to make payments to the lead contractor as required by a pay for success contract.

**APPROVED** by Governor May 20, 2015

**EFFECTIVE** May 20, 2015

**H.B. 15-1333** Capital construction - capital construction fund - regional center depreciation and controlled maintenance account - appropriations. The act creates the regional center depreciation and controlled maintenance account in the capital construction fund and requires the state controller to annually transfer to the account all moneys received by the department of human services for depreciation of the state's regional centers. The act specifies that the moneys in the account are subject to appropriation and may only be used to fund capital construction, capital renewal, or controlled maintenance of the state's regional centers only after the department of human services submits a request for moneys from the account to the capital development committee. The act requires the department of human services to provide details to the joint budget committee no later than 35 days after the close of the fiscal year of the total moneys credited to the regional center depreciation and controlled maintenance account for the fiscal year.

The act also makes the following appropriations:

- For the 2015-16 state fiscal year, \$594,750 is appropriated to the department of human services for use by the regional centers for people with developmental disabilities. This appropriation is from the regional center depreciation account within the capital construction fund.
- For the 2015-16 state fiscal year, \$730,510 is appropriated to the department of human services for use by the regional centers for people with developmental disabilities. This appropriation is from the regional center depreciation account

within the capital construction fund.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1371** Unclaimed property - funds held in lawyer COLTAF accounts - exemption. Funds held in Colorado lawyer trust account foundation trust accounts, commonly known as lawyer COLTAF trust accounts, are exempt from the "Unclaimed Property Act".

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** May 29, 2015

**H.B. 15-1391** Public employees' retirement association - employer contributions - Denver public schools division - true-up. In accordance with the statutory requirement that the public employees retirement association (PERA) determine whether the employer contribution rate for the Denver public schools (DPS) division of PERA must be adjusted to assure the equalization of the DPS division's ratio of unfunded actuarial accrued liability over payroll to the PERA school division's ratio of unfunded actuarial accrued liability over payroll at the end of the 30-year period that began on January 1, 2010, beginning on January 1, 2015, the total employer contribution rate for the DPS division is reduced from 13.75% to 10.15% of salary.

**APPROVED** by Governor June 3, 2015

**EFFECTIVE** January 1, 2015

**H.B. 15-1392** Department of personnel - state employee payroll system - employees paid twice a month. Beginning July 1, 2017, state employees who are paid through the state's payroll system will be paid twice a month rather than once a month. For work performed from the first day of the month through the 15th day of the month, employees will be paid on the last day of the same month, and for work performed from the 16th day of the month through the last day of the month, employees will be paid on the 15th day of the next month; except that, for work performed from the first day of June through the 15th day of June, employees will be paid on July 1.

Any state employee may apply to the department of personnel for a one-time loan to assist the employee in July 2017. The amount of the loan cannot be more than an amount equal to the employee's net pay for a half-month pay period. There are 2 repayment options for employees who choose to take advantage of the loan and an employee may repay the loan early with no prepayment penalty. If an employee separates from state employment prior to the full loan repayment, the balance of the loan will be deducted from the employee's last paycheck.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

## HEALTH AND ENVIRONMENT

**S.B. 15-14** Medical marijuana - physician recommendation guidelines - primary caregiver relationships - primary caregiver registration with state licensing authority - encourage patient registration with state licensing authority - 99 plant cultivation limit - sunset - deceptive trade practices - student use of medical marijuana at school - appropriation. The act requires the Colorado medical board, in consultation with the department of public health and environment (CDPHE) and physicians who specialize in medical marijuana, to establish guidelines for physicians who make medical marijuana recommendations.

The act creates 4 different types of primary caregiver relationships - a parent-child primary caregiver, an advising primary caregiver, a transporting primary caregiver, and a cultivating primary caregiver. The act defines "significant responsibility for managing the well-being of a patient" for purposes of a patient-primary caregiver relationship.

The act requires the CDPHE to adopt rules regarding guidelines for primary caregivers to give informed consent to patients that the products they cultivate or produce may contain contaminants and that the THC levels are not verified. The act requires the CDPHE to convene a group of interested parties to explore laboratory testing options for unlicensed medical marijuana.

As of January 1, 2017, the act requires all transporting and cultivating primary caregivers to register with the state medical marijuana licensing authority (licensing authority) and specifies information that must be included in such registrations. The licensing authority may verify patient registration numbers and extended plant count numbers with the CDPHE to confirm that a patient does not have more than one primary caregiver, or does not have both a designated caregiver and a medical marijuana center cultivating medical marijuana on his or her behalf at any given time. The act prohibits anyone registering as a primary caregiver if the person is licensed as medical or retail marijuana business. A cultivating or transporting primary caregiver shall maintain a list of his or her patients including the registry identification card number of each patient and a recommended total plant count at all times. The act requires the licensing authority and the CDPHE to share the minimum amount of information necessary to ensure that a medical marijuana patient has only one caregiver and is not using a primary caregiver and a medical marijuana center.

After January 1, 2017, the act encourages patients cultivating more than 6 medical marijuana plants for their own medical use to register with the licensing authority and specifies information that must be included in such registrations. The licensing authority shall verify the location of a patient medical marijuana cultivation site to a local government or law enforcement agency upon receiving a request for verification. The location of the cultivation operation shall comply with all applicable local laws, rules, or regulations.

On and after January 1, 2017, the act prohibits a patient and primary caregiver from cultivating more than 99 plants. A cultivating primary caregiver who grows more than 36 plants must register with the licensing authority, including the location of his or her cultivation operation, the patient registration identification number for each of the primary caregiver's patients, and any extended plant count numbers and their corresponding patient registry numbers. The licensing authority shall verify the location of extended plant counts for primary caregiver cultivation operations and homebound patient registration for transporting caregivers to a local government or law enforcement agency upon receiving a request for verification. The location of the cultivation operation shall comply with all applicable local laws, rules, or regulations.

The act sunsets the medical marijuana program on September 1, 2019.

The act permits moneys in the marijuana tax fund to be used to fund the implementation of any costs for law enforcement audits if House Bill 15-1367 does not become law.

The act makes it a deceptive trade practice to knowingly represent that hemp constitutes retail or medical marijuana.

The act allows a school district to adopt a policy that allows a student with a medical marijuana authorization to use medical marijuana at school with the assistance of the student's parent or a medical professional if the location of and method of administration does not create a significant risk to other students.

The act appropriates for fiscal year 2015-16:

- \$60,000 to the department of public safety from the marijuana cash tax fund;
- \$1,068,560 to the department of public health and environment from the medical marijuana program cash fund;
- \$1,068,560 to the office of information technology from the department of public health and environment appropriation;
- \$113,704 to the department of revenue from the marijuana cash tax fund; and
- \$56,706 to the department of law from the appropriation to the department of revenue.

**APPROVED** by Governor May 18, 2015

**EFFECTIVE** May 18, 2015

**NOTE:** House Bill 15-1367, referenced above, was signed by the Governor, June 4, 2015.

**S.B. 15-57** Colorado clean claims task force - reporting requirements. Current law requires the Colorado medical clean claims task force to report to the executive director of the department of health care policy and financing, the health and human services committee of the senate, and the health, insurance, and environment and public health care and human services committees of the house of representatives. The act directs that the reports instead be submitted to the commissioner of insurance and to the business, labor, and technology committee of the senate and the business, labor, economic, and workforce development committee of the house of representatives.

**APPROVED** by Governor March 18, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-103** Compliance advisory panel - continuation under sunset law - members - terms - standards for review. The act establishes that future sunset reviews for the compliance advisory panel to the air pollution division in the department of public health and environment are pursuant to the standards set for advisory boards rather than the standards set for regulatory agencies and functions. The act clarifies that the compliance advisory panel advises, not oversees, the small business stationary source technical and environmental compliance assistance program. The act extends compliance advisory panel members' terms from 2 years to 3 years.

The automatic termination date of the compliance advisory panel is extended until

September 1, 2026, pursuant to the provisions of the sunset law.

**APPROVED** by Governor April 3, 2015

**EFFECTIVE** July 1, 2015

**S.B. 15-189** Tobacco settlement program effectiveness reporting requirement - repeal - reduction in appropriation. The act repeals requirements that the state board of health and the department of public health and environment monitor and the department annually report on the operation and effectiveness of tobacco settlement programs.

The act reduces the appropriation made in the 2015-16 long bill to the department of public health and environment for the administration of personal services by \$25,000.

**APPROVED** by Governor April 16, 2015

**EFFECTIVE** April 16, 2015

**S.B. 15-260** Medical marijuana - testing requirements - testing facility license. Currently, the retail marijuana code requires that retail marijuana be tested. The act requires similar testing for medical marijuana. The act states that testing will not begin until a marijuana laboratory testing reference library is created and licensees are set up for proficiency standards and tests. The act creates a medical marijuana testing facility license.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** July 1, 2016

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1015** Interstate compact - emergency medical service (EMS) providers - authority of providers licensed in compact states to provide EMS in Colorado. The act creates the "Recognition of Emergency Medical Services Personnel Licensure Interstate Compact" (REPLICA) and authorizes the governor to enter into the compact with other states, thereby allowing EMS providers licensed in a compact member state to provide EMS in Colorado.

**APPROVED** by Governor May 8, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1029** Telehealth - coverage under health benefit plans. Under current law, health benefit plans issued, amended, or renewed in this state cannot require in-person health care delivery for a person covered under the plan who resides in a county with 150,000 or fewer residents if the care can be appropriately delivered through telemedicine and the county has the technology necessary for care delivery via telemedicine.

Starting January 1, 2017, the act removes the population restrictions and precludes a health benefit plan from requiring in-person care delivery when telehealth is appropriate, regardless of the geographic location of the health care provider and the recipient of care. A provider need not demonstrate that a barrier to in-person care exists for coverage of telehealth under a health benefit plan to apply. Additionally, the act specifies that delivery of care via telehealth is not required when a provider determines that telehealth is inappropriate or if the covered person chooses not to receive care through telehealth.

The act also specifies that carriers:

- Must reimburse a participating provider who delivers care through telehealth on the same basis that the carrier is responsible for reimbursing that provider for providing the same service in person;
- Cannot deny coverage of a health care service that is a covered benefit because the service is provided through telehealth if delivery of the service via telehealth is appropriate;
- Must include in the payment for telehealth interactions reasonable compensation for the transmission costs to the site where the covered person is receiving services, unless the covered person is located at a private residence when receiving services;
- Must charge the same deductible, copayment, or coinsurance amounts and durational benefit limitation or maximum benefits under the health benefit plan to the health care services delivered via telehealth that the carrier applies to the same health care services when performed through in-person care; and
- Cannot impose an annual or lifetime dollar maximum that applies separately to health care services delivered through telehealth.

"Telehealth" is defined as a mode of delivery of health care services through telecommunications systems to facilitate the assessment, diagnosis, consultation, treatment, education, care management, or self-management of a covered person's health care while the covered person is located at one site and the health care provider is located at a distant site. The term excludes delivery of health care services via telephone, facsimile machine, or electronic mail systems.

**APPROVED** by Governor March 20, 2015

**EFFECTIVE** January 1, 2017

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1059** Denver health and hospital authority - board of directors - additional members - process for removal - decrease in number of required meetings. The number of members on the Denver health and hospital authority board of directors (board) is increased from 9 to 11 beginning on July 1, 2016. The initial and subsequent terms of both new members appointed by the mayor are 5 years.

The statutory reference to the Denver board of health and hospitals is deleted, as that board no longer exists.

The current process for removing a board member from the board is eliminated and a new process for removing a board member is created. Rather than a board member being removed by the mayor or by the Denver city council for any cause that renders the member unfit for the position, beginning on July 1, 2015, any member may be removed upon a unanimous vote of the board, excluding the member to be removed, and approval of the mayor. A member removed from the board pursuant to the new removal process does not have the right to appeal the board's decision.

In addition, the number of meetings that the board is required to hold each year is reduced from 8 to 6 meetings.

**APPROVED** by Governor March 20, 2015

**EFFECTIVE** March 20, 2015

**H.B. 15-1102** Colorado Cottage Foods Act - tiers of foods sold under the Act - disclaimers - rules for the production and sale of tier two foods - appropriation. The "Colorado Cottage Foods Act" exempts sellers of certain foods from state inspection standards. The act expands the permitted foods to include flour, fruit empanadas, tortillas, and pickled vegetables that have an equilibrium pH value of 4.6 or lower.

The act separates the foods into two tiers and requires the state board of health to promulgate rules for the production and sale of tier two foods.

In addition to the disclaimer required on the products sold, a producer must also display a placard, sign, or card at the point of sale indicating that the product was produced in a home kitchen that is not subject to state licensure or inspection.

\$120,982 is appropriated from the general fund to the department of public health and environment for the implementation of the cottage foods program.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1144** Personal care products - prohibition on use of microbeads. The act prohibits the production, manufacture, or acceptance for sale of personal care products, including over-the-counter drugs, that contain synthetic plastic microbeads. The prohibition is phased in from January 1, 2018, through January 1, 2020. The penalty for each violation may be from \$1,000 to \$10,000.

**APPROVED** by Governor March 26, 2015

**EFFECTIVE** March 26, 2015

**H.B. 15-1145** Radioactive materials - federal nuclear regulatory commission - audit implementation. The federal nuclear regulatory commission (NRC) has primary jurisdiction over radioactive materials but has delegated that authority within Colorado to the state by agreement. In 2014, the NRC audited Colorado's radiation regulatory program. The audit report listed numerous amendments to Colorado's radiation control statute that are necessary to maintain the delegated authority.

The act implements the requirements and recommendations of the audit report and updates the radiation control statutes by:

- Modifying the state board of health's authority to adopt rules (section 2), including requiring NRC approval before the application of groundwater remediation standards that differ from federal standards (section 3);
- Repealing an unnecessary exemption regarding the transportation of radioactive materials (section 4);
- Repealing the state board's authority to issue a provisional medical license (section 5);
- Increasing the amount of required financial assurance by reducing the assumed annual interest rate from 6% to 1% (section 6);
- Clarifying that, in keeping with existing provisions of the "State Administrative Procedures Act", an administrative law judge may approve a radioactive material license application (section 8);
- Clarifying limitations on the receipt of radioactive materials for processing and



- making conforming amendments (section 8); and
- Repealing an obsolete provision relating to the acquisition of sites under the federal "Uranium Mill Tailings Radiation Control Act of 1978" (section 9).

**APPROVED** by Governor April 8, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1191** Physician designation disclosure requirements - inclusion of dentists. The act adds dentists to the "Physician Designation Disclosure Act", which imposes certain standards and requirements on health care entities that assign designations to physicians as an assessment or measurement of the care or clinical performance of physicians, thereby imposing those same standards and requirements when health care entities assign designations to dentists. The act also renames the law the "Physician and Dentist Designation Disclosure Act".

**APPROVED** by Governor April 10, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1214** Consortium for prescription drug abuse prevention - study - opioid drug products - report. The act requires the governor to direct the Colorado consortium for prescription drug abuse prevention to study the barriers to and the efficacy of the use of abuse-deterrent opioid analgesic drug products as a way to reduce abuse and diversion of opioid drug products. On or before January 15, 2017, the consortium is required to report its findings to the public health care and human services committee and the health, insurance, and environment committee of the house of representatives and the health and human services committee of the senate, or their successor committees.

**APPROVED** by Governor May 11, 2015

**EFFECTIVE** May 11, 2015

**H.B. 15-1226** Retail food establishments - annual license fees - stakeholder process. The act requires the executive director of the department of public health and environment (department) or his or her designee to convene a stakeholder group, including representatives from Colorado associations representing county or district public health agencies, county commissioners, retail food establishments, and any other party that represents a retail food establishment and expresses interest in participating to study retail food establishments, retail food establishment license fees, and retail food inspection programs.

The stakeholders must meet by June 15, 2015, and at least once every 3 years thereafter.

The executive director of the department or his or her designee must prepare a report of the findings and conclusions of the study and present the report to all stakeholders and others upon request.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

**H.B. 15-1232** Epinephrine auto-injectors - use of auto-injectors by authorized entities, organizations, and other individuals - civil and criminal immunity - appropriation. The act permits entities and organizations other than schools to acquire and stock epinephrine auto-injectors. A health care practitioner may prescribe, and a health care practitioner or pharmacist may dispense, epinephrine auto-injectors in the name of an authorized entity where allergens capable of causing anaphylaxis may be present. Each employee, agent, or other individual of the authorized entity must complete a training program approved by the department of public health and environment (CDPHE) before using an epinephrine auto-injector. A trained employee, agent, or other individual of the authorized entity may either provide or administer an epinephrine auto-injector to a person who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis.

An authorized entity may keep an emergency public access station (EPAS) containing epinephrine auto-injectors under the general oversight of a medical professional who is capable of communicating with a user in real time before the EPAS may be unlocked to dispense an epinephrine auto-injector.

An authorized entity that possesses and makes available epinephrine auto-injectors is required to submit a report to the CDPHE on each incident involving the administration of an epinephrine auto-injector on the entity's premises, and the CDPHE shall publish an annual report summarizing reports it receives.

The act exempts from civil and criminal liability:

- An authorized entity that possesses and makes available an epinephrine auto-injector or an EPAS and the entity's employees, agents, and other individuals;
- An individual or entity that conducts the anaphylaxis training program;
- An individual who prescribes or dispenses an epinephrine auto-injector;
- An individual who provides or administers an epinephrine auto-injector;
- A medical professional who consults a user of an EPAS and makes an epinephrine auto-injector stored in the EPAS available to the user; and
- An individual who uses an EPAS.

The immunity does not apply, however, when an individual's or entity's acts or omissions are grossly negligent or willful and wanton.

\$23,736 is appropriated from the general fund to the department of public health and environment for use by the disease control and environmental epidemiology division for the implementation of this act, which appropriation is based on the assumption that the division will require an additional 0.4 FTE.

**APPROVED** by Governor May 14, 2015

**EFFECTIVE** May 14, 2015

**H.B. 15-1233** Respite care task force - creation - members - department of human services - report. The act creates the respite care task force to study the dynamics of supply and demand with regard to respite care services in Colorado. The majority and minority leadership of the Senate and House of Representatives will appoint 6 members to the task force and the Governor will appoint 8 members. The members of the task force will serve without compensation or reimbursement for expenses. The department of human services (department) will assist the task force. The department may contract for an external study

of respite care and must provide the final results to the task force. The task force will submit a report to the general assembly by January 31, 2016.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** May 29, 2015

**H.B. 15-1242** Hospitals - patient-designated caregivers. The act requires each general hospital to give each patient or the patient's legal guardian the opportunity to designate a caregiver immediately after the patient's admission to the hospital and prior to the patient's release from the hospital or transfer to another facility. The hospital is required to:

- Record the designation of the caregiver in the patient's medical record;
- Consult with the patient regarding the capabilities and limitations of the caregiver;
- Provide a discharge plan to the patient; and
- Provide the caregiver with instructions and training concerning the aftercare of the patient.

