

# **2014 DIGEST OF BILLS**

**Enacted by The Sixty-ninth General Assembly  
Second Regular Session**



Photograph by Kathy Zambrano

**Prepared by the Office of Legislative Legal Services**

**June 2014**



# DIGEST

## SENATE AND HOUSE BILLS ENACTED BY THE SIXTY-NINTH GENERAL ASSEMBLY OF THE STATE OF COLORADO

(2014 Second 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 and Session Laws" 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 Sixty-ninth General Assembly at its Second Regular Session ending May 7, 2014. 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 xv.
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 xv.
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 xv.
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 2013 interim committees, refer to pages ix and x.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2014 session compared to the two prior sessions, see the

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 7, 2014. 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 5, 2014. The effective date for such bills is therefore 12:01 a.m., on Wednesday, August 6, 2014, 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 5, 2014.

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 2014.

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## LEGISLATIVE STATISTICAL SUMMARY

	2014		2013		2012	
	Intro	Passed	Intro	Passed	Intro	Passed
<b>House Bills</b>	398	274	325	219	361	222
<b>Senate Bills</b>	223	151	288	222	184	84
<b>Concurrent Resolutions</b>	7	0	3	0	7	1
<b>Bills signed by Governor</b>	419		441		304	
<b>Bills becoming law without Governor's signature</b>	1		0		1	
<b>Bills partially vetoed by the Governor</b>	0		0		0	
<b>Bills vetoed by the Governor</b>	5		0		1	
<b>Bills referred to the People/Ballot questions</b>	0		2		0	

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

**H.B. 14-1108      H.B. 14-1375      S.B. 14-023      S.B. 14-089      S.B. 14-197**

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

**H.B. 14-1371**

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

none

## **BILLS ENACTED WITHOUT A SAFETY CLAUSE:\***

### **HOUSE BILLS**

<b>H.B. 14-1003</b>	<b>H.B. 14-1089</b>	<b>H.B. 14-1161</b>	<b>H.B. 14-1223</b>	<b>H.B. 14-1313</b>
<b>H.B. 14-1015</b>	<b>H.B. 14-1092</b>	<b>H.B. 14-1172</b>	<b>H.B. 14-1254</b>	<b>H.B. 14-1314</b>
<b>H.B. 14-1018</b>	<b>H.B. 14-1093</b>	<b>H.B. 14-1175</b>	<b>H.B. 14-1265</b>	<b>H.B. 14-1315</b>
<b>H.B. 14-1021</b>	<b>H.B. 14-1100</b>	<b>H.B. 14-1176</b>	<b>H.B. 14-1266</b>	<b>H.B. 14-1321</b>
<b>H.B. 14-1024</b>	<b>H.B. 14-1101</b>	<b>H.B. 14-1177</b>	<b>H.B. 14-1267</b>	<b>H.B. 14-1322</b>
<b>H.B. 14-1030</b>	<b>H.B. 14-1102</b>	<b>H.B. 14-1182</b>	<b>H.B. 14-1274</b>	<b>H.B. 14-1327</b>
<b>H.B. 14-1031</b>	<b>H.B. 14-1105</b>	<b>H.B. 14-1184</b>	<b>H.B. 14-1275</b>	<b>H.B. 14-1344</b>
<b>H.B. 14-1032</b>	<b>H.B. 14-1108- v</b>	<b>H.B. 14-1185</b>	<b>H.B. 14-1276</b>	<b>H.B. 14-1353</b>
<b>H.B. 14-1037</b>	<b>H.B. 14-1111</b>	<b>H.B. 14-1199</b>	<b>H.B. 14-1279</b>	<b>H.B. 14-1357</b>
<b>H.B. 14-1042</b>	<b>H.B. 14-1112</b>	<b>H.B. 14-1205</b>	<b>H.B. 14-1282</b>	<b>H.B. 14-1358</b>
<b>H.B. 14-1047</b>	<b>H.B. 14-1125</b>	<b>H.B. 14-1206</b>	<b>H.B. 14-1284</b>	<b>H.B. 14-1371</b>
<b>H.B. 14-1051</b>	<b>H.B. 14-1129</b>	<b>H.B. 14-1207</b>	<b>H.B. 14-1286</b>	<b>H.B. 14-1375- v</b>
<b>H.B. 14-1060</b>	<b>H.B. 14-1141</b>	<b>H.B. 14-1210</b>	<b>H.B. 14-1290</b>	<b>H.B. 14-1376</b>
<b>H.B. 14-1072</b>	<b>H.B. 14-1142</b>	<b>H.B. 14-1211</b>	<b>H.B. 14-1294</b>	<b>H.B. 14-1383</b>
<b>H.B. 14-1079</b>	<b>H.B. 14-1148</b>	<b>H.B. 14-1213</b>	<b>H.B. 14-1303</b>	<b>H.B. 14-1384</b>
<b>H.B. 14-1082</b>	<b>H.B. 14-1156</b>	<b>H.B. 14-1214</b>	<b>H.B. 14-1307</b>	<b>H.B. 14-1385</b>
<b>H.B. 14-1086</b>	<b>H.B. 14-1160</b>	<b>H.B. 14-1216</b>	<b>H.B. 14-1310</b>	

### **SENATE BILLS**

<b>S.B. 14-002</b>	<b>S.B. 14-036</b>	<b>S.B. 14-075</b>	<b>S.B. 14-118</b>	<b>S.B. 14-173</b>
<b>S.B. 14-004</b>	<b>S.B. 14-039</b>	<b>S.B. 14-080</b>	<b>S.B. 14-123</b>	<b>S.B. 14-174</b>
<b>S.B. 14-009</b>	<b>S.B. 14-041</b>	<b>S.B. 14-083</b>	<b>S.B. 14-132</b>	<b>S.B. 14-176</b>
<b>S.B. 14-012</b>	<b>S.B. 14-043</b>	<b>S.B. 14-087</b>	<b>S.B. 14-135</b>	<b>S.B. 14-183</b>
<b>S.B. 14-022</b>	<b>S.B. 14-048</b>	<b>S.B. 14-096</b>	<b>S.B. 14-137</b>	<b>S.B. 14-192</b>
<b>S.B. 14-025</b>	<b>S.B. 14-050</b>	<b>S.B. 14-103</b>	<b>S.B. 14-144</b>	<b>S.B. 14-203</b>
<b>S.B. 14-026</b>	<b>S.B. 14-052</b>	<b>S.B. 14-107</b>	<b>S.B. 14-159</b>	<b>S.B. 14-205</b>
<b>S.B. 14-029</b>	<b>S.B. 14-062</b>	<b>S.B. 14-110</b>	<b>S.B. 14-168</b>	<b>S.B. 14-209</b>
<b>S.B. 14-030</b>	<b>S.B. 14-073</b>	<b>S.B. 14-114</b>	<b>S.B. 14-171</b>	<b>S.B. 14-210</b>

\* These bills become effective on August 6, 2014, 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  
2013 INTERIM COMMITTEES:**

<b>Capital Development Committee:</b>			
<b>H.B. 14-1081</b> <b>H.B. 14-1387</b>	<b>S.B. 14-089- v</b>	<b>SJR 14-036</b>	<b>SJR 14-039</b>
<b>Colorado Commission on Uniform State Laws:</b>			
<b>H.B. 14-1353</b>			
<b>Committee on Legal Services:</b>			
<b>H.B. 14-1019</b>	<b>H.B. 14-1123</b>	<b>H.B. 14-1363</b>	
<b>Early Childhood and School Readiness Legislative Commission:</b>			
<b>H.B. 14-1022</b>			
<b>Economic Opportunity Poverty Reduction Task Force:</b>			
<b>H.B. 14-1072</b> <b>H.B. 14-1085</b>	<b>S.B. 14-003</b> <b>S.B. 14-012</b>	<b>S.B. 14-014</b> <b>S.B. 14-022</b>	<b>S.B. 14-087</b>
<b>Executive Committee of the Legislative Council:</b>			
<b>H.B. 14-1293</b>	<b>S.B. 14-153</b>		
<b>Joint Budget Committee: (other than supplementals):</b>			
<b>H.B. 14-1194</b>	<b>H.B. 14-1339</b>	<b>S.B. 14-104</b>	<b>S.B. 14-154</b>
<b>H.B. 14-1195</b>	<b>H.B. 14-1340</b>	<b>S.B. 14-105</b>	<b>S.B. 14-155</b>
<b>H.B. 14-1203</b>	<b>H.B. 14-1341</b>	<b>S.B. 14-106</b>	<b>S.B. 14-168</b>
<b>H.B. 14-1250</b>	<b>H.B. 14-1342</b>	<b>S.B. 14-107</b>	<b>S.B. 14-169</b>
<b>H.B. 14-1251</b>	<b>H.B. 14-1345</b>	<b>S.B. 14-108</b>	<b>S.B. 14-189</b>
<b>H.B. 14-1252</b>	<b>H.B. 14-1368</b>	<b>S.B. 14-109</b>	<b>S.B. 14-190</b>
<b>H.B. 14-1308</b>	<b>H.B. 14-1393</b>	<b>S.B. 14-110</b>	<b>S.B. 14-194</b>
<b>H.B. 14-1337</b>	<b>H.B. 14-1394</b>	<b>S.B. 14-112</b>	<b>S.B. 14-214</b>
<b>H.B. 14-1338</b>	<b>H.B. 14-1395</b>	<b>S.B. 14-120</b> <b>S.B. 14-143</b>	<b>S.B. 14-215</b>

**BILLS ENACTED AND RECOMMENDED BY STATUTORY AND  
2013 INTERIM COMMITTEES: (cont.)**

<b>Juvenile Defense Attorney Interim Committee</b>			
<b>H.B. 14-1023</b>	<b>H.B. 14-1032</b>	<b>SJR 14-010</b>	
<b>Legislative Audit Committee:</b>			
<b>H.B. 14-1176</b>	<b>H.B. 14-1188</b>	<b>H.B. 14-1190</b>	
<b>Mental Illness in the Criminal Justice System:</b>			
<b>S.B. 14-021</b>			
<b>Police Officers' and Firefighters' Pension Reform Commission:</b>			
<b>S.B. 14-024</b>	<b>S.B. 14-031</b>		
<b>Transportation Legislation Review Committee:</b>			
<b>H.B. 14-1021</b> <b>H.B. 14-1027</b>	<b>H.B. 14-1029</b> <b>H.B. 14-1031</b>	<b>H.B. 14-1160</b>	
<b>Water Resources Review Committee:</b>			
<b>H.B. 14-1030</b>	<b>HJR 14-1002</b>	<b>S.B. 14-025</b>	<b>S.B. 14-026</b>
<b>Wildfire Matters Review Committee:</b>			
<b>H.B. 14-1008</b> <b>H.B. 14-1010</b>	<b>S.B. 14-008</b> <b>S.B. 14-046</b>	<b>S.B. 14-047</b> <b>S.B. 14-097</b>	<b>SJR 14-006</b> <b>SJR 14-009</b>
<b>Sunset Review Process:</b>			
<b>H.B. 14-1169</b> <b>H.B. 14-1173</b> <b>H.B. 14-1174</b>	<b>H.B. 14-1180</b> <b>H.B. 14-1181</b> <b>H.B. 14-1221</b>	<b>H.B. 14-1227</b> <b>H.B. 14-1270</b> <b>H.B. 14-1278</b>	<b>H.B. 14-1358</b> <b>H.B. 14-1360</b>
v - vetoed			

**ACTS WITH JULY 1, 2014, AND LATER EFFECTIVE DATES:**

<b>July 1, 2014</b>				
<b><u>HOUSE BILLS</u></b>				
<b>H.B. 14-1029</b>	<b>H.B. 14-1169</b>	<b>H.B. 14-1227</b>	<b>H.B. 14-1280</b>	<b>H.B. 14-1372</b>
<b>H.B. 14-1045</b>	<b>H.B. 14-1174</b>	<b>H.B. 14-1260</b>	<b>H.B. 14-1288</b>	<b>H.B. 14-1374</b>
<b>H.B. 14-1057</b>	<b>H.B. 14-1180</b>	<b>H.B. 14-1269</b>	<b>H.B. 14-1347</b>	<b>H.B. 14-1378</b>
<b>H.B. 14-1066</b>	<b>H.B. 14-1188</b>	<b>H.B. 14-1270</b>	<b>H.B. 14-1352</b>	<b>H.B. 14-1380</b>
<b>H.B. 14-1073</b>	<b>H.B. 14-1193</b>	<b>H.B. 14-1273</b>	<b>H.B. 14-1360</b>	<b>H.B. 14-1388</b>
<b>H.B. 14-1162*</b>	<b>H.B. 14-1195</b>	<b>H.B. 14-1278</b>	<b>H.B. 14-1367</b>	
<b><u>SENATE BILLS</u></b>				
<b>S.B. 14-014</b>	<b>S.B. 14-059</b>	<b>S.B. 14-105</b>	<b>S.B. 14-131</b>	<b>S.B. 14-191</b>
<b>S.B. 14-021</b>	<b>S.B. 14-060</b>	<b>S.B. 14-109</b>	<b>S.B. 14-152</b>	<b>S.B. 14-212</b>
<b>S.B. 14-049</b>	<b>S.B. 14-092</b>	<b>S.B. 14-117</b>	<b>S.B. 14-155</b>	<b>S.B. 14-213</b>
<b>S.B. 14-051</b>	<b>S.B. 14-097</b>	<b>S.B. 14-130</b>	<b>S.B. 14-163*</b>	<b>S.B. 14-215*</b>
<b>S.B. 14-055</b>				
* - portions only				

**ACTS WITH JULY 1, 2014, AND LATER EFFECTIVE DATES: (cont.)**

<b>August 6, 2014**</b>				
<b><u>HOUSE BILLS</u></b>				
<b>H.B. 14-1003</b>	<b>H.B. 14-1092</b>	<b>H.B. 14-1161</b>	<b>H.B. 14-1223</b>	<b>H.B. 14-1307</b>
<b>H.B. 14-1015</b>	<b>H.B. 14-1093</b>	<b>H.B. 14-1162*</b>	<b>H.B. 14-1265</b>	<b>H.B. 14-1310</b>
<b>H.B. 14-1018</b>	<b>H.B. 14-1100</b>	<b>H.B. 14-1172</b>	<b>H.B. 14-1266</b>	<b>H.B. 14-1313</b>
<b>H.B. 14-1021</b>	<b>H.B. 14-1101</b>	<b>H.B. 14-1175</b>	<b>H.B. 14-1267</b>	<b>H.B. 14-1314</b>
<b>H.B. 14-1024</b>	<b>H.B. 14-1102</b>	<b>H.B. 14-1176</b>	<b>H.B. 14-1274</b>	<b>H.B. 14-1315*</b>
<b>H.B. 14-1030</b>	<b>H.B. 14-1105</b>	<b>H.B. 14-1182</b>	<b>H.B. 14-1275</b>	<b>H.B. 14-1321</b>
<b>H.B. 14-1031</b>	<b>H.B. 14-1111</b>	<b>H.B. 14-1184</b>	<b>H.B. 14-1276</b>	<b>H.B. 14-1322</b>
<b>H.B. 14-1037</b>	<b>H.B. 14-1125</b>	<b>H.B. 14-1185</b>	<b>H.B. 14-1279</b>	<b>H.B. 14-1327</b>
<b>H.B. 14-1042</b>	<b>H.B. 14-1129</b>	<b>H.B. 14-1205</b>	<b>H.B. 14-1282</b>	<b>H.B. 14-1344</b>
<b>H.B. 14-1051</b>	<b>H.B. 14-1141</b>	<b>H.B. 14-1206</b>	<b>H.B. 14-1284</b>	<b>H.B. 14-1358</b>
<b>H.B. 14-1060</b>	<b>H.B. 14-1142</b>	<b>H.B. 14-1207</b>	<b>H.B. 14-1286</b>	<b>H.B. 14-1371</b>
<b>H.B. 14-1072</b>	<b>H.B. 14-1148</b>	<b>H.B. 14-1210</b>	<b>H.B. 14-1290</b>	<b>H.B. 14-1376</b>
<b>H.B. 14-1079</b>	<b>H.B. 14-1156</b>	<b>H.B. 14-1214</b>	<b>H.B. 14-1294</b>	<b>H.B. 14-1384</b>
<b>H.B. 14-1086</b>	<b>H.B. 14-1160</b>	<b>H.B. 14-1216</b>	<b>H.B. 14-1303</b>	<b>H.B. 14-1385</b>
<b>H.B. 14-1089</b>				
<b><u>SENATE BILLS</u></b>				
<b>S.B. 14-002</b>	<b>S.B. 14-036</b>	<b>S.B. 14-075</b>	<b>S.B. 14-118</b>	<b>S.B. 14-173</b>
<b>S.B. 14-004</b>	<b>S.B. 14-039</b>	<b>S.B. 14-080</b>	<b>S.B. 14-123</b>	<b>S.B. 14-174</b>
<b>S.B. 14-009</b>	<b>S.B. 14-041</b>	<b>S.B. 14-083</b>	<b>S.B. 14-132</b>	<b>S.B. 14-176</b>
<b>S.B. 14-012</b>	<b>S.B. 14-043</b>	<b>S.B. 14-087</b>	<b>S.B. 14-135</b>	<b>S.B. 14-183</b>
<b>S.B. 14-022</b>	<b>S.B. 14-048</b>	<b>S.B. 14-096</b>	<b>S.B. 14-137</b>	<b>S.B. 14-192</b>
<b>S.B. 14-025</b>	<b>S.B. 14-050</b>	<b>S.B. 14-103*</b>	<b>S.B. 14-144</b>	<b>S.B. 14-203</b>
<b>S.B. 14-026</b>	<b>S.B. 14-052</b>	<b>S.B. 14-107</b>	<b>S.B. 14-159</b>	<b>S.B. 14-205</b>
<b>S.B. 14-029</b>	<b>S.B. 14-062</b>	<b>S.B. 14-110</b>	<b>S.B. 14-168</b>	<b>S.B. 14-209</b>
<b>S.B. 14-030</b>	<b>S.B. 14-073</b>	<b>S.B. 14-114</b>	<b>S.B. 14-171</b>	<b>S.B. 14-210</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>* - portions only</p>				

**ACTS WITH JULY 1, 2014, AND LATER EFFECTIVE DATES: (cont.)**

**Other upcoming effective dates:**

<b>August 1, 2014</b>			
<b>S.B. 14-206</b>			
<b>September 1, 2014</b>			
<b>H.B. 14-1047</b>	<b>H.B. 14-1177</b>		
<b>November 1, 2014</b>			
<b>H.B. 14-1032</b>			
<b>January 1, 2015</b>			
<b>H.B. 14-1082</b> <b>H.B. 14-1112</b> <b>H.B. 14-1199</b>	<b>H.B. 14-1211</b> <b>H.B. 14-1213</b> <b>H.B. 14-1254</b>	<b>H.B. 14-1295</b> <b>H.B. 14-1315*</b>	<b>S.B. 14-005*</b> <b>S.B. 14-172</b>
<b>March 1, 2015</b>			
<b>H.B. 14-1357</b>			
* - portions only			

**ACTS WITH JULY 1, 2014, AND LATER EFFECTIVE DATES: (cont.)**

<b>April 1, 2015</b>			
<b>H.B. 14-1383</b>			
<b>July 1, 2015</b>			
<b>H.B. 14-1353</b>	<b>S.B. 14-215*</b>	<b>S.B. 14-217</b>	
<b>September 1, 2016</b>			
<b>S.B. 14-103*</b>			
<b>December 31, 2019</b>			
<b>H.B. 14-1326*</b>			
* - portions only			



## Table of Enacted House Bills

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>SHORT TITLE</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
1001	Singer, Nicholson	Tax Credit For Prop Destroyed By A Natural Cause	Approved 5/17/2014	5/17/2014	222	203
1002	Young, Jones	Water Infrastructure Natural Disaster Grant Fund	Approved 5/17/2014	5/17/2014	223	136
1003	Nordberg, Kefalas	Nonresident Disaster Relief Worker Tax Exemption	Approved 5/17/2014	No Safety Clause	224	204
1004	Foote, Nicholson	CDPS Emer Mgmt Entities & Disaster Assistance	Approved 2/27/2014	2/27/2014	11	109
1005	Sonnenberg, Lundberg	Relocate Ditch Headgate Without Change Case	Approved 5/15/2014	5/15/2014	198	222
1006	Singer, Lundberg	Tax Remittance For Local Marketing Districts	Approved 5/17/2014	5/17/2014	225	85
1008	Hamner, Schwartz	Allow CWRPDA Private Entity Forest Health Loans	Approved 5/12/2014	5/12/2014	174	222
1010	Hamner, Rivera	Corrections To Prescribed Burning Program Laws	Approved 5/12/2014	5/12/2014	175	110
1011	Young, Heath	Advanced Industry Economic Development Funding	Approved 5/17/2014	5/17/2014	231	110
1012	Tyler, Kefalas	Advanced Industry Investment Income Tax Credit	Approved 5/29/2014	5/29/2014	274	204
1014	DelGrosso, Heath	Modify Job Growth Incentive Tax Credit	Approved 5/16/2014	5/16/2014	216	204
1015	Kraft-Tharp, Kerr	Extend Transitional Jobs Program	Approved 5/15/2014	No Safety Clause	212	153
1016	Ryden, Todd	Procurement Technical Assistance Program	Approved 5/21/2014	5/21/2014	242	110
1017	Duran, Ulibarri	Expand Availability Of Affordable Housing	Approved 5/29/2014	5/29/2014	277	111
1018	Hamner, Steadman	Tax Profile & Expenditure Report	Approved 3/14/2014	No Safety Clause	35	205

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1019	Gardner, Steadman	Enactment Of 2013 CRS	Approved 2/11/2014	2/11/2014	1	200
1020	Lebsock, Balmer	Combine County Assessor Reports On Taxable Prop	Approved 2/19/2014	2/19/2014	5	79
1021	Mitsch Bush, Schwartz	Highway Restriction Violation Penalties	Approved 5/15/2014	No Safety Clause	188	217
1022	Landgraf, Newell	Child Care Assistance Authorization Period	Approved 3/14/2014	3/14/2014	34	47
1023	Lee, Ulibarri	Social Workers For Juveniles	Approved 5/14/2014	5/14/2014	177	199
1024	Murray, Schwartz	Designate Kingcup Cactus As State Cactus	Approved 3/7/2014	No Safety Clause	19	113
1027	Fischer, Jones	Plug-in Electric Motor Vehicle Definition	Approved 2/19/2014	2/19/2014	6	170
1029	Primavera, Todd	Disabled Parking License Plates Placards	Approved 5/22/2014	7/1/2014	252	170
1030	Coram, Schwartz	Hydroelectric Generation Incentive	Approved 5/31/2014	No Safety Clause	287	113
1031	Moreno, Hodge	Nonconsensual Tow Motor Vehicle	Approved 2/27/2014	No Safety Clause	14	171
1032	Kagan, Guzman	Defense Counsel For Juvenile Offenders	Approved 5/21/2014	No Safety Clause 11/1/2014	247	15
1034	Williams, Jahn	Wine Packaging Permits	Approved 5/9/2014	5/9/2014	148	185
1035	Gardner, Johnston	Restitution Collection Deferred Judgment	Approved 3/7/2014	3/7/2014	21	36
1037	Landgraf, Baumgardner	Enforcing Laws Against Designer Drugs	Approved 6/6/2014	No Safety Clause	358	37
1042	Saine, Tochtrop	Birth Parent Access To Relinquishment Records	Approved 5/22/2014	No Safety Clause	261	17
1044	Dore, Tochtrop	Parolee Tamper With Electronic Monitoring Device	Approved 5/15/2014	5/15/2014	199	26

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1045	Primavera, Aguilar	Breast & Cervical Cancer Treatment	Approved 4/29/2014	7/1/2014	137	145
1047	Becker, Guzman	Remove Booking Photographs From Internet	Approved 4/11/2014	No Safety Clause 9/1/2014	115	114
1050	Kagan, Guzman	Increase In Judges In 18th Judicial District	Approved 3/14/2014	3/14/2014	36	29
1051	Schafer, Kefalas	Dev Disability Services Strategic Plan	Approved 3/14/2014	No Safety Clause	33	149
1052	Fischer, Jones	Ground Water Management Dist Enforcement Auth	Approved 3/21/2014	3/21/2014	56	223
1053	McCann, Aguilar	Consistent Requirements Pediatric Dental Benefits	Approved 2/19/2014	2/19/2014	7	158
1056	Holbert, Tochtrop	Collector Item Motor Vehicle Emission Inspection	Approved 3/7/2014	3/7/2014	23	172
1057	Navarro, King	Fraud Investigators Unit Surcharge Report	Approved 4/18/2014	7/1/2014	121	114
1059	Garcia, Crowder	No Disorderly Conduct For Blanks Fired At Funerals	Approved 3/7/2014	3/7/2014	22	37
1060	Mitsch Bush, Schwartz	Allow Cities To Compensate Planning Commissioners	Approved 3/27/2014	No Safety Clause	67	88
1061	Salazar, Guzman	Eliminate Prison For Inability To Pay Fines	Approved 5/9/2014	5/9/2014	164	29
1065	Moreno, Hodge	Motor Carrier Transp Self-indemnity Contracts Void	Approved 3/24/2014	3/24/2014	63	172
1066	Vigil, Steadman	County Clerk And Recorder Driver's License Fee	Approved 5/31/2014	7/1/2014	290	172
1072	Pettersen, Kefalas	Income Tax Credit For Child Care Expenses	Approved 5/22/2014	No Safety Clause	258	205
1073	Pabon, Rivera	Recording Of Deeds & Other Legal Documents	Approved 3/14/2014	7/1/2014	30	79
1074	Court, Johnston	Allowable Expenses Renting Tax Exempt Property	Approved 3/14/2014	3/14/2014	26	205

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1077	Gerou, Hodge	Raise Cap Oil Gas Conservation & Env Response Fund	Approved 3/27/2014	3/27/2014	79	177
1078	Pettersen, Johnston	Changes To Resolve Education Rule Conflicts	Approved 2/27/2014	2/27/2014	15	47
1079	Lee, Zenzinger	Monetary Amount Limited Offering Securities	Approved 3/27/2014	No Safety Clause	72	75
1080	McLachlan, Roberts	Sales & Use Tax Exemption For Ute Indians	Approved 5/30/2014	5/30/2014	285	206
1081	Fischer, Baumgardner	Motor Carrier Safety Fund	Approved 2/27/2014	2/27/2014	8	172
1082	Lee, Tochtrop	Life Insurance Notice Of Cancellation	Approved 3/27/2014	No Safety Clause 1/1/2015	80	158
1083	Lee, Crowder	Acute Treatment Units Stock Medications	Approved 3/14/2014	3/14/2014	32	185
1085	Fields, Zenzinger	Adult Education And Literacy Programs	Approved 6/5/2014	6/5/2014	343	47
1086	Murray, Jones	Legal Notice Statewide Web Site	Approved 3/7/2014	No Safety Clause	20	115
1089	Hamner, Schwartz	10th Mountain Division License Plate Qualification	Approved 5/15/2014	No Safety Clause	189	173
1092	Vigil, Kefalas	Create CO Youth Conservation Corps Tax Checkoff	Approved 4/25/2014	No Safety Clause	131	206
1093	Duran, Newell	Establish Creative District Community Loan Fund	Approved 5/29/2014	No Safety Clause	278	91
1095	Kagan, Newell	CBI Cyber Crime Jurisdiction	Approved 5/9/2014	5/9/2014	154	38
1096	Vigil, Schwartz	Underfunded Courthouse Facilities Grant Program	Approved 5/14/2014	5/14/2014	186	115
1099	Schafer, Aguilar	Optometrists Prescription Drug Authority	Approved 3/14/2014	3/14/2014	37	186
1100	Swalm, Grantham	Motor Vehicle Title Branding	Approved 4/18/2014	No Safety Clause	122	173

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1101	Tyler, Schwartz	Community Solar Garden Bus Per Prop Tax Exemption	Approved 5/9/2014	No Safety Clause	172	207
1102	Peniston, Kerr	Gifted Education Programs	Approved 6/5/2014	No Safety Clause	330	48
1103	Pabon, Harvey	Securities Criteria Legal Investment Public Funds	Approved 3/27/2014	3/27/2014	81	115
1105	Mitsch Bush, Todd	Tax Exempt Gas Sales Between Gov Entities	Approved 4/7/2014	No Safety Clause	107	85
1107	Tyler, Newell	Electronic Tax Notices	Approved 4/25/2014	4/25/2014	134	207
1108	Primavera, Tochtrop	Copayments For Physical Rehabilitation Services	Vetoed 3/28/2014			158
1111	Foote, Jones	Retirees On Mun Vol Firefighter Pension Boards	Approved 3/7/2014	No Safety Clause	24	88
1112	Lebsock, Ulibarri	Authorize Clerks To Redact Social Security Numbers	Approved 3/14/2014	No Safety Clause 1/1/2015	28	80
1118	Wilson, Todd	Advanced Placement Incentives Pilot Program	Approved 6/5/2014	6/5/2014	331	49
1119	McLachlan, Hodge	Tax Credit For Donating Food To Charitable Org	Approved 5/30/2014	5/30/2014	286	207
1121	Kraft-Tharp, Jahn	County Highway Contract Bid Notice Requirements	Approved 3/14/2014	3/14/2014	31	85
1122	Kagan, Newell	Keep Legal Marijuana From Those Under 21	Approved 3/17/2014	3/17/2014	39	186
1123	Labuda, Brophy	Rule Review Bill	Approved 5/15/2014	5/15/2014	200	1
1125	Mitsch Bush, Balmer	HOAs Publish Member Info With Permission	Approved 3/27/2014	No Safety Clause	66	193
1129	Lebsock, Hodge	State Provide Utilities Facility Info To Local Gov	Approved 3/27/2014	No Safety Clause	82	116
1130	McCann, Ulibarri	Foreclosure Cure Remit Unpaid Fees To Borrower	Approved 5/9/2014	5/9/2014	156	194

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1136	Primavera, Todd	Regulation Of Continuing Profi Ed	Approved 4/7/2014	4/7/2014	108	64
1141	Coram, Roberts	Confidentiality Social Security Numbers	Approved 4/18/2014	No Safety Clause	127	23
1142	DelGrosso, Grantham	Prohibit Electronic Sale Of Lottery Tickets	Approved 4/11/2014	No Safety Clause	116	116
1144	Gardner, Johnston	Deputy District Attorney Compensation And Training	Approved 5/15/2014	5/15/2014	201	43
1146	Becker, Tochtrop	Prohibit Greyhound Racing	Approved 3/10/2014	3/10/2014	25	186
1148	Fields, Jahn	Victims' Rights Act Cleanup	Approved 4/4/2014	No Safety Clause	95	38
1152	Lawrence, Scheffel	Passive Surveillance Records	Approved 4/4/2014	4/4/2014	96	116
1156	Moreno, Ulibarri	Eligibility Age School Lunch Protection Program	Approved 6/3/2014	No Safety Clause	319	50
1159	Young, Schwartz	Biogas System Components Sales & Use Tax Exemption	Approved 5/17/2014	5/17/2014	229	207
1160	Mitsch Bush, Todd	Divisible Load Overweight Vehicle Permits	Approved 4/4/2014	No Safety Clause	97	174
1161	Garcia, Crowder	Preserve & Expand Amtrak Interstate Rail Service	Approved 5/14/2014	No Safety Clause	185	217
1162	Landgraf, Carroll	Protect Rape Victim Where Child Conceived	Approved 5/9/2014	Portions on 7/1/2014 and 8/6/2014	167	19
1163	Hullinghorst, Heath	Clarify Enterprise Zone Investment Tax Credit Cap	Approved 3/27/2014	3/27/2014	83	207
1164	Hullinghorst, Ulibarri	Nonpartisan Elections Not Coordinated Cnty Clerks	Approved 2/18/2014	2/18/2014	2	72
1166	Vigil, Tochtrop	Renewal Of Concealed Handgun Permits	Approved 3/14/2014	3/14/2014	27	38
1169	Dore, Tochtrop	Sunset Volunteer Firefighter Advisory Committee	Approved 3/27/2014	7/1/2014	84	89

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1170	Garcia, Steadman	Lease-purchase Authority For CBI Pueblo Lab	Approved 5/14/2014	5/14/2014	182	117
1171	McNulty, Roberts	Medical Evidence In Sexual Assault Cases Rules	Approved 3/27/2014	3/27/2014	85	117
1172	Lawrence, Steadman	DPS DOC Background Check Process	Approved 3/21/2014	No Safety Clause	61	117
1173	Ginal, Newell	Sunset Controlled Substances Abuse Act	Approved 5/31/2014	5/31/2014	291	150
1174	Mitsch Bush, Schwartz	Sunset Continue Natural Areas Council	Approved 3/14/2014	7/1/2014	29	177
1175	Fields, Johnston	Minority K-12 Teachers Study Strategy Report	Approved 6/6/2014	No Safety Clause	359	50
1176	Ryden, Tochtrop	Emissions Program Audit Cycle	Approved 4/25/2014	No Safety Clause	135	174
1177	Swalm, Tochtrop	Meetings Bds Of Commners Larger Cnties	Approved 3/27/2014	No Safety Clause 9/1/2014	86	81
1178	Ferrandino, Hodge	Sales & Use Tax Exemption For Space Flight Prop	Approved 5/20/2014	5/20/2014	234	208
1180	Becker, Tochtrop	Sunset Continue Hunting Fishing Outfitters	Approved 6/6/2014	7/1/2014	360	186
1181	Schafer, Kefalas	Sunset Continue Nurse-physician Adv Task Force	Approved 5/9/2014	5/9/2014	166	117
1182	Hamner, Kerr	Public Ed Accountability 2015-16 School Year	Approved 4/4/2014	No Safety Clause	98	50
1183	Fields, Jones	Veterans Full Employment	Approved 3/27/2014	3/27/2014	68	187
1184	Vigil, Grantham	Elect Pueblo Conservancy Dist Bd Flood Mitigation	Approved 4/4/2014	No Safety Clause	99	223
1185	Kraft-Tharp, Jahn	Issuance Of Travel Insurance Policies	Approved 5/15/2014	No Safety Clause	202	159
1186	Schafer, Aguilar	Release Medical Records To Third Parties And Fees	Approved 4/18/2014	4/18/2014	125	137

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1188	Ryden, Tochtrop	Use Of Outdoor Advertising Program Revenues	Approved 3/27/2014	7/1/2014	73	218
1190	Ryden, King	School Dist Financial Capacity Cap Constr Grants	Approved 3/14/2014	3/14/2014	38	51
1191	Conti, King	Hit And Run Medina Alert Program	Approved 3/25/2014	3/25/2014	64	117
1193	Salazar, Kefalas	Research Retrieval Fees Public Records Under CORA	Approved 5/2/2014	7/1/2014	142	118
1194	Gerou, Lambert	Recreate Legislative Digital Policy Advisory Cmt	Approved 5/15/2014	5/15/2014	203	77
1195	Gerou, Lambert	Diversion Of Insurance Premium Taxes To Cash Funds	Approved 4/11/2014	7/1/2014	117	118
1199	Williams, Jahn	Consumer Goods Service Contracts Regul Changes	Approved 5/15/2014	No Safety Clause 1/1/2015	204	159
1202	Scott, Todd	Local Accountability Reqmts For School Districts	Approved 6/6/2014	6/6/2014	361	51
1203	Duran, Lambert	Funding For Digital Trunked Radio Sys Maintenance	Approved 5/2/2014	5/2/2014	139	118
1204	Wilson, Grantham	Flexibility For Rural School Districts	Approved 5/31/2014	5/31/2014	292	52
1205	Ryden, Crowder	Veterans Assistance Grant Program	Approved 5/26/2014	No Safety Clause	265	165
1206	Conti, Ulibarri	Modify Charitable Solicitations Act	Approved 4/11/2014	No Safety Clause	118	23
1207	Young, Aguilar	CDPHE Household Medication Take-back Program	Approved 5/21/2014	No Safety Clause	238	137
1208	Wright, Zenzinger	Authorizing Multi-district Administrative Units	Approved 3/27/2014	3/27/2014	71	52
1210	Gerou, Roberts	County & Agency Agreement Fire Costs On State Land	Approved 4/11/2014	No Safety Clause	119	119
1211	Young, Tochtrop	Ensuring Access To Complex Rehabilitation Medicaid	Approved 5/22/2014	No Safety Clause 1/1/2015	253	145



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1213	Kraft-Tharp, Crowder	Pharmacy Benefit Manager Requirements	Approved 6/6/2014	No Safety Clause 1/1/2015	362	138
1214	Gerou, Balmer	Increased Penalties Emer Med Serv Providers	Approved 6/5/2014	No Safety Clause	336	39
1215	Ginal, Tochtrop	Fed Home Loan Bank Rights In Collateral Of Insurer	Approved 3/21/2014	3/21/2014	57	75
1216	Sonnenberg, Brophy	Safety Markings For Rural Towers Under 200 Feet	Approved 5/17/2014	No Safety Clause	228	218
1221	Exum, Tochtrop	Sunset Fire Supression Contractor Regulation	Approved 5/15/2014	5/15/2014	205	119
1222	McLachlan, Schwartz	Clean Energy Project Private Activity Bonds	Approved 5/30/2014	5/30/2014	284	81
1223	Coram, Roberts	Reclassify Dolores County As Category V County	Approved 3/27/2014	No Safety Clause	87	81
1224	Gardner, Herpin	Service-disabled Veteran Owned Small Bus Set Aside	Approved 3/21/2014	3/21/2014	60	119
1227	Ginal, Nicholson	Sunset Continue Dental Examiners Board	Approved 6/6/2014	7/1/2014	363	187
1228	Peniston, Tochtrop	Court-ordered Driving School Evaluation Repeal	Approved 6/5/2014	6/5/2014	337	174
1229	Kagan, Johnston	Retail Marijuana Fingerprint Check Local Authority	Approved 3/17/2014	3/17/2014	40	189
1232	Duran, Steadman	Suppl Approp Dept Of Agriculture	Approved 2/27/2014	2/27/2014	402	6
1233	Duran, Steadman	Suppl Approp Dept Of Corrections	Approved 2/27/2014	2/27/2014	403	6
1234	Duran, Steadman	Suppl Approp Dept Of Education	Approved 2/27/2014	2/27/2014	404	6
1235	Duran, Steadman	Suppl Approp Offices Of Gov, Lt Gov, & OSPB	Approved 2/27/2014	2/27/2014	405	6
1236	Duran, Steadman	Suppl Approp Dept Of Health Care Policy & Fin	Approved 2/27/2014	2/27/2014	406	6