**APPROVED** by Governor May 8, 2015

**EFFECTIVE** May 8, 2015

**H.B. 15-1249** Water pollution control - fees - reorganization and increases - appropriation. The act amends the statutory fee schedule that the department of public health and environment charges for the discharge of pollutants into state waters. The act recodifies the existing statutory fee structure and generally does not change the amounts of the existing fees, but does reorganize the existing fees into 5 new sectors and postpones a fee decrease for the animal agriculture sector for 3 years. There is a new category in the commerce and industry section for amusement and recreation services. Fees are increased for the construction section, with the additional revenue being dedicated to finance alternative compliance assurance services within that sector. The act introduces 3 new fees for regulated activities associated with the application of pesticides, the costs associated with reviewing requests for certifications under section 401 of the "Clean Water Act", and an application fee for new permits, which will be credited toward the annual permit fee.

The act appropriates to the department \$17,600 from the water quality fund for the pesticides sector and \$1,868 from the water quality fund for the commerce and industry section for implementation of the act.

The act applies to fees collected on or after July 1, 2015.

**APPROVED** by Governor June 4, 2015

**EFFECTIVE** July 1, 2015

**H.B. 15-1281** Newborn screening - pulse oximetry to detect congenital heart defects - report to the department of public health and environment - rules - appropriation. The act requires all newborns born in a birthing center that is below an elevation of 7,000 feet to be screened for congenital health defects using pulse oximetry prior to the infant's leaving the health facility. The state board of health will promulgate rules for pulse oximetry at birthing centers at or above 7,000 feet when the board receives confirmation of appropriate calibration of pulse oximetry instruments. The act requires each birthing facility to report the results of the screening to the department of public health and environment and allows the state board of health to promulgate rules.

The act appropriates \$32,386 from the newborn screening and genetic counseling cash funds to the department of public health and environment for use by the center for health and

environmental data.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1282** Birth certificates - crime for a birth parent to misrepresent material information used to create a birth certificate - revision of worksheet form by registrar. The act makes it an unclassified misdemeanor for a birth parent to knowingly and intentionally misrepresent material information that is used to create a child's birth certificate. "Material information" is the legal name of a birth parent, the birth date of a birth parent, the mother's maiden name prior to a first marriage, if applicable, and the place of birth of a birth parent. "Birth parent" means a natural parent, by birth, of a child born in this state. "Birth parent" also includes a presumed or putative father in accordance with the statutory presumptions for determination of paternity, or a putative father that is not married to the mother who signs a voluntary acknowledgment of paternity. The penalty for this crime is a fine of not more than \$1000 or imprisonment in the county jail for not more than one year or both.

The state registrar of vital statistics is required to revise the birth certificate worksheet form used for the preparation of a birth certificate to include a statement that knowingly and intentionally misrepresenting material information on the worksheet form used for the preparation of a birth certificate is a misdemeanor.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** July 1, 2015

## HEALTH CARE POLICY AND FINANCING

**S.B. 15-11** Medicaid - spinal cord injury waiver program - use of complementary and alternative medicine - appropriation. The act extends the repeal date for the pilot program providing complementary and alternative medicine to certain individuals with spinal cord injuries to September 1, 2020. The act changes the description of chiropractic care, massage therapy, and acupuncture from complementary and alternative "therapies" to complementary and alternative "medicine".

Subject to available appropriations, the general assembly intends that the state department enroll every eligible person who applies for the waiver and that an eligible person is not placed on a waiting list for services. The act directs the department of health care policy and financing (state department) to continue to use a volunteer outreach coordinator throughout the duration of the pilot program and specifies the volunteer's duties. In addition, the act extends the date for the independent evaluation of the pilot program to January 1, 2020.

The act appropriates \$179,347 of general fund moneys to the state department to use for 0.8 FTE for general administration, operating expenses related to general administration, general professional services and special projects, and medical services premiums. In addition, the state department anticipates that it will receive \$183,302 in federal funds for those same purposes.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**S.B. 15-137** PACE programs - for-profit providers - conversions. Under current law, nonprofit organizations are authorized to offer the program of all-inclusive care for the elderly (PACE program). If permitted by federal law, the act authorizes public, private, and for-profit entities, in addition to nonprofit entities, to provide the PACE program. The act requires a nonprofit PACE provider that converts to a for-profit PACE provider to give written notice of the conversion and provide a conversion plan to the attorney general prior to the closing or effective date of the conversion. The act includes the required elements of the conversion plan. The attorney general shall post the conversion plan on-line and allow for public comment on the plan.

**APPROVED** by Governor May 8, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-228** Medicaid - provider rates - review - 5-year schedule - advisory committee - procedures - recommendations - appropriation. The act establishes a process for the department of health care policy and financing (department) to review medicaid provider rates. The department must establish a schedule so that every rate is reviewed every 5 years, but certain rates may be excluded upon request of the joint budget committee (JBC) or the medicaid provider rate review advisory committee (committee) established pursuant to the act. The department shall review out-of-cycle or excluded rates.

In reviewing rates, the department first conducts an analysis of the access, services, quality, and utilization of the service and provides a report to the JBC and the committee. The department then conducts a review of the report, including public meetings, with stakeholders. The department works with the office of state planning and budgeting to

develop recommendations within the overall state budget. Finally, the department submits a report to the JBC on the review and its recommendations on or before November 1 of each year.

The act requires leadership in both houses to appoint members of the committee and establishes duties for the committee.

The act appropriates \$269,912 to the department to establish the review process.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1186** Medicaid - autism waiver program - appropriation. The act increases the age limit for children receiving services under the autism waiver program from 6 years of age to 8 years of age. The current cap on the annual dollar amount of services that may be provided to a child in the program of \$25,000 is removed and will, instead, be set annually by the medical services board based upon the general assembly's appropriations.

The act states that it is the intent of the general assembly that there will be no waiting list for services for eligible children who apply for the waiver program, so the act removes language about prioritizing placement in the waiver program.

Finally, the act increases the frequency of program evaluation to an annual evaluation of the effectiveness of the services provided to children pursuant to the waiver program in meeting the goals of the waiver program.

The act appropriates \$5,207,767 of general fund moneys and moneys from the Colorado autism treatment fund to the department of health care policy and financing for administration, medical services premiums, and behavioral health capitation payments. In addition, federal funds are expected to be available for the same purposes.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** July 1, 2015

**H.B. 15-1318** Medicaid - home- and community-based services - adults with intellectual and developmental disabilities - waiver consolidation - conflict-free case management - appropriation. The act requires the department of health care policy and financing (state department) to administer medicaid home- and community-based services to adults with intellectual and developmental disabilities pursuant to a single waiver, effective July 1, 2016, or as soon as the state department receives federal authorization for a single consolidated waiver. The state department shall report to the joint budget committee concerning the status of federal approval of the redesigned waiver. The act includes principles guiding the design of the waiver, and requires the redesigned waiver to include a functional eligibility assessment, a person-centered assessment process, and a payment system that ensures fair distribution of available resources for both providers and consumers. Further, the redesigned waiver must ensure continuity of support, including residential services, for eligible individuals enrolled in the medicaid home- and community-based services waivers serving adults with intellectual and developmental disabilities who were receiving services as of January 1, 2016, and who have maintained waiver eligibility.

As part of its fiscal year 2016-17 budget request to the joint budget committee, the state department must include a justification for the continued use of the support intensity scale assessment. If the joint budget committee determines that the justification is insufficient, the state department shall present a plan to transition to a different assessment tool.

The act requires the state department to notify the joint budget committee no later than June 1, 2016, if the federal government has approved a single, consolidated waiver for adults with intellectual and developmental disabilities.

The act requires the state department, with input from community-centered boards, to develop a plan, no later than July 1, 2016, for the delivery of conflict-free case management services and a reasonable timeline for implementation of the plan. The state department will report to the joint budget committee concerning the plan and any necessary statutory changes to implement the plan.

The act appropriates \$788,347 from the developmental disabilities services cash fund to the state department for use by the division of intellectual and developmental disabilities based on the assumption that the division will require an additional 2.7 FTE to implement the act. Any unexpended moneys are further appropriated for the following fiscal year. The state department also anticipates receiving \$1,388,348 in federal funds to implement the act.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1359** Savings accounts for persons with intellectual and developmental disabilities - section 529A ABLÉ accounts - collegeinvest as administrator. The act authorizes the collegeinvest authority (authority) to establish an achieving a better life experience (ABLE) savings program that conforms to the federal "Stephen Beck, Jr., Achieving a Better Life Experience Act of 2014", as that act is created in section 529A of the "Internal Revenue Code of 1986" (section 529A). Individuals who were declared disabled, as defined under federal law, before reaching 26 years of age are eligible to open an ABLÉ savings account. Account earnings grow on a tax-free basis. So long as account distributions for qualified disability expenses are excluded from taxable income pursuant to section 529A of the internal revenue code, such distributions are exempt from state income taxation.

ABLE savings accounts under section 529A are modeled after section 529 college savings accounts, but, unlike those accounts, ABLÉ savings accounts may be used to save for many expenses related to an individual's disability without disqualifying the individual for certain federal benefits. Qualifying expenses may include, if permitted under federal law, expenses related to education, housing, transportation, employment training and support, assistive technology and support services, health, prevention and wellness, financial management and administrative services, legal fees, expenses for oversight and monitoring, funeral and burial expenses, and other approved expenses.

The act requires the authority to establish the ABLÉ savings program pursuant to the requirements of section 529A, to adopt guidelines and procedures for implementing the program, and to revise those guidelines and procedures, as necessary, to ensure that the program is a qualified ABLÉ savings program under federal law. The program is operated through the use of individual accounts and managed by a contract with a financial institution or institutions selected by the authority. The authority is permitted to invest amounts on deposit in the ABLÉ savings program with section 529 college savings accounts. The authority may also contract with a state that does not have a qualified ABLÉ savings program to manage accounts for that state's residents and also contract with another state that has a qualified ABLÉ program to accept accounts from Colorado residents.

The act specifies powers and duties related to the implementation of the ABLÉ savings

program in addition to the authority's existing powers and duties. The act includes provisions relating to contributions, withdrawals, and management of the accounts, as permitted under section 529A, and the deposit and withdrawal of fees established for the savings program through the collegeinvest fund.

The act amends provisions relating to limitations on personal liability, claims of creditors, confidentiality of records, policies for promoting programs, residency, and tax exemptions to ensure that those provisions include the ABLE savings program and conform with federal law.

**APPROVED** by Governor June 3, 2015

**EFFECTIVE** June 3, 2015

**H.B. 15-1368** Persons with intellectual or developmental disabilities - crisis services - cross-system response for behavioral health crises pilot program - appropriation. The act establishes the cross-system response for behavioral health crises pilot program (pilot program) is established to provide crisis intervention, stabilization, and follow-up services to individuals who have both an intellectual or developmental disability and a mental health or behavioral disorder and who also require services not available through an existing home- or community-based services waiver or not covered under the Colorado behavioral health care system. The pilot program will begin on or before March 1, 2016, and will consist of multiple sites that represent different geographic areas of the state. The pilot program shall:

- Provide access to intensive coordinated psychiatric, behavioral, and mental health services as an alternative to emergency department care or in-patient hospitalization;
- Offer community-based, mobile supports to individuals with dual diagnoses and their families;
- Offer follow-up supports to individuals with dual diagnoses, families, and caregivers to reduce the likelihood of future crises;
- Provide education and training for families and service agencies;
- Provide data about the cost in Colorado of providing such services throughout the state; and
- Provide data about systemic structural changes needed to remove existing regulatory or procedural barriers to the authorized use of public funds across systems, including the medicaid state plan, home- and community-based service medicaid waivers, and the capitated mental health system.

The department of health care policy and financing (department) shall conduct a cost-analysis study related to the services that would need to be added to eliminate service gaps and ensure that individuals with intellectual and developmental disabilities are fully included in the Colorado behavioral health system. The department shall also provide recommendations for eliminating the service gap.

The act appropriates \$1,695,000 to the cross-system response for behavioral health crises pilot program fund created by the act. The \$1,695,000 is reappropriated to the department of health care policy and financing for use by the division of intellectual and developmental disabilities.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015



## HUMAN SERVICES - BEHAVIORAL HEALTH

**H.B. 15-1023** Day treatment center - age of children served. The act changes the lower and upper age limit for persons served by a day treatment center from at least 5 years of age to at least 3 years of age and from less than 18 years of age to less than 21 years of age, unless a person who is 21 years of age is completing an educational program.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** March 13, 2015

**H.B. 15-1032** Mental health services for minors - additional authorized mental health professional providers. The act specifies that, in addition to a person licensed to practice medicine or psychology, a licensed social worker, marriage and family therapist, professional counselor, or addiction counselor may render mental health services to a minor who is at least 15 years of age with the minor's consent in any practice setting.

**APPROVED** by Governor March 20, 2015

**EFFECTIVE** March 20, 2015

## HUMAN SERVICES - SOCIAL SERVICES

**S.B. 15-12** Colorado works program - child support pass through to assistance recipients - appropriation. Pursuant to the Colorado works program, while a recipient is receiving assistance, the recipient must assign to the department of human services (state department) his or her right to receive child support for purposes of reimbursing the state for the assistance paid to the recipient. Effective January 1, 2017, upon the state department's notification that the relevant human services case management systems, including the automated child support enforcement system and the Colorado benefits management system, are capable of managing the distribution process for the pass-through, the act requires the state department to pass through to the recipient current child support collected by the state department pursuant to the assignment.

The act requires the state department to annually report to the joint budget committee the amount of child support passed through to recipients. Further, the amount of the child support pass-through will not be included in income for purposes of calculating the amount of the applicant's or participant's basic cash assistance payment; however, the child support payments, with applicable disregards, are considered income for purposes of determining eligibility.

The general assembly may appropriate to the state department moneys sufficient to reimburse the counties for fifty percent of child support collections and the federal government for its share of child support collections. In any fiscal year in which the general assembly does not appropriate the full amount necessary to reimburse the county for the pass-through, the county is not required to, but may, implement the child support pass-through.

The act appropriates \$315,509 in general fund moneys to the state department for changes to the automated child support enforcement system and for implementation contractor costs. In addition, the act anticipates that the state department will receive \$553,386 in federal funds for use by the office of self sufficiency. The federal funds will be used for the same purposes as the general funds.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-65** Use of electronic benefit cards - prohibited locations. Federal law requires states to prevent recipients of public benefits from using electronic benefits transfer cards (EBT cards) at liquor stores, gambling establishments, and adult-oriented entertainment establishments. Current Colorado statutes prohibit the use of EBT cards by recipients at automated teller machines (ATM) in liquor stores, gambling establishments, and firearms dealers. The act extends the Colorado prohibitions to establishments licensed to sell marijuana or marijuana-infused products and to adult-oriented entertainment establishments.

The act requires the owner of an ATM to reprogram the machine to allow recipients to use the machine when it is moved from a prohibited location.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**S.B. 15-87 Foster care - emergency placement - placement with noncertified kin - criminal background checks and other background checks - rules.** A county department of human services or of social services (county department) or child placement agency is required to perform and document that the following 5 types of background checks have been performed of the applicant, an employee, or any adult residing in the foster care home prior to placing a child in a foster care home and when certifying or recertifying the applicant or operator of a foster care home:

- A fingerprint-based criminal history record check with the CBI;
- A fingerprint-based criminal history record check with the FBI;
- A comparison check of the criminal history records on the state judicial department's ICON system;
- A check that the individual is not a registered sex offender on the state's sex offender registry or in another state as checked on the national sex offender public registry operated by the U.S. department of justice; and
- A check through the state department of human services' automated database system that the individual has not been identified as having a finding of child abuse or neglect.

These background checks must be performed for any adult residing in the foster care home, not just those who reside in the home and are acting as a caregiver for the child.

The act revises the definition of "foster care" to clarify that it includes a kinship foster care home. The act defines "kin", "kinship foster care home", and "noncertified kinship care". The act revises the definition of "county department" to reflect that county departments are referred to as county departments of human or social services. The act repeals the definition of salaried foster parent related to a pilot program repealed in 2009.

The act amends the existing list of disqualifying criminal offenses for persons providing foster care or other types of out-of-home placement to include any offense involving unlawful sexual behavior, not just felony offenses.

The state board of human services (state board) shall adopt rules governing the background checks and documentation for foster care homes and concerning what the county department or child placement agency must do if a disqualifying factor or problem is found from the background checks. The rules must also specify sanctions that the state department of human services (state department) may place upon a county department or child placement agency that fails to perform or document background checks for foster care homes.

The act requires the county department to share with the guardian ad litem the reports of fingerprint-based criminal history record checks from the CBI and the FBI if the court orders the county department to share that information with the guardian ad litem.

The act clarifies what background checks are required and the sequence of steps for background checks when a child is taken into temporary custody and placed with a relative in emergency placement. The county department or a local law enforcement agency must immediately perform the initial criminal history record check prior to placing the child in temporary custody with the relative. The local law enforcement agency is required to immediately provide the county department with a verbal response regarding the person's criminal history based on the initial criminal history record check. The child may not be placed with the relative if the initial criminal history record check reflects a criminal history of committing certain disqualifying crimes. If the relative has not been disqualified as an emergency placement, then the relative shall report to a local law enforcement agency, or to

the county department, if the county department has a fingerprint machine, to submit fingerprints for a fingerprint-based criminal history record check used to determine if the child may remain in that emergency placement. The county department is required to confirm within 15 days that the relative has self-reported to a law enforcement agency to obtain a fingerprint-based criminal history record check. If the relative is found to have committed certain crimes, the county department or law enforcement agency must remove the child from the relative's care.

If the relative was not disqualified as a continued emergency placement after the fingerprint-based criminal history record check, the bill requires the county department to conduct the following background checks of the relative and of any person residing with the relative:

- A check of the judicial department's ICON system to determine the status or disposition of any criminal charges;
- A check of the state department's automated database to determine if the person has been identified as having a finding of child abuse or neglect and whether such finding presents an unsafe placement for the child; and
- A check of the state sex offender registry and the national sex offender public registry to see if the person is a registered sex offender.

If information is found from the additional background checks of the relative that indicate that continued placement with the relative would no longer be safe for the child, the county department is required to remove the child from that placement.

The county department is required to request that a local law enforcement agency perform a fingerprint-based criminal history record check of any person residing in the home. The local law enforcement agency is required to provide the results of the criminal history record checks within 48 hours. If the fingerprint-based criminal history record check indicates that a person residing in the home has committed certain disqualifying crimes or the other background checks raise issues about the safety of the child in the home, the county department shall evaluate the continued placement of the child in the home and develop a plan to address the issues within 14 days. The county department shall remedy the situation as quickly as possible and no later than 2 weeks after placement. The state board shall promulgate rules to address child safety and what must be considered in the evaluation.

The county department does not need to repeat fingerprint-based criminal history record checks of relatives or other persons residing in the home if those checks have been performed within the preceding 3 months; except that the county department shall repeat the other background checks and contact local law enforcement to verify if there were any new charges for offenses filed against the relative or other persons residing in the home. The county department may also request flagging of the fingerprints and automatic notification of new arrests when the person is also applying for foster care certification.

A county department is required to conduct background checks for a relative who is providing noncertified kinship care when the placement with a relative is not an emergency placement. A county department shall not place a child in noncertified kinship care if the kin or an adult who resides with the kin at the home:

- Has been convicted of certain disqualifying criminal offenses;
- Is a registered sex offender in the state sex offender registry or national sex offender registry; or
- Has been identified as having a finding of child abuse or neglect through a check of the state department's automated database and that finding has been determined to present an unsafe placement for the child.

However, a county department may make a placement with noncertified kin that would otherwise be disqualified or allow continued placement with noncertified kin if an adult residing in the home would otherwise be disqualified if such placement occurs according to rules on reviewing placement and addressing safety issues promulgated by the state board or if there is county-initiated court involvement and an order of the court affirming placement of the child with the kin.

The state board shall adopt rules on reviewing the placement of children in noncertified kinship care, including rules requiring the performance and documentation of criminal background checks and other background checks of relatives and residents in the home, reviewing placement and addressing safety issue when there are disqualifying factors or safety issues, and identifying alternative remedies to removal of the child from the placement.

The court is directed to inquire whether there is documentation that a foster care provider or family member who is seeking to care for a child and any person residing with the foster care provider or family member have had the required criminal and other background checks when a child is in out-of-home placement and the court is placing a child in the legal custody of a family member or, after termination of the parent-child legal relationship, when the court is placing the child in the legal custody of a county department for placement in a foster care home, or when a family member requests that a child be placed with the family member.

**APPROVED** by Governor June 2, 2015

**EFFECTIVE** June 2, 2015

**S.B. 15-178** Colorado commission for the deaf and hard of hearing - membership - duties - terms of office - continuation under sunset law. In accordance with the recommendation of the department of regulatory agencies contained in its sunset review, the act continues the Colorado commission for the deaf and hard of hearing for 9 years, until 2024. In addition, the act:

- Requires the commission to report to the general assembly annually, on or before September 1 of each year, with recommendations for administrative and legislative changes that would benefit the deaf and hard of hearing community;
- Limits the terms of commissioners to 2 consecutive 4-year terms;
- Repeals the requirement for senate confirmation of commissioner appointments;
- Clarifies that the commission also serves persons who are deaf-blind;
- Changes the membership of the commission to add a commissioner who is deaf-blind in place of the existing position for a member of the public; and
- Makes technical changes to the commission's enabling statute to remove obsolete or conflicting language.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** July 1, 2015

**S.B. 15-204** Child protection services - abuse and neglect - office of the child protection ombudsman - appropriation. Currently, the office of the child protection ombudsman (office) operates within the department of human services (department), with the administration of the program and office awarded by the department through a contract. The act removes the office from the department and establishes it within judicial department as an independent agency. An independent nonpartisan child protection ombudsman board (board) is established and membership criteria set forth.

The board's duties include overseeing personnel decisions related to the child protection ombudsman (ombudsman); ensuring accountability and consistency in the operating policies and procedures for the office; working cooperatively with the ombudsman to provide fiscal oversight for the office; assisting with the memorandum of understanding, to be signed no later than November 1, 2015, between the office and the department; and collaborating with the judicial department and the office on the creation of an administrative memorandum of understanding between the judicial department and the office, to be signed no later than November 1, 2015, with an effective date of no later than January 1, 2016.

The current contract under which the office operates may be extended until December 31, 2015, and may be revoked earlier upon the agreement of all parties, but no sooner than the effective date of the memorandum of understanding between the judicial department and the office.

The office is given the authority to make direct funding recommendations to the joint budget committee of the general assembly for the office's operations. The office is required to submit its own annual SMART performance report to the general assembly.

For the 2015-16 state fiscal year, \$351,086 is appropriated to the judicial department for an additional 2.2 FTE for administrative matters related to the office, capital and infrastructure maintenance related to the office, and actual operations of the office.

**APPROVED** by Governor June 2, 2015

**EFFECTIVE** June 2, 2015

**S.B. 15-240** Individuals with disabilities - independent living centers - funding. The act instructs the state department of human services to promulgate a rule for the distribution of state moneys to independent living centers.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**S.B. 15-241** Collaborative management of multi-agency services program - appropriation. With respect to collaborative management of multi-agency services provided to children and families (program), the act:

- Clarifies that children or families do not need to be in the child welfare or foster care system to receive services under the program;
- Clarifies that the department of human services (department) is responsible for ensuring statewide consistency relating to the requirements for program memoranda of understanding;
- Clarifies the definition of the target population for the program;
- Requires the department and specified persons to develop performance measures for the system of collaborative management, which measures may be modified biennially;
- Requires parties to a program memorandum of understanding to identify performance measures, report to the department concerning those measures, and participate in an annual program evaluation of their success in meeting the identified performance measures;
- Clarifies that incentive funding is provided to parties to a memorandum of understanding who have successfully met or exceeded the identified performance measures as reported to the department;
- Removes references to "elements of collaborative management"; and
- Authorizes the department to use general fund moneys for program incentives.

The act appropriates \$1,856,635 to the department for use by the division of child welfare for implementation of the program, administration, program incentives, and annual program evaluations.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**S.B. 15-242** Child welfare - staffing - funding - allocation formula - appropriation. The act directs the child welfare allocations committee (committee) to develop a formula to allocate additional funding (allocation) to counties in addition to the child welfare block grant for the specific purpose of hiring new child welfare staff at the county level. Any county receiving such an allocation shall continue to fund any child welfare staff existing as of January 1, 2015, through its child welfare block grant. Each county that receives an allocation shall provide a 10% match to state and federal moneys; except that a county that qualifies as tier 1 or tier 2 for purposes of the county tax base relief fund shall be funded at 100% of state and federal funds provided.

The state department of human services (department) is authorized and required to contract for an external study concerning the child welfare caseload by county. The results of the study shall be provided to the committee, which shall modify the formula as necessary after receiving the results of the child welfare caseload study.

The act appropriates \$6,320,443 to the department to implement the act.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**S.B. 15-243** Medicaid - regional centers - prohibition on transfer of state-operated beds. The act prohibits the department of human services (department) from closing or selling, prior to May 16, 2016, state-operated beds licensed pursuant to the Medicaid home- and community-based services for individuals with developmental disabilities waiver. Further, individuals transitioned to the community unsuccessfully within the preceding six months must be permitted to return to a state-operated regional center, and the department shall maintain an adequate number of beds at the regional centers for these individuals.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1078** Child welfare - missing children - report to law enforcement. The act requires the state department of human services or a county department of human or social services that has legal custody of a child or youth to report the child's or youth's disappearance to the National Center for Missing and Exploited Children and to law enforcement immediately, or no later than 24 hours after learning of the disappearance. Law enforcement authorities shall notify the Colorado bureau of investigation for transmission to the federal bureau of investigation for entry into the national crime information center database.

**APPROVED** by Governor March 20, 2015

**EFFECTIVE** January 1, 2016

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1188 Vocational rehabilitation.** The act addresses concerns identified by a recent audit of the state vocational rehabilitation program for persons with disabilities (program). Several areas of statute are repealed because they did not comply with federal regulations. The act clarifies that the program does not entitle an eligible person with a disability to unlimited services from the program. Numerous duties are statutorily assigned to the state department of human services, including the responsibility to complete a comprehensive assessment and develop employment outcomes or goals, including time frames, for each person with a disability receiving services; the requirement to develop a fee schedule for goods and services; and the requirement to close the record of services in a timely manner for a person with a disability after he or she has achieved his or her employment outcomes or goals. The state department of human services shall also establish a review process to allow for exceptions to the new requirements in unique cases. Language concerning recovery of state moneys for vocational rehabilitation services received through misrepresentation, fraud, collusion, or criminal conduct is added to statute.

**APPROVED** by Governor March 30, 2015

**EFFECTIVE** March 30, 2015

**H.B. 15-1248 Screening foster care parents - child placement agencies - access to reports of child abuse and neglect - appropriation.** The act allows a designated person at each child placement agency, in accordance with certain conditions outlined in the act, to access records and reports of child abuse or neglect (TRAILS system) for the purpose of screening current or prospective foster parents, any adult residing in the home of a current or prospective foster parent, and specialized group facilities. The department of human services shall monitor the child placement agencies' access to TRAILS to ensure compliance with statute.

The act appropriates \$37,138 to the department of human services for use by the division of child welfare to monitor TRAILS usage by child placement agencies and for information technology services for TRAILS.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** July 1, 2015

**H.B. 15-1255 Electronic benefit transfer cards - reports on improper use - rules for prohibited establishments.** The act requires the department of human services (department) and the department of revenue to submit reports to specified committees of the general assembly on improper use of electronic benefits transfer cards (EBT cards) at certain prohibited locations.

The act requires the department to adopt rules enforcing the prohibition against the use of EBT cards at prohibited establishments, including increasing penalties for repeated violations.

The act requires the department of revenue to promulgate rules for establishments regulated by the department of revenue:

- Requiring the operators of establishments in which EBT cards are prohibited and in which an automated teller machine (ATM) is located to post a sign notifying users that they are prohibited from accessing benefits with an EBT card at the ATM. The bill specifies a statement that must appear on the sign.
- Requiring operators of such establishments to take measures to prevent clients from using EBT cards at ATMs in their establishments;
- Establishing methods to enforce measures by operators to prohibit clients from using



- an ATM at prohibited locations, including increasing penalties; and
- Exempting an establishment from the above requirements if it provides to the department of revenue a statement from the owner or operator of each ATM in the establishment that the ATM will not accept EBT cards, but authorizing the department of revenue to impose sanctions for unauthorized use.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**NOTE:** Certain sections of the act are contingent on whether or not Senate Bill 15-065 becomes law. Senate Bill 15-065 was signed by the governor May 1, 2015.

**H.B. 15-1358** Child abuse or neglect - differential response program. The differential response pilot program for child abuse or neglect cases of low or moderate risk was created in 2010 and scheduled for repeal on July 1, 2015. The act establishes the pilot program as a permanent program by removing the repeal. Participation in the program by county departments of human or social services is voluntary. The reporting requirements for the pilot program are repealed.

**APPROVED** by Governor May 14, 2015

**EFFECTIVE** May 14, 2015

**H.B. 15-1365** Tony Grampsas youth services program - membership. The act adds 2 youth members to the Tony Grampsas youth services board and allows the youth members to receive a per diem compensation for their service.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1370** Records - county human or social services departments - access by county auditor. Access to or publication of certain records containing personal identifying information that are held by a county department of human or social services is prohibited or limited under current law. This includes county department records relating to public assistance and welfare, at-risk adults, and child abuse and neglect. The state department of human services also has authority to establish rules restricting the use and disclosure of this information.

The act requires a county department of human or social services to provide an auditor who is conducting a financial or performance audit of the county department access to these records, including any personal identifying information necessary to achieve the purposes of the audit. The authorization applies to an auditor retained by a county or authorized pursuant to a county charter or ordinance.

The act prohibits an auditor from disclosing or releasing to any person or in an audit report any information, including personal identifying information, that is obtained pursuant to a county department audit and required to be kept confidential by law. A person who unlawfully releases this confidential information is subject to the applicable criminal penalty.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

## INSURANCE

**S.B. 15-15** Health insurance coverage for autism spectrum disorders - parity in coverage - elimination of caps on covered services or visits - authorized service providers. The act includes autism spectrum disorders in the state's mental health parity law and repeals a provision that specifies that autism is not to be treated as a mental illness for purposes of health care coverage, thereby clarifying that health benefit plans issued in this state must include health care benefits for autism spectrum disorders that are no less restrictive than benefits available for a physical illness.

Additionally, the act:

- Removes reference to any caps on the number of services or visits covered under a health benefit plan for the assessment, diagnosis, and treatment of autism spectrum disorders;
- Modifies the definitions of "autism spectrum disorders" and "treatment for autism spectrum disorders"; and
- Specifies that a nationally registered behavior technician may provide direct services to a person with an autism spectrum disorder under the supervision of another autism services provider.

The act takes effect on and applies to health benefit plans issued, delivered, or renewed on or after January 1, 2017.

**APPROVED** by Governor April 16, 2015

**EFFECTIVE** January 1, 2017

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-19** Colorado health benefit exchange - performance audit. The act allows the state auditor to conduct a performance audit of the Colorado health benefit exchange and submit a written report to the legislative audit committee with any findings and recommendations. The authority to conduct performance audits continues as long as the state auditor or the legislative audit committee deems it appropriate.

**APPROVED** by Governor April 3, 2015

**EFFECTIVE** April 3, 2015

**S.B. 15-210** Title insurance - commission - creation - advisory body - sunset - appropriation. The act creates the title insurance commission (commission) as an advisory body to the insurance commissioner in matters of title insurance. The act establishes the powers, duties, and functions of the commission and provides for the appointment of the members of the commission. The commission may propose, advise, and recommend rules, bulletins, and position statements for the business of title insurance, subject to approval of the insurance commissioner. The commission also may propose additional consumer protections for consumers of title insurance. Proposals from the commission will be reported by the insurance commissioner in the annual report on title insurance. The commission will also consult with the insurance commissioner following agency action against a title insurance company, title insurance agent, or agency and on market conduct actions taken by the insurance commissioner.

The commission is scheduled to sunset September 1, 2025, subject to continuation after a sunset review as provided by law.

The act appropriates \$50,000 to the department of regulatory agencies for use by the division of insurance to implement the act.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-256** Health insurance exchange oversight committee - members - meetings - number of bills recommended - appropriation. The act changes the name of the legislative health benefit exchange implementation review committee to the Colorado health insurance exchange oversight committee. The act allows the committee to meet for an unlimited number of times during the legislative session at the call of the chair and up to 7 times per year when the legislature is not in session. The act changes the number of bills or measures that the committee may report to the legislative council in any year from 5 bills or measures to 8 bills or measures.

The act appropriates \$9,587 to the legislative department for implementation of the act.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**S.B. 15-262** Blanket sickness and accident insurance - updates. The act updates the current Colorado law with respect to blanket sickness and accident insurance by expanding and clarifying the types of groups that can obtain blanket sickness and accident insurance. The act also specifies that blanket sickness and accident insurance does not:

- Relieve an employer from any requirement to obtain coverage under the "Workers' Compensation Act of Colorado";
- Qualify as or substitute for a health benefit plan under federal law; or
- Qualify as or substitute for general liability insurance.

The act specifies that it does not affect the legal liability of policyholders for the death of or injury to any member of the group covered by blanket sickness and accident insurance.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1048** Life insurance - principle-based reserving requirements. Reserve requirements for life insurance companies are currently based on regulatory requirements put into effect in the 1960s, 1970s, and 1980s. The act authorizes the commissioner of insurance to adopt more modern, principle-based reserving requirements for life insurance companies. The act grants the commissioner of insurance authority to adopt a valuation manual and standard ordinary mortality table adopted by the National Association of Insurance Commissioners for use in determining the minimum nonforfeiture standard for life insurance policies.

**APPROVED** by Governor March 30, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

**H.B. 15-1083** Physical rehabilitation services - cost study - affordable health care commission - report - appropriation. The act requires the Colorado commission on affordable health care to conduct a study concerning the costs for physical rehabilitation services. The study must analyze costs to the health care system. The commission will report its findings to the health and human services committee of the senate and the public health care and human services committee and the health, insurance, and environment committee of the house of representatives.

\$25,000 is appropriated from the general fund to the Colorado commission on affordable health care cash fund.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

## LABOR AND INDUSTRY

**S.B. 15-239** Vocational rehabilitation programs - transfer from DHS to CDLE - transition plan - quarterly reports. The act transfers vocational rehabilitation programs, including the business enterprise program through which persons who are blind operate vending facilities in state buildings, and the powers and duties of the department of human services' (DHS) division of vocational rehabilitation related to vocational rehabilitation programs from DHS to the department of labor and employment (CDLE) as of July 1, 2016.

CDLE and DHS must develop a transition plan by December 1, 2015, detailing additional steps, including any additional statutory changes, necessary to effectuate the transition of vocational rehabilitation programs from DHS to CDLE. Further, starting in September 2015, CDLE must provide quarterly status updates to the joint budget committee.

**APPROVED** by Governor May 8, 2015

**PORTIONS EFFECTIVE** May 8, 2015  
**PORTIONS EFFECTIVE** July 1, 2016

**H.B. 15-1030** Employment - services for veterans pilot program - repeal - appropriation. The act requires the department to administer an employment services for veterans pilot program (program). The program must provide follow-along job services for up to 20 veterans, including job retention services, mediation services between the employer and the employee, job mentoring skills and guidance to employees, and advice and support concerning career advancement.

The executive director of the department is required to use a competitive request for proposal process to select a local nonprofit agency to contract with to implement and operate the program. Specific criteria are required of the nonprofit agency in order to implement and operate the program. The nonprofit agency is required to report measurable outcomes for evaluation by the department. The program is repealed January 1, 2018.

The act appropriates \$157,950 and 0.3 FTE to the department to implement the act.

**APPROVED** by Governor May 27, 2015

**EFFECTIVE** May 27, 2015

**H.B. 15-1230** Innovative industries workforce development program - administration - qualifying internships - appropriation. The act creates the innovative industries workforce development program in the department of labor and employment to be jointly administered by the state work force development council (state council) and the division of employment and training (division). The state council will provide oversight and strategic administration, and the division will provide operational administration. The purpose of the program is to reimburse a business for one-half of its expenses related to a qualifying internship. A qualifying internship is one that:

- Is in an innovative industry;
- Is for at least 130 hours and lasts up to 6 months;
- Allows students to gain valuable work experience in at least 2 specified occupational areas;
- Pays the intern at least \$10 per hour;
- Provides a mentor or supervisor that will work closely with the intern;
- Is not for the purpose of meeting required residency or clinical hours for the intern;
- Is with an innovative industry business that has a physical operation facility in the state;

- Is for a high school or college student, a resident who is a student at an out-of-state college, or a recent graduate of either; and
- Along with all other internships, constitutes less than 50% of the business's workforce located in the state.

A business may be reimbursed for up to 5 interns per location and up to 10 at all locations, but the maximum amount that a business may be reimbursed for each internship is \$5,000. At least one-half of the reimbursement amount must be paid to the intern. A business is required to receive preapproval from the division prior to or during the internship. The state council may enter into an agreement with one or more intermediaries, which are innovative-industry associations, to facilitate outreach to employers, market the program, and identify work experience opportunities.

The division is required to solicit information about internships that were reimbursed through the program, and the state council is required to submit a report to legislative committees about the program.

\$582,698 and 0.1 FTE are appropriated from the general fund for the 2015-16 state fiscal year to the department of labor and employment for use by the division of employment and training for the innovative industry workforce development program.

**APPROVED** by Governor May 26, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1271** Employment - job training programs - mobile learning labs. The act allows moneys in the Colorado existing industry training program to be used to fund mobile learning labs, which provide employers with a flexible delivery option for on-site training.