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1237	Duran, Steadman	Suppl Approp Dept Of Higher Ed	Approved 2/27/2014	2/27/2014	407	7
1238	Duran, Steadman	Suppl Approp Dept Of Human Services	Approved 2/27/2014	2/27/2014	408	7
1239	Duran, Steadman	Suppl Approp Judicial Dept	Approved 2/27/2014	2/27/2014	409	7
1240	Duran, Steadman	Suppl Approp Dept Of Law	Approved 2/27/2014	2/27/2014	410	7
1241	Duran, Steadman	Suppl Approp Dept Of Local Affairs	Approved 3/11/2014	3/11/2014	411	8
1242	Duran, Steadman	Suppl Approp Dept Of Natural Resources	Approved 2/27/2014	2/27/2014	412	8
1243	Duran, Steadman	Suppl Approp Dept Of Personnel & Adm	Approved 2/27/2014	2/27/2014	413	8
1244	Duran, Steadman	Suppl Approp Dept Of Public Health & Envir	Approved 2/27/2014	2/27/2014	414	8
1245	Duran, Steadman	Suppl Approp Dept Of Public Safety	Approved 2/27/2014	2/27/2014	415	9
1246	Duran, Steadman	Suppl Approp Dept Of Revenue	Approved 2/27/2014	2/27/2014	416	9
1247	Duran, Steadman	Suppl Approp Dept Of State	Approved 2/27/2014	2/27/2014	417	9
1248	Duran, Steadman	Suppl Approp Dept Of The Treasury	Approved 2/27/2014	2/27/2014	418	9
1249	Duran, Steadman	Suppl Approp Dept Of Capital Constr	Approved 2/27/2014	2/27/2014	419	10
1250	May, Steadman	School Dist Payments For Floods & Total Program	Approved 2/27/2014	2/27/2014	16	52
1251	May, Steadman	School Finance FY 2013-14 Adjustments	Approved 2/27/2014	2/27/2014	17	53
1252	May, Hodge	Intellectual & Dev Disab Services System Capacity	Approved 2/27/2014	Portions on 2/27/2014 and 3/1/2014	18	146

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1254	Labuda, Balmer	Limit HOA Transfer Fees & Late Payment Penalties	Approved 4/18/2014	No Safety Clause 1/1/2015	120	189
1256	Fischer, Kerr	Higher Ed Employment Contracts For Librarians	Approved 3/27/2014	3/27/2014	91	64
1260	Foote, Johnston	Penalties For Sex Offenses Against A Child Under 12	Approved 6/5/2014	7/1/2014	345	39
1265	Moreno, Roberts	Bingo Raffles Reorganization Cleanup	Approved 4/4/2014	No Safety Clause	100	190
1266	McCann, Newell	Value-based Crime Threshold Level Changes	Approved 5/9/2014	No Safety Clause	155	40
1267	Fischer, Jones	Local Government & Black-footed Ferrets	Approved 5/17/2014	No Safety Clause	218	178
1269	Court, Johnston	Marketplace Fairness & Small Business Protection	Approved 6/6/2014	7/1/2014	364	208
1270	Lebsock, Tochtrop	Sunset Pet Animal Care Facilities	Approved 6/6/2014	7/1/2014	365	3
1271	Melton, Newell	Mental Health Duty To Warn Target Entities	Approved 4/7/2014	4/7/2014	109	150
1273	McCann, Newell	Human Trafficking	Approved 5/29/2014	7/1/2014	282	40
1274	Kraft-Tharp, Jahn	Modify State Bank Management Limitations	Approved 4/7/2014	No Safety Clause	110	75
1275	Duran, Jahn	Real Property Purchase Shooting Range	Approved 5/31/2014	No Safety Clause	288	178
1276	Primavera, Hodge	Grant Program To Train High School Students In CPR	Approved 5/16/2014	No Safety Clause	215	53
1277	Melton, Todd	Military Family Relief Fund Eligibility	Approved 4/25/2014	4/25/2014	130	165
1278	Rosenthal, Tochtrop	Sunset Work Comp Physician Accreditation Program	Approved 5/31/2014	7/1/2014	293	164
1279	Primavera, Heath	Income Tax Credit For Business Personal Property	Approved 6/5/2014	No Safety Clause	340	209

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1280	Dore, Schwartz	Agritourism Limited Civil Liability	Approved 6/6/2014	7/1/2014	354	30
1281	Ginal, Rivera	Terminal Patients Investigational Drugs	Approved 5/17/2014	5/17/2014	220	138
1282	Pabon, Tochtrop	Insurance Transactions In A Foreign Language	Approved 4/18/2014	No Safety Clause	128	160
1283	McCann, Newell	Modify Prescription Drug Monitoring Program	Approved 5/21/2014	5/21/2014	239	190
1284	Tyler, Todd	Legislative License Plate Registration Number	Approved 5/9/2014	No Safety Clause	162	174
1286	Melton, Steadman	Treasurer Loan Gifts Governor Receives For Display	Approved 4/25/2014	No Safety Clause	132	120
1287	Young, Nicholson	BEST Moneys For Disaster Damaged Public Schools	Approved 5/17/2014	5/17/2014	226	54
1288	Pabon, Aguilar	Student Immunizations Prior To School Attendance	Approved 5/21/2014	7/1/2014	240	139
1289	McNulty, Johnston	Reinvest Government Moneys FDIC Insured Accounts	Approved 4/25/2014	4/25/2014	133	120
1290	Becker, Roberts	Telepharmacy Remote Pharmacy Outlet	Approved 5/9/2014	No Safety Clause	171	191
1291	McLachlan, Renfroe	Permit Charter Schools Hire Armed School Security	Approved 5/9/2014	5/9/2014	165	41
1292	Hamner, Johnston	The Student Success Act	Approved 5/21/2014	5/21/2014	243	54
1293	Hullinghorst, Heath	FY 2014-15 Legislative Dept Appropriation Bill	Approved 3/21/2014	3/21/2014	401	10
1294	Murray, Steadman	Student Data Privacy Act	Approved 6/6/2014	No Safety Clause	366	56
1295	McCann, Ulibarri	Foreclosure Loan Single Contact No Dual Tracking	Approved 5/9/2014	1/1/2015	157	194
1298	Hamner, Kerr	Financing Of Public Schools	Approved 5/21/2014	5/21/2014	244	57
1299	Tyler, Todd	Motor Vehicle Age Salvage Brand	Approved 4/25/2014	4/25/2014	136	175

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1300	Garcia, Steadman	GF Transfer To CO State Fair Authority Cash Fund	Approved 5/14/2014	5/14/2014	184	120
1301	Mitsch Bush, Kerr	Safe Routes To School Program State Funding	Approved 6/3/2014	6/3/2014	320	219
1302	Buckner, Johnston	Add Judgment Remedy In Fraudulent Transfer Action	Approved 5/2/2014	5/2/2014	143	195
1303	Scott, Schwartz	Legislature Take Public Testimony Remote Locations	Approved 5/31/2014	No Safety Clause	289	78
1307	Vigil, Crowder	Recategorize Mineral County As Class V County	Approved 5/9/2014	No Safety Clause	163	82
1308	Gerou, Steadman	Extend Overexpenditure & Appropriation Transfers	Approved 4/18/2014	4/18/2014	123	120
1309	Gardner, Steadman	Repurposing DOC Day Surgery Center	Approved 6/6/2014	6/6/2014	367	27
1310	Ginal, King	Funding Breathalyzers For Law Enforcement	Approved 5/31/2014	No Safety Clause	294	175
1311	Garcia, Steadman	Job Creation & Main Street Revitalization Act	Approved 5/14/2014	5/14/2014	183	209
1312	Williams, Ulibarri	Continue Foreclosure Deferment Program	Approved 5/9/2014	5/9/2014	158	195
1313	McLachlan, Nicholson	Pet Animal License Rabies Vaccination Requirement	Approved 6/6/2014	No Safety Clause	368	82
1314	Pettersen, Kerr	School Dist & Charter School Mill Levy Overrides	Approved 5/15/2014	No Safety Clause	206	58
1315	Gardner, Scheffel	Ins Co Model Act Reinsurance Credit Netting Agrmnt	Approved 5/31/2014	No Safety Clause Portions on 8/6/2014 and 1/1/2015	295	160
1317	Duran, Nicholson	Colorado Child Care Assistance Program Changes	Approved 5/22/2014	5/22/2014	259	154
1319	Ferrandino, Lambert	Outcomes-based Funding For Higher Education	Approved 5/9/2014	5/9/2014	169	64
1321	Young, King	Membership Task Force Drunk Impaired Driving	Approved 6/6/2014	No Safety Clause	369	175

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1322	McLachlan, Roberts	Changes To Probate Code	Approved 5/31/2014	No Safety Clause	296	180
1323	Primavera, Lundberg	Restrict Gov Access Personal Medical Information	Approved 5/31/2014	5/31/2014	297	121
1326	Primavera, Hodge	Tax Incentives For Alternative Fuel Trucks	Approved 6/6/2014	Portions on 6/6/2014 and 12/31/2019	357	211
1327	Williams, Scheffel	Measures Expand Deployment Communication Networks	Approved 5/9/2014	No Safety Clause	149	85
1328	Williams, Nicholson	Connect Colorado Broadband Act	Approved 5/10/2014	5/10/2014	173	196
1329	Williams, Kerr	Deregulate Internet Protocol Emerging Tech Telecom	Approved 5/9/2014	5/9/2014	150	197
1330	Williams, Tochtrop	Updating Telecommunications Technology Language	Approved 5/9/2014	5/9/2014	151	197
1331	Williams, Nicholson	Regulate Basic Local Exchange Service	Approved 5/9/2014	5/9/2014	152	198
1333	Fischer, Schwartz	Water Conservation Bd Construction Fund Projects	Approved 6/6/2014	6/6/2014	356	223
1334	Hamner, Jahn	Petroleum Cleanup & Redevelopment Fund	Approved 6/6/2014	6/6/2014	370	164
1335	Moreno, Jones	Contributions To Candidates Not Major Pol Parties	Approved 5/2/2014	5/2/2014	145	73
1336	Duran, Steadman	2014-15 Long Appropriations Bill	Approved 4/30/2014	4/30/2014	420	10
1337	Duran, Steadman	Increase The General Fund Reserve	Approved 4/21/2014	4/21/2014	129	122
1338	May, Hodge	Regional Centers Task Force And Utilization Study	Approved 5/31/2014	5/31/2014	298	150
1339	Gerou, Hodge	Create Hazardous Substance Site Response Fund	Approved 5/31/2014	5/31/2014	299	122
1340	Gerou, Lambert	State Toxicology Laboratory	Approved 4/18/2014	4/18/2014	124	122

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1341	May, Steadman	Department Of State Cash Fund Repayment Transfer	Approved 4/18/2014	4/18/2014	126	123
1342	Duran, Steadman	Transfers Of Money Related To Capital Construction	Approved 5/2/2014	5/2/2014	140	123
1343	Singer, Tochtrop	Firefighter Peace Officer PTSD Work Comp Coverage	Approved 6/6/2014	6/6/2014	371	86
1344	Rosenthal, Tochtrop	Electronic Delivery Of Insurance Documents	Approved 5/15/2014	No Safety Clause	207	161
1345	Gerou, Lambert	Higher Ed Funding Transfer Authority	Approved 5/9/2014	5/9/2014	168	66
1347	Court, Newell	Seven-day Court Time Intervals	Approved 5/15/2014	7/1/2014	208	30
1348	Ferrandino, Heath	Extend Effective Date Of Definition Of Retail Sale	Approved 5/31/2014	5/31/2014	300	212
1349	Hullinghorst, Heath	Prop Tax Exempt Nonprofit Entity Fed Tax Credits	Approved 5/17/2014	5/17/2014	230	212
1350	Ferrandino, Kerr	Modifications To Regional Tourism Act	Approved 5/31/2014	5/31/2014	301	125
1351	Nordberg, Todd	Maintain State's Relationship With US Military	Approved 5/14/2014	5/14/2014	180	126
1352	Tyler, Todd	Update Waste Tire Management System	Approved 6/6/2014	7/1/2014	351	139
1353	Gardner, Johnston	Uniform Powers Of Appointment Act	Approved 5/15/2014	No Safety Clause 7/1/2015	209	181
1354	Buckner, Aguilar	Cnty Clerk Standing Jud Review SOS Election Action	Approved 5/9/2014	5/9/2014	159	74
1355	Kagan, Guzman	Reentry Programs For Adult Parolees	Approved 6/6/2014	6/6/2014	350	27
1356	Foote, Jones	Strengthen Penalty Authority Oil & Gas Commn	Approved 6/6/2014	6/6/2014	372	178
1357	Young, Aguilar	In-home Support Services In Medicaid Program	Approved 5/22/2014	No Safety Clause 3/1/2015	254	147

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1358	Young, Aguilar	Sunset Review In-home Support Services	Approved 5/22/2014	No Safety Clause	255	156
1359	Ginal, Aguilar	Synchronize Multiple Prescriptions	Approved 5/17/2014	5/17/2014	221	161
1360	Young, Aguilar	Sunset Review Licensure Of Home Care Agencies	Approved 6/6/2014	7/1/2014	373	140
1361	McNulty, Guzman	Regulation Of Marijuana Concentrates	Approved 5/21/2014	5/21/2014	235	192
1362	Moreno, Ulibarri	Great-grandparent Visitation Of Grandchildren	Approved 6/6/2014	6/6/2014	374	21
1363	Gardner, Roberts	Revisor's Bill	Approved 5/31/2014	5/31/2014	302	200
1365	Hamner, Schwartz	Junior Coll Officers & Ag Advises CO Mountain Coll	Approved 6/5/2014	6/5/2014	333	67
1366	Singer, Johnston	Sale Of Edible Marijuana Products	Approved 5/21/2014	5/21/2014	236	192
1367	Tyler, Brophy	Autocycles, Motorcycles, & Motor Vehicles	Approved 5/31/2014	7/1/2014	303	175
1368	May, Hodge	Transition Youth Dev Disab To Adult Services	Approved 5/31/2014	5/31/2014	304	151
1369	Young, Crowder	Durable Medical Equipment Supplier License	Approved 5/22/2014	5/22/2014	256	148
1371	Young, Grantham	Wellhead Point Of Property Valuation & Taxation	Became Law 6/7/2014	No Safety Clause	400	213
1372	Conti, Marble	Unauthorized Advertising For Adoption Purposes	Approved 5/22/2014	7/1/2014	262	21
1373	Lebsock, Crowder	Senior & Disabled Veteran Property Tax Exemption	Approved 5/26/2014	5/26/2014	266	213
1374	Holbert, Hodge	On-demand Air Carrier Sales & Use Tax Exemption	Approved 6/6/2014	7/1/2014	375	214
1375	DelGrosso, Tochtrop	Urban Redevelopment Fairness Act	Vetoed 6/6/2014			89



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1376	Buckner, Ulibarri	Analysis Of Student Opportunity Gaps	Approved 5/31/2014	No Safety Clause	305	59
1378	Stephens, King	Posting Intimate Photos On The Internet	Approved 5/29/2014	7/1/2014	283	41
1379	McCann, Kerr	Clarification Of Spousal Maintenance Provisions	Approved 5/31/2014	5/31/2014	307	21
1380	Gardner, Nicholson	CO Coroners Standards And Training Board	Approved 6/6/2014	7/1/2014	376	82
1381	Fields, Todd	Requirements For A School Closure Plan	Approved 6/6/2014	6/6/2014	377	60
1382	Young, Kerr	K-12 On-line Education	Approved 6/5/2014	6/5/2014	332	60
1383	Williams, Tochtrop	Workers' Compensation Physician Choice	Approved 6/5/2014	No Safety Clause 4/1/2015	324	164
1384	Pettersen, Ulibarri	Higher Education Tuition Assistance	Approved 6/6/2014	No Safety Clause	347	67
1385	Priola, Johnston	Academic Growth Awards To Mirror Athletic Awards	Approved 5/29/2014	No Safety Clause	272	61
1387	Szabo, Schwartz	Revision Of All Capital Related Statutes	Approved 6/6/2014	6/6/2014	378	126
1388	Foote, Steadman	Civil Damages Unlawful Termination Of A Pregnancy	Approved 6/6/2014	7/1/2014	379	30
1390	Duran, Brophy	Legal Standing Of Public Open Meetings Law	Approved 6/6/2014	6/6/2014	380	130
1391	Becker, Kerr	Authority Of Public Treasurer To Pay By Check	Approved 6/5/2014	6/5/2014	328	130
1393	Gerou, Hodge	Clarify Treatment Of Fed Funds For TABOR Purposes	Approved 5/31/2014	5/31/2014	308	87
1394	Duran, Lambert	Allocation Of Tobacco Settlement Disputed Payments	Approved 6/6/2014	6/6/2014	381	130
1395	Gerou, Lambert	Information Technology Budget Requests	Approved 5/31/2014	Portions on 5/31/2014 and 6/6/2014	309	78

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1396	Ryden, King	Med Pot Registry Access Health Dept Contractors	Approved 6/6/2014	6/6/2014	382	142
1398	Singer, Steadman	Authorize Marijuana Financial Service Cooperatives	Approved 6/6/2014	6/6/2014	353	75

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001	Jahn, Garcia	College Affordability Act	Approved 5/1/2014	5/1/2014	138	62
002	Carroll, Ferrandino	Safe2tell Program In Department Of Law	Approved 5/21/2014	No Safety Clause	241	92
003	Nicholson, Pettersen	Colorado Child Care Assistance Program	Approved 5/22/2014	5/22/2014	257	152
004	Todd, Wilson	Community College Four-year Programs	Approved 2/27/2014	No Safety Clause	13	62
005	Ulibarri, Singer	Wage Protection Act	Approved 5/29/2014	Portions on 5/29/2014 and 1/1/2015	276	162
007	Lundberg, Foote	Cnty General Fund For Road & Bridge Flood Damage	Approved 2/19/2014	2/19/2014	3	79
008	Roberts, Dore	Create Wildfire Information & Resource Center	Approved 5/14/2014	5/14/2014	178	92
009	Hodge, Moreno	Disclose Separate Ownership Mineral Estate	Approved 3/27/2014	No Safety Clause	74	193
011	Heath, Hulinghorst	Colorado Energy Research Authority	Approved 5/16/2014	5/16/2014	217	93
012	Kefalas, Exum	Aid To The Needy Disabled Program	Approved 5/22/2014	No Safety Clause	248	152
014	Kefalas, Pettersen	Prop Tax Rent Heat Fuel Grants For Low-income	Approved 5/22/2014	7/1/2014	249	201
015	Kerr, Young	Hospitality Career Ed Grant Program	Approved 6/5/2014	6/5/2014	329	162
017	Roberts, Vigil	Limit Use Of Ag Water For Lawn Irrigation	Approved 4/11/2014	4/11/2014	111	220
018	Nicholson, Hamner	Prohibit Nicotine Product Distribution To Minors	Approved 4/11/2014	4/11/2014	113	93
019	Steadman, Moreno	Status of Taxpayers Who May File Joint Returns	Approved 2/27/2014	2/27/2014	10	201

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021	Tochtrop, Wright	Persons With Mental Illness Criminal Justice	Approved 6/6/2014	7/1/2014	348	32
022	Kefalas, Fields	Community Development Financial Institutions	Approved 4/7/2014	No Safety Clause	101	193
023	Schwartz, Becker	Transfer Water Efficiency Savings To Instream Use	Vetoed 6/5/2014			220
024	Tochtrop, Scott	FPPA Volunteer Firefighter Plans	Approved 3/20/2014	3/20/2014	51	83
025	Hodge, Fischer	Wastewater Treatment Small Communities Grants	Approved 2/27/2014	No Safety Clause	9	131
026	Hodge, Vigil	Div Water Resources Remove Printing Requirements	Approved 2/19/2014	No Safety Clause	4	220
027	Guzman, Lee	Judicial Dept Background Checks	Approved 5/2/2014	5/2/2014	146	29
028	Jones, Duran	Expand Electric Vehicle Charging Station Grants	Approved 4/11/2014	4/11/2014	114	93
029	Newell, Fischer	Architectural Paint Stewardship Program	Approved 6/6/2014	No Safety Clause	383	131
030	Crowder, Wilson	Distinguished Flying Cross License Plate Waive Fee	Approved 5/26/2014	No Safety Clause	263	167
031	Tochtrop, Rosenthal	FPPA Old Hire Plans	Approved 3/20/2014	3/20/2014	52	83
036	Baumgardner, Garcia	Emergency Medical Services License Plate	Approved 6/5/2014	No Safety Clause	334	167
039	Balmer, McCann	Preveterinary Emergency Care For Dogs And Cats	Approved 3/20/2014	No Safety Clause	45	182
041	Herpin, Gardner	USS Colorado Submarine Special License Plate	Approved 6/4/2014	No Safety Clause	321	167
043	Grantham, Priola	Greenhouses & Nurseries Other Ag Prop	Approved 3/20/2014	No Safety Clause	53	201
046	Nicholson, Exum	Local Firefighter Safety Grant Program	Approved 5/15/2014	5/15/2014	210	94

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047	Tochtrop, Dore	Wildland Firefighters Death Benefit Payments	Approved 3/20/2014	3/20/2014	41	94
048	Guzman, Waller	Update Mortality Table Civil Actions	Approved 3/20/2014	No Safety Clause	46	29
049	Heath, Priola	Public Transportation And Utility Endangerment	Approved 5/29/2014	7/1/2014	271	32
050	Aguilar, Moreno	Financial Assistance In Colorado Hospitals	Approved 5/29/2014	No Safety Clause	269	132
051	Tochtrop, Saine	Access To Adoption Records & Birth Certificates	Approved 5/22/2014	7/1/2014	260	12
052	Crowder, Sonnenberg	Soil Erosion County Board Of Commissioners	Approved 3/20/2014	No Safety Clause	43	3
054	Balmer, Pabon	Alcohol Beverage License Suspensions Fines	Approved 4/11/2014	4/11/2014	112	182
055	Steadman, Coram	Vehicles Subject To Daily Rental Fee	Approved 3/27/2014	7/1/2014	88	215
058	Todd, Murray	GED Or High School Equivalency Examinations	Approved 4/7/2014	4/7/2014	102	44
059	Guzman, Lawrence	Statute Of Limitations Crime Related To Sex Crimes	Approved 3/21/2014	7/1/2014	58	32
060	Todd, Coram	CDOT Training For Flagpersons	Approved 3/27/2014	7/1/2014	70	215
062	Guzman, Foote	Reinstatement Of Parent-child Legal Relationship	Approved 3/27/2014	No Safety Clause	77	14
063	Marble, Saine	Mandatory Review Of State Agency Rules	Approved 3/27/2014	3/27/2014	69	1
064	Ulibarri, Salazar	Use Of Isolated Confinement Mental Illness	Approved 6/6/2014	6/6/2014	349	26
067	Aguilar, Singer	Medical Assistance Program Align With Federal Law	Approved 2/27/2014	2/27/2014	12	143
073	Jahn, Gerou	Brownfield Contaminated Land Income Tax Credit	Approved 5/15/2014	No Safety Clause	213	202

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075	Baumgardner, Sonnenberg	Deployed Military Motor Vehicle Fee & Taxes	Approved 5/26/2014	No Safety Clause	264	167
076	Tochtrop, Becker	New Limited-impact Mining Permit Category	Approved 3/20/2014	3/20/2014	42	177
080	Grantham, Fields	Statutory Prop Valuation Arbitrator Qualifications	Approved 3/27/2014	No Safety Clause	89	202
083	Crowder, Ferrandino	County Payment Of State Property Reappraisal Costs	Approved 3/20/2014	No Safety Clause	44	202
087	Ulibarri, Fields	Identification Card Issuance Standards	Approved 5/31/2014	No Safety Clause	306	168
088	Newell, Kraft-Tharp	Suicide Prevention Commission	Approved 5/29/2014	5/29/2014	279	132
089	Schwartz, Fischer	Prohibit State Agreements Payment In Lieu Of Tax	Vetoed 3/28/2014			95
092	Rivera, Williams	Insurance Fraud Crime	Approved 5/15/2014	7/1/2014	190	33
095	Kefalas, McCann	Pharmacies Compounding Drugs For Hospitals	Approved 3/27/2014	3/27/2014	76	182
096	Crowder, Exum	Veterans Community Living Centers In Colorado	Approved 3/21/2014	No Safety Clause	59	165
097	Tochtrop, Hamner	Immunity Pub Agencies Ins Wildfire Mitigation	Approved 3/21/2014	7/1/2014	62	95
098	Zenzinger, Foote	Crimes Against At-risk Elders	Approved 4/7/2014	4/7/2014	103	33
099	Hodge, May	Provisional Physical Therapy License	Approved 5/31/2014	5/31/2014	310	182
102	Ulibarri, Gardner	Employment Opportunity Act Financial Institutions	Approved 3/27/2014	3/27/2014	92	22
103	Guzman, Fischer	Phase In High-efficiency Water Fixture Options	Approved 6/6/2014	No Safety Clause Portions on 8/6/2014 and 9/1/2016	384	22
104	Lambert, Duran	Disputed Payments Of Tobacco Settlement Moneys	Approved 3/27/2014	3/27/2014	93	95

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105	Lambert, Duran	Stop Water Cash Fund Transfers To General Fund	Approved 3/20/2014	7/1/2014	48	95
106	Lambert, Gerou	Appropriations From Local Gov Permanent Fund	Approved 3/27/2014	3/27/2014	75	96
107	Lambert, Duran	Continue Gifts Grants & Donations For Dept Of Law	Approved 3/20/2014	No Safety Clause	49	96
108	Hodge, Gerou	Target Reserve For DPA Revolving Fund	Approved 3/20/2014	3/20/2014	50	96
109	Steadman, May	Use Of Prevention Early Detection & Treatment Fund	Approved 4/7/2014	7/1/2014	104	96
110	Steadman, Gerou	Recommendations For Financing Capital Construction	Approved 4/7/2014	No Safety Clause	105	97
112	Steadman, Duran	Pub School Cap Constr Assistance Fund Approp	Approved 3/20/2014	3/20/2014	47	44
114	Todd, Hamner	Student Access To CSU Global Campus	Approved 5/2/2014	No Safety Clause	144	63
115	Roberts, Fischer	State Water Plan Public Review & GA Approval	Approved 5/15/2014	5/15/2014	187	221
117	Jahn, Fischer	Reauthorize Regulation Real Estate Appraisers	Approved 6/6/2014	7/1/2014	385	183
118	Steadman, Melton	Protections For Individuals With Disabilities	Approved 5/22/2014	No Safety Clause	250	149
119	Heath, Hullinghorst	Decriminalize Prohibited Practices For Lobbyists	Approved 4/7/2014	4/7/2014	106	97
120	Hodge, May	State Employee Workers' Comp Account Approp	Approved 3/27/2014	3/27/2014	90	97
121	Lambert, Young	Assistance To Loc Gov After A Disaster Emergency	Approved 3/21/2014	3/21/2014	54	98
123	Guzman, Kagan	POST Board Rule Authority Training Suspensions	Approved 5/21/2014	No Safety Clause	246	98
124	Zenzinger, Fields	School Turnaround Leaders Development Program	Approved 6/5/2014	6/5/2014	342	44

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125	Jahn, Pabon	Transportation Network Companies Regulation	Approved 6/5/2014	6/5/2014	323	196
127	Roberts, Dore	Statewide Radio Systems New Subcommittee & Report	Approved 6/6/2014	6/6/2014	386	98
129	Steadman, May	Marijuana Criminal Provision Clean Up	Approved 6/6/2014	6/6/2014	387	33
130	Tochtrop, Primavera	Increase Personal Care Allowance Nursing Facility	Approved 6/5/2014	7/1/2014	338	143
131	King, Wright	Motor Vehicle Registration Card Information	Approved 6/6/2014	7/1/2014	388	168
132	Crowder, Gardner	Fallen Soldier License Plate Combat Zone	Approved 5/14/2014	No Safety Clause	179	169
133	Newell, Melton	Mandatory Licensure Private Investigators	Approved 6/6/2014	6/6/2014	389	183
135	Brophy, Wright	Repeal Firearms Purchases In Contiguous States	Approved 5/2/2014	No Safety Clause	147	34
137	Jahn, McNulty	Certification of Workers' Compensation Forms	Approved 3/27/2014	No Safety Clause	78	163
138	Kefalas, Sonnenberg	Civil Immunity For Volunteers At Emergencies	Approved 3/21/2014	3/21/2014	55	29
142	Schwartz, Fischer	Pesticide Inspection Water And Wastewater Systems	Approved 3/27/2014	3/27/2014	65	133
143	Steadman, May	Payment Of Appeals Nursing Facility Cash Fund	Approved 5/15/2014	5/15/2014	191	144
144	Aguilar, Ginal	Family Medicine Residency Programs In Rural Areas	Approved 5/31/2014	No Safety Clause	311	144
146	Schwartz, Wilson	Use Local Traffic Info For CDOT Speed Limit Study	Approved 5/2/2014	5/2/2014	141	215
149	Johnston, Young	Private Occupational Schools Standards	Approved 3/27/2014	3/27/2014	94	45
150	Todd, Hamner	School Counselor Corps Grant Program	Approved 5/16/2014	5/16/2014	214	45



<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>SHORT TITLE</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
151	Tochtrop, Young	Nursing Home Innovations	Approved 6/5/2014	6/5/2014	339	133
152	Jahn, Melton	Standardize Insurers' Financial Transaction Req	Approved 5/31/2014	7/1/2014	312	157
153	Heath, DelGrosso	Legislative Members Compensation Boards & Commns	Approved 6/6/2014	6/6/2014	390	77
154	Lambert, Gerou	Wildfire Preparedness & Emergency Response Funds	Approved 5/31/2014	5/31/2014	313	99
155	Steadman, May	Medical Marijuana Health Effects Grant Program	Approved 5/21/2014	7/1/2014	237	99
156	Kefalas, Lee	Public Benefit Corp Must File Annual Reports	Approved 5/15/2014	5/15/2014	192	25
157	Carroll, Ryden	DMVA Commission Report Value US Mil Activities	Approved 5/14/2014	5/14/2014	181	100
158	Steadman, Hullinghorst	Recall Elections How Conducted & Align Article XXI	Approved 5/9/2014	5/9/2014	170	69
159	Aguilar, Primavera	Implement Med Clean Claims Recommendations	Approved 5/29/2014	No Safety Clause	270	133
160	Newell, Primavera	Transitional Living Program For Brain Injured	Approved 5/9/2014	5/9/2014	153	144
161	Ulibarri, Hullinghorst	Update Uniform Election Code Of 1992	Approved 5/9/2014	5/9/2014	160	70
162	Nicholson, Mitsch Bush	Quality Management Prehospital EMS Providers	Approved 6/5/2014	6/5/2014	335	134
163	Steadman, Lee	Clean-up SB13-250 Drug Sentencing	Approved 6/6/2014	Portions on 6/6/2014 and 7/1/2014	391	34
164	Carroll, Gardner	CO Aerial Firefighting Fleet Aircraft Acquisitions	Approved 5/12/2014	5/12/2014	176	101
165	Johnston, Murray	K-12 Academic Growth Performance Eval 2014-15	Approved 5/9/2014	5/9/2014	161	46
166	Carroll, Tyler	Create By Colorado App To Promote Businesses In CO	Approved 5/29/2014	5/29/2014	273	102

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>SHORT TITLE</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
168	Lambert, May	Teacher Salaries At CO Sch For Deaf & Blind	Approved 5/15/2014	No Safety Clause	193	46
169	Lambert, May	Office Of Information Technology Reports To GA	Approved 5/15/2014	5/15/2014	194	102
171	Schwartz, Tyler	New Energy District Finance Water Conservation	Approved 5/15/2014	No Safety Clause	195	91
172	Tochtrop, Kraft-Tharp	Firefighter Heart Circulatory Malfunction Benefits	Approved 6/5/2014	1/1/2015	325	84
173	Jahn, Singer	Offer Hepatitis C Screening Testing	Approved 5/19/2014	No Safety Clause	233	135
174	Heath, McLachlan	Prosecution Fellowship Program	Approved 5/19/2014	No Safety Clause	232	43
176	Johnston, Murray	Criminal Penalties For Chop Shops	Approved 6/6/2014	No Safety Clause	392	34
179	Nicholson, Foote	Flood Debris Cleanup Grants	Approved 5/17/2014	5/17/2014	227	221
180	Kefalas, Swalm	Transfer Senior Dental Program To DHCPF	Approved 5/31/2014	5/31/2014	314	144
182	Hodge, Peniston	School Boards Meeting In Executive Session	Approved 6/6/2014	6/6/2014	393	46
183	Heath, Pabon	Business Incentive Agreement Maximum Term	Approved 5/15/2014	No Safety Clause	196	84
184	Schwartz, Coram	Oversight of the Industrial Hemp Program	Approved 5/31/2014	5/31/2014	315	3
186	Schwartz, Tyler	Efficient School & Community Performance Contract	Approved 6/6/2014	6/6/2014	394	103
187	Aguilar, Stephens	Colorado Commission Affordable Health Care	Approved 5/29/2014	5/29/2014	268	135
188	Schwartz, Fischer	Species Conservation Trust Fund Project List	Approved 5/17/2014	5/17/2014	219	177
189	Steadman, Gerou	FY14-15 Controlled Maintenance Trust Fund Transfer	Approved 5/15/2014	5/15/2014	197	104

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>SHORT TITLE</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
190	Lambert, Gerou	Statewide Discovery Sharing System	Approved 5/29/2014	5/29/2014	275	35
191	Tochtrop, Pabon	Work Comp Procedures Settlements Lump Sum Per Diem	Approved 5/31/2014	7/1/2014	316	163
192	Hodge, Becker	Uranium Processing Groundwater Protection	Approved 6/5/2014	No Safety Clause	327	136
193	Carroll, Singer	Location Information After US v Jones	Approved 6/6/2014	6/6/2014	395	36
194	Steadman, May	Driver's License Fee Allocations	Approved 6/5/2014	6/5/2014	346	169
195	Nicholson, Singer	South Platte River Post-flood Phreatophyte Study	Approved 6/6/2014	6/6/2014	355	222
197	Jones, Foote	Transportation Enterprise Transparency Act	Vetoed 6/4/2014			215
199	Grantham, Becker	Georgetown Charter Updates	Approved 6/5/2014	6/5/2014	326	88
201	Newell, Singer	Child Protection Ombudsman Advisory Work Group	Approved 5/29/2014	5/29/2014	280	15
202	Kerr, Tyler	Funding For Energy Efficiency In Schools	Approved 5/15/2014	5/15/2014	211	47
203	Lambert, May	Respondent Parents Counsel Child Absue And Neglect	Approved 5/29/2014	No Safety Clause	281	15
205	Newell, Young	Talent Pipeline Working Group	Approved 5/21/2014	No Safety Clause	245	104
206	Steadman, Singer	Criminal Record Sealing Clean-up	Approved 5/31/2014	8/1/2014	317	29
208	Jones, Fields	Veteran License Certificate Registration	Approved 5/31/2014	5/31/2014	318	104
209	Heath, Tyler	Insurer Investments In Real Property NAIC Model	Approved 6/6/2014	No Safety Clause	396	157
210	Cadman, Sonnenberg	Require Ins Commr Preexam Draft Report Conference	Approved 5/29/2014	No Safety Clause	267	157

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>SHORT TITLE</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
211	Johnston, Hullinghorst	Alzheimers Disease Center	Approved 6/5/2014	6/5/2014	341	63
212	Ulibarri, Lee	Clean-up Bail Bond Statutes	Approved 6/6/2014	7/1/2014	397	36
213	Johnston, Conti	Statutes Of Limitations For Vehicular Homicide	Approved 6/5/2014	7/1/2014	344	169
214	Lambert, Gerou	PERA Studies Conducted By Actuarial Firm	Approved 6/4/2014	6/4/2014	322	105
215	Steadman, Duran	Disposition Of Legal Marijuana Related Revenue	Approved 6/6/2014	Portions on 7/1/2014 and 7/1/2015	352	105
217	Carroll, Hullinghorst	Increased Transparency Lobbyist Disclosure	Approved 6/6/2014	7/1/2015	398	108
222	Aguilar, Gerou	License Plate Auctions & Disabilit-benefit Fund	Approved 5/22/2014	5/22/2014	251	170
223	Nicholson, Gerou	Payment Claims Lower North Fork Wildfire	Approved 6/6/2014	6/6/2014	399	5

## ADMINISTRATIVE RULE REVIEW

**S.B. 14-63** Mandatory review of rules by state agencies. The act codifies an executive order of the governor on the review of executive branch agency rules. The department of regulatory agencies shall establish a schedule, in consultation with each principal department, for the review of all of the rules for each principal department. Each principal department in state government is required to review its existing rules to determine whether the rules should be continued in their current form, amended, or repealed. The act requires the applicable rule-making agency or official to consider the following:

- Whether the rule is necessary;
- Whether the rule overlaps or duplicates other rules of the agency or with other federal, state, or local government rules;
- Whether the rule is written in plain language and is easy to understand;
- Whether the rule has achieved the desired intent and whether more or less regulation is necessary;
- Whether the rule can be amended to give more flexibility, reduce regulatory burdens, or reduce unnecessary paperwork or steps while maintaining its benefits;
- Whether the rule is implemented in an efficient and effective manner, including the requirements for the issuance of permits and licenses;
- Whether a cost-benefit analysis was performed by the applicable rule-making agency or official in the principal department pursuant to the Colorado Administrative Procedure Act; and
- Whether the rule is adequate for the protection of the safety, health, and welfare of this state or its residents.

Each rule-making agency or official shall provide public notice on the agency's official web site of its review of the rules and take input from the public and other state agencies.

The department of regulatory agencies shall not schedule mandatory review of a principal department's rules during the year of and during the year following any scheduled sunset review.

The principal department shall include the results of each mandatory review of rules as part of its departmental regulatory agenda that it submits to the general assembly as part of the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" provisions.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**H.B. 14-1123** Continuation of 2013 executive agency rules. 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, 2012, and before November 1, 2013, 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, 2014, on the grounds that the rules and regulations either conflict with statute or lack or exceed statutory authority.