**APPROVED** by Governor May 13, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1276** Work force development - skilled worker outreach, recruitment, and training grant program - grant review committee - reports - cash fund - appropriation. The act creates the "Skilled Worker Outreach, Recruitment, and Key Training Act", also referred to as the "WORK Act", which establishes a matching grant program in the department of labor and employment (department) to award matching grants to entities and organizations that offer skilled worker training programs to assist in their outreach, recruiting, and training efforts. The program is administered by the department, and a 13-member grant review committee reviews and makes recommendations to the executive directors of the departments of labor and employment and higher education and the director of the office of economic development, who jointly determine the recipients and amounts of the grant awards.

The grant review committee is directed to develop criteria for ranking grant applicants, taking into consideration those applicants that demonstrate partnerships with industry and that have the best potential to:

- Reach a broad audience through their recruitment and outreach efforts;
- Significantly increase enrollment in and completion of their skilled worker training

- program; and
- Fill existing needs for skilled workers in the market.

The program is created for 3 years, and the general assembly is expected to appropriate a total of \$10 million for the program.

For the 2015-16 fiscal year, the act appropriates \$3.3 million from the general fund to the skilled worker outreach, recruitment, and key training grant program fund, which amount is reappropriated to the employment and training division in the department to be used as follows to implement the act:

- \$102,690 for personal services, assuming the division will need an additional 2.0 FTE;
- \$17,806 for operating expenses; and
- \$3,179,504 for grant awards.

**APPROVED** by Governor May 26, 2015

**EFFECTIVE** May 26, 2015

**H.B. 15-1299** Petroleum storage tank fund - use - incentives for significant operational compliance. Current law allows the petroleum storage tank fund to be used for incentives to underground petroleum storage tank owners and operators to upgrade existing systems. The act authorizes the use of the fund for incentives for significant operational compliance with regard to both aboveground and underground storage tanks. "Significant operational compliance" is defined to mean that an owner or operator of an underground or aboveground storage tank is in full compliance with all of the requirements of the petroleum storage tank law and, through one or more best management practices that are not otherwise required, has prevented or reduced the threat of a release to the environment.

**APPROVED** by Governor May 8, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1353** Conveyances - regulation of mechanics, contractors, and inspectors - continuation under sunset law. The act extends the automatic termination date of the regulation of conveyances and conveyance mechanics, contractors, and inspectors by the director of the division of oil and public safety until July 1, 2022, pursuant to the provisions of the sunset law.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## MILITARY AND VETERANS

**H.B. 15-1052** Military family relief fund - eligibility to receive grants. Under current law, to be eligible to receive a grant from the military family relief fund, a member of the Colorado National Guard or a reservist must be on active military duty for a minimum of 30 days on involuntary mobilization orders or called to state active duty by executive order of the governor.

The act removes the requirement that the member's or reservist's mobilization orders must be involuntary.

**APPROVED** by Governor March 11, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1294** In-state tuition classification - federal GI bill. The act requires state institutions of higher education (institutions) to classify as in-state students for tuition purposes a "covered individual" as defined in federal law pursuant to the "Veterans Access, Choice, and Accountability Act of 2014" (act). Under the act, qualifying veterans, spouses, and dependents must be granted in-state tuition or the institution may be disqualified from participating in the post-9/11 and Montgomery GI bill programs.

To be classified as an in-state student for tuition purposes, a covered individual must reside in Colorado while attending a state institution and must be enrolled in courses with federal educational assistance benefits.

Students classified pursuant to this section are eligible to receive the college opportunity fund stipend.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**H.B. 15-1315** Division of veterans affairs - assistance to county veterans service officers. Under current law, out of any moneys appropriated by the general assembly to the division of veterans affairs (division) for veterans affairs purposes, the division is authorized to issue vouchers for the semiannual payment to the general fund of each county, to be disbursed upon the authority of the county commissioners thereof, an amount equal to the amount the county commissioners may have authorized to be disbursed out of other moneys in the county general fund for such purposes.

The act states that such moneys are appropriated to the division for the specific purpose of providing support to county veterans service officers. The act also states that the division shall annually establish the rate of state-funded payments for full-time and part-time county veterans service officers based on the available appropriation by the general assembly; except that, if a county is receiving payments for a veterans service office established for adjacent counties, the payment shall be the total of the semiannual payments for the counties that have jointly formed the veterans service office.

**APPROVED** by Governor May 22, 2015

**EFFECTIVE** July 1, 2015



## MOTOR VEHICLES AND TRAFFIC REGULATION

**S.B. 15-90** Registration - temporary license plates - motor vehicle dealers - appropriation. The act directs the department of revenue (department) to ensure that temporary motor vehicle registration number plates meet existing statutory requirements for attachment, visibility, and readability that apply to permanent plates. This will result in a new type of plastic temporary registration plate that is affixed to the rear of the vehicle where permanent license plates are placed. Two additional requirements are added to the placement of license plates: The plates must be located at the approximate center of the vehicle, measured horizontally, and the rear license plate must be mounted on or within 18 inches of the rear bumper.

The department may promulgate rules creating a system to allow a dealer to print temporary plates and print temporary registration certificates with the information required by the department. The department may promulgate rules and accept gifts, grants, or donations for implementation.

\$506,487 is appropriated to the department of revenue from the license plate cash fund to implement the program, but \$355,595 must come from gifts, grants, and donations.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** (see note)

**NOTE:** (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) This act takes effect January 1, 2016, only if the department of revenue receives enough gifts, grants, and donations for materials, start-up costs, and computer programming necessary to implement this act. As of publication date, the revisor of statutes had not received notice that adequate funding has been received.

**S.B. 15-229** Registration - special license plates - amyotrophic lateral sclerosis - appropriation. The act creates the ALS (amyotrophic lateral sclerosis) license plate. In addition to the standard motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

\$4,120 from the Colorado state titling and registration account of the highway users tax fund and \$1,184 from the license plate cash fund are appropriated to the department of revenue to implement the act.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-276** Automated vehicle identification systems - ban - exception for toll and HOV and HOT lane enforcement. The act generally prohibits a governmental entity or agent thereof from issuing a traffic citation based on evidence gathered through use of an automated vehicle identification system; except that such a system may be used to enforce vehicle occupancy and toll requirements for the use of toll roads, toll highways, high occupancy vehicle lanes, and high occupancy toll lanes. An "automated vehicle identification system" is defined as a system whereby a machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph of the

vehicle, the operator of the vehicle, or the license plate of the vehicle.

**VETOED** by Governor June 3, 2015

**H.B. 15-1004** Taxation - license plates - firefighters - appropriation. The act directs the department of revenue to issue firefighter license plates for motorcycles, passenger cars, trucks, or recreational motor vehicles that do not exceed 16,000 pounds empty weight. This adds motorcycles to the list of vehicles that may use a firefighter license plate.

\$4,120 is appropriated from the Colorado state titling and registration account in the highway users tax fund to the department of revenue for the purchase of information technology services for the implementation of the act. \$4,120 is appropriated from reappropriated funds received from the department of revenue to the office of the governor for use by the office of information technology to provide information technology services for the department of revenue for the implementation of the act.

**APPROVED** by Governor March 30, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1021** Drivers' licenses - seven-day time periods for administrative proceedings. The act changes time periods in administrative drivers' license proceedings to 7-day periods or periods that are multiples of 7 days to avoid actions being due on weekends.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1026** Taxation - license plates - disabled license plates - military - appropriation. An identifying figure on a license plate allows the motor vehicle to use reserved parking for people with disabilities. The act allows any military license plate to have an identifying figure if the applicant demonstrates a physical impairment affecting mobility.

\$5,190 is appropriated to the department of revenue from the license plate cash fund.

**APPROVED** by Governor May 27, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) Certain sections of the act are contingent on whether or not House Bill 15-1136 becomes law. House Bill 15-1136 was signed by the governor May 4, 2015.

**H.B. 15-1043** Driving under the influence - felony offense for repeat offenders - appropriation. Under current law, a DUI, DUI per se, or DWAI is a misdemeanor offense. The act makes such an offense a class 4 felony if the violation occurred after 3 or more prior convictions for DUI, DUI per se, or DWAI; vehicular homicide; vehicular assault; or any combination thereof.

Under current law, aggravated driving with a revoked license is a class 6 felony. The act changes the penalty to a class 1 misdemeanor but requires a sentencing court to ensure that an offender spends a minimum of 60 days in the custody of a county jail.

Under current law, a person whose privilege to drive was revoked for multiple convictions for any combination of a DUI, DUI per se, or DWAI must hold an interlock-restricted license for at least 1 year following reinstatement prior to being eligible to obtain any other driver's license. The act expands this period to a minimum of 2 years and a maximum of 5 years.

The act repeals provisions relating to the crime of aggravated driving with a revoked license when the offender also commits DUI, DUI per se, or DWAI as part of the same criminal episode.

The act appropriates \$1,272,133 to the judicial department and makes statutory appropriations to comply with section 2-2-703, Colorado Revised Statutes.

**APPROVED** by Governor June 1, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1073** Drivers licenses - revocation hearings - right of driver to challenge validity of initial traffic stop. A provision of current law allows a driver to challenge the validity of a law enforcement officer's initial contact with the driver and the driver's subsequent arrest for a DUI offense. The act states that if a driver so challenges the validity of the law enforcement officer's initial contact, and the evidence does not establish that the initial contact or arrest was constitutionally and statutorily valid, the driver is not subject to license revocation.

**APPROVED** by Governor April 10, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1098** Automated vehicle identification systems - voter approval - toll road exemptions. The act requires a state or local government that is not already using automated surveillance camera vehicle identification systems to submit a ballot question to the voters to approve their use before beginning to use the systems. If a local government is already using automated camera surveillance vehicle identification systems, the local government must get voter approval at the 2016 general election to continue the use. Government entities or agents or toll road or toll highway operators are exempt from the voter approval requirement for the purposes of assessing tolls and issuing citations and civil penalties for toll roads and highways. The act requires any revenue generated from the use of the systems to be used for traffic safety and transportation-related projects.

**VETOED** by Governor June 3, 2015

**H.B. 15-1134** Regulation of vehicles - diesel inspection program - certification of emission control - testing exemptions. If the gross vehicle weight of a diesel vehicle is at least 26,000 pounds and the vehicle is a model year of 2014 or newer, the act increases the exemption

from emission testing to the sixth model year or, if ownership of the vehicle is transferred after the vehicle has reached its fifth model year, until the date of the transfer of ownership.

**APPROVED** by Governor May 8, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1136** License plates - disabled veterans - reserved parking - appropriation. The act increases from one to 2 the number of special license plates with an identifying figure that may be issued to a disabled veteran to indicate the owner of the vehicle is authorized to use reserved parking for persons with disabilities.

\$7,880 is appropriated to the department of revenue for use by the division of motor vehicles to order license plates, of which \$2,866 is from the general fund and \$5,014 is from the license plate cash fund.

**APPROVED** by Governor May 4, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1207** Driving with earphones - exception. Current law prohibits the use of earphones when driving. The act exempts from the definition of "earphones" a headset that covers only one ear and that is used with a hand-held telephone.

**APPROVED** by Governor March 26, 2015

**EFFECTIVE** March 26, 2015

**H.B. 15-1313** Registration - special license plates - Rocky Mountain National Park - appropriation. The act creates the Rocky Mountain National Park license plate. A person becomes eligible to use the plate by providing a certificate confirming that the person has made a donation to an organization chosen by the department of revenue based on the organization's provision of financial and other support to the Rocky Mountain National Park. In addition to the standard motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

\$5,452 is appropriated to the department of revenue to implement the act, of which \$1,332 is from the license plate cash fund and \$4,120 is from the Colorado state titling and registration account in the highway users tax fund.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1345** Driver's licenses - motorcycle endorsements - equipment - goggles or glasses - helmets. The act exempts the driver and passenger of a 3-wheeled motorcycle from wearing eye protection and a helmet if the motorcycle has a top speed of 25 miles per hour, a windshield, and seatbelts. The driver is also exempt from obtaining a 2- or 3-wheel

motorcycle endorsement for the driver's license.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## NATURAL RESOURCES

**S.B. 15-22** Wildfire risk reduction - removal of hazardous fuels - delineation of project areas - funding. In statutes governing the wildfire risk reduction grant program, the act broadens references to hazardous fuels from "forest" to "wild land vegetation" and specifies methods for the removal or reduction of hazardous fuel. The act also:

- Encourages grant applicants to utilize the labor of veterans participating in an accredited Colorado corps program serving veterans;
- Removes the requirement for grant applicants to specify the location of projects in relation to United States forest service (USFS) projects using USFS maps; and
- Directs the state treasurer to transfer up to \$1,000,000 of any available moneys from the severance tax operational fund to the wildfire risk reduction fund, effective July 1, 2015.

**APPROVED** by Governor May 12, 2015

**EFFECTIVE** May 12, 2015

**S.B. 15-23** Off-highway vehicles - crossing of roadways - standards. Currently, off-highway vehicles may cross streets, roads, or highways if the driver complies with certain snowmobile statutory standards. The act imports the snowmobile standards into the off-highway vehicle statutes. The act also allows a driver to cross a state highway outside of a city if the driver complies with these standards.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-199** Habitat partnership program - continuation. The act extends the funding for the habitat partnership program until July 1, 2023.

**APPROVED** by Governor May 22, 2015

**EFFECTIVE** May 22, 2015

**S.B. 15-226** Wildlife - hunting licenses - hunter education certificate requirements - apprentice certificates - veterans. Currently, a person has to obtain a hunter education certificate by taking a 10-hour hunter education course in order to be issued a license to hunt in Colorado. The act authorizes the division of parks and wildlife (division) to create various ways to meet this requirement, including testing out of it or getting an apprentice certificate.

A veteran may obtain a certificate without taking the course if the veteran passes a test. If the division verifies a person's certificate, the person need not carry the certificate while hunting. The act eliminates the requirement that the hunter education course consist of 10 hours of instruction.

The act also creates an apprentice program that allows a person who is at least 10 years of age to be issued a temporary certificate without hunter education if he or she is accompanied by a mentor who is at least 18 years of age and meets the certification requirements.

**APPROVED** by Governor May 22, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1045 Parks - passes and registration - veterans - appropriation.** The act requires the commission to promulgate rules allowing veterans free entrance to state parks or recreation areas during the month of August.

\$150,000 is appropriated from the general fund to the department for use by the division of parks and wildlife for state park operations.

**APPROVED** by Governor May 27, 2015

**EFFECTIVE** May 27, 2015

**H.B. 15-1243 Parks and wildlife properties - mineral revenues - trust funds created - mitigation agreement revenues - spending authority.** Under current law, the wildlife for future generations trust fund has no dedicated revenue source, the interest from the fund is continuously appropriated, and the principal is to remain intact. Section 1 of the act:

- Dedicates moneys received from energy or mineral royalties or leases of energy or mineral rights on wildlife properties to the fund;
- Specifies that no less than 50% of the moneys deposited in the fund, other than interest, will be maintained intact; and
- Specifies that the remaining balance of the moneys deposited into the fund are subject to appropriation. The interest remains continuously appropriated.

Section 2 creates the parks for future generations trust fund with the same spending authority, the source for which is moneys received from energy or mineral royalties or leases of energy or mineral rights on park properties.

Currently, the division of parks and wildlife occasionally enters into mitigation agreements to offset adverse impacts of development on wildlife, wildlife habitat, or state parks or trails. But the division does not have explicit spending authority for the moneys resulting from payments under these agreements. Section 3 provides that spending authority with regard to wildlife and wildlife habitat, and section 4 provides it for state parks and recreation areas.

**APPROVED** by Governor May 8, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1277 Wildlife - threatened and endangered species - conservation programs - funding - annual allocation from species conservation trust fund.** The act allocates \$5 million from the species conservation trust fund for programs and activities submitted by the executive director of the department that are designed to conserve native species that have been listed as threatened or endangered under state or federal law or that are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.

**APPROVED** by Governor May 22, 2015

**EFFECTIVE** May 22, 2015

**H.B. 15-1304** Wildlife - administration of parks and wildlife - bear-human conflicts - study - report. The act directs the division of parks and wildlife to study the management of black bears to avoid bear-human conflicts and enhance public safety. The division of wildlife will report to the agriculture, livestock, and natural resources committee of the house of representatives and the agriculture, natural resources, and energy committee of the senate.

**APPROVED** by Governor May 8, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.



## PROBATE, TRUSTS, AND FIDUCIARIES

**H.B. 15-1010** Trustees - notification to beneficiaries - procedures - electronic delivery. Current law requires a trustee to keep beneficiaries of a trust informed about the status of the trust. The act creates a presumption that a beneficiary has received information or a statement of account when the trustee has procedures in place requiring the mailing or delivery of information or a statement of account to a beneficiary. The presumption applies to electronic notifications if the beneficiary has agreed to receive such electronic delivery or access and to a beneficiary's receipt of a final account or statement.

**APPROVED** by Governor March 18, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1064** Entry into safe deposit box of decedent. The act clarifies who has access to the safe deposit box of a decedent. A custodian of a safe deposit box is not deemed to have acquired knowledge, either actual or constructive, pertaining to the value of any of the contents of the box delivered to a person as a consequence of the custodian's examination and delivery of such contents.

**APPROVED** by Governor March 18, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## PROFESSIONS AND OCCUPATIONS

**S.B. 15-53** Opiate antagonist medication - expanded access - immunity. The act allows physicians, physician assistants, and advanced practice nurses with prescriptive authority (collectively referred to as licensed prescribers) to prescribe, and pharmacists (licensed dispensers) to dispense, an opiate antagonist, either pursuant to a direct prescription order or in accordance with standing orders and protocols, to:

- An individual at risk of experiencing an opiate-related drug overdose event;
- A family member, friend, or other person in a position to assist an at-risk individual;
- An employee or volunteer of a harm reduction organization; or
- A first responder.

Licensed prescribers and dispensers acting in good faith in prescribing or dispensing opiate antagonists as permitted under the act are immune from professional discipline and civil and criminal liability. Additionally, first responders and harm reduction employees and volunteers are not subject to criminal or civil liability when acting in good faith to furnish or administer an opiate antagonist to an at-risk individual or a family member, friend, or other person in a position to assist an at-risk individual.

**APPROVED** by Governor April 3, 2015

**EFFECTIVE** April 3, 2015

**S.B. 15-71** Pharmacists - substitution of medications - biological products - notice to prescriber and patient. Current law permits a pharmacist to substitute an equivalent drug product for a prescribed drug if the substituted drug is the same generic drug type as the prescribed drug and the pharmacist determines that the substituted drug is therapeutically equivalent to and interchangeable with the prescribed drug. While a pharmacist may substitute chemical drugs, current law does not allow a pharmacist to substitute biological drug products.

The act allows a pharmacist to substitute a biological product if the federal food and drug administration (FDA) has determined that the biological product is interchangeable with the prescribed biological product and if the practitioner has not indicated that the prescription must be dispensed as written.

Within a reasonable time after a pharmacist dispenses a biological product, the dispensing pharmacist or the pharmacist's designee must communicate to the prescribing practitioner the specific biological product dispensed to the patient, including the name of the product and manufacturer, through an electronic system. Otherwise, the communication can occur via facsimile, telephone, electronic transmission, or other prevailing means, but the pharmacist is not required to communicate with the prescribing practitioner when:

- No interchangeable biological product exists in the market; or
- The prescription is a refill that is unchanged from the prior filling.