The act repeals, effective May 15, 2014, a rule of the medical services board of the department of health care policy and financing concerning medical assistance benefit coverage standards.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

## AGRICULTURE

**S.B. 14-52** Soil erosion - counties - nuisance - emergency situations. Currently, a board of county commissioners may, after a complaint has been filed and the appropriate consultations made, determine that windblown soil from land in the county is harming neighboring property and the erosion constitutes an emergency. The county may mitigate the erosion and charge the benefitted land owner.

The act adds an extension agent with expertise in soil conservation or soil science to the list of people the board may consult, and the county is required to consult with local landowners. Additionally, the current \$15 per acre cap on the treatment cost is replaced with a \$40 cap.

**APPROVED** by Governor March 20, 2014

**EFFECTIVE** August 6, 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. 14-184** Industrial hemp - seed certification - grant research program fees - fund - industrial hemp products. The act requires the industrial hemp committee to work with the department of agriculture (department) to establish a hemp seed certification program. The act removes the 10-acre limitation for growing industrial hemp. A person who wishes to grow industrial hemp may apply to the department at any time prior to planting.

The department is directed to administer an industrial hemp grant research program that is funded through registration fees, private sources, and moneys from the marijuana cash fund or the marijuana tax cash fund. The grants allow state institutions of higher education to conduct the research. The act creates the industrial hemp research grant program fund.

The act allows a person to process, sell, and distribute hemp cultivated by a registered person or to sell hemp products produced from the hemp.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

**NOTE:** Certain sections of the act are contingent on Senate Bill 14-215 becoming law. Senate Bill 14-215 was signed by the governor June 6, 2014.

**H.B. 14-1270** Pet animal facilities - regulation by commissioner of agriculture - grounds for denial of license - fees - fines - inspections - continuation of regulation under sunset law. The act continues the licensure of pet animal facilities by the commissioner of agriculture (commissioner) for 5 years, until 2019, pursuant to the sunset law. It also:

- Requires the commissioner to report periodically to the general assembly concerning any increases in license fees, the total amounts received in fees, the number of personnel employed to implement the pet animal facility

- licensing and inspection statutes, and the number of inspections performed;
- Exempts wildlife sanctuaries from licensing and inspection by the commissioner;
- Authorizes the commissioner to deny, revoke, or refuse to renew the license of an entity if any officer, principal owner, or other person in a position of control over the entity has been convicted of misdemeanor animal cruelty or animal fighting, and requires denial or revocation of a license after conviction of a felony or a second misdemeanor offense;
- Directs the commissioner or the commissioner's designees to report to law enforcement agencies or the bureau of animal protection any instance of suspected animal abuse that is discovered in the course of an investigation, and grants qualified immunity for a report made in good faith;
- Allows the commissioner to specify, by rule, written disclosures that must be given concerning rabies vaccinations;
- Amends definitions related to small canine breeding operations to resolve potential conflicts;
- Repeals an existing exemption that allows nonhuman primates to be kept as household pets or to assist disabled persons; and
- Increases the existing cap on license fees from \$350 to \$700.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2014



## APPROPRIATIONS

**S.B. 14-223** Payment of claims arising from lower north fork wildfire - damages against state in excess of maximum liability amount - submission of court's order granting request for entry of judgment as alternative to proof of judgment - appropriation. The act allows a person who has asserted a legal claim against the state arising out of the lower north fork wildfire (wildfire) in March 2012 (claimant), to present, as an alternative to a proof of judgment, an order of a district court granting a claimant's request for entry of judgment in the amount of an award of damages recommended by a special master or a comparable order to the general assembly and request payment of that portion of the or order that exceeds the maximum amount. As with a judgment approved for payment, under the act any such order approved for payment by the general assembly must be paid from the general fund.

Under the act, the general assembly approves payment of the total claims specified in a table contained in section 2 of the act (table). Upon enactment of the act and the satisfaction of the conditions it specifies, the act requires the office of the state controller to make such payment from the total claims to be paid each claimant specified in the table no later than September 1, 2014.

The act goes on to preclude an insurer from asserting a right of subrogation, assignment, or any other right against the claimant for any additional payment or any portion of the payment that is approved by the general assembly. In accepting the payment, a claimant agrees to release the state from any future claims arising out of the wildfire.

The table specifies the total amount to be paid to each claimant by the state.

With respect to appropriations for the 2013-2014 state fiscal year, the act:

- Directs the state treasurer to transfer \$1 million to the economic development fund.
- Reduces the appropriation from the general fund to the department of human services to be allocated to behavioral health services by \$4,281,893.
- Appropriates \$7,101,298 to the division of personnel for allocation to the risk management program for payment of all or any portion of any judgment against the state that exceeds the maximum amount under the liability limitations.

The act makes the following additional adjustments to the 2013-2014 state general appropriation act:

- Decreases the general fund appropriation for economic development programs by \$1 million and increases the cash funds appropriation from the Colorado economic development fund by \$1 million.
- Decreases the general fund appropriation to the controlled maintenance trust fund by \$589,099.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**H.B. 14-1232** Supplemental appropriation - department of agriculture. The 2013 general appropriation act is amended to adjust the total amount appropriated to the department of agriculture. The cash funds portion of the appropriation is increased and the federal funds portion is decreased.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1233** Supplemental appropriation - department of corrections. The 2013 general appropriation act is amended to increase the total amount appropriated to the department of corrections. The general fund portion of the appropriation is increase and the cash funds portion is decrease.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1234** Supplemental appropriation - department of education. The 2013 general appropriation act is amended to decrease to total amount appropriated to the department of education. The general fund and cash funds portions of the appropriation are decreased and the reappropriated funds and federal funds portions are increased.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1235** Supplemental appropriation - offices of the governor, lieutenant governor, and state planning and budgeting. The 2013 general appropriation act in amended to increase the total amount appropriated to the offices of the governor, lieutenant governor, and state planning and budgeting. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1236** Supplemental appropriation - department of health care policy and financing. The 2013 general appropriation act is amended to increase the total amount appropriated to the department of health care policy and financing. The general fund and federal funds portions of the appropriation are decreased and the cash funds portion is increased.

The 2012 general appropriation act is amended to increase the total amount appropriated to the department of health care policy and financing. The general fund and federal funds portions of the appropriation are increased.

Additional moneys are appropriated to the department for overexpenditures of line item appropriations for the 2012 fiscal year.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1237** Supplemental appropriation - department of higher education. The 2012 general appropriation act is amended to adjust amounts appropriated in the college opportunity fund program resulting in no change to the total amount appropriated. The act also makes adjustments to the amounts specified in various letter notes throughout the department's appropriation.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1238** Supplemental appropriation - department of human services. The 2013 general appropriation act is amended to increase the total amount appropriated to the department of human services. The general fund, reappropriated funds, and federal funds portions of the appropriation are increased and the cash funds portion is decreased.

The 2012 general appropriation act is amended to increase the total amount appropriated to the department of human services. The general fund portion of the appropriation is decreased and the cash funds and reappropriated funds portions are increased.

An appropriation made by Senate Bill 13-266, concerning a request for proposals process to create a coordinated behavioral health crisis response system for communities throughout the state, was amended to decrease the total amount appropriated to the department.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1239** Supplemental appropriation - judicial department. The 2013 general appropriation act is amended to increase the total amount appropriated to the judicial department. The general fund and cash funds portions of the appropriation are increased.

An appropriation made by House Bill 13-1156, concerning creation of an adult diversion program, is amended to adjust the amounts appropriated to the judicial department for the implementation of the act.

An appropriation made by House Bill 13-1254, concerning restorative justice, is amended to increase the total amount appropriated to the department, for the implementation of the act.

An appropriation made by House Bill 13-1230, concerning compensation for persons who are exonerated of their crimes after a period of incarceration, is amended to increase the total amount appropriated to the department, for implementation of the act.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1240** Supplemental appropriation - department of law. The 2013 general appropriation act is amended to increase the total amount appropriated to the department of

law. The cash funds and reappropriated funds portions of the appropriation are increased.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1241** Supplemental appropriation - department of local affairs. The 2013 general appropriation act is amended to increase the total amount appropriated to the department of local affairs. The general fund and reappropriated funds portions of the appropriation are increased.

**APPROVED** by Governor March 11, 2014

**EFFECTIVE** March 11, 2014

**H.B. 14-1242** Supplemental appropriation - department of natural resources. The 2013 general appropriation act is amended to increase the total amount appropriated to the department of natural resources. The general fund, cash funds, and reappropriated portions of the appropriation are increased and the federal funds portion is decreased.

The 2012 general appropriation act is amended to increase the total amount appropriated to the department of natural resources. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriations are increased.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1243** Supplemental appropriation - department of personnel. The 2013 general appropriation act is amended to increase the total amount appropriated to the department of personnel. The general fund and reappropriated funds portions of the appropriation are increased.

The 2012 general appropriation act is amended to increase the total amount appropriated to the department of personnel.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1244** Supplemental appropriation - department of public health and environment. The 2013 general appropriation act is amended to increase the total amount appropriated to the department of public health and environment. The general fund, cash funds, and federal funds portions of the appropriation are increased and the reappropriated funds portion is decreased.

The 2012 general appropriation act is amended to increase the total amount appropriated to the department of public health and environment. The cash funds and reappropriated funds portions of the appropriation are increased and the federal funds portion is decreased.

An appropriation made in Senate Bill 13-225, concerning the development of a system to improve quality of care to patients suffering specified acute incidents, is amended to correct the name of the division specified in the appropriation.

An appropriation to the department of public health and environment made in Senate Bill 13-283, concerning implementation of amendment 64, is decreased.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1245** Supplemental appropriation - department of public safety. The 2013 general appropriation act is amended to increase the total amount appropriated to the department of public safety. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

An appropriation made by House Bill 13-1129, concerning creating the evidence-based practices implementation for capacity resource center, is amended to specify how the moneys are to be allocated.

An appropriation made by Senate Bill 13-283, concerning implementation of amendment 64, is amended to decrease the total amount appropriated to the division of criminal justice.

An appropriation made by House Bill 13-1020, concerning evidence collected in connection with a sexual assault, is amended to further appropriate unexpended moneys to the department for the purposes set out in that act.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1246** Supplemental appropriation - department of revenue. The 2013 general appropriation act is amended to increase the total amount appropriated to the department of revenue. The general fund and cash funds portion of the appropriation are increased.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1247** Supplemental appropriation - department of state. The 2013 general appropriation act is amended to increase the total amount appropriation to the department of state. The cash funds portion of the appropriation are increased.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1248** Supplemental appropriation - department of the treasury. The 2013 general appropriation act is amended to increase 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.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1249** Supplemental appropriation - capital construction. The 2013 general appropriation act is amended to increase the total amount appropriated for capital construction projects. The cash funds portion of the appropriation is increased.

The 2009 general appropriation act is amended to add a footnote in the Colorado state university at Fort Collins, capital construction line item, specifying that the appropriation made to the Snow Mountain Ranch conservation easements research innovation, remains available until June 30, 2016.

The 2011 general appropriation act is amended to increase the amount appropriated for capital construction of the Ralph L. Carr Colorado judicial center.

The 2013 general appropriation act is amended to transfer an amount in the controlled maintenance fund to the disaster emergency fund.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1293** Legislative appropriation - appropriation to youth advisory council cash fund. \$38,180,116 is appropriated to the legislative department for the payment of expenses in the 2014-15 state fiscal year. In addition, \$25,000 is appropriated to the youth advisory council cash fund.

**APPROVED** by Governor March 21, 2014

**EFFECTIVE** March 21, 2014

**H.B. 14-1336** General appropriation - long bill. For the fiscal year beginning July 1, 2014, 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. The grand total for the operating budgets is \$23,988,465,813. Of that amount, \$6,631,729,188 is from the general fund portion of the appropriation, \$2,077,547,200 is from the general fund exempt portion, \$6,708,813,529 is from the cash funds portion, \$1,345,469,247 is from the reappropriated funds portion, and \$7,224,906,649 is from federal funds portion.

For the fiscal year beginning July 1, 2014, the act provides for the payment of capital construction projects. The grand totals for capital construction projects is \$492,833,491. Of that amount, \$364,420,213 is from the capital construction fund portion of the appropriation, \$116,124,738 is from the cash funds portion, \$8,566,515 is from the reappropriated funds portion, and \$3,722,025 is from the federal funds portion.

The 2011 general appropriation act is amended to increase the total amount appropriated to the department of public health and environment for superfund sites cleanup.

The 2012 general appropriation act is amended to make adjustments to those appropriations made to the departments of education, health care policy and finance, and higher education.

The head notes to the long bill for the fiscal year beginning July 1, 2013, are amended to increase the amounts specified in the controlled maintenance trust fund and state properties portions.

The 2013 general appropriation act is amended to make additional changes to those appropriations made to the departments of education, governor, lieutenant governor, and state planning and budgeting, health care policy and finance, higher education, human services, personnel, and public safety.

Appropriations made in House Bill 14-1252, concerning funding for system capacity changes related to intellectual and developmental disabilities waiver services is amended to add an appropriation for needs assessments of persons waiting for medicaid home- and community-based services.

Appropriations made in Senate Bill 13-266, concerning a request for proposals process to create a coordinated behavioral health crisis response system for communities throughout the state is amended to decrease the total amount appropriation to the department of human services.

Appropriations made in House Bill 13-1254, concerning restorative justice is amended to increase the total amount appropriated to the judicial department.

An appropriation made by House Bill 13-1042, concerning a state income tax deduction for a taxpayer who is prohibited from claiming a federal income tax deduction by section 280E of the internal revenue code because marijuana is a controlled substance under federal law is repealed.

An appropriation made by House Bill 13-1318, concerning the recommendations made in the public process for the purpose of implementing certain state taxes on retail marijuana legalized by section 16 of article XVIII of the Colorado constitution is amended to decrease the total amount appropriated to the department of revenue.

An appropriation made by Senate Bill 13-230, concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2013, is amended to make \$45,000 of the total amount appropriated available through June 30, 2015, for a child welfare workload study in the state auditor's office.

An additional amount is appropriated to the controlled maintenance fund for the purpose of increasing the principal in the fund.

**APPROVED** by Governor April 30, 2014

**EFFECTIVE** April 30, 2014

## CHILDREN AND DOMESTIC MATTERS

**S.B. 14-51** Access to adoption records - adoptee - birth parents - adoptive parents - appropriation. The act repeals and reenacts portions of existing law concerning access to adoption records to eliminate different standards for access by members of the adoption triad (consisting of the adoptee, the birth parents, and the adoptive parents) and their descendants based on the law in existence on the date the adoption was finalized. The act retains the confidentiality of adoption records from the general public unless the requesting party is legally eligible to access the records or unless the court finds good cause for release. The act retains current policy that after a birth parent is deceased or an adult adoptee is deceased, eligible relatives may receive access to the adoption records.

**Contact preference forms.** The act permits the continued use of the contact preference form issued by the state registrar of vital statistics (state registrar), which form may be used by a birth parent to indicate whether he or she prefers to be contacted by an adoptee, the descendant of an adoptee, or a representative of either directly, through a third party, or not at all. Effective January 1, 2016, the option on the contact preference form that allows a birth parent to authorize or to not authorize release of the original birth certificate to the adult adoptee, his or her descendants, or certain adoptive family members is eliminated. This option is phased out by January 1, 2016. The act specifies the procedures to be followed by the state registrar for releasing the original birth certificate during the phase-out of this option on the contact preference form and after the option is eliminated. Prior to releasing an original birth certificate to an eligible party, the state registrar must conduct a search to determine whether a contact preference form executed prior to January 1, 2016, was filed with the state registrar. If both birth parents have filed a contact preference form executed prior to January 1, 2016, authorizing the release of the original birth certificate, the state registrar must release the original birth certificate to the eligible party. If there is no contact preference form on file prior to January 1, 2016, from a birth parent named on the original birth certificate, or if a contact preference form executed prior to January 1, 2016, states a preference that the original birth certificate not be released, then the state registrar may not release the original birth certificate to an eligible party prior to January 1, 2016, unless the birth parent rescinds the contact preference form, upon mutual consent of 2 or more reunited parties, the birth parent is deceased, or a court orders its release. When one birth parent has authorized the release of the birth certificate and the other birth parent has filed a contact preference form prior to January 1, 2016, not authorizing the release, the state registrar shall issue the original birth certificate to the eligible party with the name of the nonconsenting parent redacted. The state registrar shall maintain and make available to the public accurate statistics about the number of contact preference forms on file with the state registrar and how many of the forms state a preference for contact, no contact, or contact through a third party.

The act includes a legislative declaration expressing the intent of the general assembly that access to adoption records should no longer be dependent upon the law in effect on the date of finalization of the adoption and that the purpose of revising the statute is to make access to adoption records to the adoption triad more uniform; to declare that it is the intent of the general assembly to not abrogate, limit, or change the holding in *In the matter of Petition of J.N.H.*, a court of appeals decision that opened up access to records to adult adoptees of the names of his or her birth parents and to court records regarding the adoption;



and to declare that the courts should liberally construe the statute in favor of releasing the records.

**Access to adoption records by adult adoptees, their descendants, or adoptive family members.** The act retains current policy regarding the parties who are eligible to apply for adoption records. A custodian of adoption records must release adoption records, including birth certificates, to an adult adoptee, an adoptive parent of a minor adoptee, a custodial grandparent of a minor adoptee, or the legal representative of any such individual. In addition, the custodian of records must provide direct access for inspection and copying of adoption records to a spouse of an adult adoptee, adult descendant of an adoptee, adult sibling or half-sibling of an adult adoptee, adoptive parent or grandparent of an adult adoptee, or the legal representative of any such individual, if the individual requesting access has the notarized written consent of the adult adoptee or if the adult adoptee is deceased.

**Access to original birth certificates by birth parents.** Upon request, the state registrar must provide to a birth parent who relinquished a child for adoption and whose termination of parental rights was not the result of a dependency and neglect action a copy of the unaltered original birth certificate that the birth parent signed or was named in.

**Access to death certificates.** The state registrar is authorized to conduct a search of death certificates to determine whether a birth parent or an adoptee is deceased and to provide a copy of any death certificate found to the requesting eligible individual. The state registrar may collect fees for conducting a search and for making copies and shall transmit any fees to the state treasurer who must credit the fees to the vital statistics records cash fund.

The legal custodian shall not release records unless the individual requesting access is eligible to access the records and provides proof of personal identification. The legal custodian may charge reasonable fees for copying records.

The act retains the existing policy that allows identifying information in adoption records of child placement agencies to remain confidential based on prior written statements of birth parents on file with the child placement agency or the court; except that the adoption records in possession of a child placement agency may be open for inspection and copying with respect to identifying information if a birth parent provides a consent form to the child placement agency consenting to the release of the identifying information. This provision applies only to adoption records in the possession of child placement agencies and does not apply to adoption records in the possession of the court or any other agency, entity, or person.

Subject to the provisions of the act, any party may seek direct contact with another party or use the services of a confidential intermediary, a licensed child placement agency that agrees to conduct a search, or the voluntary mutual consent registry operated by the state registrar.

The definition of "custodian of records" for purposes of access to adoption records by eligible parties, as provided in the act, includes records in the custody of a court, a state agency, or the legal representative of the court or a state agency. The definition specifically

excludes licensed child placement agencies.

The act appropriates \$34,120 and 0.6 FTE to the department of public health and environment for implementation of the act.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-62** Parent-child legal relationship - reinstatement of a terminated relationship. The act creates a process for reinstatement of the parent-child legal relationship (reinstatement) in limited circumstances for a child whose parent's rights have previously been voluntarily or involuntarily terminated. A county department of human or social services (county department), the child's guardian ad litem, or a child who is 16 years of age or older may file a petition for reinstatement.

The court shall hold an initial hearing within 63 days after the filing of the petition to determine whether certain threshold conditions for pursuing reinstatement have been satisfied, including that:

- The allegations in the petition have been established by clear and convincing evidence;
- The child is of sufficient age and maturity and able to express his or her preference about reinstatement;
- The former parent has remediated the problems that led to the termination of the parent-child relationship, if applicable, and can provide a safe and stable home for the child; and
- The former parent has participated in an assessment that supports that the reinstatement of the parent-child legal relationship is in the best interests of the child.

At the initial hearing on the petition, the court shall either dismiss the petition or enter an order finding that the threshold conditions for pursuing reinstatement have been met and that it is in the best interests of the child to work toward reinstatement of the parent-child legal relationship. If the court finds that working toward reinstatement is in the best interests of the child, then the court must approve a transition plan for reinstatement of the parent-child legal relationship, including visitation or placement of the child with the former parent for a designated trial period of up to 6 months while the child remains in the custody of the county department. During the trial period, the county department may stop the visitation or remove the child from placement with the former parent at any time if it deems that the child is not safe or that it is no longer in the best interests of the child to remain with the former parent. At the final hearing, the court shall make certain findings and may either dismiss the petition, continue the matter for another hearing, or grant the petition and order the reinstatement of the parent-child legal relationship if the court finds by clear and convincing evidence that it is in the best interests of the child.

The act states the effect of reinstatement, that granting the petition for reinstatement does not vacate or otherwise affect the validity of the original order terminating the

parent-child legal relationship, and that granting a petition for reinstatement for one former parent does not restore or otherwise impact the rights of the other former parent.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** August 6, 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. 14-201** Child abuse and neglect - office of the child protection ombudsman - advisory work group. The act creates a new advisory work group related to the office of the child protection ombudsman (office). The duties of the advisory work group include reconciling the implementation of recommendations from the 2010 advisory work group with the current operations and function of the office and making additional recommendations for autonomy and accountability as appropriate. Appointments to the advisory work group must be made no later than 60 days after May 14, 2014, and the advisory work group must convene on or before August 1, 2014. The advisory work group shall provide a report to the health and human services committee of the senate and the public health care and human services committee of the house of representatives, the governor, and the executive director on or before December 1, 2014.

The advisory work group is repealed, effective July 1, 2016.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** May 29, 2014

**S.B. 14-203** Dependency and neglect - office of the respondent parents' counsel - repeal. The act establishes the office of the respondent parents' counsel in the state judicial department, effective January 1, 2016, to provide high-quality legal representation to parents involved in dependency and neglect proceedings and who lack the financial means to obtain legal representation.

The act repeals a provision authorizing the cost of a court proceeding to be assessed against the losing party.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1032** Juvenile justice system - provision of defense counsel to juvenile offenders - appropriation. The act continues a promise to appear in court served upon a juvenile and the juvenile's parent, guardian, or legal custodian to state specified information concerning the right to assistance of counsel and the potential to have counsel appointed.

When a juvenile is placed in a detention facility, a temporary holding facility, or a shelter facility designated by the court, the screening team shall promptly notify the court,

the district attorney, and the local office of the office of the state public defender (OSPD).

A juvenile who is detained shall be represented at the detention hearing by counsel. If the juvenile has not retained his or her own counsel, he or she shall be represented by the OSPD or, in the case of a conflict, by the office of alternate defense counsel (OADC). This representation shall continue unless:

- The juvenile retains his or her own counsel; or
- The juvenile is charged with an offense for which the juvenile may waive counsel and the juvenile has made a knowing, intelligent, and voluntary waiver of his or her right to counsel.

The scheduled time for a detention hearing must allow a juvenile's defense counsel sufficient time to consult with the juvenile before the detention hearing. This consultation may be performed by secure electronic means if the conditions under which the electronic consultation is held allow the consultation to be confidential. The law enforcement agency that arrested the juvenile shall promptly provide to the court and to defense counsel the affidavit supporting probable cause for the arrest and the arrest report, if the arrest report is available, and the screening team shall promptly provide to the court and to defense counsel any screening material prepared pursuant to the juvenile's arrest.

A detention hearing shall not be combined with a preliminary hearing or a first advisement. Due to the limited scope of a detention hearing, the representation of a juvenile by appointed counsel at a detention hearing does not, by itself, create a basis for disqualification in the event that such counsel is subsequently appointed to represent another individual whose case is related to the juvenile's case.

The act requires a summons issued by a court to a juvenile to state specified information concerning the right to assistance of counsel and the potential for appointing counsel.

At a juvenile's first appearance before the court, after the detention hearing or at the first appearance if the juvenile appears on a summons, the court shall advise the juvenile of his or her constitutional and legal rights, including the right to counsel.

If a juvenile respondent has made an early application for appointed counsel and the OSPD has made a preliminary determination that the juvenile is eligible for appointed counsel, or if the court has appointed counsel for the juvenile, an OSPD attorney or, in the case of a conflict, an OADC attorney, shall be available to represent the juvenile at the juvenile's first appearance. If a juvenile respondent has not made an early application for appointed counsel for the juvenile but the juvenile requests appointment of counsel at the first appearance, the court shall determine if the juvenile is eligible for counsel. Failure of a juvenile's parent, guardian, or legal custodian to apply for court-appointed counsel may not be construed as a waiver of the right to counsel or any other rights held by the juvenile.

If the juvenile and his or her parents, guardian, or other legal custodian are found to be indigent, or the juvenile's parents, guardian, or other legal custodian refuses to retain counsel for the juvenile, or the court, on its own motion, determines that counsel is necessary

to protect the interests of the juvenile or other parties, or the juvenile is in the custody of the state department of human services or a county department of social services, the court shall appoint OSPD or, in the case of a conflict, OADC for the juvenile; except that the court shall not appoint the OSPD or OADC if:

- The juvenile has retained his or her own counsel; or
- The juvenile has made a knowing, intelligent, and voluntary waiver of his or her right to counsel.

If the court appoints counsel for the juvenile because of the refusal of the parents, guardian, or other legal custodian to retain counsel for the juvenile, then the parents, guardian, or legal custodian, other than a county department of social services or the department of human services, shall be advised by the court that if the juvenile's parent, guardian, or legal custodian is determined not to be indigent, then the court will order the juvenile's parent, guardian, or legal custodian to reimburse the court for the cost of the representation unless the court, for good cause, waives the reimbursement requirement.

The court may accept a waiver of counsel by a juvenile only after making specified findings.

The appointment of counsel for a juvenile offender continues until the court's jurisdiction is terminated; the juvenile or the juvenile's parent, guardian, or legal custodian retains counsel for the juvenile; the court finds that the juvenile or his or her parents, guardians, or other legal custodian has sufficient financial means to retain counsel or no longer refuses to retain counsel for the juvenile; or the juvenile makes a knowing, intelligent, and voluntary waiver of his or her right to counsel.

A court shall not deem a guardian ad litem who is appointed by the court for a child in a delinquency proceeding to be a substitute for defense counsel for the juvenile.

The OSPD, before determining indigency, may provide representation to juveniles in detention hearings.

The OSPD, the OADC, and the judicial branch shall annually report certain data concerning juvenile delinquency proceedings.

The act appropriates \$737,875 and 11.1 FTE to the office of the state public defender and \$75,116 and 0.6 FTE to the office of alternate defense counsel to provide representation to juveniles.

**APPROVED** by Governor May 21, 2014

**EFFECTIVE** November 1, 2014

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

**H.B. 14-1042** Relinquishment records - birth parents - access - appropriation. This act applies to access by birth parents to relinquishment records in cases where a parent consents

to the relinquishment of a child and where the subsequent termination of the parent-child legal relationship is not the result of a dependency and neglect action. This act requires that a custodian of records relating to the relinquishment of a child provide to the child's relinquishing birth parent to whom the document pertains a copy of the relinquishment records in the possession of the custodian that are signed by the relinquishing birth parent or by a parent, guardian, custodian, or legal guardian on behalf of the birth parent and any of the following records in which the relinquishing birth parent is named:

- The original birth certificate;
- The petition to relinquish;
- The final order of relinquishment;
- The affidavit of counseling, excluding any attachments and excluding any notes or prerelinquishment counseling documents;
- The temporary waiver of custody;
- The expedited relinquishment documents, if applicable;
- A relinquishment interrogatory from a birth parent;
- The order for publication of relinquishment;
- The notice to terminate the parent-child legal relationship; and
- The medical records of a birth mother related to the pregnancy and birth, which records may only be released by the health care provider, hospital, or maternity home that created the record.

The custodian of records shall provide these relinquishment records to the relinquishing birth parent at the time of relinquishment of the child or at the time the document is created. If relinquishment records were not provided to a birth parent at the time of the relinquishment of the child or at the time the document was created and the subsequent termination of the parent-child legal relationship was not the result of a dependency and neglect action, then upon written request of the birth parent and proof of identification, the custodian of the records shall provide access to and copies of such records to the birth parent. Nothing in this statute prevents the release of relinquishment records to a birth parent who was a minor at the time of relinquishment where the record was signed by a parent, guardian, legal custodian, or legal representative on behalf of the relinquishing birth parent. A custodian of records, for purposes of this act, includes a court, state agency, licensed child placement agency, maternity home, or the legal representative thereof.

A licensed child placement agency is not liable to any person for the failure of a birth parent to request copies of the relinquishment records at the time of relinquishment or at a later date. A licensed child placement agency or succeeding custodian of records is not liable to any person for failure to produce a copy of a record that did not exist pursuant to the statutes or rules at the time of the relinquishment.

The act appropriates \$14,423 out of the vital statistics records cash fund and 0.3 FTE to the department of public health and environment for fiscal year 2014-15.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1162** Children conceived through sexual assault - termination of parental rights - procedures. Last session, the general assembly passed a bill that allows the victim of a sexual assault in which a child was conceived and in which the person who committed the sexual assault was convicted to file for the termination of the parent-child legal relationship of the person who committed the sexual assault. In that same bill, the general assembly created a task force on children conceived by rape to study whether changes should be made to that statute and to study issues associated with parental rights in cases where a child was conceived as a result of the sexual assault but a conviction did not occur. This act makes legislative changes in response to the study and report prepared by the task force.

The act makes the following changes to provisions passed last year for cases involving convictions:

- Adding more due process protections, such as specifying the notice to the respondent, setting a date for hearing the petition, and notifying the Indian tribe if the child is an Indian child in accordance with the federal "Indian Child Welfare Act";
- Adding more protections for the victim and the child, including protecting the identity of the victim and the child in the summons, ordering protective measures for the victim in the courtroom, treating child support payments as confidential, and requiring the appointment of a guardian ad litem for the child;
- Providing legal counsel for indigent petitioners and respondents and waiving filing fees for indigent petitioners;
- Providing additional protections for parties who have a disability;
- Providing for admission of parentage and for genetic testing to confirm paternity and allowing the court to order the parent against whom the petition has been filed to pay for genetic testing;
- Authorizing the court, with the consent of both parties, to order relinquishment without a finding or admission of the factors necessary for such an order;
- Stating that the court shall not presume that having only one remaining parent is contrary to the child's best interests;
- Creating a process for the parent whose parent-child legal relationship is terminated to provide medical and family information to be shared with the child and the victim in a way that protects the child from knowing the name of the person; and
- Clarifying what happens if the court denies the petition to terminate the parent-child legal relationship, including that the juvenile court has continuing jurisdiction of the matter and has the authority to enter an order allocating parental responsibilities between the parties, including an order to not allocate parental responsibilities to the parent against whom the petition was filed.

The act repeals the statutes enacted last year that provided for a stay of a civil domestic relations proceeding or a paternity action while criminal charges of sexual assault brought against the alleged perpetrator are resolved.

The act creates a process to allow the victim of a sexual assault in cases where a child was conceived and in which a conviction did not occur to file a petition in juvenile court to prevent future contact with and to terminate the parent-child legal relationship of the parent who allegedly committed the sexual assault. This process is similar to the process for petitions involving convictions but does not include a rebuttable presumption that it is in best interests of the child to terminate the parent-child legal relationship. If the court denies the petition to terminate the parent-child legal relationship, the juvenile court has continuing jurisdiction and the authority to enter orders on allocation of parental rights, including an order to not allocate parental rights to the other parent. The juvenile court may order the parent to submit to a sex offense-specific evaluation and parental risk assessment that may factor in the allocation of parental rights and responsibilities and parenting time. The court shall order the parent who is found to have committed the sexual assault to pay for the costs of the evaluation and the assessment. All of the changes made in this act to the process for petitions involving convictions are also included in the process for petitions for nonconvictions.

Since some issues involving the child conceived by a sexual assault might start in the domestic relations arena instead of in a juvenile proceeding, the act gives the domestic relations courts the authority to allocate parental rights and responsibilities, to address decision-making between the victim and the other parent in these cases, and to issue protective orders. The provisions are similar to the considerations that the court uses to address cases involving domestic violence. If the court finds by a preponderance of the evidence that one of the parties has committed sexual assault and the child was conceived as a result of the sexual assault, then it shall not be in the best interests of the child to allocate sole or split decision-making to the person who was found to have committed sexual assault or to allocate mutual decision-making with respect to any issue over the objection of the other party or the guardian ad litem. If the court finds by a preponderance of the evidence that one of the parties has committed sexual assault and the child was conceived as a result of the sexual assault, the court shall consider whether it is in the best interests of the child to prohibit or limit the parenting time of that party with the child. Prior to entering an order relating to parenting time or parental contact, the court may order that party to submit to a sex offense-specific evaluation and a parental risk assessment in Colorado. The court shall order the parent who is found to have committed the sexual assault to pay the costs of the evaluation and parental risk assessment.

In addition, in cases where the court has found that the child was conceived as a result of sexual assault, a domestic relations court may not modify a prior order regarding allocation of decision-making or modify a prior order regarding parenting time unless it finds that the child's present environment endangers the child's physical health or significantly impairs the child's emotional development.

Under existing law, when a parent voluntarily relinquishes a child so that the child may be adopted, there is a private action filed to terminate the parent-child legal relationship of the other parent. A victim of sexual assault might want to voluntarily relinquish the child conceived from the sexual assault for adoption and terminate the other parent's rights. This act amends the statute on termination in voluntary relinquishment cases so that the court may order the termination based on a finding that the other parent is unfit due to a history of violent behavior, which may include an incidence of sexual assault that resulted in the



conception of the child.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** July 1, 2014

**NOTE:** Certain provisions of the act are contingent on House Bill 14-1042 becoming law. House Bill 14-1042 was signed by the Governor May 22, 2014.

**H.B. 14-1362** Visitation of great-grandchildren by great-grandparents - standing. The act amends the statutory provisions concerning visitation rights of grandparents and disputes concerning grandparent visitation to include great-grandparents, without changing the eligibility requirements or process outlined in the existing statutes.

The act adds the definition for great-grandparent to the statute.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**H.B. 14-1372** Adoption - unauthorized advertising for adoption purposes. The act prohibits advertising through a public medium for one of the following purposes:

- To find a child to adopt or to otherwise take permanent physical custody of a child;
- To find an adoptive home or any other permanent physical placement for a child or to arrange for or assist in the adoption, adoptive placement, or any other permanent physical placement of a child; or
- To offer to place a child for adoption or in any other permanent physical placement with another person.

The act does not apply to specified individuals who are typically involved in the adoption of children.

Unauthorized advertising of a child for adoption is a class 6 felony.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1379** Spousal maintenance guidelines - application to actions filed prior to January 1, 2014 - termination of maintenance - establishment of a civil union. The act clarifies that the spousal maintenance statute as it existed prior to January 1, 2014, governs claims for maintenance in dissolution of marriage and other actions filed prior to January 1, 2014.

In addition, the act clarifies that, in addition to remarriage, a maintenance order also terminates upon the establishment of a civil union by the party receiving maintenance.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

## CONSUMER AND COMMERCIAL TRANSACTIONS

**S.B. 14-102** Credit reports and credit scores - use by employers. Under current law, only certain employers may use consumer credit information for employment purposes, and only if the information is substantially related to the employee's current or potential job. Current law also governs circumstances under which an employer may require a credit report.

To ensure that a bank or financial institution authorized to require a credit report may then use the credit report, the act allows bank or financial institution employers to use consumer credit information for employment purposes by amending the definition of "substantially related to the employee's current or potential job" to include positions held at banks or financial institutions.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**S.B. 14-103** Low-efficiency water fixtures - ban on new sales. The act defines a "watersense-listed plumbing fixture" as one that has been:

- Tested by an accredited third-party certifying body or laboratory in accordance with the federal environmental protection agency's WaterSense program;
- Certified by such body or laboratory as meeting the performance and efficiency requirements of the program; and
- Authorized by the program to use its label.

Current law requires water-efficient indoor plumbing fixtures in only 3 contexts:

- Builders of new single-family detached residences must offer the buyers toilets, faucets, and showerheads that meet the current standards of the WaterSense program;
- Tank-type water closets and flushometer toilets in new state buildings must meet certain standards that are either less stringent than or as stringent as the current WaterSense standards; and
- New construction and renovation of residential structures and office, commercial, or industrial buildings must meet standards that are less stringent than the current WaterSense standards.

**Section 1** of the act prohibits the sale of new lavatory faucets, shower heads, flushing urinals, tank-type toilets, and tank-type water closets on and after September 1, 2016, unless they are a watersense-listed plumbing fixture. **Sections 2 through 5** amend or repeal conflicting portions of current law.

**APPROVED** by Governor June 6, 2014

**PORTIONS EFFECTIVE** August 6, 2014  
**PORTIONS 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.

**H.B. 14-1141** Prohibited conduct - employer - requiring social security number - exceptions. The act generally prohibits an entity with a board of directors, including an advisory board, from requiring an unpaid member of the board to disclose his or her social security number to the entity in order to serve as a member of the board. However, the act allows an entity to require a current or prospective board member to disclose his or her social security number to the entity to serve on the board if the entity states the reason for the requirement and specifies what use will be made of the social security number and if:

- The entity is required by law or by a condition of accreditation to obtain the social security number for purposes of a background check or to properly account for reimbursement payments;
- The board member would directly serve a clientele that includes minors, the elderly, victims of abuse, persons with developmental disabilities, or other vulnerable individuals, and the entity has an established policy of using a professional employment screening service to conduct background checks utilizing social security numbers to screen personnel, board members, or volunteers; or
- The board member would be authorized to sign checks or engage in other transactions involving the entity's assets or accounts, and the financial institution holding the assets or accounts requires a social security number to verify the identity of persons so authorized.

The act also:

- Makes it unlawful for the state or any local government to deny an individual a right, benefit, or privilege provided by law because the individual refuses to disclose his or her social security number unless the disclosure is required by state or federal law; and
- Requires the state or any local government that requests an individual to disclose his or her social security number to inform the individual whether the disclosure is mandatory or voluntary, by what statutory or other authority the social security number is solicited, and what uses will be made of the individual's social security number.

**APPROVED** by Governor April 18, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1206** Charitable organizations - paid solicitors - registration requirements - prohibited acts - public access to records - fines - registered agents required. The act amends the "Colorado Charitable Solicitations Act" (act) as follows:

- Modifies the required content of charitable organization registration statements to eliminate unnecessary content;
- Prohibits a charitable organization from aiding, abetting, or permitting a paid solicitor to solicit contributions on its behalf unless the paid solicitor has

- complied with the requirements of the act;
- Specifies that while information filed with the secretary of state's office by a charitable organization, professional fundraising consultant, or paid solicitor in connection with the person or organization's registration is a public record, account numbers at banks or other financial institutions are not public records;
- Eliminates the fine amounts specified in the act for soliciting while unregistered, thereby allowing the secretary of state to set those fine amounts by rule;
- Requires registered individuals and organizations to appoint a registered agent to receive notices, process, and other materials for the individual or organization; and
- Modifies the fines that may be imposed for failing to timely file required documents with the secretary of state.

**APPROVED** by Governor April 11, 2014

**EFFECTIVE** August 6, 2014

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

## **CORPORATIONS AND ASSOCIATIONS**

**S.B. 14-156** Corporations - public benefit - annual report. The act requires public benefit corporations to file an annual report.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

## CORRECTIONS

**S.B. 14-64** Solitary confinement - no offenders with serious mental illness - department work group - appropriation. The act prohibits placing an offender with serious mental illness in long-term isolated confinement except when exigent circumstances are present.

The act creates a work group to address using long-term isolated confinement for offenders with serious mental illness. The work group consists of:

- The deputy executive director of the department of corrections (DOC), who shall convene and serve as the chair of the work group;
- The director of clinical and correctional services;
- The director of prisons;
- The DOC chief of psychiatry;
- The DOC director of behavioral health;
- Two representatives from a nonprofit prisoners' rights advocacy group, one who is appointed by the speaker of the house of representatives and one who is appointed by the president of the senate; and
- Two mental health professionals independent from the department with particular knowledge of prisons and conditions of confinement, one who is appointed by the speaker of the house of representatives and one who is appointed by the president of the senate.

The work group shall advise the DOC on policies and procedures related to the proper treatment and care of offenders with serious mental illness in long-term isolated confinement. The work group shall meet at least twice a year. The chair of the work group shall provide the work group with quarterly updates on the DOC's policies related to offenders with serious mental illness in long-term isolated confinement.

The act appropriates \$1,565,025 and 24.0 FTE to the DOC to implement the act.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**H.B. 14-1044** Division of adult parole - consequences for a parolee who tampers with an electronic monitoring device that the parolee is required to wear. A parolee who violates the conditions of his or her parole by removing or tampering with an electronic monitoring device that the parolee is required to wear as a condition of his or her parole is subject to an immediate warrantless arrest. If a community parole officer has probable cause to believe that a parolee who is under the supervision of the parole officer has removed or tampered with an electronic monitoring device that the parolee is required to wear as a condition of his or her parole, the parole officer shall either:

- Immediately make a warrantless arrest of the parolee; except that, before making such an arrest, the community parole officer shall first determine that the notification of removal or tampering was not merely the result of an equipment malfunction; or
- Not later than 12 hours after acquiring such probable cause, notify a law

enforcement agency with jurisdiction over the parolee's last-known address that the parolee is subject to an immediate warrantless arrest.

A parole officer shall file a complaint seeking revocation of the parole of any parolee who has removed or tampered with an electronic monitoring device; except that, before filing such a complaint, the community parole officer shall first determine that the notification of removal or tampering was not merely the result of an equipment malfunction.

If the state board of parole determines that a parolee has violated the conditions of his or her parole by removing or tampering with an electronic monitoring device, the board may revoke the parolee's parole.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

**H.B. 14-1309** Day surgery center - repurposed - auxiliary medical facility. In 2010, the general assembly authorized the executive director of the department of corrections (department) to enter into a lease-purchase agreement for the purchase of a day surgery center to be located at the Denver reception and diagnostic center. The act authorizes:

- The department to use the day surgery center building as an auxiliary medical facility;
- The executive director to execute any necessary amendments to or modifications of the lease-purchase agreement; and
- The department to use money for clinical services otherwise paid to other medical facilities and other moneys appropriated by the general assembly to make payments on the lease-purchase agreement.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**H.B. 14-1355** Reentry planning and programs for adult parole - sunset review - appropriation. On and after July 1, 2014, the department of corrections (department) shall develop and implement initiatives specifically designed to decrease recidivism, enhance public safety, and increase each offender's chances of achieving success upon his or her release to the community.

Subject to appropriations, on and after July 1, 2014, the department shall:

- Develop and implement initiatives specifically designed to assist offenders in a correctional facility to prepare for release to the community;
- Develop and implement initiatives specifically designed to assist each offender's transition from a correctional facility into the community; and
- Make necessary operational enhancements and develop and implement initiatives specifically designed to ensure that the department has the proper equipment, training, and programs to properly supervise offenders in the community to enhance public safety.

On and after January 1, 2015, the department shall develop and implement a grant program to provide funding to eligible community-based organizations that provide reentry services to offenders in the community. On or before January 1, 2015, the executive director of the department shall develop policies for the administration of the grant program.

The grant program is repealed, effective September 1, 2018. Before such repeal, the department of regulatory agencies shall conduct a sunset review of the grant program.

On and after January 1, 2016, during its annual presentation before the joint judiciary committee of the general assembly, or any successor joint committee, the department shall include a status report regarding the progress and outcomes of reentry planning and program initiatives developed and implemented by the department during the preceding year.

The act appropriates \$7,953,877 and 71.9 FTE to the department for the 2014-15 fiscal year for the implementation of the act.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014



## COURTS

**S.B. 14-27** Background check - law license applicant - child and family investigator - appropriation. The act requires the application process for a law license and a child and family investigator appointment to include a fingerprint-based criminal history background check. The act updates the statute concerning the practice of law.

The act appropriates \$68,636 and 0.3 FTE from the Colorado bureau of investigation identification unit fund to the Colorado crime information center for criminal history checks related to this act.

**APPROVED** by Governor May 2, 2014

**EFFECTIVE** May 2, 2014

**S.B. 14-48** Civil actions - evidence - mortality table. The act requires courts to accept into evidence the most recent United States census bureau expectation of life and expected deaths by race, sex, and age table, as published by the United States census bureau, to establish the continued life expectancy of any person in a civil action in Colorado.

by Governor March 20, 2014

**EFFECTIVE** August 6, 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. 14-138** Civil immunity - volunteers at emergencies. Current law provides limited immunity for volunteer firefighters who provide services at the scene of an emergency. The act extends the immunity to volunteers working for nonprofit organizations and corporations, a governmental entity, or a hospital.

**APPROVED** by Governor March 21, 2014

**EFFECTIVE** March 21, 2014

**S.B. 14-206** Criminal record sealing - arrest sealing if no longer being investigated - reorganization. The act moves the sealing of criminal records statutes into a new part and reorganizes the statutes. The act allows a person to seal an arrest record if he or she is not charged with a crime, and the statute of limitations has not run, but the person is no longer being investigated by law enforcement.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

**H.B. 14-1050** District courts - number of judges - eighteenth district. The act increases the number of judges for the 18th judicial district from 21 to 23.

**APPROVED** by Governor March 14, 2014

**EFFECTIVE** March 14, 2014

**H.B. 14-1061** Failure to pay fine - notice - sentences - due process. Current law provides that part of a criminal sentence must include a sentence to prison if an individual criminal defendant fails to pay a fine. The act changes this requirement so that the sentence must

include notice that:

- If a defendant is unable to pay the monetary amount, the defendant must contact the court's designated official or appear in court to explain the inability; and
- If a defendant willfully fails to pay a monetary amount, the court may hold the person in contempt of court and sentence the person to prison.

The act establishes the following procedures when a defendant fails to pay a monetary amount:

- Prohibits the imprisonment if the defendant is unable to pay the monetary amount without undue hardship to the defendant or his or her family;
- Allows the court to consider imposing a suspended sentence, revoking probation, or instituting contempt of court proceedings; and
- Requires the court prior to imprisoning the defendant to make findings that the defendant has the ability to pay without causing undue hardship and that the failure to pay was willful.

The act specifies that it applies to all courts in Colorado and that nothing in it prevents the collection of the monetary amount as a civil judgment.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

**H.B. 14-1280** Agritourism - assumption of inherent risks - notice. Current law limits the civil liability of persons involved in "agricultural recreation activities". The act adds "agritourism" as a form of agricultural recreational activities covered by the limited liability. It specifies that:

- Medical or retail marijuana activity is not covered;
- Independent contractors are covered; and
- Participants expressly assume risks inherent in the activity.

The act authorizes the operator of a facility to provide notice of the inherent risks by a signed statement or a posted sign.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1 2014

**H.B. 14-1347** Court time periods - multiple of seven days. The act changes time periods in certain court proceedings to 7-day periods or periods that are multiples of 7 days to avoid actions being due on weekends. Similar changes to 7-day periods or periods that are multiples of 7 days were made to the Colorado Revised Statutes in 2012, pursuant to Senate Bill 12-175.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1388** Unlawful termination of a pregnancy - civil damages - preponderance of the evidence - exceptions for medical personnel. The act creates a civil cause of action as a

remedy for a woman who suffers an intentional, knowing, or reckless unlawful termination of her pregnancy. The standard of proof is a preponderance of the evidence. The allowable damages are:

- Her own economic damages;
- Her own noneconomic damages; and
- Exemplary damages.

The act provides exceptions to liability for various medical personnel. The civil case must be filed within 3 years of the cause of action arising. The act states that it shall not be construed to confer the status of person upon a human embryo, fetus, or unborn child at any stage of development prior to a live birth.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2014

## CRIMINAL LAW AND PROCEDURE

**S.B. 14-21** Criminal and juvenile justice systems - persons with mental illness - oversight committee - appropriation. The act extends the repeal date for the legislative oversight committee for the continuing examination of the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems and associated task force from July 1, 2015, to July 1, 2020. The legislative oversight committee and task force are renamed the legislative oversight committee and task force concerning the treatment of persons with mental illness in the criminal and juvenile justice systems (oversight committee and task force), and the cash fund is renamed accordingly. Two new members are added to the task force, one from the office of the child's representative and one from the office of the alternate defense counsel. The task force is assigned additional duties.

The act appropriates \$3,366 to the legislative department and \$3,746 to the department of human services to implement the act.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-49** Endangering public transportation and utility transmission - steal or remove material from public transportation facility - freight and passenger trains - remove material from utility transmission facility - appropriation. Tampering with a public transportation facility with the intent to cause damage, malfunction, or nonfunction is a crime. The act amends the crime of endangering public transportation to include the intent to steal material or remove material from the public transportation facility as additional ways to commit the crime. The act clarifies that endangering public transportation applies to both freight and passenger trains. The act creates the crime of endangering utility transmission if someone tampers with a utility transmission facility with the intent to cause damage, malfunction, nonfunction, theft, or unauthorized removal of material. The crime is a class 3 felony.

The act appropriates the following amounts to the department of corrections:

- For fiscal year 2015-16, \$21,484;
- For fiscal year 2016-17, \$42,968;
- For fiscal year 2017-18, \$64,452; and
- For fiscal year, 2018-19, \$85,935.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-59** Criminal statute of limitations - no statute of limitations for crimes committed at the same time as a sex offense that has no statute of limitations. Under current law, certain sex offenses are not subject to a statute of limitations, but accompanying non-sex offenses are subject to a statute of limitations. The act eliminates the statute of limitations for those accompanying offenses; except it does not apply if the court finds there is no probable cause for the sex offense.

**APPROVED** by Governor March 21, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-92** Insurance fraud - criminal acts - license revocation - appropriation. The act creates the crime of insurance fraud and criminalizes various claimant and insurance broker or agent conduct that would result in defrauding an insurance company or customer. The offenses are class 5 felonies, except the conduct related to a falsified application is a class 1 misdemeanor. If an insurance producer is convicted of the offense, the insurance commission shall revoke the person's license.

The act appropriates money in the 2015-16 and 2016-17 fiscal years to the department of corrections.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-98** Crimes against the person - criminal exploitation of at-risk elders. The act adds language that allows for "other thing of value" to the current definition of exploitation of at-risk elders, which currently includes "money, assets, or property". Language is added to the definition of "abuse" to include "exploitation". Language confining the action to someone "who exercises authority over an at-risk elder" is removed from the definition of "undue influence".

Instead of referencing the crime of theft, the bill establishes a new crime of criminal exploitation of an at-risk elder.

Reporting requirements related to the mistreatment, neglect, or exploitation of at-risk elders are modified so that the reports no longer have to be forwarded to the district attorney's office, but rather to a local law enforcement agency or county department of social services.

**APPROVED** by Governor April 7, 2014

**EFFECTIVE** April 7, 2014

**S.B. 14-129** Marijuana - underage consumption and possession of marijuana crime and penalties - cash fund - advanced roadside impaired driving training - marijuana open container crime - appropriation. The act adds consumption and possession of marijuana and possession of marijuana paraphernalia to the crime of underage possession or consumption of alcohol and makes the crime an unclassified petty offense. The act changes the penalty structure for the crime as follows:

- For a first offense, there is a fine of up to \$100 or a requirement to attend substance abuse education classes, or both;
- For a second offense, there is a fine of up to \$100; a requirement to attend substance abuse education classes; if appropriate, an order for a substance abuse assessment and any treatment recommended by the assessment; and up to 24 hours of public service;
- For a third or subsequent offense, there is a fine of up to \$250, an order for a substance abuse assessment and any treatment recommended by the assessment, and up to 36 hours of public service; and
- For all offenses there is an additional surcharge of \$25 that is transferred to a new cash fund created by the act.

The act changes internal citations and references related to underage consumption and possession of alcohol and marijuana.

Under current law, the P.O.S.T. board is encouraged to offer an advanced roadside impaired driving training course at basic academy training. The act encourages the P.O.S.T. board to offer the course as an elective to basic field sobriety training recertification.

The act changes the open marijuana container crime to require that the prosecution prove that the container has a broken seal, that the contents were partially removed, and that there is evidence that marijuana was consumed in the vehicle. Current law only requires proof of one of those 3 elements.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-135** Firearms - transfers of long guns in contiguous states. The act repeals certain provisions concerning transfers of rifles and shotguns between parties in Colorado and parties in states that are contiguous to Colorado.

**APPROVED** by Governor May 2, 2014

**EFFECTIVE** August 6, 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. 14-163** Drug crimes - clarifying and conforming changes. Last year, the general assembly adopted SB13-250, which created a new sentencing structure for drug crimes. The act makes clarifying and conforming changes to the statutes based on last year's legislation.

**APPROVED** by Governor June 6, 2014

**PORTIONS EFFECTIVE** June 6, 2014  
**PORTIONS EFFECTIVE** July 1, 2014

**S.B. 14-176** Offenses against property - theft - chop shop activity - appropriation. The act defines a chop shop as any building, lot, facility, or other structure or premise where:

- Any person or persons possess, receive, store, disassemble, or alter, including the alteration or concealment of any identifying feature or number, an unlawfully obtained motor vehicle or major component motor vehicle part for the purpose of using, selling, or disposing of the motor vehicle or major component motor vehicle part; or
- Two or more unlawfully obtained motor vehicles are present for the purpose of alteration, sale, or disposal; or
- Six or more unlawfully obtained major component motor vehicle parts from 2 or more motor vehicles are present for the purpose of alteration, sale, or disposal.

A person commits a class 4 felony if he or she knowingly owns or operates a chop shop, knowing that it is a chop shop, or conspires with another person to own, operate, or conduct a chop shop, knowing that it is a chop shop.

A person commits a class 5 felony if he or she knowingly:

- Transports an unlawfully obtained motor vehicle or major component motor

- vehicle part to or from a chop shop, knowing that it is a chop shop; or  
Sells or transfers to, or purchases or receives from, a chop shop, knowing that it is a chop shop, an unlawfully obtained motor vehicle or major component motor vehicle part.

A person also commits a class 5 felony if he or she knowingly:

- Removes, changes, alters, counterfeits, defaces, destroys, disguises, falsifies, forges, or obliterates the vehicle identification number, manufacturer's number, or engine number of a motor vehicle or major component motor vehicle part with an intent to misrepresent the identity or prevent the identification of a motor vehicle or major component motor vehicle part; or
- Possesses, purchases, disposes of, sells, or transfers a motor vehicle or a major component motor vehicle part with knowledge that it contains a removed, changed, altered, counterfeited, defaced, destroyed, disguised, falsified, forged, or obliterated vehicle identification number, manufacturer's number, or engine number unless such motor vehicle or major component motor vehicle part is otherwise in compliance with existing provisions of law concerning the lawful possession of stolen motor vehicles and motor vehicle parts by authorized persons.

The newly created offenses in the act do not apply to a private party or to an agent of a private party that is acting with the authorization of a law enforcement agency to lawfully seize, retain, recycle, transport, or otherwise dispose of a motor vehicle or major component motor vehicle part with a vehicle identification number, manufacturer number, or engine number that is removed, changed, altered, counterfeited, defaced, destroyed, disguised, falsified, forged, or obliterated.

The act appropriates the following moneys to the department of corrections for the implementation of the act:

- For the 2015-16 fiscal year, \$21,484;
- For the 2016-17 fiscal year, \$42,968;
- For the 2017-18 fiscal year, \$64,452; and
- For the 2018-19 fiscal year, \$82,534.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** August 6, 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. 14-190** Criminal discovery - statewide discovery sharing system - discovery project steering committee - request for proposal - contractor selection - discovery surcharge - district attorney immunity use of the discovery system. Last year a discovery task force (task force) was convened to develop recommendations regarding criminal discovery systems and costs. The task force recommended creating a statewide discovery sharing system (system). The act turns the task force into the discovery project steering committee (committee). The committee shall develop a request for proposal and selection process for choosing a vendor to develop the system. The committee shall recommend to the Colorado district attorneys' council (CDAC) regarding the vendor after the application process is complete. CDAC shall

select a vendor to develop the system after the application and selection processes are complete. The committee shall develop benchmarks and contractual requirements for the project. CDAC shall enter into a contract with the selected vendor to complete the system by October 31, 2016.

The general assembly shall appropriate moneys to the judicial department for allocation to CDAC for development, continued enhancement, and maintenance of the system. The act creates a criminal surcharge to fund the development, continued enhancement, and maintenance of the system. A \$10 surcharge applies to each felony conviction, and a \$5 surcharge applies to each misdemeanor conviction, if the defendant is represented by private counsel or appears pro se.

The act gives civil immunity to district attorneys who make a good-faith effort to redact all information legally required to be redacted and provide discovery documents that contain information that should have been redacted.

The act specifies that the statewide discovery sharing system surcharge provisions created in section 4 of the act are applicable to offenses committed on or after September 1, 2014.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** May 29, 2014

**S.B. 14-193** Electronic location information devices - warrant required. A United States supreme court decision held that the use of a GPS device to monitor a vehicle's movement constituted a search requiring the government to obtain a search warrant. With certain specified exceptions, the act prohibits a governmental entity from obtaining location information from an electronic device without first obtaining a search warrant, subpoena, or court order.

If location information or evidence derived from location information is used in a court proceeding, all parties must receive a copy of the search warrant, subpoena, or court order and application prior to the proceeding, but a judge may waive the requirement in certain circumstances.

The act specifies that an electronic communication services provider and its officers, employees, and agents are not liable for providing information or assistance pursuant to the terms of a search warrant, subpoena, or court order.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**S.B. 14-212** Bail bond - clean-up. Last year, the general assembly adopted Senate Bill 13-1236, which recodified the procedures related to bail bond. The act makes clarifying and conforming changes to the statutes based on last year's legislation.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1035** Restitution - deferred judgment apply after dismissal. The act clarifies that restitution ordered as part of a deferred judgment can be collected by the court after the



deferred judgment is dismissed until the restitution judgment is satisfied.

**APPROVED** by Governor March 7, 2014

**EFFECTIVE** March 7, 2014

**H.B. 14-1037** Controlled substances - enforcement of laws against designer drugs - appropriation. A person who distributes, dispenses, manufactures, displays for sale, offers for sale, attempts to sell, or sells any product that contains any amount of any synthetic cannabinoid commits a deceptive trade practice and shall be subject to a civil penalty of not less than \$10,000 and not more than \$500,000 for each violation. A person shall forfeit and pay to the general fund of the state a civil penalty of not less than \$25,000 and not more than \$500,000 for each violation if the person distributes, dispenses, or sells the product to a minor under the age of 18 and the person is at least 18 years of age and at least 2 years older than the minor.

A person is deemed to have committed a violation for each individually packaged product that he or she distributed, dispensed, manufactured, displayed for sale, offered for sale, attempted to sell, or sold.

On and after September 1, 2014, the Colorado bureau of investigation (bureau) shall purchase and maintain materials and equipment to be made available by the bureau to law enforcement agencies and to the liquor enforcement division within the department of revenue for the presumptive identification of synthetic cannabinoids or any other designer drugs.

The act amends existing provisions relating to the distribution of cathinones to conform to the act's new provisions relating to synthetic cannabinoids.

The act appropriates \$21,484 to the department of corrections for each fiscal year beginning with the 2015-16 fiscal year and continuing through the 2018-19 fiscal year for the act's implementation.

For the 2014-15 fiscal year, the act appropriates \$339,602 and 0.6 FTE to the department of public safety and decreases moneys in the controlled maintenance trust fund by \$339,602.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1059** Offenses - disorderly conduct - ritual discharge of blank ammunition at a military funeral. The ritual discharge of blank ammunition cartridges at a funeral for a deceased person who was a veteran of the United States armed forces does not constitute disorderly conduct.

**APPROVED** by Governor March 7, 2014

**EFFECTIVE** March 7, 2014

**H.B. 14-1095** Cybercrime - CBI conduct investigations - CBI develop and collection information - CBI training - CBI annual report. The act requires the Colorado bureau of investigation to:

- Conduct criminal investigations relating to computer crime;
- Develop and collect information with regard to computer crime in an effort to identify, charge, and prosecute criminal offenders and enterprises that unlawfully access and exploit computer systems and networks and report such information to the appropriate law enforcement organizations;
- Provide awareness training and information concerning cyber-security and security risks to the information technology critical infrastructure industry; and
- Prepare annual reports concerning any activities of computer crime in Colorado for use by local or federal law enforcement officials or the governor.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

**H.B. 14-1148** Victim's rights - involuntary servitude and child prostitution crimes - critical stages - right to incident report - committed youth victim right to be heard - notification of sealing - victim notification for pre-1993 crimes. The definition of crime determines when the victims' rights act applies. The act adds coercion of involuntary servitude and all child prostitution offenses to the definition of crime.

The act clarifies when a modification of sentence, including probation, is a critical stage.

Currently, a crime victim has the right to be informed about receiving a copy of the initial incident report. The act creates a specific right to receive the copy of the initial incident report, but the release of a document associated with the investigation is at the discretion of the law enforcement agency based on the status of the case or security and safety concerns in a correctional facility, local jail, or private contract prison. Under current law, a crime victim who is in the department of corrections has a right to be heard. The act adds that right to crime victims who are in the division of youth corrections.

The act creates a right to be notified of a hearing on a petition for record sealing in a case involving a crime under the victim's rights act and directs the district attorney to make the notification using the last known contact information for the victim.

Current law allows a victim of a crime committed prior to 1993 that was previously unsolved to request victim notification. The act makes victim notification automatic.

**APPROVED** by Governor April 4, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1166** Permits to carry concealed handguns - renewal by local sheriff. Under current law, a person who possesses a concealed handgun permit or a temporary emergency concealed handgun permit who seeks to renew the permit must seek such renewal from the

sheriff who issued the permit.

The act permits a permit holder to renew the permit with the sheriff of the county or city and county in which the applicant resides or with the sheriff of the county or city and county in which the applicant maintains a secondary residence or owns or leases real property used by the applicant in a business. A temporary emergency concealed handgun permit holder may renew the temporary emergency permit with the sheriff of the county or city and county in which the person resides or in which the circumstances giving rise to the emergency exist.

**APPROVED** by Governor March 14, 2014

**EFFECTIVE** March 14, 2014

**H.B. 14-1214** Sentencing - enhanced penalties for crimes against first responders - addition of emergency medical service providers - study - appropriation. The act increases the penalties for assault in the first degree, assault in the second degree, and murder in the first degree against an emergency medical service provider if the victim was engaged in the performance of his or her official duties and the offender knew or reasonably should have known that the victim was an emergency medical service provider.

A court is required to sentence a person to the department of corrections if the person is convicted of assault in the first degree or assault in the second degree against an emergency medical service provider.

The intentional killing of an emergency medical service provider engaged in the performance of his or her official duties is added to the list of aggravating factors for class 1 felonies.

The Colorado commission on criminal and juvenile justice is required to review Colorado's sentencing laws regarding enhanced sentencing based on the victim's occupation to determine whether:

- The sentencing laws provide equity and parity of sentencing; and
- There is evidence-based support for the enhanced sentencing.

The act appropriates \$20,052 for the fiscal year beginning July 1, 2017, and \$59,295 for the fiscal year beginning July 1, 2018, to the department of corrections to implement the act.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1260** Sex crime sentencing - mandatory minimum sentences - child victim. The act requires a court to impose a sentence within an indeterminate minimum presumptive range to a maximum of the offender's life upon an adult offender if he or she commits a class 2, class 3, or class 4 felony sexual assault that includes intrusion or penetration against a child who is under 12 years of age at the time of the offense and the offender is at least 10

years older than the child. For a class 2 felony the presumptive range is 24 to 48 years, for a class 3 felony it is 18 to 32 years, and for a class 4 felony it is 10 to 16 years.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1266** Loss threshold values - criminal mischief - fraud by check - defrauding a secured creditor - unauthorized use of a financial transaction device - computer crimes - appropriation. Recently the penalties for theft changed based on the value of the loss. The act changes the penalties for criminal mischief, fraud by check, defrauding a secured creditor, and unauthorized use of a financial transaction device and computer crime. The changes create new threshold loss levels for a full range of penalties from a class 2 felony down to a petty offense or a low level misdemeanor.

The act decreases the amount appropriated in the 2014 long appropriation act to the public defender's office by \$67,270 and 1.2 for personal services and \$2,138 for travel.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1273** Offenses against persons - human trafficking - appropriation. The act repeals and reenacts existing provisions concerning human trafficking.

A person who knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, or obtains by any means another person for the purpose of coercing the other person to perform labor or services commits human trafficking for involuntary servitude. Human trafficking of an adult for involuntary servitude is a class 3 felony. Human trafficking of a minor for involuntary servitude is a class 2 felony.

A person who knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, or obtains by any means a person for the purpose of coercing the person to engage in commercial sexual activity commits human trafficking for sexual servitude. Human trafficking of an adult for sexual servitude is a class 3 felony. Human trafficking of a minor for sexual servitude is a class 2 felony.

In any prosecution for human trafficking of a minor for sexual servitude, it is not a defense that:

- The minor consented to being sold, recruited, harbored, transported, transferred, isolated, enticed, provided, received, obtained, or maintained by the defendant for the purpose of engaging in commercial sexual activity;
- The minor consented to participating in commercial sexual activity; or
- The defendant did not know the minor's age or reasonably believed the minor to be 18 years of age or older or that the minor or another person represented the minor to be 18 years of age or older.

The act creates the Colorado human trafficking council (council) within the department of public safety (department). The act establishes the membership of the council

and sets forth the duties of the council. The council is repealed, effective September 1, 2019. Before such repeal the department of regulatory agencies shall review the council.

In any criminal prosecution for a human trafficking offense or for any offense relating to child prostitution, evidence of specific instances of the victim's or a witness's prior or subsequent sexual conduct, or opinion evidence of the victim's or a witness's sexual conduct, or reputation evidence of the victim's or a witness's sexual conduct, or evidence that the victim or a witness has a history of false reporting of sexual assaults is to be offered at trial and may only be admitted under specific circumstances.

For a conviction for human trafficking for involuntary servitude or for human trafficking for sexual servitude, the court shall order restitution, if appropriate, even if the victim is unavailable to accept payment of restitution. If the victim is deceased or unavailable for 5 years after the date of the restitution order, the defendant shall pay the ordered restitution to the prostitution enforcement cash fund.

Human trafficking of an adult for involuntary servitude and human trafficking of an adult for sexual servitude are extraordinary risk crimes for criminal sentencing purposes.

For the 2014-15 fiscal year, the act appropriates \$263,796 and 1.8 FTE to the department of public safety for the implementation of the act and decreases appropriations to the controlled maintenance trust fund by \$263,796.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1291** Concealed carry authority - charter school security officers. Under current law, a school district may employ a school security officer who may carry a concealed handgun in the school and on its grounds if the person has a valid concealed carry permit. The act would grant this authority to a charter school.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

**H.B. 14-1378** Posting private images on social media - harassment - pecuniary gain - class 1 misdemeanor - civil right of action - record sealing. The act makes it a crime for an actor 18 years of age or older, with the intent to harass and cause serious emotional distress, to post or distribute through social media, any photograph, video, or other image containing the intimate parts of an identified or identifiable person 18 years of age or older, without the depicted person's consent or when the actor should have known the person had a reasonable expectation of privacy, and the conduct results in serious emotional distress. The act makes it a crime for an actor 18 years of age or older, with the intent to obtain pecuniary gain from any person as a result of posting, viewing, or removal of a private image, to post or distribute through social media, any photograph, video, or other image containing the intimate parts of an identified or identifiable person 18 years of age or older, without the depicted person's consent or when the actor should have known the person had a reasonable expectation of privacy. The crimes are class 1 misdemeanors. In addition to any other sentence, the court shall impose a fine of up to \$10,000. It is an exception to the crimes if the image is related to a newsworthy event. Internet service providers have immunity to the crimes.

The act creates a private civil right of action for a violation of the crime with damages

of \$10,000 or actual damages, whichever is greater, and attorney's fees and costs. A person whose private images have been posted in accordance with the act shall retain a protectable right of authorship regarding the commercial use of the private image.

A person convicted of the crime may apply to have the conviction record sealed if he or she has not been convicted of another crime in 5 years after the completion of his or her sentence.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** July 1, 2014

**NOTE:** Certain sections of the act are contingent on Senate Bill 14-206 becoming law. Senate Bill 4-206 was signed by the governor May 31, 2014.

## DISTRICT ATTORNEYS

**S.B. 14-174** Prosecution fellowship program - creation - department of higher education - committee to select fellows - report. The act creates the prosecution fellowship program (program) in the department of higher education. The program will provide money to the Colorado district attorneys' council to fund 6 fellows from the University of Colorado school of law and University of Denver Strum college of law at rural district attorneys' offices in the state. Each school must contribute an equal amount toward 20% of the fellows' salary costs to participate in the program. The fellows will receive a 5-day training practicum prior to beginning work. The initial fellowships will be awarded in fiscal year 2015-16.

The act creates the prosecution fellowship committee, which will select the fellowships and district attorneys' office locations and match the fellows with a district attorney's office.

By January 1, 2019, the Colorado district attorneys' council shall report to the judiciary committees regarding the program, including placement information, workload reduction information, and innovations created through the program.

**APPROVED** by Governor May 19, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1144** Prosecution training - department of law - appropriation. The act requires the general assembly to annually appropriate \$350,000 to the department of law for allocation to the statewide organization representing district attorneys for prosecution training. The act appropriates \$350,000 to the department of law to implement the act.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

## EDUCATION - PUBLIC SCHOOLS

**S.B. 14-58** High school equivalency examinations. The act changes the term "general equivalency diploma" or "GED" to "high school equivalency examination" throughout statute.

**APPROVED** by Governor April 7, 2014

**EFFECTIVE** April 7, 2014

**S.B. 14-112** Public school capital construction assistance fund - subject to annual appropriation. The general assembly has annually appropriated to the department of education moneys from the public school capital construction assistance fund (assistance fund) for the costs of administering the "Building Excellent Schools Today Act" (BEST) and the amount of BEST lease payments required under BEST lease-purchase agreements, but the remainder of the assistance fund has been continuously appropriated to the public school capital construction assistance board for the purpose of providing BEST financial assistance awards and associated transaction costs. The act makes all expenditures from the assistance fund subject to annual appropriation.

**APPROVED** by Governor March 20, 2014

**EFFECTIVE** March 20, 2014

**S.B. 14-124** School turnaround leaders development program - appropriation. The act repeals the school leadership academy program and creates in its place the school turnaround leaders development program (program). The department of education (department) administers the program based on rules adopted by the state board of education (state board).

The department must issue a request for proposals to identify entities that seek to participate in the program as providers of high-quality, experienced turnaround leadership development programs of demonstrated success for Colorado educators. The state board will identify the participating providers, based on recommendations from the department. The department will review and revise the list of identified providers as necessary to ensure that the turnaround leadership development programs available through the program are of the highest quality. During the first 3 years of the program, a provider may apply for and receive a one-time design grant to assist in designing and developing the turnaround leadership development programs. During the first 3 years of the program, the department may use no more than 1/3 of the amount appropriated for the program to fund design grants. Each selected provider must use department-developed rubrics to track the effectiveness of persons who complete the provider's program and must report that effectiveness to the department.

A school district, the state charter school institute (institute), or a charter school that seeks to participate in the program may apply to receive a school turnaround leader grant (grant) to use in:

- Identifying and recruiting practicing and aspiring school turnaround leaders, which includes principals, teacher leaders, and district- or institute-level administrators who oversee turnaround efforts for low-performing schools;
- Subsidizing the costs incurred for school turnaround leaders to participate in turnaround leadership development programs offered by identified providers; and



- Reimbursing school turnaround leaders for the costs they incur in completing turnaround leadership development programs offered by identified providers.

The state board awards the grants based on the department's recommendations. Each grant continues for up to 3 years, unless the department, in reviewing the grant recipient's use of the moneys, finds that the recipient is not making adequate progress toward achieving the goals specified in the grant application. Each grant recipient will annually report to the department concerning its use of the grant, and the department will submit to the state board, the governor, and the education committees of the general assembly an annual report on the effectiveness of the grants.

The design grants and school turnaround leader grants are payable from the school turnaround leaders development fund created in the act.

For the 2014-15 fiscal year, the act appropriates \$2,000,000 from the state education fund and 1.2 FTE to the department to implement the act.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** June 5, 2014

**S.B. 14-149** Private occupational schools - standards for approval to operate. Under current law, the private occupational school board (board) establishes criteria that a private occupational school must meet prior to the board issuing a certificate of approval to operate in Colorado. The minimum standards that the board must require are established in statute. The act removes a statutory provision that exempts the board from having to observe and require compliance with certain statutory standards if the private occupational school is accredited by an accrediting association officially recognized by the United States department of education or by the board, so long as the accrediting body's standards meet or exceed the minimum standards set forth in statute. The change brings the statute into compliance with federal law.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**S.B. 14-150** School counselors - grant program - appropriation. The act makes several changes to the existing school counselor corps grant program (program), including:

- Extending the eligibility to all middle and high schools;
- Extending the length of the grant cycle from 3 to 4 years;
- Increasing the total annual grant amount from \$5 million to \$10 million;
- Requiring grantees to use state guidelines and standards to implement a time and effort assessment, postsecondary workforce-ready programming, and social and emotional counseling work;
- Requiring grantees to use state models for accountability;
- Requiring the department of education (department) and state board of education to take into consideration recommendations from the school counselor advisory board regarding grant awards and to give priority when awarding grants to schools:
  - With higher-than-average remediation rates, numbers of first-generation students applying to postsecondary schools, numbers of at-risk students at the school, and dropout rates;

- In underserved geographic locations; and
- With higher-than-average counselor-to-school ratios; and
- Requiring the department to establish guidelines for the school counselor corps advisory board's duties, membership, and responsibilities.

The act appropriates \$5 million to the department to implement the act.

**APPROVED** by Governor May 16, 2014

**EFFECTIVE** May 16, 2014

**S.B. 14-165** Performance evaluations - educator effectiveness - student academic growth. Current law and rule require school district boards of education (local boards) to base at least 50% of the final level of effectiveness assessed to licensed personnel (educator) on student academic growth. The act allows a local board to determine, for the 2014-15 academic year only, what percentage, if any, of the final level of effectiveness assessed to an educator in his or her final performance evaluation must be based on student academic growth. In no instance may a local board weigh student academic growth, as used in determining a final level of effectiveness, at greater than 50%. All other components of the licensed personnel evaluation system based on quality standards, including student academic growth, must be implemented in the 2014-15 academic year.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

**S.B. 14-168** Colorado school for the deaf and the blind - teacher salaries. Under the law in effect at the passage of this act, the Colorado school for the deaf and the blind (school) pays its teachers based on the salary schedule, salary policy, or combined salary schedule and salary policy adopted by the school district in which the main campus of the school is physically located. The act states that, beginning in the 2015-16 budget year, the school will pay its teachers based on the school district's salary schedule as implemented by salary policies adopted by the board of trustees for the school.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** August 6, 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. 14-182** Board of education - meeting in executive session - posting of minutes and time of discussion of topics - retention of record. The minutes of a meeting of a local public body during which an executive session is held are required to reflect the topic of the discussion at the executive session. In the case of a meeting of a local board of education (board) during which an executive session is held, the act additionally requires the minutes to reflect the amount of time each topic was discussed while the board was meeting in executive session. The act requires the minutes along with the amount of time each topic was discussed to be posted on the web site of the board not later than 10 business days following the meeting at which the minutes are approved by the board. If the board of education does not maintain a web site, the minutes must be published in the same manner as the board regularly provides public notice. The act requires the board to comply with all other requirements pertaining to the holding of a meeting in executive session.