As is required with substitutions of chemical drugs:

- The pharmacy from which an interchangeable biological product is dispensed must retain a record of the substitution for at least 2 years; and
- The pharmacist substituting an interchangeable biological product for a prescribed biological product must notify the purchaser orally and in writing and may only substitute a biological product if the substituted product costs less than the prescribed biological product, unless the prescribed biological product is not in stock and the

purchaser consents to the higher-priced product.

The act requires the state board of pharmacy to maintain a link on its web site to the FDA resource that identifies biological products approved as interchangeable with specific biological products.

**APPROVED** by Governor April 3, 2015

**EFFECTIVE** April 3, 2015

**S.B. 15-105 Respiratory therapists - continuation under sunset law.** The act implements the recommendations contained in the department of regulatory agencies' sunset review and report on the "Respiratory Therapy Practice Act" (act) as follows:

- Authorizes the director to discipline a licensee who fails to timely respond to a complaint issued against the licensee;
- Authorizes the director to order a licensee to undergo a physical or mental evaluation to determine the licensee's fitness to practice respiratory therapy and to suspend the license of a licensee who refuses to submit to an evaluation when ordered by the director;
- Imposes a 2-year waiting period for obtaining a new license when a licensee's license is revoked or surrendered in lieu of discipline;
- Removes the ability of the director to discipline a licensee merely because the licensee has a physical or mental disability that affects his or her practice and instead authorizes discipline only if the licensee fails to: Notify the director of a physical or mental illness or condition that affects his or her ability to practice; practice within the limitations imposed by the illness or condition; or practice within any restrictions agreed to in a confidential agreement entered into with the director;
- Authorizes the director to enter into a confidential agreement with a licensee under which the licensee agrees to limit his or her practice based on the effect the licensee's physical or mental illness or condition has on his or her ability to practice with reasonable skill and safety to clients;
- Eliminates the requirement that the director send letters of admonition via certified mail; and
- Strikes references to the National Board of Respiratory Care as the body that credentials respiratory therapists and instead grants the director the power to select the appropriate national credentialing body upon whose practice standards to base licensure in this state.

The automatic termination date of the act and the regulation of respiratory therapists by the director of the division of professions and occupations is extended until September, 1, 2024, pursuant to the provisions of the sunset law.

**APPROVED** by Governor April 16, 2015

**EFFECTIVE** July 1, 2015

**S.B. 15-106 Barbers, cosmetologists, hairstylists, estheticians, nail technicians - licensing - discipline - cosmetology advisory committee - continuation under sunset law - appropriations.** The act reinstates the requirement that a place of business that employs barbers, cosmetologists, hairstylists, estheticians, or nail technicians register with the division of professions and occupations (division) within the department of regulatory agencies.

Currently, hair braiding is included in the definition of the services a hairstylist may provide. The act removes the requirement that a person must be licensed to perform natural

hair braiding. The act also changes the number of training hours that each applicant for a license must complete prior to obtaining a license.

The act establishes grounds for discipline for:

- Failing to report a conviction for a felony or another crime that relates to the licensee's profession within 45 days after the conviction;
- Aiding or abetting the unlicensed practice of barbering, hairstyling, or cosmetology or the unlicensed provision of esthetician or nail technician services; and
- Failing to timely respond to a complaint sent to the licensee by the director of the division.

The act clarifies that a licensee may not treat diseases or physical or mental ailments.

The act changes the number of times the advisory committee is required to meet from 4 to at least once per year. The advisory committee members will be reimbursed for their actual and necessary expenses related to duties of the committee.

A licensee who has had a license revoked or has surrendered a license shall wait at least 2 years to reapply for licensure. The director of the division may send a letter of admonition by regular mail.

The act makes technical changes, including changing the term "manicurist" to "nail technician".

The automatic termination date of the regulation of barbers, hairstylists, cosmetologists, estheticians, and nail technicians and the cosmetology advisory committee by the director of the division is extended until September 1, 2026, pursuant to the provisions of the sunset law.

\$8,506 is appropriated from the division of professions and occupations cash fund to the department of regulatory agencies to purchase legal services for the implementation of the act. \$8,506 is appropriated from reappropriated funds received from the department of regulatory agencies to the department of law to provide legal services for the department of regulatory agencies for the implementation of the act.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**S.B. 15-110** Mortuaries - crematories - continuation of regulation under sunset law - appropriation. The act implements the recommendations contained in the department of regulatory agencies' sunset report for the mortuary science code. The act:

- Continues the registration of mortuary science businesses until 2024.
- Clarifies that a funeral establishment or crematory is responsible for the identification and tracking of human remains from the time it takes custody until final disposition, until the remains are given to another funeral establishment or crematory, or until the remains are released in accordance with instructions given by the person with the right of final disposition. The establishment or crematory must get an attestation of identity before taking possession of the remains.
- Changes the subject of certain regulation from a cremationist to a crematory, which is a registered entity.
- Grants the director authority to adopt rules to establish minimum standards for custody and identification of human remains.

Currently, a custodian shall embalm or refrigerate a human body within 24 hours of taking custody. The act limits this duty to a funeral establishment and also includes cremation, burial, and entombment of human remains within 24 hours of taking custody.

\$4,726 is appropriated to the department of regulatory agencies to implement the act.

**APPROVED** by Governor May 11, 2015

**EFFECTIVE** July 1, 2015

**S.B. 15-115** Medical marijuana - sunset review - conform provisions to retail marijuana - seed-to-sale tracking - confidentiality - cooling off period for marijuana regulators. The medical marijuana code would sunset in 2015, but the act extends the code until 2019 and requires that the medical marijuana program administered by the department of public health and environment also sunset in 2019.

When the retail marijuana code was adopted in 2013, much, but not all, of it mirrored the medical marijuana code. The act harmonizes the following provisions in the medical marijuana code with corresponding retail marijuana code provisions:

- A prohibition on the infusion of trademarked items with medical marijuana;
- License disqualifiers;
- Authorizing a seed-to-sale tracking system for medical marijuana;
- The district attorney's role in authorizing the destruction of illegal medical marijuana;
- The operational hours for medical marijuana centers; and
- The executive director's authority to administratively continue a license renewal application.

The act removes the requirement that the medical marijuana to be sold to another center be part of the on-hand inventory in order to allow the medical marijuana to be delivered from the medical marijuana center's optional premise cultivation location instead of requiring the medical marijuana to be delivered first to the medical marijuana center from the cultivation location before delivering it to the purchasing center.

Under current law, sales information possessed by the authority is confidential. The act expands the confidentiality to all individualized information and records related to a medical marijuana business possessed by the authority. The act makes it a class 1 misdemeanor to disclose the confidential information.

The act creates a 6-month "cooling off" period for employees of the marijuana enforcement division before they can work in the marijuana industry.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**S.B. 15-119** Pesticide applicators - continuation under sunset law - training - advisory committee. The act implements the recommendations of the sunset review and report on the regulation of pesticide applicators by the department of agriculture by:

- Extending the repeal date of the regulatory program until September 1, 2023 (sections 1 and 2 of the act);
- Reducing the period for which private applicators must maintain records from 3 years to 2 years in keeping with applicable federal requirements (section 3); and
- Measuring the deadline for licensing applications by when the application is received rather than by when it is postmarked (sections 4 and 5);

- Requiring training for public applicators and limited commercial applicators in the use of those general-use pesticides that have been specified by the commissioner of agriculture (section 6); and
- Adding a representative of the agricultural sector who is a worker and a representative of organic farmers to the pesticide advisory committee (section 8).

The act also:

- Requires the department to post summaries of finalized pesticide applicator enforcement actions on its web site (section 7); and
- Adds a beekeeper to the pesticide advisory committee and requires one of the representatives of the general public to be actively engaged in urban agriculture (section 8).

The act applies to conduct occurring on or after July 1, 2015.

**APPROVED** by Governor May 19, 2015

**EFFECTIVE** May 19, 2015

**S.B. 15-122** Massage parlors - repeal of regulation pursuant to sunset law. The act repeals the ability of certain local governments to regulate massage parlors.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-128** Medical facility reports of sexual assault - anonymous reports. Current law requires a medical facility to report to law enforcement when certain medical personnel collect medical forensic evidence of a sexual assault (evidence) if the victim consents. The act adds nurses to the medical personnel. The act requires the report to be:

- A law enforcement report if the victim requests that the evidence be collected and at the time of the medical treatment chooses to participate in the criminal justice system;
- A medical report if the victim requests that the evidence be collected but at the time of the medical treatment chooses not to participate in the criminal justice system; or
- An anonymous report if the victim consents to the collection of the evidence but at the time of the medical treatment chooses not to have personal identifying information disclosed to law enforcement or to participate in the criminal justice system.

For an anonymous report, the medical facility shall not provide information identifying the victim to law enforcement, and law enforcement shall not submit the evidence for testing. For a law enforcement or medical report, law enforcement shall submit the evidence for testing pursuant to existing law.

The act clarifies that a victim may speak anonymously to law enforcement and that no report is required if evidence is not collected.

**APPROVED** by Governor March 30, 2015

**EFFECTIVE** March 30, 2015

**S.B. 15-186** Private occupational schools - exemptions - yoga schools - appropriation. The act exempts yoga teacher training programs from the "Private Occupational Education Act of 1981".

The 2015-16 state fiscal year annual appropriation to the department of higher education is decreased by \$13,349.

**APPROVED** by Governor April 16, 2015

**EFFECTIVE** April 16, 2015

**S.B. 15-192** Pharmacists - long-term care facilities - authority to prescribe substitute therapeutic drugs. The act authorizes a licensed pharmacist to provide therapeutic alternate drug selections, either a therapeutic interchange selection or a therapeutically equivalent selection, as those terms are defined, to a patient if, during the patient's stay at a licensed nursing care facility or a long-term acute care hospital, the selection has been approved:

- In accordance with written guidelines and procedures for making therapeutic alternate drug selections as developed by the nursing care facility or the long-term acute care hospital; and
- By a licensed physician, a licensed physician assistant under the supervision of a licensed physician, or a licensed nurse registered as an advanced practice nurse and authorized to prescribe controlled substances or prescription drugs who has developed an articulated plan to maintain ongoing collaboration with physicians and other health care professionals.

If a licensed nursing care facility or a long-term acute care hospital has an existing quality assessment and assurance committee of which a licensed pharmacist is a member, the act authorizes the committee to develop a facility pharmaceutical list with written guidelines and procedures for making therapeutic interchange and therapeutically equivalent selections from the list. If a nursing care facility or a long-term acute care hospital does not have an existing quality assessment and assurance committee of which a licensed pharmacist is a member, the act authorizes the facility to form such a committee and develop a facility pharmaceutical list with written guidelines and procedures for making therapeutic interchange and therapeutically equivalent selections from the list.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**S.B. 15-197** Advanced practice nurses - prescriptive authority - mentorship. The act reduces the number of mentorship hours that an advanced practice nurse must complete to achieve full prescriptive authority from 3,600 practice hours to 1,000 practice hours. The practice hours must include at least 3 years of combined clinical work experience as a professional or advanced practice nurse. The act allows the role of mentor to be filled by an advanced practice nurse with prescriptive authority and the same role and population focus as the applicant.

**APPROVED** by Governor May 18, 2015

**EFFECTIVE** September 1, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-202** Plumbers - scope of licensing requirements - water conditioning appliances - registration authorized. Currently, water conditioning appliances that are connected to a

building's potable water supply are included within the definition of plumbing. Current law thus requires a plumbing license to work on water conditioning appliances. The act separates water conditioning contractors, installers, and principals from the definition of "plumbing contractor", and specifies that the definitions of "water conditioning installer" and "water conditioning principal" do not include licensed plumbers. Effective April 1, 2016, the act establishes a registration program for water conditioning contractors, installers, and principals. A contractor must be or employ a principal and may employ an installer. A principal is responsible for all water conditioning appliance work performed by the contractor and may be responsible for only one contractor at a time. To be registered, installers and principals must also be certified by a national water conditioning association recognized by the state plumbing board. The act subjects these registrants to standard disciplinary and procedural requirements.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**S.B. 15-203** Debt-management service providers - continuation under sunset law - fees. The act implements the recommendations of the sunset review and report on the regulation of debt-management service providers by the administrator (an assistant attorney general) by:

- Extending the automatic termination date of the regulatory program until September 1, 2024, pursuant to the sunset law (sections 1 and 2 of the act); and
- Authorizing the administrator to set fees depending on the type of debt-management service provided (section 3).

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**S.B. 15-209** Community association managers - license requirement - scope - exclusions - time share subdivisions. The act amends key definitions in the statute requiring licensure of professional community association managers to exclude the manager of:

- A community in which a majority of units that are designated for residential use are time share units or consist of time share interests; or
- A community, resort, or development registered with the Colorado division of real estate as a time share subdivision.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1028** Merchants - licensing - repeal. The act eliminates the requirement that auctioneers, corporations, and other persons must obtain a license from the board of county commissioners before selling, vending, or retailing any goods, wares, or merchandise. The act also eliminates standards for the licensing process and penalties for operating without a license.

**APPROVED** by Governor March 18, 2015

**EFFECTIVE** March 18, 2015

**H.B. 15-1031** Alcohol beverages - state regulation - excise tax - powdered alcohol. The act requires the state licensing authority, also referred to as the liquor enforcement division, in the department of revenue to adopt rules to establish a mechanism for regulating powdered alcohol if the federal alcohol and tobacco tax and trade bureau approves the purchase, sale,



possession, or manufacturing of powdered alcohol. The act also directs the department to adopt rules specifying the manner by which the department is to calculate excise tax on powdered alcohol based on the manufacturer's recommended amount of liters of water to add to powdered alcohol.

**APPROVED** by Governor March 30, 2015

**EFFECTIVE** March 30, 2015

**H.B. 15-1039** Licensed health care facilities - donation of medications, medical supplies, and medical devices - conditions. Current law restricts the use of donated medications, medical supplies, and medical devices by a nonprofit entity to purposes related to aiding the victims of a disaster. The act removes this restriction. In addition, the act removes the requirement that a medication dispensed or donated must bear an expiration date that is 6 months later than the date the drug was donated, instead only requiring that the drug not be dispensed if it will expire before use by the patient. The act prohibits the resale of donated materials for profit.

For purposes of the statute governing such donations, the act changes the definition of "licensed facility" to mean any health care facility that is required to be licensed by the department of public health and environment.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1067** Licensed psychologists - continuing professional development and education. The act requires a licensed psychologist to complete continuing professional development and educational hours to maintain his or her license as a psychologist. The state board of psychologist examiners (board) is required to adopt rules establishing a continuing professional development program that includes:

- The development, execution, and documentation of a learning plan;
- A requirement that every 2 years a psychologist complete at least 40 hours of continuing professional development; and
- A requirement that the psychologist maintain documentation of the continuing professional development hours.

The act allows the board to audit up to 5% of licensed psychologists each 2-year cycle to determine compliance with the requirements. The act clarifies that the records of assessments or other documentation in connection with the continuing professional development are confidential.

**APPROVED** by Governor April 8, 2015

**EFFECTIVE** April 8, 2015

**H.B. 15-1075** Naturopathic doctors - treatment of children under two years of age - requirements and prerequisites - sunset review. The act permits a registered naturopathic doctor (ND) to treat a child who is under 2 years of age if the ND:

- Provides the child's parent with the current recommended immunization schedule for children;
- Demonstrates, in each year in which the ND treats a child under 2 years of age,

completion of 5 hours per year of education or training in pediatrics, including subject matter related to recognizing a sick infant and when to refer an infant for more intensive care. If the ND completes 3 hours of education or training as required to treat children between 2 and 8 years of age, the ND need only complete an additional 2 hours of education or training to satisfy this requirement.

- Develops and executes a written collaborative agreement with a licensed pediatrician or family physician that contains the duties and responsibilities for each party and a process for consulting with and referring to a licensed physician to facilitate the effective treatment of children under 2 years of age;
- Requires the child's parent to sign an informed consent acknowledging that the ND is registered under the "Naturopathic Doctor Act" and is not a licensed physician, recommending that the child maintain a relationship with a licensed pediatric health care provider, and requesting permission to collaborate with the child's pediatric health care provider;
- On the first visit, refers a child who does not have a relationship with a pediatric health care provider to a licensed physician who treats pediatric patients to provide a medical home for the child, with ongoing communication and relationship between the ND and the licensed pediatric health care provider; and
- Complies with rules of the director of the division of professions and occupations pertaining to the training, referral, and communication requirements.

The act also requires the department of regulatory agencies, in conducting its sunset review of the "Naturopathic Doctor Act", to include in its report:

- Information from NDs regarding the number of children under 2 years of age treated by NDs, the conditions for which the children were treated, and the number and description of any known adverse events that occurred in the treatment of infants and toddlers; and
- A summary of collaborative agreements between NDs and pediatricians or family physicians.

**APPROVED** by Governor March 26, 2015

**EFFECTIVE** March 26, 2015

**H.B. 15-1182** Certified nurse aides - scope of practice. The act allows a certified nurse aide who is deemed competent by a registered nurse to perform the following tasks: Digital stimulation, insertion of a suppository, or the use of an enema to stimulate a bowel movement; G-tube and J-tube feedings; and placement in a client's mouth of presorted medication that has been boxed or packaged by a registered nurse, a licensed practical nurse, or a pharmacist. A registered nurse who in good faith determines that a certified nurse aide is competent to perform the tasks is not liable for the actions of the certified nurse aide.

**BECAME LAW** March 31, 2015

**EFFECTIVE** March 31, 2015

**H.B. 15-1187** Veterinarians - regulation by the state board of veterinary medicine - complaints - mental health examinations - confidential agreements. The act specifies that the board of veterinary medicine (board) may only require a licensed veterinarian to participate in a peer health assistance program (program) and enter into a stipulation with the board concerning his or her participation in the program upon receipt of a signed complaint about the licensed veterinarian. Upon receipt of a signed complaint, the board may require the licensed veterinarian to submit to a mental health examination to determine his or her ability to practice if the board has reasonable cause to believe that he or she is unable to practice veterinary medicine with reasonable skill and safety to patients and clients due

to a mental illness or condition or excessive use of alcohol, a habit-forming drug, or a controlled substance.

The board, if it determines that a licensed veterinarian who submitted to a mental health examination can provide limited services with reasonable skill and safety to patients and clients, may enter into a confidential agreement with the licensed veterinarian to limit his or her practice based on the restrictions imposed by his or her illness, condition, or disorder, as determined by the board; however, the board shall not enter into a confidential agreement with a licensed veterinarian subject to discipline for habitual or excessive use or abuse of alcohol beverages, a habit-forming drug, or a controlled substance.

A licensed veterinarian's failure to comply with a confidential agreement constitutes grounds for discipline.