The act further requires the record of an executive session of a board that is electronically recorded, including the actual electronic recording, to be retained for at least 90 days after the date of the executive session.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**S.B. 14-202** Loans to school districts - renewable energy and energy efficiency projects - scope - eligibility - interest rates. The act increases the availability of funds for school districts to invest in renewable energy and energy efficiency improvements by:

- Specifically including solar thermal and water-saving technologies, in addition to solar photovoltaic and motor vehicle efficiency measures, among the types of projects for which loans are available under the "Renewable Energy and Energy Efficiency for Schools Loan Program Act";
- Explicitly allowing a school district to obtain renewable energy through third-party ownership of energy generation facilities or participation in a community solar garden;
- Broadening the certification requirement for projects funded through the program to include not only federal "energy star" certification but also compliance with the state standards for energy-efficient school buildings and structures; and
- Lowering the interest rate charged to schools so that it equals, rather than exceeds, the average book yield earned by the state fund in the previous quarter.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

**H.B. 14-1022** Colorado child care assistance program - authorization notice - eligibility period. The act clarifies that, if a child is enrolled in the Colorado child care assistance program, the duration of the child care authorization notice, which authorizes payment of child care costs, is the same as the period for which the child's family is eligible for child care assistance. However, the state board of human services, by rule, may identify specific circumstances in which the authorization notice term may be less than the full period of eligibility. A county department of social services may reduce the number of families served by the child care assistance program if necessary to avoid overspending its child care block grant allocation for a fiscal year as a result of implementing the act.

**APPROVED** by Governor March 14, 2014

**EFFECTIVE** March 14, 2014

**H.B. 14-1078** School district accreditation - exclusion of on-line programs. The act clarifies that, for purposes of the accreditation statutes, a public school includes an on-line school but not an on-line program.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1085** Adult education and literacy grant program - appropriation. The act creates the "Adult Education and Literacy Act of 2014". Under this new act, the office within the

department of education (department) that is responsible for adult education (office) will administer the adult education and literacy grant program to provide state moneys to adult education and literacy programs that provide basic literacy and numeracy skills programs and that are members of workforce development partnerships that provide additional education to enable students to achieve a postsecondary credential and employment.

A local education provider, which includes public education providers, postsecondary institutions, and local, nonprofit workforce development providers, may apply for a grant by submitting an application to the office. At a minimum, the application must demonstrate that the local education provider is a member of a workforce development partnership that provides training that leads to employment opportunities for students after they attain basic skills. The application must also specify the measurable goals that the local education provider expects to achieve with the grant moneys. The state board of education (state board) will adopt rules that establish the requirements for the grant program.

The office will review each application and recommend grant recipients to the state board. Based on the recommendations, the state board will award grants. The office must annually evaluate the effectiveness of the programs that receive grants and submit a report concerning the grant program to the governor, the state board, and the general assembly. The report must include an analysis of student outcomes and of the continuing unmet need for adult education in the state.

The office must periodically convene meetings of representatives from the state agencies and institutions and community-based programs that are involved with adult education and workforce development. The meetings are intended to increase communication and collaboration among these entities.

The act creates the adult education and literacy grant fund, to consist of any gifts, grants, or donations the department may receive for adult education and literacy and any state moneys the general assembly may appropriate to the fund. The department is not required to implement any portion of the act if the general assembly does not appropriate sufficient state moneys to offset the implementation costs.

The act repeals the family literacy education grant program, effective July 1, 2014.

For the 2014-15 fiscal year, the act appropriates \$960,000 from the general fund to the department and 1.0 FTE for implementing the act.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** June 5, 2014

**H.B. 14-1102** Gifted education programs - program plan contents - screenings - qualified personnel - portability - rules - appropriation. The act clarifies that an administrative unit must identify gifted children and provide a gifted education program to the extent possible within the administrative unit's available moneys and resources. Each administrative unit must make a good faith effort to employ on at least a half-time basis at least one qualified person, as defined in the act, to administer its gifted education program.

Each administrative unit's program plan must include specified items, including provisions for reporting and data collection and maintenance concerning implementation of the gifted education program and concurrent enrollment if indicated by a gifted child's

advanced learning plan. Each administrative unit is also strongly encouraged to include in its plan a universal screening of students no later than second grade and a secondary screening when students create their individual career and academic plans.

An administrative unit must use an assessment and a team of persons to identify a gifted child. Once the child is identified, the administrative unit must create an advanced learning plan for the child that identifies the child's strengths and needs and the types of gifted education services and programs the child must receive.

An administrative unit cannot refuse to accept gifted education moneys but must create a gifted education program plan to use the moneys for which it is eligible. An administrative unit may use the gifted education program moneys that it receives only for specified purposes. The general assembly must appropriate moneys to fund the universal screening for gifted children in early primary grades and the additional screening for identified gifted children in conjunction with creating students' individual career and academic plans and to fund employment of the qualified person. An administrative unit that performs the screenings and hires a qualified person on at least a half-time basis may apply for moneys to offset the costs of the screenings and of employing the qualified person.

The act specifies additional subjects regarding gifted education for which the state board of education (state board) must adopt rules, including rules to ensure portability among administrative units within the state of the identification of giftedness. In addition, the act codifies the state-level advisory committee for gifted education that the state board has created. Administrative units are encouraged to create local advisory committees.

The act clarifies that each administrative unit must provide its gifted education program for at least the number of days calendared for the school year by each school district in which the administrative unit provides the gifted education program.

For the 2014-15 fiscal year, the act appropriates \$1,903,178 from the state education fund to the department of education for allocation to the categorical program for special education programs for gifted and talented children to implement the act.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1118** Advanced placement incentives pilot program - appropriation. The act creates the advanced placement incentives pilot program (pilot program) in the department of education. If a school district is determined by the department of education to be rural, a school within that school district is eligible to participate in the pilot program. The pilot program is annually limited to the first 475 students from participating schools. The participating schools, as well as the teachers for advanced placement classes or mentors for advanced placement on-line classes, are eligible to receive bonuses through the pilot program for the number of students who successfully complete an advanced placement class and who subsequently take the advanced placement exam. The pilot program is repealed after 4 years.

The act appropriates \$261,561 and 0.3 FTE from the state education fund to pay for

the pilot program.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** June 5, 2014

**H.B. 14-1156** School lunch program - appropriation. Current law creates an annual appropriation to provide lunches at no charge to children in state-subsidized early childhood education programs administered by public schools or in kindergarten through second grade. The act extends the age of eligibility to the fifth grade.

The act increases the appropriation to the department of education for the school lunch program by \$791,471.

**APPROVED** by Governor June 3, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1175** Educator recruitment and retention - minority teachers - study - appropriation. The act directs the department of education (department) to study and develop strategies to increase and improve the recruitment, preparation, development, and retention of high-quality minority teachers in elementary and secondary schools in Colorado. The department is further directed to prepare and submit a report on its findings, including current statewide and district demographics and recommendations, to the office of the governor, the state board of education, and the education committees of the house of representatives and the senate, or any successor committees.

The act appropriates \$50,000 to the department to implement the act.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1182** Accreditation - performance review - 2015-16 school year. As the law existed before passage of this act, the department of education (department) must annually review the performance of each school district, the state charter school institute (institute), and each public school and assign an accreditation rating to the school district or the institute and recommend a type of performance plan for each public school based on statutory criteria and rules adopted by the state board of education (state board). For the 2015-16 school year, the act authorizes the department to assign the accreditation ratings and recommend types of performance plans based on the school district's, institute's, or public school's:

- Accreditation rating or type of performance plan for the preceding school year;
- Compliance with the accreditation contract, for a school district or the institute;
- Participation in statewide testing; and
- Performance in meeting the Colorado academic standards and postsecondary

and workforce readiness and statewide and local performance targets.

As the law existed before passage of this act, if a public school is required to implement a priority improvement plan or turnaround plan for 5 consecutive school years, the state board must recommend that the public school's school district or the institute take one of several actions specified in statute with regard to the public school. For the 2015-16 school year and based on ratings given during the 2015-16 school year, the act authorizes the state board to recommend an action that is not specified in statute but has comparable significance and effect.

**APPROVED** by Governor April 4, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1190** Public school capital construction - applications for state financial assistance - factors used to determine financial capacity of applicant. When the public school capital construction assistance board (assistance board) preliminarily determines and the state board of education (state board) finally determines how much matching money to require a school district or a board of cooperative services that is applying for financial assistance under the "Building Excellent Schools Today Act" to provide in order to receive financial assistance, they must consider the applicant's financial capacity as determined by several statutory factors. In order to allow the assistance board and the state board to more accurately determine the financial capacity of a school district or a board of cooperative services, the act adds the following statutory factors:

- The school district's current available bond capacity remaining or the average available bond capacity remaining of all members of the board of cooperative services participating in the capital construction project for which financial assistance is sought; and
- The school district's unreserved fund balance as a percentage of its annual budget or the average unreserved fund balance as a percentage of the annual budget of all members of the board of cooperative services participating in the capital construction project for which financial assistance is sought.

**APPROVED** by Governor March 14, 2014

**EFFECTIVE** March 14, 2014

**H.B. 14-1202** Standards and assessments task force - study of testing requirements - appropriation. The act creates the standards and assessments task force (task force) to study the implementation of statewide assessments and local assessments, the feasibility of waiving certain statewide assessment requirements, and accountability for school districts that may receive waivers of certain assessment requirements. The speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the commissioner of education must appoint the members of the task force by July 1, 2014. The department of education (department) must provide information and support to the task force upon request.

In its study, the task force must seek input and use information received from a representative sample of school districts and public schools throughout the state. The task

force must prepare a final report of its findings and may prepare both a majority report and one or more minority reports. The task force will present the reports to a joint hearing of the education committees of the house of representatives and the senate no later than January 31, 2015.

For the 2014-15 fiscal year, the act appropriates \$142,750 from the general fund to the department for implementation of the act, and reappropriates \$20,000 of that amount to the department of law for legal services related to the act.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**H.B. 14-1204** Small rural school districts - performance plans - use of literacy fund moneys. The act allows a school district that the department of education (department) identifies as rural, that enrolls fewer than 1,200 students (small rural school district), and that is accredited or accredited with distinction to submit a performance plan to the department every 2 years instead of annually. Also, a public school of a small rural school district that is operating under a performance plan may submit the performance plan to the department every 2 years instead of annually.

The act allows a small rural school district to use moneys received from the early literacy fund to purchase from a board of cooperative services (BOCES) the assistance of a literacy specialist to provide educator professional development in literacy and support in implementing the "Colorado READ Act". A BOCES may apply for a grant from the early literacy fund to provide instructional support in literacy for small rural school districts that are members of the BOCES.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

**H.B. 14-1208** Children with disabilities - multi-district administrative units. Under existing law, an administrative unit, for purposes of the "Exceptional Children's Educational Act" (ECEA), is defined as a school district, a board of cooperative services, or the state charter school institute that provides special education services and locally administers the ECEA. The act defines a "multi-district administrative unit" as a group of school districts that did not form a board of cooperative services but were parties to an agreement existing on January 1, 2011, to jointly provide special education services and were recognized by the department of education as an administrative unit as of January 1, 2011. The definition of "administrative unit" is amended to include a multi-district administrative unit.

The department of education shall not recognize or authorize as an administrative unit a group of school districts unless the group qualifies as a multi-district administrative unit or is a board of cooperative services.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**H.B. 14-1250** School finance - contingency reserve - flood losses - decreases in total program funding - appropriation. For the 2013-14 budget year, the act directs the state board of education to pay moneys from the contingency reserve to school districts that are in financial need as a result of:



- A reduction in pupil enrollment due to pupil displacement caused by the floods;
- Flood-related transportation costs;
- Significant mid-year decreases in total program funding as a result of unexpected decreases in assessed valuation of property combined with a decrease of more than \$500 in per pupil revenues; or
- Significant mid-year decreases in per pupil revenues as a result of unexpected increases in funded pupil count.

The act appropriates \$1,733, 884 to the contingency reserve fund for the 2013-14 fiscal year.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1251** School finance - adjustment to total program funding - appropriations. The act increases the minimum level of total program funding for the 2013-14 budget year from the minimum amount appropriated during the 2013 legislative session to adjust total program funding due to lower-than-anticipated property tax and specific ownership tax revenues and an unanticipated increase in the funded pupil count for the 2013-14 budget year.

The appropriation to the department of education for the state share of districts' total program funding for the 2013-14 fiscal year is increased by \$55,437,495, of which \$51,637,093 is from the general fund and \$3,800,402 is from the state education fund. In addition, the act decreases the portion of the appropriation available for students in the ASCENT program to \$2,371,507 due to fewer program participants.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1276** Cardiopulmonary resuscitation (CPR) training in grades 9 through 12 - grant program - CPR requirement athletic coaches - appropriation. The act allows school districts, charter schools, institute charter schools, and boards of cooperative services to apply for grant moneys to provide training to students in grades 9 through 12 on cardiopulmonary resuscitation. The department of education will administer the program pursuant to rules adopted by the state board of education concerning the requirements for the award of a grant and the use of grant moneys.

The act creates a fund for the grant moneys and appropriates \$250,000 in general fund moneys to fund the grants and 0.3 FTE to the department of education. The act decreases the general fund appropriation to the controlled maintenance trust fund by \$250,000.

In addition, the act requires athletic coaches, as defined by rules of the state board of education, at public schools with any of grades 9 through 12 to be currently certified in CPR.

**APPROVED** by Governor May 16, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1287** School district capital construction assistance - public school facility emergency - declared disaster emergency - moneys from retail marijuana excise tax - prioritization for facility repair. Beginning on January 1, 2014, the state treasurer is required to credit to the public school capital construction assistance fund (fund) the first \$40 million collected annually from the excise tax on retail marijuana.

If the governor declares a disaster emergency in any area of the state, the division of public school capital construction assistance (division) created in the department of education is required to contact each affected school facility in any area of the state in which the governor declared the disaster emergency to assess any facility needs resulting from the declared disaster emergency. The division must report its findings to the capital construction assistance board (board) as soon as possible following the outreach.

An entity that operates a public school facility that is located in an area of the state in which the governor declared a disaster emergency and that experienced a public school facility emergency as a result of the disaster emergency may apply to the board for emergency financial assistance from the fund. In determining whether to recommend to the state board of education that emergency financial assistance be provided, the board must consider the outreach assessment prepared by the division. The board may waive or reduce the matching moneys requirement for any recipient of emergency financial assistance in an area of a declared disaster emergency.

The board may prioritize up to 10% of the moneys that have been transferred to the fund from the excise tax on retail marijuana for the then-current fiscal year to provide emergency financial assistance to public school facilities that have been damaged as a result of a declared disaster emergency.

**APPROVED** by Governor May 17, 2014

**EFFECTIVE** May 17, 2014

**H.B. 14-1292** Public school funding - reduction in negative factor - charter school waivers - reporting of local education provider expenditures - charter school capital construction - early literacy fund - appropriations. Under the law existing before the act, for the 2014-15 budget year, the sum of total program funding for all school districts and institute charter schools, after application of the negative factor, is an amount equal to the final sum of total program funding for the 2013-14 budget year increased by the amount required to adjust the state average per pupil revenues for the 2014-15 budget year by inflation. The act increases total program funding for the 2014-15 budget year by an additional \$110 million.

The act clarifies the ability of the state board of education (state board) to identify state rules and statutes that are automatically waived for charter schools. A charter school may invoke an automatic waiver without demonstrating how it will meet the intent of the waived rule or statute. To apply for a waiver that is not on the list of automatic waivers, a school district or the state charter school institute, on the charter school's behalf, must submit to the department of education (department) only the completed charter contract.

Under the law existing before the act, the state board must implement a statewide financial, student management, and human resource electronic data communications and reporting system (reporting system). Under the act, the financial policies and procedures advisory committee (FPPA) will recommend to the state board whether revenues should also

be reported through the reporting system.

The department will contract for creation of a web site view that translates the expenditures for schools, school districts, boards of cooperative services, and the state charter school institute (local education providers), as reported on each local education provider's web site, into a format that is readable and comparable by a layperson. The department and the contractor must work with the FPPA and a representative of the office of state planning and budgeting in designing the web site. The web site must be available to the public by July 1, 2017. The state treasurer must transfer \$3 million to the financial reporting fund created in the act for implementation of the web site, which amount is continuously appropriated to the department for 4 fiscal years.

The act changes the financial information that each local education provider is required to post on its web site as follows:

- The requirements to post quarterly financial statements, check registers, credit, debit, and purchase card statements, and investment performance reports are repealed, effective July 1, 2017; and
- Beginning July 1, 2015, each local education provider must post its actual expenditures at the local education provider level and the school-site level, including actual salary expenditures and actual benefit expenditures for each job category. The local education provider must update this information annually.

The FPPA will create a template that each local education provider must use to post the financial information on the local education provider's web site.

Under the act, each school district that authorizes a charter school must, at the end of each budget year, provide to the charter school an accounting of the special education costs for the budget year. Beginning in the 2014-15 budget year, the department must annually publish a report concerning the amounts of mill levy override revenues collected by school districts and the distribution of the revenues to the schools of the district, including charter schools.

Beginning in the 2014-15 fiscal year, the state treasurer must annually transfer the first \$40 million collected as excise taxes on recreational marijuana (transferred moneys) to the public school capital construction assistance fund (assistance fund). Under the act, the state treasurer must credit 12.5% of the transferred moneys to the charter school facilities assistance account that the act creates within the assistance fund. The department will distribute the moneys credited to the charter school facilities assistance account to qualified charter schools based on the certified pupil enrollment in qualified charter schools.

Under the law existing before the act, certain district charter schools and institute charter schools qualify for funding for capital construction. The total amount available to these charter schools is \$7 million. The act increases the total amount available to \$13.5 million in the 2014-15 budget year and to \$20 million in the 2015-16 budget year and each budget year thereafter.

Under the law existing before the act, the state charter school debt reserve fund (state debt reserve fund) is available to support charter schools in making payments on bonds for school capital construction. Each qualified charter school that has outstanding capital

construction bonds must maintain a qualified charter school debt service reserve fund for repayment of the bonds. If a charter school is unable to make bond payments because its debt service reserve fund is fully expended, the state treasurer may make the payments from the state debt reserve fund and withhold moneys from the charter school to restore the balance of the state debt reserve fund to \$1 million. The act transfers \$6.5 million from the state education fund to increase the balance of the state debt reserve fund to \$7.5 million.

If the balance of a charter school's debt reserve fund falls below the required level, the general assembly may appropriate moneys to restore one or more charter school's debt reserve fund moneys to the required balance, but the outstanding principal amount of the bonds for which the general assembly may appropriate these moneys cannot exceed \$400 million. The act increases the cap on the outstanding principal amount of bonds to \$500 million.

The act directs the state treasurer to transfer an additional \$20 million from the state education fund to the early literacy fund on July 1, 2014, and on July 1 each year thereafter, for a total annual transfer of \$36 million.

For the 2014-15 budget year, the act makes several adjustments in the appropriations made in the general appropriations act, including increasing the appropriation for the state share of districts' total program funding by \$152,358,980 from the state education fund and increasing the appropriation for state aid to charter school facilities by \$6,500,000. The act also appropriates \$20,000,000 from the early literacy fund to the department for allocation to early literacy program per pupil intervention funding.

**APPROVED** by Governor May 21, 2014

**EFFECTIVE** May 21, 2014

**H.B. 14-1294** Student data privacy - inventory of student data - develop privacy policies - prohibition on data sharing - data security template for local education agencies. The act requires the state board of education (state board) to publish an inventory and dictionary or index of the individual student-level data currently in the student data system that are reported by state and federal education mandates and any student data proposed for inclusion in the student data system. The state board must develop policies to comply with the federal "Family Educational Rights and Privacy Act of 1974" and other relevant privacy laws and policies.

The department of education (department) is prohibited from providing individual student data to other organizations or agencies outside the state, except under specified circumstances, and must develop a process to consider requests for data. The department may only use aggregate data in public reports and must develop a detailed data security plan. The department shall publish a list of all vendors that the department contracts with that hold student data. The department shall develop a data security template for local school districts to use.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1298** Public school finance - statewide base per pupil funding - negative factor - Colorado preschool program - boards of cooperative services - English language proficiency act - Colorado teacher of the year fund - appropriation. The act makes several changes to the "Public School Finance Act of 1994", as follows:

- Sets the statewide base per pupil funding amount for the 2014-15 budget year at \$6,121, which is an inflationary increase of 2.8%;
- Clarifies the calculation of the cost of living factor in years in which the income level used in the cost of living study decreases below the income level used in the previous cost of living study, in years in which the percentage increase in the income level is 1% or lower, and in years in which the percentage increase is more than 1%;
- Establishes the amount of the negative factor for the 2014-15 budget year;
- Repeals the language that establishes the target amount for total program funding in budget years after 2014-15 and states that, for the 2015-16 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 2014-15 budget year.

For the 2014-15 budget year, the act increases by 5,000 the number of positions funded in the Colorado preschool program. A school district or a charter school may use the positions to serve a child in half-day or full-day preschool or in full-day kindergarten. The act also directs the department of education to work with the department of human services to produce a report concerning the status of implementing the quality rating and improvement system for school district and charter school early childhood education programs. The department of education must present the report to the joint education committees in November or December of 2014. In addition, the act authorizes the use of state education fund moneys to assist the department of education and the department of human services in assigning unique student identifiers to preschool students.

Under the law existing before the act passed, a school district's limit on bonded indebtedness is higher if the school district's pupil enrollment increases by at least 2.5% each year for 3 consecutive fiscal years. The act allows a school district to use the higher limit on bonded indebtedness if the average annual increase in the school district's pupil enrollment for 3 years or 5 years, whichever results in the highest average, is at least 2.5%.

The act increases by \$2 million the appropriation to boards of cooperative services to assist school districts in implementing and meeting the state's education priorities.

The act changes the calculation of funding for charter schools to ensure that a charter school's funding amount does not fall below minimum funding. The act also gives the state charter school institute continuous spending authority to allocate to institute charter schools any moneys remaining in the institute charter school assistance fund at the end of a budget year in excess of \$750,000.

The act directs the state treasurer to annually transfer \$24,800 from the state education fund to the Colorado teacher of the year fund.

The act repeals and reenacts the existing English Language Proficiency Act (ELPA). Under ELPA as it existed before the act, funding for a student with limited English

proficiency was limited to 2 years. The new ELPA uses the term "English language learner" (ELL) rather than "student with limited English proficiency" and uses the term "local education provider", which includes a school district, the state charter school institute, or a facility school. Under the new ELPA, the time for funding each ELL expands to 5 years. The funding allocation is based on the number of ELLs that a local education provider enrolls and each ELL's level of English proficiency.

The new ELPA specifies the duties of local education providers and the department of education in implementing English language proficiency programs. The new ELPA creates the English language proficiency act excellence award program (award program) to recognize school districts and charter schools that achieve the highest English language and academic growth among English language learners and the highest academic achievement for ELLs who transition out of the English language proficiency program. The new ELPA also creates the professional development and student support program (support program) to provide moneys to local education providers to offset the costs incurred in implementing ELPA, providing professional development activities, and expanding programs to assist ELLs in achieving greater content proficiency. For the 2014-15 budget year, the act appropriates from the state education fund \$27 million for the support program and \$500,000 for the award program.

The act changes appropriations made in other acts as follows:

- Reduces the total annual transfer of state education fund moneys to the early literacy fund from \$36 million to \$34 million;
- For the 2014-15 budget year, reduces the appropriation of state education fund moneys to the counselor corps program from \$5 million to \$3 million.

In addition to the appropriations discussed previously, for the 2014-15 budget year, the act:

- Decreases the state education fund appropriation for school finance by \$30,384,050 and increases the appropriation for school finance from federal mineral leasing revenues by the same amount;
- Increases the appropriation from the state education fund for the Colorado preschool program by \$16,996,593 or by \$18,585,660, depending on whether H.B.14-1292 passes, and decreases the negative factor by \$110 million;
- Appropriates from the state education fund to the department of education \$298,000 to offset the costs of working with the department of human services to assign unique student identifiers to preschool students.

**APPROVED** by Governor May 21, 2014

**EFFECTIVE** May 21, 2014

**NOTE:** Certain sections of the act are contingent on either House Bill 14-1292 or Senate Bill 14-150 becoming law. House Bill 14-1292 was signed by the governor on May 21, 2014, and Senate Bill 14-150 was signed by the governor May 16, 2014.

**H.B. 14-1314** School districts - charter schools - operating revenue mill levies. The act requires a school district that authorizes a charter school to include the charter school in the planning process to seek voter approval for additional local revenues to meet operating expenses. If the school district has a planning committee to address additional local revenues, it must include at least one representative of all the district charter schools on the

planning committee, and if the school district is considering submitting, or is required by a petition to submit, a ballot question for additional local revenues, it must include the charter school in the discussions.

A charter school may ask its authorizing school district to include the charter school in a ballot question for the school district to authorize additional local revenues or to submit a ballot question solely for the charter school. The charter school must submit to the school district an operating revenues plan that explains the charter school's operating revenues needs. The school district will decide whether to prioritize the charter school's needs and include the charter school in a ballot question. If it does not include the charter school in a ballot question, the school district must give the charter school a written statement of the reasons for its decision. If the school district includes the charter school in a district ballot question, the school district and the charter school must agree on how to apportion the additional local revenues and the costs of submitting the question. If the school district submits a ballot question for the sole benefit of the charter school, the charter school must pay the costs of submitting the question and will receive all of the additional local revenues that are approved.

The act specifically authorizes a school district to submit a ballot question on behalf of a charter school to authorize additional local revenues. The amount of additional local revenues received is subject to the statutory limitations for other ballot questions to authorize additional local revenues.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1376** Reporting student placement at different instructional levels - core courses - inclusion in school plans - appropriation. The act requires the department of education (department), by November 1, 2014, and by November 1 of each year thereafter, to create a core course level participation and performance report (report) for each public school and school district that includes, at a minimum, information concerning student participation in each core course level and student proficiency levels on statewide assessments, when available, disaggregated by student groups, including sex, race and ethnicity, socioeconomic status, English language proficiency, disability, gifted and talented, and other groups.

During the 2014-15 and 2015-16 academic years, the department shall work with the public schools and school districts to refine the data and improve the use and the functionality of the report for public schools and school districts.

Commencing with the 2016-17 academic year, the department shall make the report available on the department's web site.

Commencing with the 2016-17 academic year, each public school and school district shall use the information in the report in creating the school or school district's performance or improvement plan, and, if the data indicates that there are disparities in student proficiency on statewide assessments by course level or that a disproportionate number of students from specific student groups are enrolled in lower-level courses, the public school or school district shall develop strategies to address these disparities.

The act appropriates \$144,216 and 0.2 FTE to the department for implementation of the act.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1381** School closures - written plan. The act requires a school district or the state charter school institute, if it decides or is directed by the state board of education to close a public school because of low performance, to adopt, and update as necessary, a written school closure plan that addresses communications, the timeline for the closure, and the reassignment of students to other public schools. If the closure concerns an institute charter school, the institute charter school will communicate directly with the parents, school staff, and community, and the state charter school institute and the institute charter school will work with the applicable school district to ensure students and their parents have information concerning the school district's processes for reassigning students to public schools and the available school choice options.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**H.B. 14-1382** On-line education - task force created - study of certifying authorizers of multi-district on-line schools - pilot programs - appropriation. Under the law existing before the act, a school district, a group of school districts, a board of cooperative services, or the state charter school institute (authorizer) may authorize an on-line program or an on-line school. On-line education programs and on-line schools are regulated by the department of education (department). The act clarifies and updates the definitions of "on-line program" and "on-line school" and clarifies the requirements for documenting student attendance and participation in an on-line program or on-line school.

Under the law existing before the act, when a student transfers into or out of an on-line school, the transferring school must transmit the student records to the receiving school within 30 days. The act reduces the time for transmitting student records to 14 days.

The act directs the commissioner of education to appoint a task force of persons with expertise in on-line education (task force) to recommend to the state board of education and the education committees:

- Quality standards and practices for authorizers of multi-district on-line schools;
- The necessary regulatory and statutory changes to stop certifying multi-district on-line schools and start certifying the authorizers of multi-district on-line schools;
- Any additional recommendations concerning multi-district on-line schools and authorizers that the task forces finds appropriate; and
- The parameters and designs for pilot programs to explore initiatives to address specified issues in providing on-line education.

The department must complete the pilot program designs and issue requests for



proposals by October 2014, and each pilot program must begin operating in the 2015-16 school year. An authorizer that participates in a pilot program must continue to comply with all statutes and rules while operating the pilot program and must submit data concerning the pilot program to the department. The department must annually submit to the state board, the governor, and the education committees a summary of the pilot programs. The department may accept and expend gifts, grants, and donations to offset the costs incurred in implementing the pilot programs and is not required to implement the provisions concerning pilot programs unless it receives sufficient funding.

For the 2014-15 fiscal year, the act appropriates from the general fund to the department \$47,659 for implementation of the act.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** June 5, 2014

**H.B. 14-1385 Academic growth awards.** The act creates an academic growth award to annually recognize the public high school in each classification that achieves the highest level of student academic growth. The classifications mirror the school groupings created by the statewide association for high school activities for the sport of football. The awards are in the form of trophies that are designed to resemble the trophies presented for athletic achievement.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** August 6, 2014

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

## EDUCATION - POSTSECONDARY

**S.B. 14-1** Governing boards of institutions - restriction on tuition increases - appropriation. For fiscal years 2014-15 through 2015-16, the act reduces from 9% to 6% the amount by which a governing board of a state institution of higher education (governing board) may increase undergraduate, resident tuition; except that the Colorado school of mines may increase its tuition by the greater of 6% or twice the inflation rate. If a governing board wants to increase tuition by more than 6%, it must first receive authorization from the Colorado commission on higher education (commission) by submitting a financial and accountability plan.

The act appropriates \$100,162,480 to the department of higher education for financial aid, the college opportunity fund program, and the state institutions of higher education (state institutions) as follows:

- \$30,000,000 to the commission for financial aid need-based grants;
- \$5,000,000 to the commission for financial aid work study;
- \$5,000,000 to the commission for financial aid for merit-based grants;
- \$35,349,845 to the college opportunity fund program for stipends for students attending state institutions;
- \$162,480 to the college opportunity fund program for stipends for students attending private institutions;
- \$22,364,040 to the college opportunity fund program for fee-for-service contracts with state institutions;
- \$1,394,266 for local district junior college grants; and
- \$891,849 to the division of occupational education for area vocational school support.

Additionally, the act appropriates \$57,713,885 to the department of higher education that is reappropriated to the college opportunity fund program and to the governing boards. The amount appropriated to the college opportunity fund program is based upon the assumption that 130,925 student FTE attending state institutions will receive stipends and the per-student amount is increased from the amount included in the annual general appropriations act (House Bill 14-1336) of \$1,980 per 30 credit hours to \$2,250 per 30 credit hours.

**APPROVED** by Governor May 1, 2014

**EFFECTIVE** May 1, 2014

**S.B. 14-4** Bachelor of applied science degree programs - community colleges - Aims community college- approval - Western state Colorado university - role and mission - basic skills courses. The act allows the state board for community colleges and occupational education (state board) and the governing board of Aims community college to seek approval from the Colorado commission on higher education (CCHE) for technical, career, and workforce development bachelor of applied science degree programs that may be offered at community colleges within the state system or at Aims community college. Among other things, the state board or the governing board of Aims community college must show workforce and student demand for the degree program and cost-effectiveness to students and the institutions.

The CCHE may approve bachelor of applied science degree programs that meet

criteria established in the act. Among other factors, the CCHE shall consider whether the proposed bachelor of applied science degree program is sufficiently distinguishable from an existing degree program at a state 4-year institution of higher education in the community college's geographic service area or whether the degree program could be delivered in the community college's service area through a statewide transfer agreement with a state 4-year institution of higher education. If the CCHE approves a bachelor of applied science degree program for the state board, then the state board may authorize the establishment of an approved bachelor of applied science degree program at a community college within the state system.

Finally, the act expands the role and mission of Western state Colorado university to allow the university to provide basic skills courses directly in Chaffee and Gunnison counties and to receive resident credit for those basic skills courses.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** August 6, 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. 14-114** Colorado state university - global campus - role and mission - baccalaureate degree programs. The act amends the role and mission of Colorado state university - global campus on-line university (CSU global campus) to permit baccalaureate degree programs instead of upper-division baccalaureate completion degree programs.

For baccalaureate degree students residing in Colorado, CSU global campus has moderately selective admission standards and shall not admit first-time freshman students who reside in Colorado who are under 23 years old. CSU global campus shall not offer certain degrees specified in the act.

On-line baccalaureate degree programs that will be offered to Colorado residents that did not exist prior to the effective date of the act must be reviewed and approved by the Colorado commission on higher education. The act specifies criteria that must be considered in determining whether to approve a new program.

**APPROVED** by Governor May 2, 2014

**EFFECTIVE** August 6, 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. 14-211** Alzheimer's disease center - school of medicine - appropriation. The act creates the Alzheimer's disease center at the university of Colorado school of medicine.

For the 2014-15 fiscal year, the act appropriates \$250,000 to the university of Colorado for the center.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** June 5, 2014

**H.B. 14-1136** Private occupational schools - exemptions from regulation - continuing professional education program. The division of private occupational schools in the department of higher education regulates private occupational schools and the education programs they provide. The act clarifies the exemption for education offered by a bona fide trade, business, professional, or fraternal organization by requiring that the education primarily benefit the organization's membership or mission.

The act exempts from regulation a continuing professional education program that meets the requirements for maintaining a professional license, so long as the program or the organization that provides the program is approved by the applicable Colorado professional licensing entity either before or after a licensee attends the program. Also, the program must be consistent with the purposes or requirements of the organization that provides the program.

**APPROVED** by Governor April 7, 2014

**EFFECTIVE** April 7, 2014

**H.B. 14-1256** Higher education institutions - term employment contracts - librarians. Under current law, a state institution of higher education (institution) may enter into an unlimited number of term employment contracts of up to 3 years for certain classroom teaching appointments. The act allows an institution to also enter into these types of employment contracts with librarians.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**H.B. 14-1319** Funding of state institutions - fee-for-service contracts - specialty education programs - local district junior colleges - area vocational schools - appropriations. Beginning with the 2015-16 state fiscal year, the act creates a method for determining the amount of the fee-for-service contracts entered into by the department of higher education (department) and the governing boards of state institutions of higher education (institutions), excluding the local district junior colleges, area vocational schools, and specialty education programs. Each fee-for-service contract includes up to 6 role and mission funding factors and up to 6 performance funding metrics. The Colorado commission on higher education (commission) shall convene meetings with interested stakeholders to determine the components of each role and mission factor and each performance funding metric. The role and mission factors include:

- Institutional mission funding, to offset the costs of providing undergraduate programs. In establishing the components of the factor, the commission shall consider, among other components, selectivity, the number of campuses, rural and urban location, low-enrollment that affects operational costs, and whether the institution conducts research.
- Support services for Pell-eligible students, which funding shall be at least equal to 10% of the amount of the college opportunity fund stipend. The commission may provide funding for support services for first-generation and underserved students.
- Graduate program funding, to offset the costs of providing graduate programs. At a minimum, the factor must include an amount for each graduate student, which amount may be based on the subject and level of the graduate program and, in determining the amount of funding, the commission shall consider

- programs that have a high-cost-per-student.
- Remediation, to offset the costs of providing basic skills programs and approved supplemental academic instruction to students who are not ready for college-level work. The commission shall determine how to measure successful remediation.
- Up to 2 additional role and mission factors as determined by the commission.

Each role and mission factor may be applied differently to institutions, but to the extent possible, similar institutions must be treated similarly.

The performance funding metrics include:

- Completion, including an amount of funding for each certificate or degree awarded by an institution and, for a community college, an amount for each student who transfers to another institution after completion of a certain number of credit hours, as determined by the commission. The commission shall increase the value of each credential, degree, or transfer by Pell-eligible students and may increase the value for first-generation and underserved students.
- Retention, including an amount of funding for students who make academic progress by completing 30, 60, or 90 credit hours; and
- Up to 4 additional performance funding metrics that support the policy goals adopted by the commission.

Each performance funding metric must be applied uniformly to all institutions.

Colorado school of mines is permitted to study and recommend a different funding structure for its institution.

The amount of the fee-for-service contracts for specialty education services for the governing boards of the health sciences center of the university of Colorado, the Colorado cooperative extension service, and the veterinary medicine program at Colorado state university are increased or decreased annually by the percentage that reflects the yearly increase or decrease in total state appropriations for institutions. However, for the health sciences center and the veterinary medicine program, the funding may increase by a greater percentage or decrease by a lesser percentage. In determining the amount of the contract, the department shall consider that these are high-cost, low-enrollment programs. The commission and the department may also recommend that an additional program receive specialty education funding, and the joint budget committee of the general assembly may introduce legislation to implement the recommendation.

The annual amount of direct grants to local district junior colleges and area vocational schools is determined in the same manner as fee-for-service contracts for specialty education services. However, after considering the status of performance contracts with the local district junior colleges and area vocational schools, the department may recommend that grants increase by a greater percentage or decrease by a lesser percentage. Colorado mountain college may elect to participate in the fee-for-service contract provisions that apply to other institutions, and the act sets forth the process for the election.

For the 2015-16 state fiscal year through the 2019-20 state fiscal year, the act requires adjustments to the total governing board appropriation for each governing board as

necessary to ensure that the change in a governing board's total governing board appropriation over the preceding year appropriation is not 5% more or 5% less than the percentage that reflects the percentage change in total state appropriations for institutions. Beginning with the 2020-21 state fiscal year, if the department determines that it is appropriate, the department may recommend that the joint budget committee make the same adjustment to governing board appropriations.

Additionally, the act requires the general assembly's annual appropriation to the college opportunity fund on behalf of eligible undergraduate students to be at least 52.5% of the total state appropriation for the budget year; except that the percentage may be less as a result of adjustments for actual enrollment. The act includes circumstances under which the college opportunity fund stipend allocation requirement does not apply or may be waived by resolution adopted by the general assembly.

The act requires the commission to submit written reports to the general assembly concerning the fee-for-service role and mission funding factors and the performance funding metrics and to meet with the institution governing boards and other interested parties to submit recommendations to the general assembly concerning tuition policies.

The commission shall adopt policies or procedures as necessary for uniform application of the fee-for-service contracts statutes. The act includes the process for submitting annual budget requests relating to fee-for-service contracts.

The act allows the department to transfer a limited amount of moneys between an institution's fee-for-service contracts appropriation and the institution's college opportunity fund spending authority for increases and decreases based upon actual enrollment.

The act makes conforming amendments to reflect the new section relating to fee-for-service contracts.