**APPROVED** by Governor May 8, 2015

**EFFECTIVE** May 8, 2015

**H.B. 15-1192** Alcohol beverages - entertainment districts - include additional liquor-licensed premises. Under current law, premises licensed under the "Colorado Liquor Code" as a tavern, hotel and restaurant, brew pub, retail gaming tavern, or vintner's restaurant may attach to a common consumption area within an entertainment district established by a local government.

The act expands the types of licensed premises that may be included in an entertainment district, allowing beer and wine licensees, manufacturers or beer wholesalers that operate sales rooms, and limited wineries to attach to a common consumption area within an entertainment district.

**APPROVED** by Governor March 26, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1202** Alcohol beverages - licenses - licensing authorities - reissuance of expired licenses. Under current law, an alcohol beverage licensee whose license is expired for more than 90 days must apply for a new alcohol beverage license. The act provides a procedure for an alcohol beverage licensee whose license has been expired for more than 90 days but less than 180 days to apply for a reissued license.

The state or local licensing authority has the sole discretion to determine whether to allow a licensee to apply for a reissued license. If the licensee is allowed to apply, the licensee must pay a late application fee and an appropriate fine. After accepting the application, the state or local licensing authority has the sole discretion to determine whether to approve or deny the application.

If the local licensing authority approves the application, the local licensing authority must forward the application to the state licensing authority. The state licensing authority may approve or deny the application.

If the application is denied by either the state or local licensing authority, the licensee may apply for a new alcohol beverage license.

**APPROVED** by Governor April 8, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1204** Alcohol beverages - regulation - distillery pub license. The act creates a new license under the "Colorado Liquor Code", referred to as a distillery pub license, that would enable a spirituous liquor (spirits) producer to operate a pub that serves alcohol beverages, including spirits the producer ferments and distills, for consumption on the licensed premises. A distillery pub license would operate in a manner similar to that of a brew pub license in that the licensee must:

- Serve meals;
- Gross at least 15% of on-premises food and drink income from the sale of food;
- Limit wholesale sales of spirits it ferments and distills on the licensed premises to not more than 2,700 liters (300 cases) per product per year; and
- Limit its total annual production of spirits to 45,000 liters (5,000 cases).

A distillery pub licensee is subject to the same state and local annual licensing fees as a brew pub, \$325 and \$500, respectively. Additionally, like a brew pub licensee, a distillery pub licensee may own or have an interest in another alcohol beverage licensee authorized to serve alcohol for on-premises consumption.

**APPROVED** by Governor April 24, 2015

**EFFECTIVE** April 24, 2015

**H.B. 15-1217** Alcohol beverages - liquor manufacturer licenses - authorization to operate sales rooms - input from local licensing authorities - appropriation. The act requires a licensed winery, limited winery, distillery, or beer wholesaler that applies, on or after the effective date of the act, to the state licensing authority for approval to operate a sales room from which to sell and serve its products to send a copy of the application, at the time of application to the state licensing authority, to the local licensing authority in whose jurisdiction the proposed sales room is located. The local licensing authority has 45 days to provide input on the sales room application if it chooses to do so.

The state licensing authority must consider the local licensing authority's input, if any, and may deny the proposed sales room application if the local licensing authority determines that approval of the sales room will impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances or that the applicant cannot sufficiently mitigate the identified potential impacts. Additionally, unless the applicant affirms to the state licensing authority that the applicant has complied with local zoning restrictions, the state licensing authority cannot approve the sales room application. If the local licensing authority does not respond to the application within 45 days, the state licensing authority shall deem that the local licensing authority does not object to the sales room application.

The state licensing authority, upon the local licensing authority's request, may take action authorized under the "Colorado Liquor Code" (liquor code) against a licensee operating a sales room if the local licensing authority demonstrates that the licensee has committed an act defined as unlawful under the liquor code or shows good cause for the enforcement action.

Licensees that either have sales rooms as of the effective date of the act, or that obtain authorization to operate a sales room on or after the effective date of the act, must notify the state licensing authority of all of their sales rooms. The state licensing authority is to

maintain a list of all sales rooms in the state and make the list available on its web site.

The requirements of the act do not apply to a licensed winery, limited winery, distillery, or beer wholesaler that does not sell and serve alcohol beverages for consumption on its licensed premises or in an approved sales room.

The state licensing authority is authorized to adopt rules regarding sales rooms.

\$3,060 is appropriated from the liquor enforcement division and state licensing authority cash fund to the department of revenue for use by the liquor and tobacco enforcement division for personal services necessary to implement the act.

**APPROVED** by Governor May 14, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1244** Alcohol beverages - liquor-licensed clubs - ability of members to recork and remove unfinished wine bottle. The act authorizes a member of a liquor-licensed club to recork and remove from the club a bottle of wine purchased and partially consumed at the club.

**APPROVED** by Governor April 8, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1283** Marijuana testing - reference library - acceptable testing variances - process validation - appropriation. The act requires the department of public health and environment to develop and maintain a marijuana laboratory testing reference library (reference library). Laboratories licensed by the department of revenue are required to provide materials for the reference library; except that no licensee is required to provide testing protocols. The library must contain a catalog of methodologies for marijuana testing in the areas of potency, homogeneity, contaminants, and solvents. The reference library and methodologies must be completed by December 31, 2015. The state health agency or entity contracting with the state health agency is responsible for proficiency testing and remediating problems with licensed laboratories.

The act creates acceptable testing variances of at least plus or minus 15% for both medical marijuana and retail marijuana. The act creates process validation for edible marijuana products and other marijuana products in multi-serving packages for a 10 milligram serving in a 100 milligram package, including homogeneity, potency, solvents, and pesticides.

The act permits the use of moneys from the marijuana tax cash fund for the reference library if House Bill 15-1367 does not become law. The act appropriates \$23,850 to the department of public health and environment from the marijuana tax cash fund.

Section 5 of the act specifies that certain provisions only take effect if House Bill 15-1367 does not pass and become law.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**NOTE:** House Bill 15-1367 was signed by the Governor June 4, 2015.

**H.B. 15-1309** Dentists and dental hygienists - interim therapeutic restorations - reimbursement for the placement of interim therapeutic restorations - advisory committee - permitting requirements - appropriations. The act allows a dental hygienist to apply to the Colorado dental board (board) for a permit to place interim therapeutic restorations (ITRs). A dental hygienist who meets the following requirements is eligible to receive a permit to place ITRs:

- Holds a license in good standing to practice dental hygiene;
- Carries professional liability insurance;
- Completes the required hours of dental hygiene practice; and
- Completes a board-approved course based on uniform standards developed by an ITR advisory committee.

To the extent that state medicaid or children's basic health plan reimbursement is available for the placement of ITRs, the reimbursement will extend to services provided via telehealth in connection with the placement of an ITR.

The act establishes the interim therapeutic restorations advisory committee to develop uniform standards for training dental hygienists to place ITRs.

The board may discipline a dentist or dental hygienist who fails to comply with the ITR standards.

\$37,940 is appropriated to the department of regulatory agencies from the division of professions and occupations cash fund. \$11,648 is appropriated to the department of health care policy and financing from the general fund, the hospital provider fee cash fund, and the children's basic health plan trust fund.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1352** Naturopathic doctors - formulary of medications authorized in naturopathic medicine practice - expansion. The act expands the naturopathic formulary and the authority of a registered naturopathic doctor (ND) to use certain medications in the practice of naturopathic medicine. With regard to specified medications, the act expands the authority of NDs to:

- Obtain a medication from a registered or licensed wholesaler, manufacturer, or prescription drug outlet;
- Administer, which includes direct application of the medication to the patient; and
- Dispense, which includes properly packaging and providing the medication to the patient for subsequent administration.

The expanded authority applies to the following actions and medications:

- Obtaining and administering saline, sterile water, topical antiseptics, and local anesthetics, including those with epinephrine, in connection with minor office procedures;

- Obtaining and administering oxygen in emergency situations;
- Obtaining and administering vitamins B6 and B12;
- Obtaining, administering, or dispensing FDA-regulated substances that do not require a prescription; and
- Obtaining and administering vaccines, in accordance with federal guidelines, for patients who are at least 18 years of age.

The act permits an ND to obtain the specified medications from a manufacturer, wholesaler, or in-state prescription drug outlet licensed or registered by the state board of pharmacy and protects those entities from liability when providing medications to an ND in compliance with the act and in good-faith reliance on the ND's registration information.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1360** Acupuncturists - authority to practice injection therapy - rules. The act allows acupuncturists to practice injection therapy to treat patients. Injection therapy is defined as the injection of sterile herbs, vitamins, minerals, homeopathic substances, or other similar substances into acupuncture points by means of hypodermic needles. Prior to practicing injection therapy, an acupuncturist must receive the necessary training as determined by the director of the division of professions and occupations. The act allows acupuncturists to obtain substances for injection therapy from a registered prescription drug outlet, registered manufacturer, or registered wholesaler. The director is required to promulgate rules concerning injection therapy.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1364** Electricians - inspection of hydroelectric energy facilities - limited inspections of "small hydro" facilities by the state electrical board. In 2014, the general assembly passed legislation to amend the inspection standards applied to small hydroelectric generation (small hydro) equipment to align with the minimum standards set forth in the 2011 "National Electrical Code" for small wind electrical production. The act expands on the 2014 legislation by providing for limited inspections of small hydro facilities as follows:

- Regardless of whether the facilities are connected to utility or other distribution lines, inverter-based facilities generating 100 kilowatts or less are inspected in accordance with the minimum standards of the current version of the National Electrical Code (code); except that, if a microhydro assembly manufactured for the purpose of generating electricity in a microhydro system uses an inverter that is listed and identified for interconnection service, the inspector shall deem the assembly compliant with the code; or
- For induction-based hydroelectric energy facilities generating 100 kilowatts or less, regardless of whether the facilities are connected to utility or other distribution lines, the installation shall be certified by a field evaluation body, a nationally recognized testing laboratory, or a professional engineer.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** May 29, 2015

**H.B. 15-1373** Speech-language pathologists - provisional certification - requirements - expiration. The act allows applicants seeking a certification in speech-language pathology who have completed the educational requirements and passed the national examination to apply for a provisional certification before completing a clinical fellowship.

A provisional certificate holder may practice speech pathology only under the general supervision of a speech-language pathologist who holds a certificate of clinical competence from the American Speech-Language-Hearing Association.

The provisional certification expires after 24 months or when the director issues the provisional certificate holder a full certification, whichever occurs first.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** May 29, 2015

**H.B. 15-1379** Medical and retail marijuana - permitted economic interest investments - appropriation. The act creates a permitted economic interest in both the regulated medical marijuana and retail marijuana systems. A permitted economic interest is any unsecured convertible debt instrument, option agreement, warrant, or any other right to obtain an ownership interest when the holder of the interest is a natural person who is a lawful United States resident and whose right to convert into an ownership interest is contingent on the holder qualifying and obtaining a medical or retail marijuana license or any other agreements as may be permitted by rule by the state licensing authority. The state licensing authority is authorized to adopt rules regarding permitted economic interests including the background check process, divesture, and other legal instruments that qualify as permitted economic interests.

The act transfers \$138,466 from the marijuana tax cash fund to the general fund on August 15, 2015. The act appropriates to implement the act:

- \$166,305 to the department of revenue from the marijuana cash fund;
- \$15,999 to the department of public safety from the funds received by the department of revenue from the marijuana cash fund; and
- \$33,254 to the department of law from the funds received by the department of revenue from the marijuana cash fund.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1387** Retail marijuana - one-time transfer from medical to retail marijuana - limitations. Beginning on July 1, 2016, the operator of a licensed medical marijuana center, an optional premises cultivation license, or a licensed medical marijuana-infused products business who applies for a retail marijuana establishment license is prohibited from transferring medical marijuana plants and inventory from a medical marijuana center or from a medical marijuana-infused products manufacturer to any retail marijuana establishment. Beginning on July 1, 2016, the only transfer of medical marijuana allowed is the transfer of medical marijuana plants or inventory from a medical marijuana cultivation facility to a retail marijuana cultivation facility.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015



## PROPERTY

**S.B. 15-49** Conveyances - deeds - entity as grantee - formation. Current law specifies that when a grantee of a deed is a corporation whose incorporation papers have not yet been filed, title to the real estate vests in the corporation once the papers are filed. The act expands this law to apply to all entities, specifying that title vests once the entity is formed.

**APPROVED** by Governor April 3, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-265** Hospital care liens - prerequisites to creation of a lien - remedies. The act requires a hospital to submit charges for hospital care and services to a patient's payer of benefits, as defined in the act, before a lien for hospital care is created. An injured person who is subject to a lien in violation of the act may bring an action for twice the amount of the lien asserted.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1069** Homestead exemption - document claiming - requirements. The act adds a requirement that the name of the owner of real property be included in a recorded document claiming a homestead exemption. This will enable a document claiming a homestead exemption to be more easily found in the indexing system for real property ownership in the land records, which are based on the names of the grantor and grantee of real property.

**APPROVED** by Governor March 18, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1095** Common interest communities - governing statutes - exemptions - exemption for older communities with limited assessments. The "Colorado Common Interest Ownership Act" (CCIOA), enacted in 1992, contains an exemption from most of its provisions for certain preexisting cooperatives and planned communities, based on the number of units. A similar exemption applies to new (post-1992) communities based on either the number of units or the dollar amount of assessments for common-interest expenses, so long as the annual assessments do not exceed \$300. The assessment-based exemption requires the \$300 limit to be spelled out in the community's recorded declaration, which cannot be changed except upon a 2/3 vote of all homeowners.

The act allows a community created before the passage of CCIOA the same exemption based on a maximum \$300 annual assessment, as established in the declaration.

**APPROVED** by Governor April 21, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1121** Leases - wind energy agreements - validity - duration - recording - termination. Current law declares that the right to wind energy is a property right appurtenant to the surface estate and governs the creation of agreements between an owner of surface rights and a wind energy developer.

The act amends and adds relevant definitions, including the definition of a wind energy developer of record, which is the wind energy developer named in an agreement that is recorded in county land records. The act also specifies that:

- Like other agreements affecting the title to real property, until a wind energy agreement is recorded, it is not binding on anyone other than the parties and those with notice of the agreement.
- Rights under a recorded wind energy agreement executed on or after July 1, 2012, expire after 15 years unless the agreement provides otherwise or unless wind-powered energy generation has occurred on the subject property.
- Once a wind energy developer has determined to begin construction of generating facilities under a wind energy agreement, the developer may record an affidavit stating when construction will begin. If no affidavit is recorded, the developer's rights will expire after 15 years unless the agreement provides otherwise.
- A wind energy agreement, as well as any release due to the termination or expiration of rights under the agreement, must be recorded in both the grantor and grantee indices and under the names of all parties.
- If a recorded wind energy agreement expires or is terminated, the wind energy developer of record is required to record a release. If the developer fails to do so within a specified period, the developer and any transferee of the developer's rights under the agreement are jointly and severally liable for any damages to the surface owner that result from the failure to record the release.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1142** Foreclosures - duties of public trustee - conduct of sale - electronic bidding - notices - amendment of bids. The act authorizes the public trustee of a county to conduct foreclosure sales through the internet or another electronic means and allows for the collection of a specific fee of up to \$60 for sales that are conducted electronically. The trustee shall publish information related to such sales electronically as well as through traditional means such as posting a physical document.

The act adjusts bidding procedures to accommodate electronic bidding, allowing the holder of the evidence of debt on the subject property to submit both an initial bid and a maximum bid, with the amount increasing by increments up to the maximum if there are competing bidders. If a sale is conducted electronically, bids may be amended electronically during the sale as well as in person by those who are physically present. The trustee and other county officials are granted immunity from liability in case of a failure of electronic equipment used to conduct the sale.

**APPROVED** by Governor April 21, 2015

**EFFECTIVE** September 1, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1343** Common interest communities - unit owners' associations - professional managers - licensing - appropriation. The act modifies the regulation of persons who, for compensation, manage the affairs of a common interest community on behalf of a unit owners' association (community association managers) by:

- Requiring a license for a community association management apprentice;
- Amending the definition of "community association management" to specify the practices that relate to the management of a common interest community;
- Exempting executives who employ or supervise an individual who performs community association management and independent contractors from being licensed as community association managers;
- Providing that an entity may obtain a license by designating a manager who qualifies for a community association manager's license to manage and supervise all of the entity's licensed activity;
- Modifying the examination requirement by conditioning the grant of a community association manager's license on an applicant passing two separate portions of an examination, referred to as the "general portion" and the "Colorado law portion"; and
- Changing the fund used for implementation of the regulation of community association managers from the community association manager licensing cash fund to the division of real estate cash fund and repealing the former.

The act appropriates \$47,250 from the division of real estate cash fund to the department of regulatory agencies for use by the division of real estate.

**APPROVED** by Governor May 20, 2015

**EFFECTIVE** May 20, 2015

## PUBLIC UTILITIES

**S.B. 15-46** Electric utilities - renewable energy standard - cooperative electric associations - retail distributed generation requirement - calculation - purchase of output from community solar gardens. The act allows cooperative electric associations to:

- Subtract industrial retail sales from total retail sales in calculating their minimum retail distributed generation requirements; and
- Use purchases from community solar gardens to meet the retail distributed generation component of the renewable energy standard.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-254** Electric utilities - municipally owned utilities - compliance with renewable energy standard - multiplier for solar electric generation technologies - deadline for installation of qualifying facilities. Under current law, a 3-to-1 multiplier applies to each kilowatt-hour of electricity generated from solar electric generation technologies that begin producing electricity on or before July 1, 2015, for purposes of meeting the portfolio standards established for cooperative electric associations and municipally owned utilities that are qualifying retail utilities as part of Colorado's renewable energy statute. The act extends this deadline for municipally owned utilities by allowing a facility to qualify if it is under contract for development prior to August 1, 2015, and begins producing electricity prior to December 31, 2016.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** May 29, 2015

**S.B. 15-261** Public utilities commission - notice of schedule changes - alternative form of public notice. Public utilities, other than rail carriers, must provide notice to the public utilities commission (commission) and the public of any change in a rate, fare, toll, rental, charge, classification, service, privilege, or facility by filing with the commission a new schedule stating the changes to be made and the time when the changes will go into effect. Additionally, a public utility that is required to provide such notice, other than a transportation or water utility, must provide an additional form of notice to the public concerning the change.

The act eliminates the requirement for a new commission proceeding to effectuate a public utility's request for a method of providing additional public notice in a form other than newspaper publication, a file insert, or a separate mailing to affected customers. Instead, a public utility's motion seeking an alternative method of providing additional public notice may be filed within the existing proceeding that was commenced by the notice of schedule changes.

The act applies to a public utility's notice of schedule changes made on or after August 5, 2015.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-271** Office of consumer counsel - utility consumers' board - continuation - removal of telephone service from purview. The act continues the office of consumer counsel in the department of regulatory agencies for 6 years to 2021. The act continues the utility consumers' board in the department of regulatory agencies indefinitely and modifies the composition of the board as follows:

- 7 governor appointees, each from a different congressional district, at least one who is actively engaged in agriculture as a business, and at least 2 who are small business owners with 100 or fewer employees. No more than 4 of the governor's appointees may be affiliated with the same political party.
- One appointee of the senate president;
- One appointee of the senate minority leader;
- One appointee of the speaker of the house of representatives; and
- One appointee of the minority leader of the house of representatives.

The act removes telephone service from the purview of both the office of consumer counsel and the utility consumers' board.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1284** Electric utilities - renewable energy standard - shared photovoltaic energy generation facilities - community solar gardens - siting requirements - customer subscription in adjacent county. Under Colorado's renewable energy standard, qualifying retail utilities are required to obtain a portion of their energy from renewable sources, including customer-sited facilities such as rooftop solar panels. Recent legislation allowed customers who wished to install such facilities, but whose property was not well suited to that purpose, to buy into a centrally located facility with other customers (subscribers). This arrangement is known as a community solar garden or CSG.

The existing CSG statute requires a subscriber to live in the same county as the CSG unless the subscriber lives in a county with a population of less than 20,000, in which case the CSG may be in an adjacent county that also has a population of less than 20,000. The act deletes these population requirements.

**APPROVED** by Governor May 8, 2015

**EFFECTIVE** May 8, 2015

**H.B. 15-1316** Public utilities commission - taxicab service - certificates - simplified application process. The act simplifies the process for applicants seeking from the public utilities commission (commission) a certificate to operate a taxicab service within and between Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson counties by no longer requiring the commission to consider whether there is a public need for the service; instead the commission considers only whether the applicant is operationally and financially fit to provide the proposed taxicab service. In considering whether to approve an application for a certificate, the commission shall not consider the applicant's corporate structure.

The act requires that, during the 2015 interim, the transportation legislation review committee examine the statutory and regulatory requirements for entry into the taxicab service market and regulations governing the provision of taxicab service.

**BECAME LAW** June 6, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1372** Public utilities commission - administrative expenses - fees payable by utilities - amounts - disposition - appropriation. The act increases the cap on the fees that the department of revenue (department) may charge public utilities to defray the administrative expenses of the public utilities commission and the office of consumer counsel from 0.2% to 0.25% of the public utility's gross intrastate utility operating revenues for the preceding calendar year. The cap is increased for all utilities except telephone corporations, which remains at 0.2% of the telephone corporation's gross intrastate utility operating revenues for the preceding calendar year. The act creates the telecommunications utility fund, into which the fees paid by the telephone corporations will be credited.

\$22,260 is appropriated from the general fund to the department for the 2014-15 fiscal year for use by the information technology division for CITA annual maintenance and support.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** May 29, 2015

**H.B. 15-1377** Electric utilities - cooperative electric associations - compliance with renewable energy standard - use of shared retail distributed generation facilities. The act allows cooperative electric associations (co-ops) to use the production from shared retail distributed generation facilities, which are similar to community solar gardens but not limited to solar technologies, to meet their retail distributed generation requirements under Colorado's renewable energy standard. Subscribers of the shared facilities must be members of the co-op in whose service territory the facility is located, and may not generate more than 120% of their average annual consumption. Other limitations and qualifications may be established by the co-op.

**APPROVED** by Governor May 19, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

## STATUTES

**S.B. 15-35** Colorado Revised Statutes - enactment of 2014 statutes. This act enacts the softbound volumes of Colorado Revised Statutes 2014 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

**APPROVED** by Governor February 25, 2015

**EFFECTIVE** February 25, 2015

**S.B. 15-98** Appropriations - codification - stock phrases. The act codifies stock phrases related to appropriation clauses that were previously included in every nonstatutory appropriation clause.

**APPROVED** by Governor February 25, 2015

**EFFECTIVE** February 25, 2015

**S.B. 15-264** Revisor's bill. Improves the clarity and certainty of the statutes by amending, repealing, and reconstructing various statutory provisions of law that are obsolete, imperfect, or inoperative. The specific reasons for each amendment or repeal are set forth in the appendix to the act. Amendments made by the act are not intended to change the meaning or intent of the statutes, as amended.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** August 5, 2015

## TAXATION

**S.B. 15-142** Mortgage escrow accounts - ad valorem property taxes - requirements. The act makes state law requirements for refunds of excess money to property owners from mortgage escrow accounts the same as those imposed by the federal "Real Estate Settlement Procedures Act of 1974".

**APPROVED** by Governor March 18, 2015

**EFFECTIVE** March 18, 2015

**S.B. 15-206** Income tax - conservation easement tax credit - credit amount. The state previously allowed an income tax credit for a portion of the value of a conservation easement donated by a taxpayer equal to 50% of the fair market value of the donated portion of the easement, with a cap of \$375,000 for each easement donated.

Starting January 1, 2015, the act increases the amount of the credit to 75% of the first \$100,000 of the fair market value of the easement, and 50% of the fair market value above that amount. The cap is increased to \$1.5 million.

**APPROVED** by Governor June 4, 2015

**EFFECTIVE** June 4, 2015

**S.B. 15-255** State severance tax revenues - deposit in general fund. The act requires \$20 million of the state severance tax receipts received from May 1, 2015, until the end of the current fiscal year to be deposited in the general fund, instead of being split equally between the state severance tax trust fund and the local government severance tax fund.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**S.B. 15-282** Rural jump-start zone program - economic development in rural areas - income tax - sales tax - business personal property tax - local taxes - appropriation. The act creates the "Rural Jump-Start Zone Act" and requires the Colorado economic development commission (commission) to manage and oversee the rural jump-start zone program (program).

The act allows rural jump-start zones to be created in the state's distressed counties. The distressed counties are determined by the commission. The act defines a distressed county as a county with a population of less than 250,000 and that reflects indicators of economic distress such as:

- Per capita income that is substantially below the statewide average;
- Local gross domestic product or similar performance measures that are substantially below the statewide average over the preceding 5-year period;
- Unemployment levels that are substantially above the statewide average over the preceding 5-year period;
- A net loss of people of workforce age measured over the preceding 5-year period, or a failure to recover from a loss over the preceding 10-year period; or
- A countywide concentration of pupils eligible for free lunch greater than the statewide average concentration of pupils eligible for free lunch.

The act defines a rural jump-start zone as an area within the boundaries of a distressed county that is either:



- In one or more incorporated portions of the distressed county if the municipality provides the commission with a general resolution agreeing to provide incentive payments, exemptions, or credits to offset the imposition of business personal property tax on and, if the municipality wishes, to offset the imposition of any other municipal tax on all new businesses in order to be a participant in the program;
- In one or more incorporated portions of the distressed county if the municipality provides the commission with a limited resolution that indicates the municipality agrees to only provide incentive payments, exemptions, or credits to offset the imposition of business personal property tax on and, if the municipality wishes, to offset the imposition of any other municipal tax on a specific new business in order to be a limited participant in the program; or
- In the unincorporated portions of the distressed county.

The act specifies that the commission may not approve more than 3 rural jump-start zones for the 2016 calendar year and may not approve any rural jump-start zones or approve any new businesses for the program benefits on and after January 1, 2021. The act further specifies that the commission may not issue more than a total of 200 credit certificates in one income tax year for all new hires employed by all new businesses in each rural jump-start zone, except the commission may increase this limit to 300 if the new business is in one of the 14 industries that the commission targets for economic development in the state.

If a new business establishes a relationship with a state institution of higher education that either has a campus located in the distressed county or includes a distressed county in the community college's service area or the regional education provider's service area and then the new business locates in a rural jump-start zone, the new business is entitled to program benefits for 4 years, or the commission may extend that period for an additional 4 years, as follows:

- An income tax credit for the new business in an amount equal to 100% of the income taxes imposed on the income derived from the new business' activities in the rural jump-start zone for a specified period, and the specified period may be extended, subject to limitations, by the commission at the request of the new business;
- An income tax credit for the new business' employees in an amount equal to 100% of the income taxes imposed on the employees' wages paid by the new business for a specified period, and the specified period may be extended, subject to limitations, by the commission at the request of the new business;
- A sales and use tax refund on the purchase of all tangible personal property acquired by the new business and used exclusively within the rural jump-start zone for a specified period, and the specified period may be extended, subject to limitations, by the commission at the request of the new business; and
- The elimination of the business personal property tax and incentive payments, exemptions, or refunds as determined by the county or municipality to eliminate any other tax liability imposed on the new business by the county and municipality.

The act establishes requirements on the new business and the new hires, and sets forth application parameters for the state institution of higher education and the new business. The new business must hire at least 5 new hires. The act also requires the commission to issue guidelines on a number of the details related to the administration of the program.

The act specifies that each distressed county retains its designation as a distressed county for 3 years, after which the commission will review the designation. If the commission determines that the county is no longer distressed, the new business and new employees in such county retain the program benefits for the period set forth in statute.

The act appropriates \$125,983 to the office of the governor for the 2015-16 state fiscal year to support the Colorado economic development commission in implementing the program.

**APPROVED** by Governor May 13, 2015

**EFFECTIVE** May 13, 2015

**H.B. 15-1008** Property tax - classification of agricultural land if productivity is destroyed by natural cause. The act specifies that if the productivity of agricultural land is destroyed by a natural cause on or after January 1, 2012, so that, were it not for such destruction, the land would have qualified as agricultural land for the following property tax year, the agricultural land classification is to remain in place for the year of destruction and the 4 subsequent property tax years unless:

- The productivity of the land is not rehabilitated for agricultural use before the end of the period, unless the property owner provides documentary evidence to the assessor that during the period a good faith effort was made to rehabilitate the productivity of the land, but that additional time is necessary;
- The assessor determines that the classification at the time of destruction by a natural cause was erroneous; or
- A change of use, other than the destruction by a natural cause, has occurred.

The act makes an exception to the 5-year rehabilitation period applicable to other agricultural land if the land is defined as agricultural land because it is used to produce tangible wood products, but only if such land is in compliance with an approved forest management plan and is on the list provided by the Colorado state forest service as having such a plan.

**APPROVED** by Governor April 10, 2015

**EFFECTIVE** April 10, 2015

**H.B. 15-1012** Sales and use tax - dyed diesel fuel - exemption for remaining uses. Under current law, dyed diesel fuel is exempt from the state sales and use tax in most circumstances. The act exempts all dyed diesel fuel from the state sales and use tax, and this exemption automatically applies to statutory municipalities and counties.

**APPROVED** by Governor March 26, 2015

**EFFECTIVE** March 26, 2015

**H.B. 15-1150** Severance tax operational fund - annual transfers to special account for mining reclamation. For the 2015-16 state fiscal year and for each state fiscal year thereafter, subject to existing statutory requirements that operational fund money be available before tier 2 programs are funded, the bill requires \$127,000 to be transferred from the operational fund to an existing special account in the general fund established by the mined land reclamation board for the purpose of funding reclamation of lands that were obligated to be reclaimed under permits upon which financial warranties have been forfeited.

**APPROVED** by Governor March 30, 2015

**EFFECTIVE** March 30, 2015

**H.B. 15-1180** Sales and use tax - refund - property used in research and development - medical technology - clean technology. The act recreates and reenacts, with amendments, a refund for state sales and use tax paid by a qualified medical technology or clean technology taxpayer (qualified taxpayer). A qualified taxpayer is a business entity that:

- Employs 35 or fewer full-time employees in Colorado;
- Is headquartered in Colorado or has more than 50% of its employees in Colorado; and
- Conducts research and development of medical technology or clean technology.

From 2015 through 2017, a qualified taxpayer may claim a refund for state sales and use tax paid on tangible personal property used in Colorado directly and predominately in research and development of medical technology or clean technology. For this purpose, the definition for "clean technology" is expanded. The maximum refund a qualified taxpayer may receive for sales and use tax paid in a calendar year is \$50,000. To receive a refund, a qualified taxpayer must submit an application to the department of revenue no later than April 1 of the following year and provide certain information to the department.

**APPROVED** by Governor May 26, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1181** Income tax - exemption - reacquisition of residency during active duty military service. The act allows an individual in active duty military service whose home of record is Colorado and whose state of legal residence commencing on or after January 1, 2016, is a state other than Colorado to reacquire legal residence in the state if the individual intends to make Colorado his or her state of legal residence. Any compensation received for active duty military service by a person who reacquires legal residence pursuant to the act is exempt from state income tax.

**APPROVED** by Governor May 27, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1219** Enterprise zones - enterprise zone investment tax credit - credit refundable for certain renewable energy investments upon election - appropriation. Current law allows for an investment tax credit if a taxpayer makes a qualified investment in an enterprise zone. The tax credit can be carried forward by a taxpayer and it is not refundable. For income tax years commencing on or after January 1, 2015, but before January 1, 2021, the act allows a taxpayer who places a new renewable energy investment in service on or after January 1, 2015, but before January 1, 2021, that results in an investment tax credit to elect to receive a refund of 80% of the amount of the credit and forego the remaining 20% as a cost of the election. If 80% of the credit is \$750,000 or less, the taxpayer receives the full refund in the first year. If 80% of the credit is more than \$750,000, the taxpayer annually receives a refund not to exceed \$750,000 per income tax year until 80% of the credit is completely refunded to the taxpayer. The act specifies that a taxpayer may make such an election for more than one qualified investment per income tax year, but that under no circumstances may the taxpayer making such elections receive refunds totaling more than \$750,000 per income tax year. The act sets forth how the election is to be made.

The act also requires the Colorado economic development commission (commission) to annually post on its web site, or on the web site of the Colorado office of economic development, the level of renewable energy investment on and after the effective date of the act, the number of employees or contractors hired for a qualified investment, the number of construction personnel hired for a qualified investment, the average salary or hourly wage

of the employees, contractors, and construction personnel hired for a qualified investment, any landowner lease payments made or land purchased for a qualified investment, the estimated tax revenues the state and local governments will receive as a result of the qualified investment, and any other economic benefits resulting from the qualified investment. The act requires the taxpayer who made the qualified investment to use reasonable efforts to obtain, estimate, and provide to the commission the information the commission is required to post on its web site.

The act changes the definition of renewable energy investment. Under the law as it existed before the act, it referred specifically to solar thermal electric, photovoltaic, landfill gas, wind, biomass, hydroelectric, geothermal electric, recycled energy, anaerobic digestion, or renewable fuel cell projects. The act changes the definition to projects that generate electricity from eligible energy resources that an electric utility may use to comply with Colorado's renewable energy standard.

Finally, for the 2015-16 state fiscal year, the act appropriates \$33,000 to the department of revenue for use by the taxation business group.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1228** Special fuel tax - liquefied petroleum gas - point of taxation - definition of "gallons" - bond requirement - waiver of past penalties and interest. The act makes the following changes related to how the special fuel excise tax on liquefied petroleum gas (LPG) is imposed, collected, and administered in this state:

- Adds a private commercial fleet operator that uses LPG to the definition of "distributor" and excludes a person who sells LPG at retail that is not used as special fuel and who submits a related affidavit and posts a notice that the LPG is not for sale for use in motor vehicles;
- Changes the definition of "gallons" for LPG from a gross gallon to a net gallon, which accounts for temperature differences that affect LPG measurements;
- Limits the imposition of the tax so that in most instances it is only levied when LPG is placed in a motor vehicle's fuel tank, instead of when the fuel is acquired, sold, offered for sale, or used for any purpose whatsoever;
- Requires a distributor that uses LPG from a cargo tank to propel a cargo tank motor vehicle to pay the tax on the gallons of LPG used to propel the motor vehicle, based on the vehicle's miles traveled;
- Requires a distributor that places the LPG in a fuel tank to pay the tax or, if none, for a nondistributor user to pay it;
- Eliminates the 2% allowance for LPG lost in transit or in handling;
- Prohibits the department of revenue from collecting any penalties or interest related to the LPG excise tax that is due from January 1, 2014, until January 1, 2016;
- Eliminates the minimum \$25,000 bond amount for LPG distributors;
- Requires the department of revenue to update its fuel tracking system to accommodate the LPG excise tax changes; and
- Eliminates the requirement that a LPG distributor preprint the serially numbered invoices for each sale or transfer of LPG.

The act also redefines "gallons" for compressed natural gas to include different definitions for a vendor who sells the gas a retail and for all other distributors.

**APPROVED** by Governor June 5, 2015

**PORTIONS EFFECTIVE** August 5, 2015  
**PORTIONS EFFECTIVE** January 1, 2016

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1252** Income tax return form - voluntary contributions - extension of Colorado healthy rivers fund. The act extends the number of years the individual income tax return form includes a voluntary contribution designation for the Colorado healthy rivers fund.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1301** Tobacco products tax - shipped or transported to out-of-state consumer - credit. For 3 years beginning on September 1, 2015, the act permits a distributor to claim a credit for taxes paid on tobacco products that are shipped or transported by the distributor to a consumer outside of the state.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1307** Income tax credit - qualified costs incurred in preservation of historic structures - modification of definition of "qualified commercial structure". The act redefines "qualified commercial structure" as used in the income tax credit for qualified costs incurred in preservation of historic structures to mean an income producing or commercial property that otherwise meets the definition of "qualified residential structure" in the tax credit and deletes references in the definition to the internal revenue code.

**APPROVED** by Governor May 22, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1340** Income tax - return form - voluntary contributions - Colorado multiple sclerosis voluntary contribution - extension. The period during which state income tax return forms include a line that allows an individual taxpayer to make a voluntary contribution to the Colorado multiple sclerosis fund is extended by 5 years. If the fund achieves the minimum contribution amount of \$75,000 per year, the line will appear on the form for income tax years beginning on or after January 1, 2012, but prior to January 1, 2022.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1357** Property tax - ratio of valuation for assessment for residential real property - applicable property tax years. For the 2015 and 2016 property tax years, the act sets the ratio of valuation for assessment for residential real property at 7.96%.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1366** Income tax - Colorado job growth incentive tax credit - credit available if project is a qualified partnership between a taxpayer and a state institution of higher education - appropriation. The act allows a taxpayer to receive an income tax credit through the existing job growth incentive tax credit commencing on or after January 1, 2015, but prior to January 1, 2018, if the project will be a qualified partnership between the taxpayer and a state institution of higher education, is located on or within one mile of the campus of or on other property owned by the state institution of higher education, and brings a net job growth of at least 5 new jobs to the state with an average yearly wage of at least 100% of the statewide average yearly wage.

The act specifies that if the project is a qualified partnership then:

- The Colorado economic development commission need not determine that the credit is a major factor in the taxpayer's decision to locate or retain the project in Colorado;
- The taxpayer need not identify the cost differential in the projected costs of the project compared to the projected costs if the were project commenced in a competing state; and
- The taxpayer need not provide documentation to demonstrate that the credit is a major factor in the decision to locate the project in the state.