The act makes the following appropriations to implement the act:

- \$45,207 to the department for the 2013-14 fiscal year for the commission;
- Decreases the appropriation to the controlled maintenance trust fund for the 2014-15 fiscal year by \$772,133;
- \$804,936 and 3.0 FTE to the department for the 2014-15 fiscal year; and
- \$18,216 to the department of law for the 2013-14 fiscal year reappropriated from the department.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

**H.B. 14-1345** Appropriations to governing boards - transfer authority - changes in student enrollment. The act permits the department of higher education to transfer a limited amount of moneys between an institution of higher education's fee-for-service contracts appropriation and the institution's college opportunity fund spending authority as a result of increases or decreases in actual student enrollment in the institution of higher education.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

**H.B. 14-1365** Junior colleges - boards of trustees - selection of officers following an election - Colorado mountain college - attorney general to serve as legal advisor upon request. Because canvass boards are allotted 17 days to certify the official abstract of votes for an election, the act increases the amount of time that a junior college board of trustees is given to select its officers from 10 days after an election to 60 days.

The act also directs the attorney general, upon request, to serve as legal advisor to Colorado mountain college.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** June 5, 2014

**H.B. 14-1384** Student loan program - Colorado opportunity scholarship initiative created - rules - appropriation. The act creates the Colorado opportunity scholarship initiative (initiative) within the department of higher education (department) to:

- Award scholarships or grants based upon a rigor-based method that emphasizes student commitment to academic achievement and successful placement in the workforce; and
- Develop the connections and community partnerships necessary to ensure that every Colorado student has the support needed to enter a postsecondary opportunity, persist and succeed, and enter his or her desired position in the workforce.

The act creates the Colorado opportunity scholarship initiative advisory board (board) and requires the board to promulgate rules for administration of the initiative, including but not limited to the following:

- Criteria for eligibility of state agencies, nonprofit organizations, and public institutions of higher education to participate in the initiative;
- Criteria for eligibility of students to apply for and receive grants from the initiative;
- Rules establishing permissible uses of grant and scholarship moneys from the initiative; and
- Criteria for evaluating the effectiveness of the initiative in improving higher education outcomes in the state.

The director of the initiative shall administer the initiative in accordance with rules promulgated by the board.

The act creates the Colorado opportunity scholarship initiative fund (fund), which consists of:

- Any moneys appropriated to the fund by the general assembly;
- Any moneys transferred to the fund from any other fund; and
- Any moneys received by the department as gifts, grants, or donations.

The department may spend not more than 3% of the moneys annually appropriated to the fund to pay the direct and indirect costs of administering the initiative. The board may promulgate rules for the administration of the fund.

The executive committee of the state workforce development council (state council) shall serve as members of the board. The executive committee members of the state council shall identify staff members within the department of education, the department of higher education, and the department of labor and employment who shall assist the state council in fulfilling its duties as members of the board.

The financial need scholarship fund in the department is repealed, and any moneys remaining in the financial need scholarship fund are transferred to the fund.

The act appropriates \$1,000,000 from the general fund to the fund.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** August 6, 2014

**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. 14-158** Recall elections - procedures and deadlines - harmonization with constitution - regulation of petition circulators - mail ballots - voter service and polling centers required. The act, which applies to a recall petition approved for circulation by a designated election official or to any recall election held on or after May 9, 2014, makes the following changes to the laws governing the conduct of recall elections:

- Prohibits a designated election official from suspending or avoiding the requirement that recall elections be conducted by mail ballot and requires a designated election official to develop and submit to the secretary of state a mail ballot plan for a recall election.
- Applies the laws pertaining to initiative and referendum petitions and circulators to recall elections.
- Harmonizes the affidavit contents that recall petition circulators must execute with the affidavits that ballot initiative or petition circulators must execute.
- Clarifies when the designated election official must certify a recall question to the ballot and call the election.
- Conforms to the state constitution the statutory time within which a recall election date must be set by a designated election official and extends the election date in the case of protest and adjudication.
- Specifies the times during which the office of the designated election official functions as a voter service and polling center and mail ballots must be sent and sets forth the number of voter service and polling centers required for each recall election.
- Applies the general election voter service and polling center (VSPC) requirements when recall elections are combined with a general election, except that there must still be one VSPC open from 22 days before the close of polls through the close of polls.
- Harmonizes with the state constitution the deadline by which a successor candidate must file his or her nomination petition and specifies the times within which such petitions must be verified and the recall election ballot certified.
- Eliminates the statutory "prior participation requirement", i.e. the condition that an elector cast a vote on the question of recall in order to have his or her vote for a successor candidate counted.
- Allows recall ballots for voters covered by the federal "Uniformed and Overseas Citizens Absentee Voting Act" (UOCAVA) to be sent separately to those voters when a recall is combined with a general election, and permits UOCAVA-covered voters to return their voted ballots via electronic methods for recall elections.
- Allows an elector who is registered in the political subdivision of a recalled elected official to file a protest alleging that a winning successor candidate is not qualified to assume the recalled officer's office and requires the vacancy to be filled in accordance with existing procedures if the court finds that the successor candidate is not qualified.
- Specifies that, in case of conflict between the recall laws and other provisions of the "Uniform Election Code of 1992", the former controls.

The act also applies the laws regarding recall of elected municipal officers to the

recall of local government officers.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

**S.B. 14-161** Uniform Election Code of 1992 - miscellaneous provisions - voter registration - conduct of elections - military and overseas voters - criminal offenses - updates, harmonizations, and corrections - appropriations. To better facilitate the conduct of elections, the act makes various changes, corrections, clarifications, and alterations to the "Uniform Election Code of 1992".

**Voter registration deadlines.** The act modifies voter registration deadlines by imposing the same deadline for voter registration applications by any method of submission, except for applications submitted through voter registration drives or at voter service and polling centers (VSPCs). Further, the act:

- Requires a person to register to vote on or before the 8th day before an election in order to receive a mail ballot for that election;
- Clarifies the time during which voter registration applications may be submitted at VSPCs for elections, other than general elections, coordinated by a county clerk and recorder; and
- Allows voter registration applications to be processed after the 8-day deadline, though voters so registering must still obtain ballots in person.

**Changes in voter residence.** The act modifies the provision regarding changes in voter precincts to apply to any in-state changes of residence when the elector intends the new residence to be his or her sole legal place of residence. The act also:

- Repeals the requirement that a county clerk and recorder verify the change of address of a voter who, pursuant to information received from the United States post office or a driver's license examination facility, appears to have moved in-state; and
- Eliminates the requirement that a county clerk and recorder send a nonforwardable postcard to an elector's former address of record after the elector effects a change of residence using the on-line voter registration system.

**Use of last 4 digits of social security number for certain on-line voter registration activities.** The act makes the provision of the last four digits of an elector's social security number in order to change an address or political party affiliation via the on-line voter registration optional.

**Self-affirmations.** The act harmonizes the self-affirmation a person makes when registering to vote with the statutory residency requirements; harmonizes the self-affirmation contained on signature cards with those that appear on return envelopes for voted mail ballots; and requires a self-affirmation on a mail ballot to be signed by the elector, and not a person acting on the elector's behalf, in order to be valid.

**National change-of-address search.** Regarding the monthly national change of address search that the secretary of state must undertake, the act:

- Specifies that the search must be performed using the database maintained by the United States postal service;
- Allows elector registration records to be changed only if the elector has signified that his or her move was permanent;
- When a search indicates that an elector has added or changed a post office box, directs the county clerk and recorder to update only the elector's deliverable mailing address and to notify the elector of such change by mailing him or her a conformation card;
- Repeals the prohibition on changing an elector's record within 60 days of a primary or general election; and
- Requires that electors who appear, pursuant to such change of address search, to have moved within a county be treated the same whether active or inactive, and requires the new addresses of such electors be kept current when confirmation cards mailed to their old addresses are returned as undeliverable.

**Registration records.** Because registration records are maintained and accessible electronically, the act removes obsolete requirements that county clerk and recorders maintain original records at their offices.

**Ballot stubs.** The act makes the use of ballot stubs and duplicate stubs optional and repeals provisions relating to acceptance and processing of those stubs and instead requires election judges to issue credit for ballots provided to each elector in the voter registration list.

**Preparation of signature cards.** The act eliminates the requirements for electors to manually write in signature card information and instead directs election judges to prepare signature cards using elector information contained in the on-line voter registration system.

**Electors requiring assistance.** The act consolidates provisions pertaining to persons who assist electors with disabilities or who do not speak English.

**Signature verification.** The act requires county clerks and recorders to provide training to election judges who compare signatures in the technique and standards of signature comparison.

**Voter service and polling centers.** The act modifies the bases on which VSPCs are required for certain elections.

**Military and overseas voters.** With respect to military and overseas voters, the act:

- Clarifies that ballots cast in accordance with the "Uniform Military and Overseas Voters Act" (UMOVA) are deemed timely and are counted pursuant to that act;
- In the same way that children are covered by the UMOVA, adds spouses and civil union partners of UMOVA-covered voters who are United States citizens to the purview of that act;
- Removes the deadline by which an election official must receive a declaration from such voters in order for processing prior to an election; and
- Deems electronic requests for ballots to be timely if received any time through 7 days prior to election day.

**Emergency replacement ballots.** The act expands the provision governing emergency replacement ballots by allowing electors to obtain and vote such ballots for nonmedical reasons, including natural disasters.

**Challenges.** The act makes corrections to the bases on which the residency or age of voters are challenged.

**Canvass board members.** The act immunizes canvass board members from liability in a proceeding based on members' acts or omissions under certain circumstances.

**Criminal offenses.** With regard to criminal offenses relating to elections, the act:

- Makes the tampering with, or unauthorized opening of, a ballot box a class 5 felony;
- Changes the classification of the offense of knowingly giving false information regarding an elector's place of present residence from a class 6 felony to a class 5 felony; and
- Makes knowingly aiding or abetting an elector in committing the offense of knowingly giving false information as to the elector's place of present residence a class 6 felony.

**Terminology.** The act defines "post office box" to mean compartments on premises administered by the United States postal service or other commercial mail service entity. Additionally, the act updates terminology pertaining to the physical area in which an elector votes.

For implementation of the act:

- \$150,154 is appropriated from the department of state cash fund to the department of state;
- \$30,000 is appropriated from the general fund to the division of motor vehicles in the department of revenue in that same amount;
- The general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund is decreased by \$7,500; and
- Fiscal year 2015-16 and 2016-17 appropriations (\$21,484 and \$19,640, respectively) are made from the general fund to the department of corrections in accordance with laws governing bills that result in a net increase in periods of imprisonment in state correctional facilities.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

**H.B. 14-1164** Local government nonpartisan elections not coordinated by county clerk and recorder - residency requirements - elimination of minimum durational residency requirement in local governments - creation of "Colorado Local Government Election Code" - conduct of elections. The act creates the "Colorado Local Government Election Code" (code), which applies to local government nonpartisan elections that are not coordinated by a county clerk and recorder unless and to the extent that the governing body of a local government instead opts to use applicable provisions of the "Uniform Election Code of 1992".

For purposes of the code, "local government" is defined as any district, business improvement district, or special district created under title 32 of the Colorado Revised Statutes, or other political subdivision authorized to conduct elections. The term excludes a county, school district, regional transportation district, or municipality.

Modeled after the "Colorado Municipal Election Code of 1965", the code includes provisions pertaining to:

- Terms used in the context of local government elections;
- Local government elector eligibility and registration;
- Nominations for candidacy for local government office;
- Election judge qualifications, functions, duties, compensation, and removal;
- Notice and preparation for local government elections, including the establishment and accessibility of polling places and use of voting equipment;
- Conduct of local government elections, including provisions governing polling place watchers, assistance to voters, and counting and delivering ballots;
- Use of voting machines, electronic voting systems, and paper ballots;
- Absentee and emergency absentee voting, including the maintenance of a list of local government electors who request to be permanent absentee voters;
- Optional independent mail ballot elections;
- Expanding the applicability of the "Uniform Military and Overseas Voters Act" to local government elections conducted under the code and the mandatory transmission of mail ballots, regardless of the manner in which the election is conducted, to eligible electors who are covered voters under the "Uniform Military and Overseas Voters Act"; and
- Processes for challenges to voters, surveys of returns, election contests, and judicial proceedings when controversies arise.

The act eliminates minimum residency requirements for municipal election precincts, special districts, improvement districts, and school election precincts. Corresponding modifications are made regarding preparation of registration lists and oaths sworn by electors.

**APPROVED** by Governor February 18, 2014

**EFFECTIVE** February 18, 2014

**H.B. 14-1335** Campaign finance - contribution limits - expenditures - candidates not affiliated with a major political party. The act permits a candidate committee established in the name of a candidate who is a write-in candidate, an unaffiliated candidate, or the candidate of a minor political party who is not running in a primary election to accept from any one person the aggregate contribution limit applicable to the office he or she is seeking as specified in the campaign finance provisions of the state constitution at any point during the election cycle in which the candidate in whose name the candidate committee is accepting contributions is on the general election ballot.

The act also permits a candidate committee established in the name of a candidate who is a write-in candidate, an unaffiliated candidate, or the candidate of a minor political party who is not running in a primary election to expend contributions received and accepted in accordance with the applicable provisions of the act at any point during the election cycle in which the candidate in whose name the candidate committee is accepting contributions

is on the general election ballot.

The act conforms contribution requirements applicable to major political party candidates to minor political party candidates running in a primary election.

**APPROVED** by Governor May 2, 2014

**EFFECTIVE** May 2, 2014

**H.B. 14-1354** County clerk and recorder - standing to seek judicial review of final action by secretary of state under State Administrative Procedures Act. The act allows a county clerk and recorder to seek judicial review of final agency action by the secretary of state with regard to elections.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

## FINANCIAL INSTITUTIONS

**H.B. 14-1079** Securities - limited offering registration - monetary limit. This act increases the monetary amount allowed under the limited offering registration procedure in the "Colorado Securities Act" from \$1,000,000 within a 12-month period to \$5,000,000 within a 12-month period.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1215** Insolvent insurers - liquidation of assets - secured parties - federal home loan banks - enforceability of security agreement when collateral is held by insurer. In statutes governing the disposition of the assets of insolvent insurers, the act generally prohibits a receiver or liquidator from avoiding the obligations of an insolvent insurer to a federal home loan bank with respect to collateral under a security agreement or related agreement to which the bank is a party.

**APPROVED** by Governor March 21, 2014

**EFFECTIVE** March 21, 2014

**H.B. 14-1274** Banks - limitations on management - officers and directors. Current law prohibits a state bank from executing a contract for the employment of an officer for more than one year. Current law also requires at least 2/3 of the directors of a state bank to be residents of this state and a majority of the directors to reside within 100 miles of the bank's place of business. The act repeals these limitations and substitutes a requirement that a majority of the directors be residents of this state.

**APPROVED** by Governor April 7, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1398** Marijuana financial services cooperatives - regulation by state commissioner of financial services - appropriation. The act finds and declares that because marijuana is illegal under federal law, financial institutions are reluctant to serve state-licensed marijuana businesses. These businesses therefore currently operate almost entirely on a cash-only basis, which raises their costs, increases the risk of crime, and impedes the state's ability to account for these businesses' revenues.

Section 1 of the act enacts the "Marijuana Financial Services Cooperatives Act". Marijuana financial services cooperatives (referred to as "cannabis credit co-ops") are a type of financial services entity, membership in which is restricted to entities that own or operate a licensed marijuana business or industrial hemp business or that provide goods or services to a licensed marijuana business. Cannabis credit co-ops are subject to regulation by the state commissioner of financial services in a manner similar to that of credit unions, with the following differences:

- The commissioner has 60 days after the filing of an application for a charter to determine whether the application meets the applicable requirements;
- The incorporators of the co-op must provide the commissioner with written evidence of approval by the federal reserve bank for access by the co-op to the federal reserve system;
- The commissioner cannot allow more than 10 charters for cannabis credit co-ops to be outstanding at any one time and cannot issue a charter until the commissioner files a report with the general assembly regarding conflicts with state law and the general assembly resolves the conflicts;
- The commissioner must examine cannabis credit co-ops at least once every 6 months; and
- Once a member no longer owns or operates a licensed marijuana business or industrial hemp business or no longer provides goods or services to a licensed marijuana business, the member is no longer qualified to be a member of a co-op.

A cannabis credit co-op:

- Cannot refer to itself as a "credit union" or "bank";
- Does not need to acquire and maintain deposit insurance;
- Is subject to taxation; and
- Is specifically required to comply with federal requirements relating to marijuana businesses and their proceeds, to conduct due diligence regarding its members' compliance with marijuana laws, and to file reports with the commissioner regarding its compliance.

Section 3 gives the court of appeals jurisdiction to review certain of the commissioner's actions. Section 4 repeals the regulation of cannabis credit co-ops on September 1, 2020, subject to review by the department of regulatory agencies.

\$50,000 is appropriated to the department of regulatory agencies for implementation of the act.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

NOTE: Certain sections of the act are contingent on Senate Bill 14-215 becoming law. It was signed by the Governor on July 6, 2014.



## GENERAL ASSEMBLY

**S.B. 14-153** Uniform compensation for members serving on state entities - deadlines for process during legislative session to establish interim committees - appropriations. The act establishes uniform payments of per diem and the reimbursement of expenses to current members of the general assembly who are appointed to serve on state entities created or authorized by statute on which members of the general assembly are statutorily required to be appointed to serve. When the general assembly is in session and legislative members attend meetings of a state entity to which they are appointed, legislative members will only receive the per diem lodging and expense allowances and travel expenses that they receive as legislative members. When the general assembly is not in session or is in recess for more than 3 days and legislative members attend meetings of a state entity to which they are appointed, legislative members will receive the same per diem and travel and subsistence expenses received by legislative members for necessary attendance at meetings or functions or to legislative matters during the legislative recess or interim.

The act removes specific deadlines relating to the process during legislative session for requesting, reviewing, and prioritizing legislative interim committees and requires the establishment of such deadlines in the joint rules of the Senate and House of Representatives.

For the implementation of the portions of the act relating to the payment of per diem and reimbursement of expenses to members serving on state entities. The following adjustments are made to the FY 2014 general appropriation act:

- The general fund appropriation to the controlled maintenance trust fund is reduced by \$85,690;
- The general fund appropriation to the division of criminal justice, department of safety, is decreased by \$1,408;
- The cash funds appropriation from the local government limited gaming impact fund for the division of local government, department of local affairs, is decreased by \$352; and
- The cash funds appropriation from the department of state cash fund for the elections division, department of state, is decreased by \$2,816.

In addition, \$87,098 is appropriated from the general fund to the legislative department for allocation to the general assembly.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**H.B. 14-1194** Legislative records - legislative digital policy advisory committee recreation. The act recreates the legislative digital policy advisory committee (LDPAC) to:

- Monitor the digitization of archived recordings;
- Make recommendations for implementation of the "Uniform Electronic Legal Material Act" for legislative electronic records; and
- Make recommendations for an optimal method of records creation, storage, and access for other state electronic records.

The LDPAC consists of the same 7 members as were previously on the committee,

plus the revisor of statutes, the secretary of state, and the president of the state historical society. The LDPAC will report its findings and recommendations to the committee on legal services and joint budget committee on or before October 1 of 2014 and 2015.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

**H.B. 14-1303** Public testimony - legislative committees of reference - use of centralized locations - report - appropriation. The act vests the executive committee of the legislative council with the power and duty to consider, recommend, and establish policies regarding legislative committees taking public testimony from remote locations around the state. In 2016, the director of research of the legislative council is required to submit a report regarding the taking of remote testimony and making any recommendations to improve acceptance of remote testimony in the future.

For the fiscal year beginning July 1, 2014, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund is decreased by \$135,354, which sum is appropriated to the legislative department for implementation of the act.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1395** Joint technology committee - prioritize information technology budget requests - appropriation. The act moves the review and prioritization responsibility of information technology budget requests previously requested as a subset of capital construction to the joint technology committee. Because information technology budget requests are no longer included in the definition of capital construction, such requests are no longer funded from the capital construction fund and instead are funded through the general fund. The act also establishes deadlines by which the joint technology committee must submit its prioritization of information technology budget requests to the joint budget committee.

\$178,301 and 1.0 FTE is appropriated to the legislative department for allocation to the legislative council for the implementation of the act.

Provisions of the act are contingent upon House Bill 14-1387 being enacted and becoming law and upon Senate Joint Resolution 14-039 being adopted.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

**NOTE:** House Bill 14-1387 was signed by the governor June 6, 2014, and Senate Joint Resolution 14-039 was adopted and signed by the President of the Senate and the Speaker of the House of Representatives on May 15, 2014.

## GOVERNMENT - COUNTY

**S.B. 14-7** County road and bridge fund - transfers from general fund - declared disaster emergency. A board of county commissioners (BOCC) is authorized to transfer moneys from the county general fund to the county road and bridge fund if the governor declares a disaster emergency in the applicable county. The transfers are allowed for 4 years following the date of the governor's declaration of a disaster in the county, and the moneys transferred into the county road and bridge fund must be used only for disaster response and recovery in connection with roads and bridges. The BOCC is authorized to transfer back to the county general fund any moneys that it transfers to the county road and bridge fund.

When the BOCC determines the rate of tax to be levied on all taxable property in the county to defray the expenditures and payments estimated to be made from the county road and bridge fund during a fiscal year, the BOCC is required to exclude from the estimated balance of the county road and bridge fund any moneys that it transferred to the county road and bridge fund from the county general fund after a declared disaster emergency.

The act applies to transfers from a county general fund to a county road and bridge fund that occur on or after September 10, 2013.

**APPROVED** by Governor February 19, 2014

**EFFECTIVE** February 19, 2014

**H.B. 14-1020** Assessors - annual reports to county boards of equalization - combination of reports on taxable and real and personal property - dates. The act requires a county assessor to submit annual reports regarding taxable real property and taxable personal property to the county board of equalization simultaneously. The submission must occur on or before each July 15 or, for counties that have elected to use an alternate protest and appeal procedure, on or before each September 15.

**APPROVED** by Governor February 19, 2014

**EFFECTIVE** February 19, 2014

**H.B. 14-1073** County clerk and recorders - recording of deeds or other legal documents - modifications of statutory requirements. The act modifies various provisions involving the recording of deeds or other legal documents as follows:

- The act eliminates the existing fee of \$25 charged for the registration of bonds by a school district and specifies that the amount of the fee is the amount required to be paid under general provisions authorizing a clerk to impose a fee for filing or recording.
- In connection with the Colorado Open Records Act, the act removes from the group of records that may only be inspected by a person in interest records of an application for a marriage or a civil union license.
- Once a certificate of death has been filed, the act permits a verification of death document to be used by local offices of vital statistics and the office of the state registrar of vital statistics when verifying a vital event to a person or organization that has requested a verification of fact-of-death. The act requires a verification of death document to include the name and address of the decedent, the date of death, the place of death, the date the document is filed,

the state file number, and the name of any spouse of the decedent. A verification of death document is not required to contain a social security number of the deceased as is otherwise required of a certificate of death. Whenever in the Colorado revised statutes the terms "certificate of death" or "death certificate" are used, except as to the initial certificate of death, the act specifies that the same two terms include a verification of death document that is certified by the state registrar and issued pursuant to applicable statutory provisions.

- The act eliminates the existing requirement that a subscription only be made available on an annual basis to provide right of inspection of abstract books and related papers by abstractors, title insurance personnel, and others via a daily copy in bulk of all documents recorded and filed.
- The act modifies existing statutory provisions governing the process of filing with the clerk an order dissolving a special district. In such circumstances, where there are no remaining funds of the district, the division of local government is permitted to claim an existing statutory exemption from payment of recording fees at the time the document is offered for recording.
- The act establishes that a verification of death document may be filed with the clerk as an alternative to a death certificate in connection with legal proceedings adjudicating an interest in real property of a person who is deceased.
- The act permits the clerk to retain the original release of a deed of trust where it is electronically recorded.
- A documentary fee is charged upon the conveyance of real property and the clerk is required to establish payment of the fee by imprinting evidence of payment on each document to which the fee applies. The act alternately permits the clerk to establish payment of the fee in the recording annotation.

**APPROVED** by Governor March 14, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1112** Social security numbers - redaction from documents filed with a county clerk and recorder. A county clerk and recorder (clerk) is required to redact the first 5 digits of a social security number from a public document filed with the clerk upon the request of the individual assigned the social security number or that individual's designee by power of attorney or appointment of personal representative, custodian, conservator, or guardian if:

- The document is in electronic form;
- The clerk has the equipment needed to make the redaction automatically; and
- The individual requesting redaction makes the request in writing on a form provided by the clerk and pays a fee.

A clerk may, but is not required to, make a requested redaction even if he or she lacks the equipment to do so automatically.

**APPROVED** by Governor March 14, 2014

**EFFECTIVE** January 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. 14-1177** Boards of county commissioners - regularly scheduled meetings. Each board of county commissioners (board) of a county containing more than 100,000 inhabitants is required to hold at least 2 meetings in each week of each year, with exceptions for meetings in July and August.

Under the act, in those same counties, the board may hold fewer than 2 meetings in each week of each year on the basis of, without limitation, the following circumstances:

- A lack of a quorum caused by illness;
- Scheduling conflicts with meetings of professional organizations whose membership includes county commissioners;
- Inclement weather;
- Natural disasters or emergency conditions;
- Special events; or
- Any other circumstance that a majority of the board deems reasonable justification for not holding the meeting in the majority's sole discretion.

The act allows the board chair to cancel a regularly scheduled meeting of the board. If the decision to cancel a meeting is made more than 24 hours in advance of the meeting, the board is required to promptly provide notice to the public of the cancellation in the same manner in which it customarily provides the public notice of its meetings.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** September 1, 2014

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

**H.B. 14-1222** Geothermal projects - county private activity bond financing limits. A county may issue private activity bonds on behalf of a property owner or group of property owners who do not own an entire cooperative electric association (eligible applicant) for the purpose of constructing, expanding, or upgrading an eligible clean energy project on the eligible applicant's property. For geothermal energy projects only, the act reduces the minimum amount of private activity bonds that a county may issue for an eligible applicant from \$1 million to \$500,000, extends the maximum repayment term for bonds from 10 years to 15 years, and allows the bonds to be correlated to the revenue stream of the project up to 75% so long as bond payments do not exceed 75% of project revenue.

**APPROVED** by Governor May 30, 2014

**EFFECTIVE** May 30, 2014

**H.B. 14-1223** County officer salaries - categorization of counties - recategorization of Dolores county. For the purpose of establishing the salaries of officers, the counties of the state are divided into 6 categories. The act recategorizes Dolores county from a category VI county to a category V county.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1307** Fixing salaries of county officers - classifications - Mineral county. For the purpose of establishing the salaries of officers, the counties of the state are divided into 6 categories. The act recategorizes Mineral county from a "category VI" county to a "category V" county and specifies the condition upon which the recategorization takes effect.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** August 6, 2014

**NOTE:** (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) Section 2(2) of the act specifies that the act takes effect only if the annual salaries of county officers, as set forth in section 30-2-102, Colorado Revised Statutes, are not increased more than 10% by legislation enacted during the 2014 legislative session.

**H.B. 14-1313** Pet animal license - rabies vaccination certificate - cats and ferrets. The act expands the requirement prohibiting a county from issuing a dog permit or license unless the owner of the dog provides a valid rabies vaccination certificate to include cats and ferrets.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1380** Officers - coroners - coroner standards and training board - chairperson - annual training requirements - costs - administrative duties - appropriation. The act makes the following changes to the Colorado coroners standards and training board (board) in the department of public health and environment (department):

- The chairperson of the board is required to be either a coroner or a forensic pathologist;
- The number of hours required to fulfill annual in-service training is increased from 16 to 20;
- The director of the department is authorized to expend any gifts, grants, or donations that the department receives to cover the costs of operating the board; and
- The staff of the department, rather than an independent contractor, will perform the administrative duties related to the operation of the board.

Every county coroner is required to create a policy for the training of deputy coroners and to make the policy available for public inspection. The attorney general is required to be the legal advisor to the board and to provide a deputy or assistant attorney general to attend the meetings of the board.

\$3,643 is appropriated from the coroner training fund to the department of law for the provision of legal services to the board.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2014

## GOVERNMENT - LOCAL

**S.B. 14-24** Volunteer firefighters - pension plans - affiliation with fire and police pension association - duties. For volunteer firefighter pension plans that are affiliated with the fire and police pension association (association), the department of local affairs is required to distribute any state moneys that it receives for funding volunteer firefighter pension plans to the association to be credited to the assets of the plan for which they were transferred.

The responsibilities of the association in connection with volunteer firefighter pension plans with which the association is affiliated are specified, including investing the assets of the plan, collecting and accounting for contributions to the plan, distributing plan benefits, conducting actuarial valuations of the plan, maintaining records and fulfilling reporting requirements, and authorizing the payment of expenses of the plan from the assets of the plan.

The responsibilities of the governing body of a volunteer firefighter pension plan that is affiliated with the association are also specified, including establishing eligibility for the plan and the amount of benefits for plan members and beneficiaries, electing options for the allocation of assets, maintaining records of the terms and provisions of the plan, determining benefit improvements, and certifying information required by the association to administer the plan benefits.

The manner in which the governing body of a volunteer firefighter pension plan may terminate its affiliation with the association as well as the manner in which the association may terminate its affiliation with a volunteer firefighter pension plan are specified.

**APPROVED** by Governor March 20, 2014

**EFFECTIVE** March 20, 2014

**S.B. 14-31** Fire and police pension association - old hire plans - administration. The following modifications are made to the administration of an employer's old hire police officers' and firefighters' pension plan (old hire plan):

- The acceptable use of plan moneys is clarified for when none of the members in an old hire plan are active participants in the plan, but the plan is still obligated to pay the benefit liabilities of members who still receive benefits from the plan fund;
- Annual contributions to state-assisted old hire plans are required to be made in at least the amount required to amortize the unfunded liability of the plan over 20 years or the number of years equal to the average remaining life expectancy of the plan's members plus the service cost attributable to active members, whichever is less;
- The provisions related to the transfer of moneys to the fire and police pension association (association) from the state general fund and from an employer associated with a state-assisted old hire plan to fund the unfunded liability in each plan are repealed;
- The requirements concerning the actuarial study of each old hire plan is modified by requiring that such a study be conducted for each plan by July 1, 2014, and every 2 years thereafter;
- The provisions related to the annual distribution of state moneys to assist old hire plans in amortizing their unfunded liability are repealed due to the state's

- final assistance payment to the association on May 31, 2013;
- An employer's resolution to affiliate with the association in connection with an old hire plan must be in a form approved by the association board of directors and the effective date of such resolution must be mutually agreed upon by the employer and the association;
- The association's responsibilities in connection with old hire plans that are affiliated with the association are specified, including investing the assets of the plan, collecting and accounting for contributions to the plan, conducting required actuarial valuations and audits of the plan, maintaining records of the plan, and authorizing the payment of expenses of the plan from the assets of the plan; and
- An old hire plan board's responsibilities when the plan is affiliated with the association are specified, including establishing eligibility for and the amount of benefits to be received by members and beneficiaries of the plan, maintaining records of the terms and provisions of the plan, making determinations regarding benefit or cost-of-living adjustments and rank escalation, certifying information that the association needs to administer the plan, and electing options for the allocation of assets, if such options are provided by the association.

**APPROVED** by Governor March 20, 2014

**EFFECTIVE** March 20, 2014

**S.B. 14-172** Firefighters - insurance required - heart and circulatory malfunction benefits - firefighter benefits cash fund creation - appropriation. The act requires a municipality, special district, fire authority, or county improvement district that employs at least one firefighter to maintain accident insurance, self-insure, or participate in a self-insurance pool or a multiple employer trust in order to provide benefits for firefighters who suffer from a heart and circulatory malfunction resulting from a work event. The act sets the minimum and maximum benefits that can be paid to the firefighters.

In order for a firefighter to be eligible to receive benefits, the firefighter must have 5 continuous years of full-time employment as a firefighter. He or she must also have had a recent medical examination that found no heart and circulatory malfunction, and the heart and circulatory malfunction must have occurred during or within 48 hours after a work event.

The act creates the firefighter benefits cash fund for the purpose of reimbursing employers for the costs of maintaining accident insurance, self-insurance, or participation in a self-insurance pool or multiple employer health trust.

The act appropriates to the department of local affairs \$53,795 and 0.6 FTE for the implementation of the act. In addition, the act appropriates \$850,350 to the firefighter benefits cash fund, and from there to the department of local affairs for the implementation of the act.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** January 1, 2015

**S.B. 14-183** Business personal property - business incentive agreements - maximum term - increase. Counties, municipalities, and special districts (local governments) are currently



authorized to negotiate an incentive payment or credit with a taxpayer that pays business personal property tax. This payment or credit is included in an agreement that is commonly known as a business incentive agreement. The act increases the maximum term of a business incentive agreement from 10 to 35 years, which does not include the term of any prior agreement.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1006** Local government marketing districts - marketing and promotion tax - remittance to department of revenue - when. Beginning on July 1, 2014, a person or entity that provides rooms or accommodations and is included in a local marketing district is required to remit the marketing and promotion tax it collects to the department of revenue with the same filing frequency as the person or entity remits and files sales tax, rather than on a quarterly basis.

**APPROVED** by Governor May 17, 2014

**EFFECTIVE** May 17, 2014

**H.B. 14-1105** Fuel tax - exemptions - sales between governmental entities. Sales of gasoline and other special fuels used by motor vehicles are subject to the state gasoline and special fuel tax. Sales from retailers to governmental entities are exempt from the tax. Subject to certain requirements, the act specifies that sales between governmental entities are also exempt.

**APPROVED** by Governor April 7, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1121** County highway contracts - bid notice requirements. With respect to contracting by a county for work on highways, the act requires a county to advertise in a newspaper in the county or post notice in the county courthouse for open contracts that involve expenditures equal to or greater than the amount at which a contract requires a contractor's bond.

**APPROVED** by Governor March 14, 2014

**EFFECTIVE** March 14, 2014

**H.B. 14-1327** Broadband service - collocation and wireless service facility - application deadlines - public rights-of-way access - trenching access and notice - state sales and use tax refund - appropriation. The act establishes the following deadlines for a local government to process applications related to broadband service equipment: 90 days for the collocation of a wireless service facility and 150 days for a new structure or a new wireless service facility other than a collocation. There is an exception to the deadlines for a provider to respond to a request for additional information after an initial filing, and the parties may agree to waive the deadlines. It also requires a local government to allow a permit applicant

to consolidate applications and receive a single permit for a small cell network that is within the jurisdiction of a single local government and to consolidate documents and administrative proceedings if an applicant is collocating several wireless service facilities within a single local government.

The act expands the law relating to access to public rights-of-way for telecommunications providers by:

- Granting a broadband provider the right to construct, maintain, and operate facilities along any public highway;
- Requiring a political subdivision's tax, fee, or charge to be competitively neutral among telecommunications providers and broadband providers; and
- Prohibiting a political subdivision from collecting taxes, fees, and charges from a broadband provider through in-kind services, or requiring in-kind services as a condition to use a highway.

The act establishes new requirements related to "trenching", which is defined to mean a construction project in which a highway right-of-way surface is opened or removed for the purpose of laying or installing conduit, fiber, or similar infrastructure in excess of one mile in length. The state or a political subdivision must provide notice to a broadband provider of a utility trenching project that the state or political subdivision conducts and to allow joint trenching by broadband providers on a nonexclusive and nondiscriminatory basis for the placement of broadband facilities. Notice of the trenching project will be given to any broadband provider that requests to be included on a public list maintained by the department of transportation.

The act permits a broadband provider to claim a refund for the state sales and use tax paid for tangible personal property that is installed in a target area for the provision of broadband service. The annual maximum amount of the total refunds made to taxpayers is \$1,000,000.

\$73,725 is appropriated from the general fund to the department of revenue for the implementation of this act.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1343** Peace officer post-traumatic stress disorder task force - creation - repeal. The act creates a peace officer post-traumatic stress disorder task force to research work-related peace officer post-traumatic stress disorder and other relevant topics as determined by the task force. The task force is composed of appointees from various law enforcement agencies, executive departments, attorneys, and mental health professionals with expertise in post-traumatic stress disorder. The task force is required to report its findings to the health committees of reference in the senate and the house of representatives and is repealed effective December 31, 2015.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**H.B. 14-1393** Fiscal year spending - enterprise's total percentage of annual revenues from grants - receipt of federal funds - treatment for purposes of taxpayer's bill of rights. Without modifying any provisions of section 20 of article X of the state constitution, commonly known as the taxpayer's bill of rights (TABOR), the following is clarified for TABOR purposes:

- Any federal funds that a local government receives, regardless of whether such federal funds pass through the state prior to receipt by the local government, shall not be included in the local government's calculation of its fiscal year spending.
- Any grant of federal funds that an enterprise receives, regardless of whether such federal funds pass through the state or any local government in the state prior to receipt by the enterprise, shall not be included in the enterprise's calculation of the total percentage of annual revenues that it receives in grants from the state and local governments.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

## GOVERNMENT - MUNICIPAL

**S.B. 14-199** Town of Georgetown - town charter - repeal and reenactment with amendments. The town of Georgetown, Colorado, originally obtained its charter from the territorial legislature before Colorado became a state and prior to any state statutes, and as such, the town may only obtain amendments to its charter from the general assembly as the body that first approved it.

The act updates Georgetown's town charter to add new provisions, modify existing provisions, and delete obsolete provisions. The charter addresses such matters as:

- The manner in which the town's board of selectmen are elected, their eligibility requirements, and the terms of office;
- The manner in which the town's police judge is elected, the eligibility requirements, the terms of office, and the compensation of the police judge;
- The conduct of town elections;
- The powers of the board of selectmen and the powers and duties of the police judge;
- The proceedings for special cases, specifically limiting proceedings to cases involving eminent domain and special districts;
- The establishment of a municipal court, including the manner in which a municipal court judge may be appointed or removed from office; and
- The administration and day-to-day management of the town, including the appointment of a town administrator, town clerk, town treasurer, and town attorney.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** June 5, 2014

**H.B. 14-1060** Planning commission - compensation of members. The act allows the members of a municipal planning commission to receive compensation if it is authorized by ordinance.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1111** Volunteer firefighters - pension plans - board membership - retirees. For any municipality that maintains a regularly organized volunteer fire department, the elected members of the board of trustees of the volunteer firefighter pension fund may include, in addition to active fire department members, retired fire department members and retired fire department members returned to active service. Such board members are elected by the fire department members, retired fire department members, and retired fire department members returned to active service of the applicable fire department.

**APPROVED** by Governor March 7, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1169** Department of local affairs - firefighter advisory committee - repeal. The act repeals the volunteer firefighter advisory committee, which was created to help develop a procedure for municipalities and districts to apply to receive state financial assistance and to consult with the department of local affairs in connection with establishing a statewide accidental death and disability insurance policy for volunteer firefighters.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1375** Urban renewal - size of board of urban renewal authority - county appointment to board - repayment of funds to public bodies following payment of bond debt - set percentage of property tax increment revenues of any public body allocated to the authority under urban renewal plan. The act makes the following modifications to the "Urban Renewal Law":

- The act modifies the size of the board of commissioners of an urban renewal authority (authority) to specify that the authority shall consist of any number of not less than 5 nor more than 13 commissioners.
- If the municipality in which an urban renewal authority that has been established is not a city and county, and where an urban renewal plan managed by the authority includes an allocation of property tax increment generated by the mill levy imposed by the county, the act requires at least one such commissioner of the authority to be appointed by the board of county commissioners of each county in which an urban renewal project undertaken by the authority is located. This section of the act further specifies that the commissioner to be appointed by the board of county commissioners must be either a member of such board or his or her designee who must reside within the territorial boundaries within which the authority has been established.
- In the case of the special fund established for the collection of taxes to implement tax increment financing by the authority, upon the payment of all bond debt, the act requires all funds remaining in the special fund that are generated by the imposition of a property tax mill levy of a taxing body other than the municipality are to be repaid to each public body pro rata in accordance with the ratio in which they were paid into the special fund and not previously rebated to the public body.
- The act also specifies that the percentage of property tax increment revenues of any public body that may be allocated to the authority in connection with tax increment financing must not exceed the percentage of municipal sales tax revenues allocated to the authority under the provisions of the urban renewal plan, as originally approved and as it may be later modified, except that:
  - The allocation may be modified by means of an agreement with any such public body, but any such agreement must pertain only to the incremental property tax revenues generated by the mill levy of the public body;
  - Any exemptions, rebates, or repayments paid or to be paid to the municipality must be excluded in determining the percentage of municipal sales tax increment revenue allocated to the authority; and
  - Any moneys, infrastructure, or other investments either that the municipality pays to, contributes to, or invests in the authority for the project by the municipality or any public body in advance of the

allocation of moneys to the authority or that are spent by a private entity for which the municipality has agreed in writing to reimburse the entity with sales tax revenue collected in the area of the urban renewal project must be included in the determination of the applicable percentages.

**VETOED** by Governor June 6, 2014

## GOVERNMENT - SPECIAL DISTRICTS

**S.B. 14-171** Colorado new energy improvement district - energy efficiency improvements - water conservation fixtures. The Colorado new energy improvement district may arrange financing, secured by a lien on the affected real estate, for the installation of energy efficiency improvements in residences and commercial buildings. The act adds water conservation fixtures to the definition of an "energy efficiency improvement".

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1093** Creative district community loan fund - creation - use - appropriation. The act establishes the creative district community loan fund. The fund consists of moneys appropriated or transferred to the fund by the general assembly, matching moneys received by the creative industries division of the office of economic development (division) from any community development financial institution with which the division enters into a memorandum of understanding regarding contributions to the fund, and any other moneys contributed to the fund by any foundation or other public or private person. Subject to annual appropriation by the general assembly, a maximum loan amount limitation, and a matching moneys requirement, the division may make or participate in loans or loan guarantees from the creative district community loan fund to any person who is developing, constructing, or redeveloping commercial real estate, mixed-use projects, community facilities, or infrastructure within a state-certified creative district or a proposed creative district that is a candidate for certification that will support the purposes or growth of the district. The priority of any liens filed in connection with a loan made by, participated in, or guaranteed by the division is determined exclusively by the order in which the liens were filed.

The division may retain up to 8% of the moneys appropriated or transferred to the fund by the general assembly for administrative costs, and any unexpended and unencumbered moneys from an appropriation made by the general assembly from the fund remain available for expenditure by the division in the next fiscal year without further appropriation. The office of economic development must include specified information relating to creative industries division loans and loan guarantees in its annual report to the general assembly. \$100,000 is appropriated from the general fund to the creative district community loan fund for allocation to the creative district community loan program for the 2014-15 fiscal year.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** August 6, 2014

**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. 14-2** Safe2tell program - transfer to department of law - property transferred - appropriation. The act repeals the current safe2tell program and recreates the program in the department of law. All of the property, including intellectual property of the program is transferred to the department of law.

The safe2tell program will continue to:

- Establish and maintain methods of anonymous reporting concerning unsafe, potentially harmful, dangerous, violent, or criminal activities in schools or the threat of those activities;
- Establish methods and procedures to ensure that the identity of the reporting parties remains unknown to all persons and entities, including law enforcement officers and employees operating the program;
- Establish methods and procedures so that information obtained from a reporting party who voluntarily discloses his or her identity and verifies that he or she is willing to be identified may be shared with law enforcement officers, employees operating the program, and school officials;
- Establish methods and procedures to ensure that a reporting party's identity that becomes known through any means other than voluntary disclosure is not further disclosed;
- Promptly forward information received by the program to the appropriate law enforcement or public safety agency or school officials;
- Train law enforcement dispatch centers, school districts, individual schools, and other entities determined by the attorney general on appropriate awareness and response to safe2tell tips; and
- Provide safe2tell awareness and education materials to participating schools and school districts.

The program must keep safe-2-tell records confidential and produce them only upon court order. Prior to issuing an order to produce the records, the court must review the records in-camera.

The act appropriates \$266,952 and 2.5 FTE to the department of law for implementation of the act.

**APPROVED** by Governor May 21, 2014

**EFFECTIVE** August 6, 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. 14-8** Wildfire information and resource center - creation in division of fire prevention and control - requisite data - appropriation. The act creates the wildfire information and resource center in the division of fire prevention and control (division) in the department of public safety and describes the type of information that the wildfire information and resource center should feature.

For the fiscal year beginning July 1, 2014, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund is decreased by



\$27,175, and that sum and 0.5 FTE is appropriated to the division for the implementation of the act.

**APPROVED** by Governor May 14, 2014

**EFFECTIVE** May 14, 2014

**S.B. 14-11** Colorado energy research authority - collaboratory - Colorado office of economic development - funding. The act changes the name of the Colorado renewable research authority to the Colorado energy research authority (authority) and makes the following changes to the authority:

- Modifies the composition of the authority's board;
- Identifies the consortium that receives allocations from the authority as the Colorado energy research collaboratory (collaboratory);
- Permits the authority to undertake various promotional and educational activities, rather than requiring it to do so;
- Permits the authority to promote the collaboratory's activities in order to increase the federal energy research funding and energy-related research funding;
- Modifies the information to be included in the authority's annual report and requires the report to be delivered to the Colorado office of economic development (office) instead of legislative committees; and
- Substitutes "clean energy" for "renewable energy".

The act also creates the energy research cash fund. The state treasurer is required to transfer \$1 million to the fund on July 1, 2014, and July 1, 2015. The moneys in the fund are continuously appropriated to the office for its administrative expenses and for the purpose of distributing moneys to the authority for use as state matching funds and for the authority's other permitted activities. The office may not distribute any moneys to the authority for use as state matching funds unless the office receives proof of the other matching funds. The authority may not use more than \$50,000 per year for its other permitted activities.

Following a fiscal year when the office distributed money to the authority, the office is required to submit a report to certain legislative committees summarizing all of the distributions made during the preceding fiscal year. The report must include any information provided to the office by the authority in its report.

**APPROVED** by Governor May 16, 2014

**EFFECTIVE** May 16, 2014

**S.B. 14-18** Tobacco and nicotine products - prohibition against selling nicotine products to minors. Under current law, it is illegal to furnish cigarettes or tobacco products to persons under 18 years of age. The act expands the prohibition to include all cigarettes, tobacco products, and nicotine products.

**APPROVED** by Governor April 11, 2014

**EFFECTIVE** April 11, 2014

**S.B. 14-28** Governor's energy office - electric vehicle charging stations - grant program - eligibility. The act expands the existing list of persons and entities that are eligible to receive moneys from the electric vehicle grant fund, administered by the Colorado energy

office (CEO), by adding state agencies, public universities, public transit agencies, and private businesses and nonprofits. The act also allows the CEO to consider the extent to which grant applicants' proposed charging locations serve existing vehicles or encourage the acquisition of new vehicles and whether a charging station would not be installed but for a grant.

**APPROVED** by Governor April 11, 2014

**EFFECTIVE** April 11, 2014

**S.B. 14-46** Local firefighter safety - fund created - grant program. Until July 1, 2013, the wildfire preparedness fund received an annual \$3.25 million transfer from the mineral leasing fund, but in 2013 the general assembly substituted a portion of insurance premium taxes as the source of revenues for this fund.

The act directs the state treasurer to annually transfer, for 2 state fiscal years, \$3.25 million from the mineral leasing fund to a newly created local firefighter safety and disease prevention fund. The act also:

- Devotes the local firefighter safety and disease prevention fund to financing a need-based grant program to provide funding or reimbursement to local government governing bodies for equipment and training designed to increase firefighter safety and prevent occupation-related diseases;
- Directs the director of the division of fire safety and control to promulgate rules governing the award of the grants, including consideration of the recommendations of the fire service training, certification, and firefighter safety advisory board and the governing body's other fund-raising efforts; and
- Allows the division to expend up to 3% per year from the fund for its direct and indirect costs in administering the grant program.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

**S.B. 14-47** Seasonal wildland firefighters - death benefits - lump-sum payment - designation of beneficiaries - grounds for disqualification. The act directs the division of fire prevention and control (division) within the department of public safety to make a lump-sum payment of \$10,000 to the survivors of a seasonal wildland firefighter who is killed in the line of duty. "Seasonal wildland firefighter" means: A person employed by the state or a local government or a volunteer member of a nongovernmental volunteer fire department, who is trained as a wildland firefighter; or a member of a state wildland inmate fire team ("SWIFT") crew.

The act specifies how benefits are to be paid depending on the number and character of survivors, *e.g.*, spouse, children, or other designees; and prohibits payment in cases of deliberate self-injury or intoxication. The director of the division is authorized to make payments from any fund the director administers, purchase a group life insurance policy to provide the payment authorized by the act, and adopt rules as necessary for the funding and administration of death benefits.

**APPROVED** by Governor March 20, 2014

**EFFECTIVE** March 20, 2014

**S.B. 14-89** Property tax - existing state exemption - state may not contractually obligate itself to make a payment in lieu of property taxes equal to property taxes due - exception. The act specifies that upon passage, unless specifically authorized by law, the state may not contractually obligate itself to make a payment in lieu of property taxes equal to the property taxes payable by a non-tax-exempt entity for property that the state occupies; except that the act does allow the state to enter into an agreement to mitigate some of the loss of revenue resulting from the ownership of the property by a tax-exempt entity.

**VETOED** by Governor March 28, 2014

**S.B. 14-97** Public agencies - immunity - civil liability - acts of insurer - protection of insurable private property interests of its policyholders from damage. Existing protections held by public agencies concerning immunity from civil liability are extended to immunize such agencies from the acts of an insurer or insurance company, corporation, association, or partnership (insurer), including any employees, contractors, or agents (agents), engaged in activities intended to protect the insurable private property interests of the insurer's policyholders from damage.

Neither an insurer nor any of its agents engaged in activities intended to protect the insurable private property interests of the insurer's policyholders from damage constitutes a private organization entitled to immunity from liability under the statute, nor is any agent of the insurer a volunteer for purposes of the "Colorado Governmental Immunity Act", regardless of whether such activities may be subject to the direction of a local emergency planning committee or a state or local fire or law enforcement agency.

An insurer is authorized to provide services protecting the property of its policyholders in the course of an emergency.

**APPROVED** by Governor March 21, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-104** Tobacco litigation settlement moneys - use of disputed payments. The act requires disputed payments of tobacco litigation settlement moneys received by the state, which previously were required to be credited to the general fund, to be credited to the tobacco litigation settlement cash fund and used to reduce the annual amount of accelerated payments allocated from that fund. Once there is no longer a need to make accelerated payments, disputed payments will again be credited to the general fund.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**S.B. 14-105** Division of water resources - water resources cash fund. Commencing July 1, 2014, the requirement that a portion of fees collected by the division of water resources be transferred to the general fund is repealed so that all fees collected are deposited into the water resources cash fund.

**APPROVED** by Governor March 20, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-106** Mineral resources - federal mineral lease moneys - local government permanent fund - distribution to local governments - appropriation. The general assembly may appropriate moneys from the local government permanent fund to the department of local affairs for distribution to certain local governments when the December revenue estimate, rather than the March revenue estimate, in any fiscal year indicates that the total amount of moneys that will be deposited into the mineral leasing fund during that fiscal year is anticipated to be at least 10% less than the amount deposited in the preceding fiscal year. The general assembly is authorized to make such appropriation in either the current fiscal year or the next fiscal year, rather than only in the current fiscal year.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**S.B. 14-107** Department of law - gifts, grants, and donations - authority to receive and expend. The department of law's general authority to solicit, accept, and expend gifts, grants, and donations from public and private sources is set to sunset on July 1, 2015. The act repeals this sunset as well as the requirement that the department include with its annual budget request to the joint budget committee a report describing the receipt and expenditure of the gifts, grants, and donations. The act also clarifies that the department's continuous appropriation of these gifts, grants, and donations only applies to state moneys.

**APPROVED** by Governor March 20, 2014

**EFFECTIVE** August 6, 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. 14-108** Department of personnel - revolving fund - alternative target reserve - use uncommitted capital outlay reserves for capital outlay when appropriated. For the 2013-14 fiscal year and for each fiscal year thereafter, an alternative target reserve for the department of personnel revolving fund is set at 16.5% of the amount expended from the fund during a fiscal year, plus any balance identified in the capital outlay reserve. Any uncommitted capital outlay reserves at the end of a given fiscal year may be used for capital outlay subject to an appropriation in the annual general appropriation act.

**APPROVED** by Governor March 20, 2014

**EFFECTIVE** March 20, 2014

**S.B. 14-109** Prevention, early detection, and treatment fund - annual transfers and appropriations. The act eliminates the annual transfer of \$2,000,000 from the prevention, early detection, and treatment fund (fund), which receives 16% of the revenues collected from amendment 35 tobacco and cigarette taxes, to the department of health care policy and financing for medicaid disease management and treatment programs that address cancer, heart disease, and lung disease or risk factors associated with those diseases. As a result, the amount of money annually appropriated from the fund to the prevention services division of the department of public health and environment for the cancer, cardiovascular disease, and chronic pulmonary disease prevention, early detection, and treatment program increases by \$2,000,000.

**APPROVED** by Governor April 7, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-110** Financing capital construction needs - general assembly recommendations - move responsibility to joint budget committee in consultation with the capital development committee - deadline change. In Senate Bill 09-228, the general assembly set a 5-year block of statutory transfers from the general fund to the capital construction fund and the highway users tax fund. The transfer for capital construction was scheduled to begin in the 2012-13 state fiscal year, provided a trigger was met. Since the trigger has not yet occurred, the block of transfers has not started.

In addition to the transfers, Senate Bill 09-228 also required the capital development committee to develop and make recommendations concerning new methods of financing the state's ongoing capital construction and controlled maintenance needs prior to January 1, 2016, which would have been just prior to the last fiscal year of the required transfers, if the trigger occurred, so that when the transfers end a new funding mechanism could possibly be in place.

Since the transfers have not yet occurred, the act changes the deadline for the development of recommendations concerning new methods of financing the state's ongoing capital construction and controlled maintenance needs to align with the fourth year of anticipated transfers to the capital construction fund. The act also moves the responsibility for recommendation development to the joint budget committee rather than the capital development committee, but requires the recommendation development to be completed in consultation with the capital development committee.

**APPROVED** by Governor April 7, 2014

**EFFECTIVE** August 6, 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. 14-119** Lobbyists - prohibited practices - criminal liability and penalties. A person engaging in lobbying who commits any one of a list of prohibited practices is guilty of a misdemeanor and subject, upon conviction, to a criminal fine and imprisonment. The act repeals the criminal liability and penalties associated with the commission of some of these practices.

**APPROVED** by Governor April 7, 2014

**EFFECTIVE** April 7, 2014

**S.B. 14-120** Risk management fund - employee workers' compensation account - continuous appropriation. The act continuously appropriates moneys in the state employee workers' compensation account in the risk management fund, not including direct and indirect administrative costs of operating the risk management system. The general assembly shall make annual appropriations from the account for the direct and indirect administrative costs of operating the risk management system, including legal services, litigation expenses, and third-party administrator expenses, that are attributable to the operation of the state employee workers' compensation account. All unexpended amounts in the account remain in the account at the end of any fiscal year.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**S.B. 14-121** Public safety - governor's powers - declared disaster emergencies - financial assistance to local governments. In the event of a declared disaster emergency, the act authorizes the governor to determine the percentage at which the state and a local government will contribute moneys to cover the nonfederal cost share required by federal law when the disaster emergency triggers federal assistance to the local government through the federal emergency management agency, the federal highway administration, or by any other federal agency. After making such a determination, the governor may amend the percentage at which the state and local government will contribute moneys to the nonfederal cost share based on the needs of the individual local governments. As soon as practicable after making or amending such a determination, the governor is required to notify the joint budget committee of the source and amount of state moneys that will be contributed to cover the nonfederal cost share.

**APPROVED** by Governor March 21, 2014

**EFFECTIVE** March 21, 2014

**S.B. 14-123** Peace officers standards and training board - rulemaking authority - exam fees - grantmaking authority - certification denial - increase vehicle registration fee - appropriation. The act gives the peace officers standards and training board (P.O.S.T. board) the authority to promulgate rules regarding:

- Certification of inspectors of vehicle identification numbers;
- Annual in-service training requirements for certified peace officers; and
- Any necessary or proper rules that carry out the provisions and purposes of the P.O.S.T. board.

The act raises the maximum fee for certification and skills examinations from \$125 to \$150.

Under current law, the P.O.S.T. board can provide grants to local governments and colleges and universities to fund training programs. The act also allows grants to nonprofit organizations.

The act allows the P.O.S.T. board to deny certification to anyone who is convicted of a municipal violation that is the equivalent of any of the state law violations that permit denial of certification.

Under current law, there is a 60-cent fee on vehicle registration to fund the peace officers standards and training board cash fund. The act raises that fee to \$1.

The act appropriates \$1,612,467 and 1.4 FTE from the P.O.S.T. board cash fund for implementation of the act.

**APPROVED** by Governor May 21, 2014

**EFFECTIVE** August 6, 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. 14-127** Public safety - wireless communication - statewide digital trunked radio system - consolidated communications systems authority - reorganized under homeland security and

all-hazards senior advisory committee - appropriation. The consolidated communications system authority (authority), which is comprised of representatives of entities that use the statewide digital trunked radio system (system) as their primary means of public safety wireless communication, was created in 2012. The act reorganizes the authority as a subcommittee (subcommittee) under the homeland security and all-hazards senior advisory committee in the division of homeland security and emergency management (division) in the department of public safety (department). As part of the reorganization, the act adds members and modifies duties of that body and, pursuant to the laws regarding creation of new advisory bodies, schedules the subcommittee for sunset review and future repeal.

Additionally, the act directs the executive director of the department to undertake a needs assessment and formulate a business plan, in consultation with the subcommittee, regarding statewide radio communications and to report the findings to the joint budget committee prior to 2015.

For the fiscal year beginning July 1, 2014, \$589,618 and 0.9 FTE from the general fund is appropriated to the department, which is to be allocated to the division for the implementation of the act.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**S.B. 14-154** Division of fire prevention and control in department of public safety - funds relating to wildfires - exemption from statutory limit on uncommitted reserves - transfers to wildfire preparedness fund - permissible uses of transferred moneys - report. The act:

- For 3 fiscal years, commencing with the 2014-15 fiscal year, reduces by \$95,000 the moneys transferred annually from the operational account of the severance tax trust fund (operational account) to the healthy forests and vibrant communities fund and, correspondingly, transfers \$95,000 annually from the operational account to the wildfire preparedness fund (WPF) administered by the division of fire prevention and control (division) in the department of public safety;
- Directs the state treasurer to make a one-time transfer of \$285,000 from the healthy forests and vibrant communities fund to the WPF;
- Specifies the purposes for which the division may use all of the above-referenced transferred moneys; and
- Requires the governor to report to the joint budget committee after he or she issues an executive order or proclamation to access moneys in the WPF.

The act also exempts the wildfire emergency response fund and the WPF from the statutory limit on uncommitted cash reserves.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

**S.B. 14-155** Medical marijuana research - health research subaccount - medical marijuana research grant program - scientific advisory board - grant program annual report - attorney general request federal authority for academic research. The act creates a health research subaccount (subaccount) in the medical marijuana program cash fund (cash fund). The subaccount provides funding for medical marijuana health research. The department of

public health and environment (department) may transfer moneys from the cash fund to the subaccount and has continuous spending authority over the subaccount. No more than \$10 million may be transferred to the subaccount.

The act creates a medical marijuana research grant program (grant program) in the department. The grant program will provide the framework for funding research to ascertain the general medical efficacy and appropriate administration of marijuana, its component parts, and hemp. The state board of health (state board) shall promulgate rules for the administration of the grant program, including:

- The procedures and timelines for applying for grants;
- Grant application contents;
- Criteria for selecting grantees and determining the amount and duration of the grants; and
- Reporting requirements for grantees.

The grant program can solicit gifts, grants, and donations to add to the funds available for research as long as the donor understands there will be no determined outcome.

The act creates a scientific advisory council (council) to evaluate research proposals seeking a grant from the grant program. The executive director of the department shall appoint the members of the council, and the chief medical officer of the department will also serve on the council and act as chair. The members will serve 2-year terms that may be reappointed and will be reimbursed for travel expenses.

The grant recommendations will be submitted to the state board for a final determination.

The grant program shall report annually to the state board on the progress of the medical marijuana studies.

The act directs the attorney general to seek federal authority to allow Colorado institutions of higher education to cultivate marijuana for research funded by this act.

**APPROVED** by Governor May 21, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-157 Department of military and veterans affairs - department of defense objectives - assessment of state strengths and weaknesses - contractor to prepare report - appropriation.** The department of military and veterans affairs (department) is required, not later than August 1, 2014, to solicit proposals through a request for proposals from prospective contractors interested in preparing a comprehensive written report (report) assessing the overall strengths and advantages of the state of Colorado in meeting the strategic objectives of the department of defense (DoD).

The act requires the selected contractor to consolidate its analysis into a report supported by independently derived and verified information to be used as a tool for demonstrating to policymakers how military mission and defense industry retention and expansion and defense spending and investment in Colorado best serves DoD from the standpoint of both national security and cost effectiveness. The act specifies the matters the



report is required to analyze.

The act sets forth minimum qualifications for the contractor to include in the request for proposals and also specifies minimum qualifications the contractor must possess.

Not later than October 1, 2014, the department is required to accept a proposal submitted by a particular contractor and award to the contractor whose proposal it accepts a fully executed contract to prepare the report.

In completing the report, the contractor whose proposal is selected may enter into a contract with one or more individuals or entities as necessary to fulfill any portion of the work required under the contract.

The act obligates the contractor to complete the report not later than April 15, 2015.

The department is exempt from the state procurement code in issuing a request for proposals, selecting a contractor, executing the contract, or performing its other duties under the act.

The act directs the department, in consultation with the office of economic development, to prepare the request for proposals, select the contractor, and perform all other duties delegated to the department under the act.

The comprehensive report on the value of United States military activities fund is created in the state treasury. The act specifies the source of moneys that will comprise the fund.

For the 2014-2015 state fiscal year, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund is decreased by \$300,000. The same sum is appropriated from the general fund to the comprehensive report on the value of United States military activities fund, and this sum is further appropriated to the department for implementation of the act.

**APPROVED** by Governor May 14, 2014

**EFFECTIVE** May 14, 2014

**S.B. 14-164 Colorado firefighting air corps - aircraft for use in 2014 fire season - center of excellence - establishment by division of fire prevention and control - functions - rules - report - appropriation.** The act directs the division of fire prevention and control in the department of public safety (division) to acquire or contract for firefighting aircraft for use during the 2014 fire season in a manner that hews as closely as feasible and as appropriate within available appropriations to the division's "special report: Colorado firefighting air corps, report to the governor and general assembly on strategies to enhance the state's aerial firefighting capabilities", dated March 28, 2014.

The act also:

- Requires the division to establish, within 18 months, a center of excellence for advanced technology aerial firefighting and specifies the functions that the center must perform;

- Directs the wildfire matters review committee to consider the creation of an advisory commission to assist the director of the division in performing his or her duties; and
- Requires the director of the division to annually report to the wildfire matters review committee.

For the fiscal year beginning July 1, 2014, 19.3 FTE is appropriated to the division for firefighting aircraft and personnel and for the operation of the center of excellence.

**APPROVED** by Governor May 12, 2014

**EFFECTIVE** May 12, 2014

**S.B. 14-166** Economic development - promotion of local businesses - mobile application software - development by Colorado office of economic development - appropriation. The act directs the Colorado office of economic development to contract for the creation of mobile application software (app) that identifies local businesses in Colorado. Local businesses, which are defined as businesses that are owned, located, or headquartered in, or that manufacture in, the state, may elect to participate in the app.

To implement the act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund for the fiscal year beginning July 1, 2014, is decreased by \$86,600. These moneys are further appropriated to the governor's office for allocation to economic development programs to contract for the creation of the app. Of this amount, \$85,000 is reappropriated to the office of information technology to procure the services of an information technology contractor.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** May 29, 2014

**S.B. 14-169** Office of information technology - reports to general assembly - asset inventory - budget requests. The office of information technology (office) is required to submit 2 reports to the members of the joint budget committee and the joint technology committee of the general assembly on or before November 1, 2014, and on or before November 1 each year thereafter.

In the first report, the office is required to include information about the office's information technology asset inventory and the office's refresh cycle schedule, including cost projections. The office is required to phase in over 4 years the contents of the report, which will ultimately include asset inventory and refresh cycle information for personal computers, including operating systems and productivity software, network infrastructure, servers, and nonproductivity software.

In the second report, the office is required to provide a prioritized list of all information technology requests that state executive branch agencies submitted for the applicable fiscal year. The report must include the name of each project for which a request is made and the purpose of the project, the initial and continuing costs associated with each project, and the project's adherence to the office's standards and policies.

In addition, to assist the office in creating the prioritized list required in the second report, the office, in conjunction with the governor's office of state planning and budgeting,

is required to create a working group to annually evaluate and prioritize all potential information technology-related budget requests from executive branch state agencies.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

**S.B. 14-186** Colorado energy office - department of local affairs - local government entities - ascertain efficiency and renewable energy projects - aggregate to attract private investment - grant program. The act specifies that the Colorado energy office may, within existing resources and without creating a financial obligation to the state, ascertain efficiency and renewable energy projects that can be aggregated to create a larger portfolio of diverse efficiency and renewable energy projects with costs totaling an amount that in a favorable financial market will attract the investment of private sector banks or investors. The act then specifies that if such a larger portfolio of diverse efficiency or renewable energy projects is financed, the financing documents must include a cost of issuance fee payable to the department of local affairs of a percentage of the issuance, not to exceed 1%, that must be credited to the efficient schools and communities performance contracting fund.

The act defines "efficiency projects" as including one or more projects in a small or rural community in the state of a school district, special district, or county or municipality (community entity), such as:

- Installing equipment and related infrastructure that will help defray energy costs;
- Improving the energy efficiency of a building;
- Reducing water usage or consumption;
- Re-engineering or improving water or wastewater treatment facilities; or
- Improving the energy usage of motor vehicle fleets or community entity-owned fueling stations for such motor vehicle fleets.

The act defines "renewable energy projects" as one or more projects of a community entity to install equipment and related infrastructure for renewable energy generation, including, but not limited to geothermal, hydroelectric, wind, solar, or biomass energy.

The act then specifies that once there is sufficient money in the efficient schools and communities performance contracting fund from the cost of issuance fee, in the event a community entity's efficiency or renewable energy project is not financed, the department of local affairs in consultation with the Colorado energy office may award a grant to such community entity for a reimbursement of a portion of the technical energy audit completed by the community entity. The act also specifies that a prequalified energy service company may also seek a grant for a portion of the energy service company's costs if an efficiency or renewable energy project is not financed. The act further specifies that all grants awarded by the department of local affairs must be prioritized by need and may not exceed the available cost of issuance fees.

The act creates the efficient schools and communities performance contracting fund.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**S.B. 14-189** Colorado firefighting air corps - controlled maintenance trust fund - transfer to the general fund. The act transfers \$9,672,000 from the controlled maintenance trust fund and transfers such sum to the general fund for the purpose of supporting a fiscal year 2014-15 appropriation for the Colorado firefighting air corps.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

**S.B. 14-205** Work force development council - key industries talent pipeline - working group. The state work force development council (state council), the department of higher education, the department of education, the department of labor and employment, and the Colorado office of economic development (the departments) are required to work collaboratively to:

- Discuss and determine needs across key industries and occupations in the state, including challenges and opportunities in developing and growing relevant talent pipelines;
- Ensure that the talent pipeline development infrastructure includes certain elements;
- Utilize sector partnerships to advise the development of career pathway programs for critical occupations in key industries and to ensure the coordination of education and workforce initiatives to develop a strong talent pipeline; and
- Utilize existing measures and data systems to improve systems alignment and inter-agency communication.

The state council, in partnership with the departments, is required to coordinate the production of an annual Colorado talent report.

The heads of the departments are required to include the recommendations from the state council, and any comments they may wish to add concerning the recommendations, to the house of representatives and senate committees of reference with jurisdiction over business issues by January 1, 2015.

The state council is authorized to seek and accept gifts, grants, or donations from private or public sources for the purposes of the state council. Any moneys that the state council receives from gifts, grants, or donations are credited to the talent pipeline cash fund, which is created in the state treasury.

**APPROVED** by Governor May 21, 2014

**EFFECTIVE** August 6, 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. 14-208** Professions and occupations - reinstatement of credentials - veterans. The act requires the director of the division of registrations in the department of regulatory agencies to reinstate the expired license, certificate, or registration of a veteran who has not been dishonorably discharged if the veteran meets specific requirements.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

**S.B. 14-214** Department of personnel - retirement benefits study - public employees' retirement association - state auditor - defined benefit plan cost and effectiveness study - reports - appropriation. The state personnel director is required to contract with a third party compensation consulting firm with actuarial expertise and national standing to perform a total compensation study that includes the retirement benefits provided by the public employees' retirement association (PERA). By January 15, 2015, and by January 15 every 8th year thereafter, the state personnel director is required to submit to the governor and the joint budget committee, along with the annual compensation report, an addendum with the total compensation study that includes retirement benefits.

In addition to the study required by the state personnel director, the state auditor, in cooperation with PERA, is required to contract with a nationally recognized and enrolled actuarial firm to conduct the following analyses of PERA:

- A comprehensive study comparing the cost and effectiveness of the current hybrid defined benefit plan design currently administered by PERA to alternative plan designs in both the public and private sector; and
- A sensitivity analysis to determine when, from an actuarial perspective, model assumptions are meeting targets and achieving sustainability.

PERA and the state auditor are required to confer with the office of state planning and budgeting regarding the scope of the analyses and are required to provide 2 reports detailing the findings of the studies to the governor, the joint budget committee, the legislative audit committee, and the finance committees of the senate and the house of representatives. PERA is required to provide access to official member information and data under a confidentiality agreement with the retained firms for all 3 studies.

For the 2014-15 state fiscal year, \$125,000 is appropriated to the department of personnel from the general fund for vendor contract expenses and \$375,000 is appropriated to the legislative department from the general fund to be allocated to the office of the state auditor for vendor contract expenses.

**APPROVED** by Governor June 4, 2014

**EFFECTIVE** June 4, 2014

**S.B. 14-215** Marijuana - taxes on marijuana and marijuana products - disposition of moneys collected - marijuana tax cash fund - purposes - appropriation. Beginning July 1, 2014, all retail marijuana excise tax revenues, after the transfer of the first \$40 million of such revenue to the public school capital construction assistance fund, all retail marijuana sales tax revenues, after the required 15% apportionment to local governments, and all revenue from the 2.9% state sales tax on the sale of medical and retail marijuana and marijuana products will be deposited in the newly created marijuana tax cash fund, rather than in the marijuana cash fund. The state treasurer is required to transfer all moneys in the marijuana cash fund on July 1, 2014, that are attributable to these marijuana taxes. All moneys collected by the state licensing authority for the purpose of regulating and controlling medical and retail marijuana will remain in the marijuana cash fund and will continue to be deposited in the marijuana cash fund.

The authorized uses of the moneys in the marijuana cash fund are modified.

Beginning July 1, 2014, the general assembly may appropriate the moneys in the marijuana cash fund only to the department of revenue for the costs associated with the regulation, control, and taxation of medical and retail marijuana.

The general assembly may appropriate the moneys in the marijuana tax cash fund for the following purposes:

- For the study of law enforcement's activity and costs related to the implementation of laws legalizing retail marijuana;
- For the coordination of the executive branch response to the legalization of retail marijuana;
- To increase the expertise and knowledge among prosecutors and law enforcement officials regarding the legal and regulatory issues surrounding the legalization of retail marijuana;
- To obtain health data regarding marijuana and other drug use and to monitor the health effects of marijuana;
- For advanced roadside impaired driving enforcement training and drug recognition expert training for peace officers;
- To develop and implement marijuana education and prevention campaigns;
- To provide inpatient treatment for adults who suffer from co-occurring disorders;
- To increase the availability of school-based prevention, early intervention, and health care services and programs to reduce the risk of marijuana and other substance use and abuse by school-aged children;
- For community-based programs to provide prevention and intervention services to youth;
- For local judicial district-based programs to provide marijuana prevention and early intervention services to pre-adjudicated and adjudicated youth;
- To expand the provision of jail-based behavioral health services in underserved counties and to enhance the provision of jail-based behavioral health services to offenders transitioning from jail to the community to ensure continuity of care;
- For the provision of substance use disorder treatment services for adolescents and pregnant women; and
- To provide child welfare training specific to issues arising from marijuana use and abuse.

The general assembly is prohibited from appropriating the moneys in the marijuana tax cash fund until the fiscal year following the fiscal year in which the moneys were received by the state; except that the general assembly may appropriate moneys in the marijuana tax cash fund to the department of revenue in the fiscal years in which they were received by the state for the costs associated with the regulation, control, and taxation of medical and retail marijuana. The remaining moneys in the marijuana tax cash fund are subject to annual appropriation by the general assembly in the fiscal year following the fiscal year in which they were received by the state. The general assembly may also direct the state treasurer to make transfers from the marijuana tax cash fund to the general fund for specific purposes. Beginning with appropriations made for the 2015-16 state fiscal year, the total amount that the general assembly appropriates from the marijuana tax cash fund shall not exceed 93.5% of the amount of moneys in the fund available for appropriation.

The governor is required to include his or her requested expenditures of moneys in

the marijuana tax cash fund and the purposes of such expenditures in the budget request submitted to the joint budget committee each November. In addition, the executive director of the department of revenue is required to include in its budget request submitted to the joint budget committee in November of each year the amount that the department requests from the moneys in the marijuana cash fund and from the marijuana tax cash fund for the costs associated with the regulation, control, and taxation of medical and retail marijuana.

In connection with the permissible uses of the moneys in the marijuana tax cash fund, the act:

- Creates the school health professional grant program in the department of education to provide matching grants to education providers to enhance the presence of school health professionals in secondary schools throughout the state and to facilitate better screening, education, and referral care coordination for secondary school students with substance abuse and other behavioral health needs;
- Creates the office of marijuana coordination in the governor's office to coordinate the executive branch response to the legalization of marijuana;
- Requires the department of public health to conduct 2 marijuana education and prevention campaigns, each with a specified purpose, to create a web site to serve as the state portal for the most accurate and timely information regarding the health effects of marijuana and the laws regarding marijuana use, and to align marijuana messaging from state agencies;
- Creates the school-based substance abuse prevention and intervention grant program in the department of health care policy and financing to award competitive grants to entities to provide school-based prevention and intervention programs for youth 12 to 19 years of age, primarily focused on reducing marijuana use but including strategies and efforts to reduce alcohol use and prescription drug misuse; and
- Expands the purposes of the Tony Grampsas youth services program, created in the department of human services, to include community-based programs specifically related to the prevention and intervention of adolescent and youth marijuana use.

The act makes changes to the 2014 general appropriation act that are required due to the transfer of moneys from the marijuana cash fund to the marijuana tax cash fund. The act also makes the following appropriations from the marijuana tax cash fund for the 2014-15 state fiscal year for purposes related to the implementation of the act:

- \$2,500,000 and 1.0 FTE to the department of education for the school health professional grant program;
- \$190,097 and 2.0 FTE to the office of the governor for the creation of the office of marijuana coordination;
- \$2,000,000 to the department of human services for enhancement of the Tony Grampsas youth services program;
- \$1,500,000 to the department of human services for the provision of substance use disorder treatment services for adolescents and pregnant women;
- \$2,000,000 to the department of human services for the expansion and enhancement of jail-based behavioral health services;
- \$2,000,000 to the department of human services for the enhancement of SB 91-94 programs to provide services to juvenile offenders;

- \$456,760 and 2.0 FTE to the department of law for allocation to the special prosecutions unit;
- \$1,168,000 and 1.0 FTE, to the department of law for the peace officer standards and training board expanded training activities;
- \$5,683,608 and 3.7 FTE to the department of public health and environment for the expenses of a statewide marijuana education campaign;
- \$903,561 and 1.5 FTE to the department of public health and environment for the healthy kids Colorado survey; and
- \$100,000 to the department of human services for child welfare training specific to issues arising from marijuana use and abuse.

The act makes the following additional appropriations for purposes related to the implementation of the act:

- Of the moneys appropriated to the department of public safety for the 2013-14 fiscal year for allocation to the division of criminal justice, \$45,000 is further appropriated for the fiscal year beginning July 1, 2014, for the same purposes;
- \$4,363,807 to the department of health care policy and financing for behavioral health community programs for school-based prevention and early intervention substance use disorder services to be provided by behavioral health organizations; and
- \$2,000,000 to the department of health care policy and financing for the school-based substance abuse intervention and prevention grant program.