The act also makes the following appropriations:

- For the 2015-16 state fiscal year, \$94,251 and 1.0 FTE is appropriated to the office of the governor; and
- For the 2015-16 state fiscal year, \$36,000 is appropriated to the department of revenue for use by the taxation business group.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1367** Retail marijuana taxes - ballot issue related to proposition AA - contingent refunds or appropriations - temporary and permanent rate reductions. If revenues exceed an estimate included in the ballot information booklet for proposition AA, which was the referendum by which voters approved retail marijuana taxes, the act refers a ballot issue to the voters at the November 3, 2015, statewide election to allow the state to retain and spend those revenues that would otherwise be refunded for exceeding the estimate. If voters reject the ballot issue, then the moneys will be refunded as follows based on current projections:

- \$13.3 million will be refunded through a temporary retail marijuana sales tax rate reduction from 10% of the sales price to .01% beginning on January 1, 2016, and ending no later than June 30, 2016;
- \$19.7 million will be refunded to the marijuana cultivation facilities for all of the retail marijuana excise taxes collected during the fiscal year 2015-16; and
- \$25 million will be refunded through a sales and use tax refund that is made through state income taxes.

Also, the retail marijuana sales tax revenue that is distributed to a local government is halved until the total reduction in the local government's distributions is equal to the amount of retail marijuana sales tax revenue that the local government received for the fiscal year 2014-15. But if voters approve the ballot issue, then moneys set aside for the potential refund related to proposition AA will instead be used as follows:

- \$40 million is transferred to the public school capital construction assistance fund;
- \$12 million is appropriated for youth programs, marijuana education and prevention

programs, law enforcement services, substance abuse programs, poison control services, which are expanded to include other means of communication such as text messaging, instant messaging, and email, and the newly created local government retail marijuana impact grant program; and

- \$6 million will remain in the general fund.

The refund or alternative spending is made or backfilled from revenue in the newly created proposition AA account, which consists of \$27.7 million from the marijuana tax cash fund and \$30.3 million from the general fund. To repay the general fund, the existing transfers of marijuana tax revenue from the general fund to the marijuana tax cash fund are reduced in the future. The timing of the repayment depends on whether a refund is made.

In addition to the rate-reduction refund, if actual fiscal year spending or the marijuana tax revenue for the fiscal year 2014-15 exceeds the estimates included in the ballot information booklet for proposition AA, then the rates for both the retail marijuana taxes are reduced on September 16, 2015, as required by the state constitution. Then, consistent with the authority conferred by voters through proposition AA, the rates are increased back to their current levels on September 17, 2015. Finally, beginning on July 1, 2017, and unrelated to either the potential rate reduction or refund, the retail marijuana sales tax rate is reduced from 10% to 8% of the amount of the sale.

The act authorizes any county, any municipality, and any metropolitan district with boundaries entirely within the unincorporated area of a county (local government) to levy an excise tax on the first sale or transfer of unprocessed retail marijuana by a retail marijuana cultivation facility, if approved by voters. The maximum rate of this tax is 5% of the average market rate of marijuana of the unprocessed retail marijuana. A county is not authorized to levy a county excise tax on the first sale or transfer of unprocessed retail marijuana by a retail marijuana cultivation facility within any municipality that levies such an excise tax. This tax must be collected, administered, and enforced by the local government that imposes the tax.

Any marijuana excise taxes above \$40 million collected in a fiscal year are credited to the public school fund created in the state constitution, instead of the marijuana tax cash fund. The permissible uses for the moneys in the marijuana tax cash fund are broadened. The marijuana enforcement division in the department of revenue is required to include a link on its web site that describes how the retail marijuana taxes and the 2.9% state sales tax on retail marijuana are expended for each fiscal year.

Contingent on the approval of the ballot issue, the department of health care policy and financing is required to grant up to \$500,000 through a competitive grant program to organizations to provide evidence-based training and outreach to health professionals statewide related to screening, brief intervention, and referral to treatment for individuals at risk of substance abuse.

The act prohibits local governments from regulating the use and application of pesticides by persons regulated by state law in connection with the cultivation of marijuana.

**APPROVED** by Governor June 4, 2015

**EFFECTIVE** June 4, 2015

## TRANSPORTATION

**S.B. 15-187** High-performance transportation enterprise - deposit of loans to special revenue fund. Under previous law, the high-performance transportation enterprise was required to deposit any money that the transportation commission lent to it from the state highway fund to the statewide transportation enterprise operating fund. The act authorizes the enterprise to also deposit such money into a separate account within the statewide transportation enterprise special revenue fund.

**APPROVED** by Governor April 16, 2015

**EFFECTIVE** April 16, 2015

**H.B. 15-1046** Highway project bidding - waiver of cost estimate-based contract amount limits - reporting - repeal. Under previous law, if there were fewer than 3 bidders for a highway project, the department of transportation (CDOT) could only award a contract if:

- The contract amount was no more than 10% over CDOT's project cost estimate; or
- CDOT's project cost estimate was less than \$1 million and the contract amount was less than 25% over the estimate.

The act clarifies that these limitations apply only to design bid build highway contracts. Notwithstanding the limitations, from April 8, 2015, through June 30, 2018, the act authorizes CDOT to award a highway contract to the low responsible bidder regardless of CDOT's project cost estimate if the executive director of CDOT determines in writing that it is in the best financial, economic, or other interest of the state to do so. In its annual report to the joint legislative committees of reference that have jurisdiction over transportation, CDOT must identify each project award for which the director made such a written determination, explain the reasons for the award, and estimate the amount of cost savings achieved by making the award. The written determination must also be included in the contract file and publicly posted on CDOT's web site.

**APPROVED** by Governor April 8, 2015

**EFFECTIVE** April 8, 2015

**H.B. 15-1173** Motor vehicle and traffic regulation - equipment - adequacy of tires and chains - study by transportation legislation review committee. The act directs the transportation legislation review committee to study traction issues on Interstate 70 under winter driving conditions. The committee may recommend legislation.

**APPROVED** by Governor May 13, 2015

**EFFECTIVE** May 13, 2015

**H.B. 15-1209** Department of transportation - organizational structure - consolidation of functions into statutory highway maintenance division. The department of transportation (CDOT) includes several divisions, some of which, including the highway operations and maintenance division, are explicitly created in statute and others of which, including the highway maintenance division, are created administratively as authorized by statute. To better reflect the current actual organizational structure of CDOT, the act eliminates the highway operations and maintenance division and, with a few exceptions for duties that the chief engineer of CDOT has been directly or indirectly overseeing and will continue to oversee, incorporates its duties and functions into the highway maintenance division, which the act creates as a statutory division of CDOT.

**APPROVED** by Governor March 30, 2015

**EFFECTIVE** March 30, 2015



## WATER AND IRRIGATION

**S.B. 15-8** Water providers - water efficiency planning - integration with land use planning - training - appropriation. The act requires the water efficiency plans adopted by large water providers to evaluate best management practices for water demand management, water efficiency, and water conservation that may be implemented through land use planning efforts. To assist the providers in meeting this directive, the act directs the Colorado water conservation board (CWCB), in consultation with the division of planning in the department of local affairs (DOLA), to:

- Develop and provide free training programs, on a recurring basis, for local government water use, water demand, and land use planners regarding best management practices for water demand management, water efficiency, and water conservation; and
- Make recommendations regarding how to better integrate water demand management and conservation planning into land use planning, including, as appropriate, legislative, regulatory, and guidance or policy recommendations.

The act appropriates \$50,000 to the department of natural resources from the Colorado water conservation board construction fund for use by the CWCB.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-10** Water rights - augmentation requirements - Dawson aquifer. Current law specifies that, beginning July 1, 2015, augmentation requirements for the withdrawal of water from the Dawson aquifer must be based on actual aquifer conditions. The act repeals this requirement, thereby continuing current law, which requires replacement of actual out-of-priority depletions to the stream; except that the replacement of post-pumping depletions is required only if necessary to compensate for injury.

**APPROVED** by Governor March 13, 2015

**EFFECTIVE** March 13, 2015

**S.B. 15-55** State engineer's office - Maintenance of tail ditches. The act permits a person to use a tail ditch to return variable amounts of water to a stream. The state engineer shall not require the delivery of a minimum amount of water to the stream, except as required by a court decree.

**APPROVED** by Governor March 26, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-121** Drinking water revolving fund - financial assistance - eligibility of private, nonprofit entities. Section 1 of the act specifies that the drinking water revolving fund may be used to provide financial assistance to private, nonprofit entities. Section 2 clarifies that public water systems may be owned or operated by private, nonprofit entities.

**APPROVED** by Governor May 19, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-183** Water rights - changes of use - historical consumptive use analysis. When a water judge decrees a change of water right, the act:

- Requires that a quantification of the actual historical consumptive use of the water right be based on a representative study period that:
  - Includes wet years, dry years, and average years;
  - Does not include undecreed use of the subject water right; and
  - Need not include every year of the entire history of use of the subject water right.
- Prohibits reconsideration or requantification of the historical consumptive use if the historical consumptive use has already been quantified in a previous change decree.

The act applies to applications pending before the water judges or referees or filed on or after May 4, 2015.

**APPROVED** by Governor May 4, 2015

**EFFECTIVE** May 4, 2015

**S.B. 15-198** Colorado water conservation board - expansion of fallowing and leasing pilot program - agricultural, environmental, industrial, or recreational uses permitted. The current fallowing pilot program administered by the Colorado water conservation board (board) allows an agricultural water right owner to lease the agricultural water right to a municipality for up to 3 out of 10 years. During the period of nonagricultural use, the owner fallows the affected agricultural land. The act expands the program to allow leases for temporary agricultural, environmental, industrial, or recreational use. The act also reduces the time period for receiving comments on a pilot project application from 75 days to 60 days and requires the state engineer, within 15 days after a conference report has been filed or, if the board does not receive any comments on the pilot project application, within 30 days after the period of time for comments has expired, to review the application and make a determination on the issues of injury and compact compliance with respect to the application.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-212** Water rights - determination of no material injury - post-wildland fire facilities - storm water detention and infiltration facilities. Under current administrative practice, facilities that are designed to detain storm water for environmental and public safety purposes may be required to release water to avoid injury to water rights.

The act specifies that post-wildland fire facilities and existing storm water detention and infiltration facilities do not materially injure water rights. Water rights owners can file an action to rebut the presumption of noninjury caused by a storm water detention and infiltration facility. An owner of such a facility must provide notice of design data for and the location and size of the facility to subscribers to the applicable substitute water supply notification list. Water from these facilities cannot be put to beneficial use or form the basis for any claim to or for the use of water.

A "storm water detention and infiltration facility" is defined as a facility that is operated solely for storm water management, owned or operated by a governmental entity or is subject to oversight by a governmental entity, continuously releases or infiltrates at least 97% of all of the water from rainfall events that are equal to or less than a 5-year storm within 72 hours after the end of the rainfall event, and continuously releases or infiltrates the water from rainfall events greater than a 5-year storm as quickly as practicable, but in all cases within 120 hours. The facility must operate passively and cannot actively treat the storm water.

A "post-wildland fire facility" means a facility that is not permanent; is located on, in, or adjacent to a nonperennial stream; is designed and operated solely for the mitigation of the impacts of wildland fire events; and is designed and operated to minimize the quantity of water detained and the duration of the detention of water to the levels necessitated by public safety and welfare. The person who installed or operated a post-wildland fire facility has to ensure that the facility is removed or rendered inoperable after the emergency conditions created by the wildfire no longer exist.

The act does not apply to Fountain Creek and its tributaries, except for facilities required by or operated in compliance with a Colorado discharge permit system municipal separate storm sewer system permit.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**S.B. 15-245** Natural hazard mapping fund - creation - transfers from general fund - use by Colorado water conservation board - continuous appropriation. The act creates the natural hazard mapping fund, which consists of gifts, grants, and donations and the following revenues transferred from the general fund:

- On July 1, 2015, \$3.8 million;
- On July 1, 2016, \$2.4 million; and
- On July 1, 2017, \$670,000.

The revenues in the fund are continuously appropriated to the Colorado water conservation board, which may use the revenues in the fund only for the following purposes:

- Floodplain mapping;
- Erosion zone mapping;
- Debris flow mapping; and
- The collection of data from light detection and ranging for flood mapping, erosion zones, and debris flows.

**APPROVED** by Governor May 1, 2015

**EFFECTIVE** May 1, 2015

**S.B. 15-253** Colorado water conservation board - construction fund - project list - appropriations. The act appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund for the following projects:

- \$330,000 for continuation of the satellite monitoring system maintenance;
- \$500,000 for continuation of the Colorado floodplain map modernization program;

- \$1,500,000 for continuation of the watershed restoration program;
- \$1,000,000 for the operation and maintenance of the Arkansas river decision support system;
- \$500,000 for technical assistance for the USDA regional conservation partnership program;
- \$100,000 for water conservation planning and data tracking tools;
- \$150,000 for support of the Colorado Mesonet project;
- \$1,200,000 for participation in the development of modern tools and methods for determining large rain events for regulating and designing dam spillways;
- \$175,000 for continuation of the weather modification program; and
- \$125,000 for South Platte river basin groundwater level data collection, analysis, and remediation.

The act also directs the state treasurer to transfer moneys on July 1, 2015, from the CWCB construction fund to restore the unencumbered balance in the following funds to the following amounts:

- \$500,000 for the flood and drought response fund; and
- \$200,000 for the litigation fund.

Additionally, the act transfers the following amounts from the severance tax operational fund to the CWCB construction fund for the following purposes:

- \$1,000,000 for the CWCB to continue the watershed restoration program; and
- \$1,200,000 for the CWCB to participate in the development of modern tools and methods for determining large rain events for regulating and designing dam spillways.

Finally, the act does the following:

- Transfers \$500,000 from the severance tax perpetual base fund to the CWCB construction fund for the CWCB to continue the watershed restoration program;
- Extends the stream restoration grant account in the flood and drought response fund to remain effective until July 1, 2017; and
- Accounts for variation in the amount of money loaned for the Chatfield reallocation project in 2014 by acknowledging ordinary fluctuations in cost based on distribution of project ownership.

**APPROVED** by Governor May 14, 2015

**EFFECTIVE** May 14, 2015

**H.B. 15-1006** Colorado water conservation board - invasive phreatophyte management grant program - appropriation - repeal. The act establishes a 2-year grant program for the management of invasive phreatophytes, which are deep-rooted plants that consume water from the water table or the layer of soil just above the water table. The Colorado water conservation board administers the grant program. To qualify for a grant, an applicant must propose a project for the management of invasive phreatophytes that utilizes best management practices that decrease the consumption of water and protect the riparian habitat native to each basin in which the projects are proposed.

In fiscal years 2015-16 and 2016-17, \$2 million is transferred from the severance tax operational fund to the Colorado water conservation board construction fund for

implementation of the grant program.

**APPROVED** by Governor May 12, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1013** Colorado water conservation board - pilot projects authorized to test methods to lower groundwater levels - recharge structure review by division engineers - appropriation - repeal. The act requires the Colorado water conservation board, in consultation with the state engineer, to administer 2 pilot projects in the areas of Gilcrest/LaSalle and Sterling to evaluate 2 alternative methods of lowering the water table in areas that are experiencing damaging high groundwater levels.

The act requires a division engineer to review any augmentation plan submitted to a water court that includes the construction of a recharge structure to analyze potential changes in groundwater levels downgradient that could result from the operation of the proposed recharge structure. The water court and water referee shall consider the division engineer's analysis.

\$41,959 is appropriated to the department of natural resources for use by the division of water resources.

The portion of the act authorizing pilot projects is repealed, effective July 1, 2021.

The act applies to water court applications filed on or after the effective date.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1016** Precipitation harvesting pilot projects - replacement obligations - repeal date extension - appropriation. In 2009, the general assembly authorized up to 10 precipitation harvesting pilot projects for new real estate developments of residential housing or mixed uses. Only one project has been approved. To encourage more projects, the act:

- Directs the Colorado water conservation board to update its approval criteria and guidelines, including regionally applicable factors that sponsors can use for substitute water supply that specify the amount of evapotranspiration of preexisting natural vegetative cover, to which the state engineer and water judges must give presumptive effect, subject to rebuttal;
- Reduces the amount of water needed for a project's temporary substitute water supply plan and permanent augmentation plan by the amount of historic natural depletion to the waters of the state, if any, caused by the preexisting natural vegetative cover evapotranspiration on the surface of the area that will be, or that has been, made impermeable as part of the pilot project; and
- Extends the repeal date of the program from 2019 to 2025.

\$12,240 is appropriated from the Colorado water conservation board construction fund

to the department of natural resources for use by the board to implement the act.

**APPROVED** by Governor May 29, 2015

**EFFECTIVE** August 5, 2015

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

**H.B. 15-1166** South Platte river basin - tributary water well monitoring network - appropriation. In 2012, the general assembly enacted House Bill 12-1278, which directed the Colorado water conservation board to contract with the Colorado Water Institute to conduct a study of the South Platte river alluvial aquifer. Recommendation 3.B. of the final study report was to implement a basin-wide groundwater monitoring network.

Section 1 of the act directs the state engineer, in consultation with the board, to design and operate a tributary groundwater monitoring network in the South Platte river alluvial aquifer. The monitoring network consists of the following components:

- Groundwater wells to be used for monitoring groundwater levels with the goal of identifying ambient groundwater conditions and anthropogenic influences on the aquifer, including:
  - The existing division of water resources groundwater monitoring network, the addition of data loggers on up to 20 existing wells in the network, and up to 10 wells to be added to the network in areas where there are data gaps;
  - Wells that are part of an independent monitoring network and owned by qualified parties other than the division of water resources who submit their groundwater monitoring data to the monitoring network; and
  - Other wells designated by the state engineer;
- Data analysis standards and protocols established by the state engineer; and
- Dissemination of the monitoring data on the division's web site.

Section 2 authorizes the use of the Colorado water conservation board construction fund to pay for the construction and maintenance of the network.

Section 3 appropriates \$60,000 from the Colorado water conservation board construction fund to the department of natural resources for use by the water resources division for implementation of the act.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1178** Colorado water conservation board - emergency dewatering grants - account created - appropriation - repeal. The act creates a 2-year emergency dewatering grant program (program) in the Colorado water conservation board (CWCB) and the emergency dewatering grant account (account) in the CWCB construction fund. The CWCB, in collaboration with the state engineer, is authorized to award grants for emergency pumping of wells that are permitted for dewatering and are located within or near the areas of Gilcrest, Colorado, and Sterling, Colorado. Pursuant to criteria and guidelines that the CWCB, in collaboration with the state engineer, will develop, grant recipients must collect real-time data when pumping the dewatering wells. On an annual basis, the CWCB shall report to the water resources review committee on its implementation of the program.

For fiscal year 2015-16, \$165,000 is transferred from the general fund to the account for implementation of the program. For fiscal year 2016-17, \$290,000 is transferred from the

general fund to the account for implementation of the program. For fiscal year 2015-16, \$165,000 is appropriated from the account to the department of natural resources for use by the CWCB to implement the program.

The act is repealed, effective July 1, 2018.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** June 5, 2015

**H.B. 15-1247** State engineer's office - dam project design review - fee increase. The fee that the state engineer collects for the examination and filing of each set of plans and specifications for a proposed dam project filed with the state engineer's office is increased from \$3 for each \$1,000 of the estimated cost of the proposed project to \$6 for each \$1,000 of the estimated cost of the proposed project, with the maximum fee raised from \$3,000 to \$30,000.

**APPROVED** by Governor June 5, 2015

**EFFECTIVE** September 1, 2016

**NOTE:** This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.





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