**APPROVED** by Governor June 6, 2014

**PORTIONS EFFECTIVE** June 6, 2014  
**PORTIONS EFFECTIVE** July 1, 2015

**S.B. 14-217** Regulation of lobbyists - definition of client - monthly disclosure by single-member lobbying firm - annual disclosure statement - disclosure of lobbying business obtained on subcontract basis - appropriation. The act makes the following modifications to statutory provisions governing lobbying:

- Adds a definition of "client" that replaces the term "principal" in the existing statute. Under the definition, "client" is defined to mean the person who employs the professional services of a lobbyist. The act specifies that a professional lobbyist is not a client of another lobbyist for whom he or she undertakes lobbying on a subcontract basis nor is the professional lobbyist a client of a lobbying firm. Where the client is an organization or entity, the organization or entity is not required to provide the names of any of its shareholders, investors, business partners, coalition partners, members, donors, or supporters, as applicable.
- In the case of a single-member lobbying firm, if a monthly disclosure statement filed by a lobbyist with the secretary of state includes the name of the professional lobbyist and the name of a lobbying firm that solely employs the lobbyist, a single disclosure statement may be filed with the secretary on behalf of both the professional lobbyist and the lobbying firm;
- With respect to annual disclosure requirements by lobbyists, the act clarifies that the annual disclosure statement must contain the name of and total gross income for lobbying received from each client or other professional lobbyist



- for whom the lobbyist lobbied during the previous fiscal year;
- If a professional lobbyist receives business from another professional lobbyist on a subcontract basis, the lobbyist receiving such business is required to describe in an annual disclosure statement the total gross income received from the professional lobbyist under the subcontract who is contemporaneously reporting the subcontracting business on his or her annual disclosure statement;
- Requires a lobbyist to update his or her registration within 24 hours if he or she agrees to lobby for a client or other lobbyist on a subcontract basis who is not disclosed in the lobbyist's original registration statement;
- Clarifies that an attorney who is a lobbyist is required to disclose information about the clients for whom he or she lobbies in accordance with existing disclosure requirements to the same extent as a lobbyist who is not an attorney; and
- Requires a professional lobbyist's registration statement to include information about any other professional lobbyist for whom he or she is lobbying on a subcontract basis.

The act appropriates \$12,360 from the department of state cash fund to the department of state, to be allocated to information technology services for personal services.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2015

**H.B. 14-1004** Emergency management - financial assistance authorized by governor - when - governor's disaster emergency council - elimination - emergency planning commission - administrative reorganization under homeland security and all-hazards senior advisory committee within division of homeland security and emergency management of department of public safety. The act makes various changes to the manner in which emergency management functions are administered.

The Colorado emergency planning commission is eliminated and its functions and duties are transferred as follows:

- Current rules, the authority to promulgate new rules necessary to implement the federal "Emergency Planning and Community Right-to-Know Act of 1986", 42 U.S.C. sec. 11001 et seq., Title III of the federal "Superfund Amendments and Reauthorization Act of 1986", Pub.L. 99-499 (federal act), and the duty to administer the SARA Title III fund are transferred to the department of public safety for allocation to the director of the division of fire prevention and control (division).
- The commission's other duties relating to implementation of the federal act are transferred to the emergency planning subcommittee, which is a new permanent body under the homeland security and all-hazards senior advisory committee in the division.

The composition and functions of the emergency planning subcommittee are described, and the subcommittee is subject to the sunset review required for new advisory entities.

The governor's disaster emergency council is eliminated.

The governor may render financial assistance to individuals and families affected by a major disaster upon a gubernatorial declaration of disaster.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1010** Prescribed burning program in division of fire prevention and control - requisite burn site attendant - qualifications - terminology. The act makes the following technical corrections to the laws pertaining to the prescribed burning program under the division of fire prevention and control (division) in the department of public safety:

- In order to better conform to nationally accepted terminology, the act replaces the term "certified prescribed burn manager" with "certified burner".
- Prescribed burning standards promulgated by the director of the division may no longer allow a person certified by the division as a burn manager to be present at a prescribed burn site as a person qualified to attend to the burn.
- When a prescribed fire has been deemed escaped, the act refers to "suppression actions" rather than "contingency actions".

**APPROVED** by Governor May 12, 2014

**EFFECTIVE** May 12, 2014

**H.B. 14-1011** Advanced industries - cash funds - transfer timing - new transfers - roll-over appropriation. The act requires the state treasurer to make 4 annual transfers from the general fund to the advanced industries export acceleration cash fund 6 months earlier than previously required. In addition, any unused appropriation made from this cash fund to the office of international trade remains available to the office for expenditure in the next fiscal year without further appropriation.

On July 1, 2015, and July 1, 2016, the state treasurer is required to transfer \$5 million from the general fund to the advanced industries acceleration cash fund. These transfers will be included for informational purposes in the annual general appropriation act.

The act also makes explicit the office of economic development and international trade's authority to expend gifts, grants, or donations that the office is currently authorized to seek and accept.

**APPROVED** by Governor May 17, 2014

**EFFECTIVE** May 17, 2014

**H.B. 14-1016** Colorado office of economic development - procurement technical assistance - delivery of services. The procurement technical assistance program in Colorado is a public-private partnership that provides procurement assistance to businesses throughout the state. The procurement technical assistance program has a target budget of \$800,000 per year, of which 50% is provided by the state and donations obtained by an organization that provides procurement technical assistance (qualified entity) and 50% is provided by the federal government.

The act specifies how the public-private partnership will operate beginning in September 2014. Specifically, the Colorado office of economic development (office) is required to enter into a contract with one or more qualified entities for up to 6 years to provide procurement technical assistance to businesses statewide.

The state and the qualified entity together have the goal of contributing \$400,000 annually to the procurement technical assistance program (state's investment). Of the amount of the state's investment, the state is prohibited from contributing more than 50% from the state general fund or from any other source of state moneys. The qualified entity is required to obtain, through gifts, grants, and donations, at least 50% of the state's investment. The contributions obtained by the qualified entity may be in-kind or cash donations, but certain amounts are required to be cash each year. The office is required to track the qualified entity's progress in raising the required amounts to the state's investment.

In addition, each year the qualified entity is required to provide procurement technical assistance to a minimum number of businesses, provide a minimum number of counseling hours to businesses, and sponsor or participate in a minimum number of events to inform the business community about the services that it provides. The qualified entity is required to submit a report of such activities to the office, and the office is required to include the information in its annual report to the general assembly.

The minority business office, the small business development center, and the qualified entity are required to enter into a memorandum of understanding to determine methods to align, track, and coordinate the programs offered by the 3 entities, to meet periodically, and to share locations where possible.

The procurement technical assistance cash fund is created, and the state treasurer is required to annually transfer \$220,000 from the general fund to the cash fund. If the qualified entity fails to obtain the required amount of in-kind and cash donations for any contract year, the office is required to return an amount equal to the amount of the shortfall to the general fund.

**APPROVED** by Governor May 21, 2014

**EFFECTIVE** May 21, 2014

**H.B. 14-1017** Housing investment trust fund - origination fee - loan guarantees - housing development grant fund - priority to victims of natural disasters in making grants or loans from funds - Colorado low-income housing tax credit - extension of credit period - exception to aggregate limit on allocation of credits for developments affected by natural disaster - report to general assembly. In connection with the existing housing investment trust fund, the act:

- Changes the name of the fund from the home investment trust fund to the housing investment trust fund (trust fund);
- Expands the sources of moneys that may be used to support the trust fund to include any moneys made available by the general assembly, all moneys collected by the division of housing (division) for the purpose of the trust fund from federal grants and from contributions, other grants, gifts, bequests, and donations received from any other organization, entity, or individual, public or private, and any fees or interest earned on such moneys;

- Clarifies that the division is authorized and directed to solicit, accept, expend, and disburse all moneys collected for the trust fund from the various public and private sources identified in the act for the purpose of making, not just loans as under existing law, but also loan guarantees, and for program administration. The act specifies that any moneys in the trust fund at the end of any fiscal year do not revert to the general fund and that moneys in the trust fund are continuously appropriated to the division for the purposes specified in statute. For any given state fiscal year, no more than 3% of the moneys appropriated from the trust fund may be expended for the administrative costs of the division in administering the trust fund.
- Previously, upon the approval of the state housing board, the division was authorized to make a loan from moneys in the trust fund to any local housing authority, public nonprofit corporation, or private nonprofit corporation for development or redevelopment costs incurred prior to the completion or occupancy of low- or moderate-income housing or for the rehabilitation of such housing. The act deletes the enumeration of the entities allowed to borrow such moneys and eliminates the requirement that such moneys be used for development or redevelopment costs incurred prior to the occupancy of low- or moderate-income housing.
- Requires the division, in making loans of moneys from the trust fund, to give priority to owners of property that was either destroyed or incurred substantial damage as a result of one or more state or federally declared natural disasters;
- Permits the division to charge the borrower an origination fee for loans made from the trust fund. The fee must be used for direct and indirect costs associated with the administration of the trust fund.
- Prohibits the division from guaranteeing any loan made to a for-profit organization or entity unless the loan is secured on a recourse basis; and
- Limits the total amount of loan guarantees that may be made by the division against the trust fund to \$2 million for any one project and \$5 million for all such projects at any one time.

In connection with the existing housing development grant fund (fund), the act:

- Expands the permissible uses of moneys in the fund to include program administration;
- Strikes existing language authorizing the division to make a grant or loan from the fund to finance foreclosure prevention activities, which has been repealed effective June 30, 2011;
- Requires the division, in making loans of moneys from the fund, to give priority to owners of property that was either destroyed or incurred substantial damage as a result of one or more state or federally declared natural disasters where the property owner has received the maximum insurance proceeds and public disaster assistance;
- Eliminates the requirement that the borrower is required to seek replacement loans or funding no later than 180 days from the date of the loan; and
- Deletes a requirement in existing law that not more than \$250,000 may be appropriated from the general fund in any one state fiscal year for any uses not related to construction grants or loans. The act permits the division in its discretion to transfer 20% of the balance of moneys in the fund into the trust fund, which balance is calculated as of July 1 of the state fiscal year in which the money is transferred. For any given state fiscal year, no more than 3% of

the moneys appropriated from the trust fund may be expended for the administrative costs of the division in administering the fund.

The act also deletes obsolete language in existing statutory provisions governing the 2 funds.

In connection with the existing state low-income housing tax credit, the act:

- Extends the "credit period" under the tax credit from 4 to 6 taxable years.
- Amends the definition of "qualified taxpayer" to permit the ownership interest in the qualified development to be direct or indirect;
- Permits the aggregate sum of credits allocated annually to be exceeded in the case of qualified development that is located in a county that is designated by the qualified allocation plan as having been impacted by a natural disaster;
- Requires an allocated tax credit to be in accordance with the accessibility and adaptability requirements of the federal tax credits and title VIII of the "Civil Rights Act of 1968", as amended by the "Fair Housing Authority Act of 1988";.
- Permits any amount of credit that exceeds the tax due for a taxable year to be carried forward as a tax credit against subsequent years' income tax liability up to 11 tax years following the tax year in which the allocation was made;
- Changes the period during which the Colorado housing and finance authority (authority) is permitted to allocate tax credits for each taxable year of the 6 year credit period from each calendar year of the 2-year period beginning January 1, 2001, and ending December 31, 2002, to each calendar year of the 2-year period beginning January 1, 2015, and ending December 31, 2016;
- Creates an exception to the aggregate amount of all credits allocated by the authority in each calendar year of the 2-year period beginning January 1, 2015, and ending December 31, 2016, for an allocation made to a qualified development that is located in a county that is designated by the qualified allocation plan as having been impacted by a natural disaster; and
- For each allocation year, requires the authority, by December 31 of that year, to provide a written report to the general assembly concerning the use of the tax credit. The act specifies the contents of the report.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** May 29, 2014

**H.B. 14-1024** State emblems and symbols - state cactus - designation. The act designates the claret cup cactus as the state cactus of the state of Colorado.

**APPROVED** by Governor March 7, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1030** Hydroelectric energy facilities - inspections by the state electrical board - coordination of federal license applications by the Colorado energy office. In order to promote the construction and operation of hydroelectric energy facilities in Colorado, the

act requires that, for a hydroelectric energy facility, the state electrical board is required to inspect the installation of a generator or other auxiliary apparatus or equipment needed to produce electrical heat, light, or power in accordance with the minimum standards set forth in the 2011 national electrical code for small wind electrical production until the adoption of the 2017 national electrical code.

The act also authorizes the Colorado energy office to serve as the coordinating state agency for state agency comments about an application for a license or license exemption from the federal energy regulatory commission.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1047** Booking photographs. The act makes it illegal to obtain a copy of a booking photograph knowing that:

- The photograph will be placed in a publication or posted on a web site; and
- Removal of the photograph from the publication or web site requires payment of a fee.

Current law requires a person obtaining criminal justice records to sign an affidavit affirming that the records will not be used for commercial solicitation for pecuniary gain. The act provides that a person requesting a copy of a booking photograph, by signing the affidavit, is affirming that the photograph will not be placed in a publication or posted to a web site that requires payment of a fee for its removal.

Violation of either new provision is an unclassified misdemeanor punishable by a fine of up to \$1,000.

**APPROVED** by Governor April 11, 2014

**EFFECTIVE** September 1, 2014

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

**H.B. 14-1057** Colorado fraud investigators unit- increase surcharge. Currently there is a surcharge on all uniform commercial code filings with the secretary of state to fund the Colorado fraud investigators unit (unit) in the Colorado bureau of investigation. The act increases the surcharge from \$3 to \$4 for 3 years starting July 1, 2014. During the 3 years, the act requires the department of public safety to report on the activities of the unit at its "Smart Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing.

**APPROVED** by Governor April 18, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1086** Legal notices - statewide web site. The act requires any newspaper that publishes legal notices, at no additional cost, to also place each notice on a statewide web site established and maintained by an organization representing a majority of Colorado newspapers as a repository for the notices.

The act applies to notices published on or after January 1, 2015.

**APPROVED** by Governor March 7, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1096** Judicial department - county courthouses - underfunded courthouse facility cash fund and cash fund committee - grant program - appropriation. The act creates the underfunded courthouse facility cash fund commission (commission) and the underfunded courthouse facility cash fund (fund). The commission has 7 members, including 2 representatives of an association that represents county commissioners, one member from the department of local affairs, 2 members from the judicial branch, one member from the court security cash fund commission, and one member who represents the historical society.

The commission reviews applications for grants from counties to obtain master planning services for construction or remodeling projects, seek matching funds or leveraging opportunities for construction or remodeling projects, or address emergency needs due to the imminent closure of a court facility. A county's grant application must first be reviewed and approved by the chief judge of the county and the board of county commissioners. The commission then makes recommendations as to which applicants should receive job grants to the state court administrator based on statutory criteria. The state court administrator makes the final grant award decisions, and such decisions are not subject to an appeals process.

Grants from the fund may only be awarded to a county with limited financial resources and only if the county has demonstrated good faith in attempting to resolve the issues before seeking a grant, the county has agreed to disclose pertinent financial statements to the commission or the state court administrator for review, and the state court administrator is satisfied that the county does not have significant uncommitted reserves.

The act specifies that the commission is terminated on September 1, 2024, unless renewed by the general assembly prior to that date.

The act appropriates \$700,000 from the general fund to the underfunded courthouse facility cash fund for the 2014-15 state fiscal year.

**APPROVED** by Governor May 14, 2014

**EFFECTIVE** May 14, 2014

**H.B. 14-1103** Public funds - permitted investments. The act reduces the minimum credit rating required from at least 2 nationally recognized statistical rating organizations before public funds may be invested in Colorado state or local government revenue bonds or Colorado local government general obligation bonds from AA to A. The act also increases

the maximum term that such bonds may have to be eligible for investment of public funds from 3 to 5 years.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**H.B. 14-1129** Major utility facilities - local government approval - state agency submission of information. The act allows a local government to ask a state agency to provide additional information within a specified deadline regarding applications filed with the local government by public utilities and power authorities to seek approval for the location, construction, or improvement of major electrical or natural gas facilities.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1142** Remote sales of lottery tickets - temporary prohibition. Until July 1, 2017, the Colorado lottery commission is prohibited from authorizing the sale of lottery tickets, including instant scratch game tickets, by means of the internet, telephone, computer, or any other electronic device or equipment that the purchaser can access or use to purchase lottery tickets other than by doing so personally at a licensed lottery sales agent's physical place of business.

**APPROVED** by Governor April 11, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1152** Governmental entities - passive surveillance records - retention - limitation. The act requires that video or still images obtained using passive surveillance by governmental entities, such as images from monitoring cameras, must be destroyed within 3 years after the recording of the images.

The act specifies that the custodian of a passive surveillance record may only access the record beyond the 1st anniversary after the date of creation of the record if there has been a notice of claim filed, or an accident or other specific incident that might cause the passive surveillance record to become evidence in any civil, labor, administrative, or felony criminal proceeding, in which case the passive surveillance record may be retained. The act requires the custodian to preserve a record of the reason for which the passive surveillance record was accessed and any person who accesses the record beyond the 1st anniversary after its creation.

The act creates exceptions allowing retention of passive surveillance records of any correctional facility, local jail, private contract prison, or juvenile facility operated by the Colorado department of human services. Passive surveillance records made or maintained as required under federal law also receive certain exceptions. The act also includes a



definition of "passive surveillance".

**APPROVED** by Governor April 4, 2014

**EFFECTIVE** April 4, 2014

**H.B. 14-1170** Capital construction - department of public safety - Colorado bureau of investigation's Pueblo forensic lab and office - authority to enter into lease-purchase agreement. The act authorizes the state treasurer to enter into one or more lease-purchase agreements on the state's behalf for the financing of the purchase and remodel by the state of real property for the Colorado bureau of investigation's Pueblo forensic laboratory and regional office.

**APPROVED** by Governor May 14, 2014

**EFFECTIVE** May 14, 2014

**H.B. 14-1171** Forensic evidence in sexual assault cases - rules. Current law requires department of public safety rules to include consent forms related to the collection, testing, and release of test results of forensic medical evidence in sexual assault cases. The act changes the requirement to information to be contained in the consent forms rather than the forms themselves.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**H.B. 14-1172** State employment - felony conviction disqualification - department of public safety and department of corrections. Under current law, a felony conviction does not automatically disqualify a person from state employment. The act clarifies that the provision does not apply to the department of public safety and the department of corrections (departments). If the departments determine that an applicant has been convicted of a crime, they still must consider the statutory factors in deciding whether they preclude the applicant from receiving an offer of employment.

**APPROVED** by Governor March 21, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1181** Nurse-physician advisory task force - continuation. The act continues the nurse-physician advisory task force for Colorado health care through September 1, 2020.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

**H.B. 14-1191** Medina alert program - hit and run accidents. Current law authorizes the Colorado bureau of investigation to establish several programs to alert the public of incidents when law enforcement wants the public's assistance in locating a person or suspect. The act adds the Medina alert program when a hit-and-run accident involving serious bodily injury or death occurs and the law enforcement agency has additional information concerning the suspect or the suspect's vehicle. The act directs the executive director of the

department of public safety to promulgate rules governing the program.

**APPROVED** by Governor March 25, 2014

**EFFECTIVE** March 25, 2014

**H.B. 14-1193** Public records - Colorado Open Records Act - fee for research and retrieval. The act allows a custodian of public records under the "Colorado Open Records Act" to impose a fee in response to a request for the research and retrieval of such records only if the custodian has, prior to the date of receiving the request, either posted on the custodian's web site or otherwise published a written policy that specifies the applicable conditions concerning the research and retrieval of public records by the custodian, including the amount of any current fee. Under any such policy, the custodian is precluded from imposing a charge for the first hour of time expended in connection with the research and retrieval of public records. After the first hour of time has been expended, the custodian may charge a fee for the research and retrieval of public records that does not exceed \$30 per hour.

The act requires the director of research of the legislative council to adjust the maximum hourly fee for inflation on July 1, 2019, and by July 1 of every 5-year period thereafter and to post the adjusted maximum hourly fee on the web site of the general assembly.

**APPROVED** by Governor May 2, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1195** Insurance - taxes, penalties, and fines - allocation. All taxes, penalties, and fines collected by the division of insurance are deposited in the general fund; except that the general assembly can direct this revenue to be deposited in the division of insurance cash fund, the wildfire emergency response fund, and the wildfire preparedness fund. The act clarifies how the general assembly controls the amount of moneys that are deposited into these other cash funds.

**APPROVED** by Governor April 11, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1203** Office of information technology - public safety communications trust fund - digital trunked radio system - infrastructure maintenance - appropriation. In each fiscal year beginning with the 2013-14 fiscal year through the 2024-25 fiscal year, the general assembly is required to appropriate a total of \$3.5 million from the general fund or from any other fund to the public safety communications trust fund (trust fund). The moneys appropriated to the trust fund are for the replacement of legacy radio equipment and hardware at radio tower sites used for the statewide digital trunked radio system. For the fiscal year beginning July 1, 2014, \$3.5 million is appropriated from the general fund to the trust fund for such purpose.

In addition, in each fiscal year beginning with the 2017-18 fiscal year through the 2024-25 fiscal year, the general assembly is required to appropriate a total of \$3.7 million from the general fund and from any other fund to the trust fund. The moneys appropriated to the trust fund are for software upgrade assurance for the statewide digital trunked radio system.

The general assembly is required to determine the amount that will be appropriated

from the general fund and from any other fund for each purpose in each fiscal year. The office of information technology is required to submit a report to the joint budget committee of the general assembly detailing the use of the moneys appropriated to the trust fund pursuant to the act.

**APPROVED** by Governor May 2, 2014

**EFFECTIVE** May 2, 2014

**H.B. 14-1210** State lands - wildfire mitigation - intergovernmental agreements between counties and state agencies - contents - trust lands - report. A county and any state agency that owns forest land, rangeland, or wildland areas within the county are required to enter into an intergovernmental agreement, by January 1, 2017, to address the harm caused by wildland fires affecting such land. Furthermore, the department of natural resources must report to the wildfire matters review committee by September 1, 2014, regarding the feasibility of entering into similar agreements for state trust lands.

**APPROVED** by Governor April 11, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1221** Fire suppression contractors - continuation under sunset law - residential contractors - records. The act implements the recommendations of the sunset review and report on the regulation of fire suppression contractors by the division of fire prevention and control.

Sections 1 and 2 extend the automatic termination date of the regulation of fire suppression contractors by the division of fire prevention and control to September 1, 2019, pursuant to the sunset law.

Sections 3, 6, and 7 create a new registration category for residential fire suppression system contractors and direct the state fire suppression administrator to adopt a separate set of design and installation standards applicable only to residential fire suppression systems.

Sections 4 and 5 direct the administrator to keep records of all fire suppression system working plans and hydraulic calculations, searchable by both the applicable fire suppression contractor and the signing professional engineer or engineering technician, for projects that the administrator or any certified local fire suppression inspector, as applicable, identifies as containing significant or repeated design or installation deficiencies.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

**H.B. 14-1224** Procurement code - source selection - preference for service-disabled veteran owned small businesses. In awarding contracts that are subject to the "Procurement Code", the state has a goal that it will award at least 3% of all contracts by dollar value to service-disabled veteran owned small businesses. To satisfy this goal, a state agency may grant a preference for service-disabled veteran owned small businesses.

In awarding a contract to a business in furtherance of the 3% goal, a state agency is

required to obtain verification from the business that the business is a certified service-disabled veteran owned small business by the United States department of veterans affairs.

The executive director of the department of personnel is required to submit an annual report regarding the state's progress in satisfying the 3% goal to the department of military and veterans affairs, the members of the Colorado board of veterans affairs, and to the members of the committees of the house of representatives and the senate that have jurisdiction over state affairs and veterans affairs.

**APPROVED** by Governor March 21, 2014

**EFFECTIVE** March 21, 2014

**H.B. 14-1286** State treasurer - gifts to the state received by governor - loan to state historical society authorized. Generally, because the governor is not permitted to accept gifts valued over a certain amount that he or she receives in the course of executing his or her official duties, items so received are transferred to the state treasurer. The act allows the treasurer to loan such gifts to the state historical society for display at the state museum or at similar or related venues across the state.

**APPROVED** by Governor April 25, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1289** Public moneys - deposits in financial institutions - moneys in excess of allowable insured amounts. With regard to public moneys held by financial institutions insured by the federal deposit insurance corporation (FDIC), the act specifies that:

- Any moneys in excess of allowable insured amounts are to be redeposited in FDIC-insured deposit accounts rather than deposited in certificates of deposit; and
- The exchange of deposits from customers of these other financial institutions occurs on the same day rather than at the same time.

**APPROVED** by Governor April 25, 2014

**EFFECTIVE** April 25, 2014

**H.B. 14-1300** Colorado state fair - general fund transfer to the Colorado state fair authority cash fund - 4-H and FFA facilities repair. The act establishes a one-time general fund transfer of \$300,000 in the 2014-15 state fiscal year to the Colorado state fair authority cash fund for the purpose of renovating and enhancing facilities and items used in the state fair's programs with the state's 4-H clubs and the Colorado association of the national future farmers of America organization.

**APPROVED** by Governor May 14, 2014

**EFFECTIVE** May 14, 2014

**H.B. 14-1308** Appropriation transfers - overexpenditures - extension of authority. The act extends by 6 years the repeal dates of statutory sections that authorize the following actions

related to the administration of appropriated moneys:

- Transfers of appropriations required to implement conditional or centralized appropriations;
- Transfers of appropriations between the department of health care policy and financing and the department of human services for medicaid programs and for corresponding items of appropriation identified by footnote in the annual general appropriation act;
- Authority of the controller under specified conditions to allow any department, institution, or agency of the state, including an institution of higher education, to make an expenditure in excess of the amount authorized by an item for appropriation (overexpenditure); and
- Transfers between appropriations made to the judicial department.

For fiscal years commencing on or after July 1, 2014, the act also prohibits the department of health care policy and financing from overexpending for medicaid programs or the children's basic health plan for any long bill appropriation that is in a line item for the executive director's office or in a line item that the general assembly has indicated is ineligible for an overexpenditure.

**APPROVED** by Governor April 18, 2014

**EFFECTIVE** April 18, 2014

**H.B. 14-1323** Personal medical information - restrictions on government access - exceptions - task force study - report - repeal. The act prohibits the department of revenue from accessing an individual's personal medical information or medical record without the individual's consent. If a department employee authorizes the department, in its role as an employer, to access his or her personal medical information or medical record in connection with an employment-related request, occurrence, or claim, such as a request for a workplace accommodation or for family medical leave, the employee's consent applies for the duration of the request, occurrence, or claim.

The act permits the department to access an invoice, receipt, or other documentation of a sale of a prescription drug or other item exempt from sales tax as long as:

- Personal medical information or a medical record is not contained in the documentation; and
- Any information that identifies or could be used to identify an individual patient or that indicates a patient's diagnosis or treatment plan is redacted from the documentation.

Additionally, the department may continue to obtain and use a written medical opinion in determining physical or mental fitness to operate a motor vehicle in accordance with procedures authorized by law.

The act also creates the government access to personal medical information task force to review, analyze, and make recommendations regarding the ability of state and local government departments and agencies to access, use, and distribute personal medical information. The governor is to appoint representatives from impacted state departments and universities and representatives from or of quasi-governmental entities, local governments, health care providers, health plans, mental health care consumers, consumer advocacy

groups, consumers with chronic illnesses, consumers with cancer, and patient privacy rights groups to serve on the task force and is to invite the state auditor or his or her designee to participate. The task force must meet at least once but no more than 4 times between July 15, 2014, and November 1, 2014, and is to submit its report and recommendations to specified legislative committees by November 1, 2014. Additionally, the task force is to present its report to the legislative committees during hearings held under the "State Measurements for Accountable, Responsive, and Transparent (SMART) Government Act".

State departments and agencies are to implement the act within existing appropriations.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

**H.B. 14-1337** General fund reserve - increase. The general fund reserve is currently equal to 5% of the amounts appropriated for expenditure from the general fund for the fiscal year. After a personal income trigger is met, the reserve percentage annually increases in half percent increments up to 6.5%. Beginning with the 2014-15 fiscal year, the act increases the general fund reserve to 6.5% of the amounts appropriated for that fiscal year and repeals the mechanism that would have eventually raised the reserve requirement to that same level.

**APPROVED** by Governor April 21, 2014

**EFFECTIVE** April 21, 2014

**H.B. 14-1339** Hazardous substance site response fund - creation - general fund surplus - transfer. The act creates the hazardous substance site response fund in the state treasury and, if there is sufficient general fund surplus, requires the state treasurer to transfer \$10 million from the general fund into the fund. The general assembly may annually appropriate moneys in the fund to the department of public health and environment for the state's share of response costs, including all future operation and maintenance costs, under the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980".

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

**NOTE:** The act is contingent on House Bill 14-1342 becoming law and takes effect either upon the effective date of this act or House Bill 14-1342, whichever is later. House Bill 14-1342 was signed by the governor May 2, 2014.

**H.B. 14-1340** Department of public safety - Colorado bureau of investigation - state toxicology laboratory - appropriation. On or before July 1, 2015, and thereafter, the Colorado bureau of investigation (bureau) shall operate a state toxicology laboratory for the purpose of assisting law enforcement agencies in executing their duties, including but not limited to the enforcement of laws pertaining to driving under the influence of alcohol or drugs.

The bureau is authorized to impose a fee for performing the work of the laboratory. The amount of the fee shall not exceed the total amount of direct and indirect costs incurred by the bureau in performing the work of the laboratory. The bureau shall transmit all moneys collected as fees to the state treasurer, who shall credit the same to the state toxicology laboratory fund, which is created in the act.

Under existing law, the general assembly makes an annual appropriation out of the moneys in the law enforcement assistance fund to the department of public health and environment (department) in an amount sufficient to pay for the costs of laboratory services and implied consent specialists. The act requires a portion of this annual appropriation to go to the department to pay for the costs of evidential breath alcohol testing and a portion to go to the bureau to pay for the costs of toxicology laboratory services, including any education needs associated with such services.

Under existing law, the state board of health promulgates administrative regulations for the certification of laboratories to ensure that the collection and testing of samples is performed in a competent manner. The act states that these regulations may include waiving specific certification requirements for laboratories that are accredited by the American board of forensic toxicology or the international standards organization.

The act appropriates \$1,796,592 and 5.2 FTE to the bureau.

**APPROVED** by Governor April 18, 2014

**EFFECTIVE** April 18, 2014

**H.B. 14-1341** General fund - transfer - department of state cash fund. The act requires the state treasurer to transfer \$2,175,000 from the general fund to the department of state cash fund. This transfer repays moneys transferred from the cash fund to the general fund during the fiscal year 2008-09.

**APPROVED** by Governor April 18, 2014

**EFFECTIVE** April 18, 2014

**H.B. 14-1342** Capital construction - transfers to the capital construction fund. For the 2014-15 fiscal year, the act transfers \$224,993,465 from the general fund to the capital construction fund and \$500,000 from the general fund exempt account of the general fund to the capital construction fund.

The act also requires the director of research of the legislative council to work with the state controller to determine a preliminary figure representing the estimated general fund surplus for the fiscal year 2013-14. When such preliminary figure is determined, the state controller is required to provide such preliminary figure to the state treasurer, the director of the office of state planning and budgeting, and the director of the joint budget committee before September 15, 2014. The act then requires that on September 15, 2014, an amount equal to ninety percent of that preliminary figure is allocated in the following order of priority:

- The state treasurer shall transfer \$30 million from the general fund to the Colorado water conservation board construction fund;
- The state treasurer shall transfer \$20 million from the general fund to the state education fund;
- \$25 million shall remain in the general fund;
- The state treasurer shall transfer up to \$135,335,748 from the general fund to the capital construction fund; and
- The state treasurer shall transfer any remaining amount to the state education fund.

The act then specifies that on the date on which the state controller publishes the comprehensive annual financial report of the state for the fiscal year 2013-14, the amount of the remaining general fund surplus is to be allocated as follows:

- If the transfer to the capital construction fund was not fully funded, the state treasurer is required to transfer an amount to the capital construction fund equal to the lesser of the amount of the remaining general fund surplus or the amount required to fully fund the transfer; and
- If there is excess remaining general fund surplus over and above the total transfer to the capital construction fund, the state treasurer is required to transfer any excess remaining general fund surplus to the state education fund.

With respect to the amount of general fund surplus transferred to the capital construction fund, the act specifies that if the amount transferred equals \$135,335,748, then such amount is available for appropriation in the following order of priority:

- \$5 million to the Auraria higher education center for the second phase of a two-phase project to renovate the Auraria library;
- \$10,827,755 to Fort Lewis college for phase two of a three-phase project to construct a new facility for the geosciences, physics, and engineering departments, known as Berndt hall;
- \$15 million dollars to Colorado state university for the first phase of a three-phase project to construct a chemistry building addition;
- \$11,592,712 to the university of Colorado, Boulder campus, for phase two of a two-phase project to upgrade the Ketchum arts and sciences building;
- \$5,279,128 to the Metropolitan state university of Denver for the first phase of a three-phase project to construct a new facility to support the development of an aviation, aerospace, and advanced manufacturing degree program;
- \$18,462,102 to Colorado Mesa university for the construction of additions to and renovation of the Tomlinson library;
- \$5,843,218 to Adams state university for renovations of a newly purchased building on its east campus to address accessibility, code, and life-safety deficiencies;
- \$25,779,853 to Western state Colorado university for renovations of Quigley hall to address code-compliance issues in the two-story academic building;
- \$16,070,000 to the office of information technology for its statewide leave, time tracking, and human resources management systems modernization; and
- \$21,480,980 to fund level two controlled maintenance projects through score fourteen as prioritized by the office of the state architect.

The act specifies that if the amount transferred to the capital construction fund is less than \$135,335,748, then the general assembly is required to appropriate the amount transferred in the order of the prioritized list above, but only insofar as the transfer can completely fund a prioritized project. The act further specifies that if the transfer is not sufficient to completely fund the first prioritized project, then the appropriation must be made for the next or following project in the prioritized list that could be completely funded, and so forth; except that if there are no next or following projects in the prioritized list that could be completely funded, then the general assembly is required to wait to make any further appropriations until additional amounts are transferred. The act then specifies that if additional amounts are transferred, then the general assembly is required to appropriate the amount transferred in order of the next or following prioritized project that can be



completely funded.

The act also specifies that if the amount transferred is not sufficient to cover all level two controlled maintenance projects through score fourteen then the general assembly is required to appropriate the amounts necessary to fully fund each score up to score fourteen.

The act also transfers \$1 million from the state historical fund to the capital construction fund for the 2014-15 fiscal year for historical renovations of the state house of representatives' chambers and the state senate's chambers.

**APPROVED** by Governor May 2, 2014

**EFFECTIVE** May 2, 2014

**H.B. 14-1350** Economic development - regional tourism projects - baseline growth rate - third-party analyst - revenue attributable to nonresidents - additional projects - cumulative dollar amount dedicated to project - appropriation. The following modifications are made to the "Colorado Regional Tourism Act":

- The definition of "state sales tax increment revenue" is changed to include the revenue that is attributable to the baseline growth rate in the proposed regional tourism zone;
- The baseline growth rate of a proposed regional tourism zone is the growth that would have occurred in the zone even if the regional tourism project (project) did not occur, as determined by the office of state planning and budgeting and the Colorado office of economic development;
- The local government and third-party analyst retained in connection with a project application are required use the baseline growth rate in their assumptions and economic analyses for the purpose of calculating the total cumulative dollar amount and the percentage of the state sales tax increment revenue that can be dedicated to the proposed project;
- The party directly responsible for paying the third-party analyst that makes assessments in connection with a proposed project is changed from the project applicant to the office of state planning and budgeting;
- Additional duties of the third-party analyst in connection with a proposed project are specified;
- The requirement that a significant portion of the sales tax revenue to be generated by a proposed project be attributable to transactions with nonresidents of the regional tourism zone is changed to require that a significant portion of the revenue be attributable to transactions with nonresidents of the state; except that an exception may apply if a significant portion of the sales tax revenue generated by the project is reasonably anticipated to be attributable to residents of the state but such revenue would otherwise leave the state due to a lack of a project or facility in the state;
- Prior to January 1, 2016, the Colorado economic development commission (commission) may award a maximum of 2 new projects;
- The total cumulative dollar amount and percentage of sales tax increment revenue that can be dedicated to a project as determined by the commission shall not exceed the third-party analyst's calculation of the total cumulative dollar amount and percentage of sales tax increment revenue that can be dedicated to such project by more than 50%; except that the commission may determine a total cumulative dollar amount and percentage that exceeds those

- calculated by the third-party analyst by more than 50% by a unanimous vote of all of the members of the commission;
- The total amount of state sales tax increment revenue dedicated to a project for the duration of the project is capped at the total cumulative dollar amount initially approved by the commission;
- The department of revenue is required to track the annual and cumulative state sales tax increment revenue remitted to the financing entity for the project and to notify the commission when cumulative payments approach the limits set by the commission; and
- The department of revenue is required to notify the commission when it is no longer remitting sales tax increment revenue to the financing entity because the financing entity has reached its total cumulative dollar amount of sales tax increment revenue.

For the 2014-15 state fiscal year, the following appropriations are made:

- \$176,454 to the governor's office of state planning and budgeting to contract with third-party analysts;
- \$50,000 to the governor's office of state planning and budgeting for analytical work related to the proposed projects;
- \$43,260 to the department of revenue for support of its requirements under the "Colorado Regional Tourism Act".

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

**H.B. 14-1351** Colorado office of economic development - duties - maintain relationship with United States armed forces. The Colorado office of economic development, in addition to its general duties, is required to maintain the state's positive interactions with the United States armed forces by advocating for the state's involvement in current and potential military missions, supporting private Colorado businesses that bid for contracts with the United States military, and assisting the state's congressional delegation in protecting Colorado's current United States armed forces commands from future military base realignments or closures.

**APPROVED** by Governor May 14, 2014

**EFFECTIVE** May 14, 2014

**H.B. 14-1387** Capital construction - revision of all capital related statutes. Section 2 gives the department of public safety the authority to purchase real property for the Colorado bureau of investigation office and lab in Denver.

Section 3 makes changes to the definitions used in the department of personnel's state buildings statutes. These definitions are then used throughout the capital development committee's statutes, the office of state planning and budgeting's statutes, and the Colorado commission on higher education's statutes. The definitions are updated to include items considered capital construction, capital renewal, and controlled maintenance in current practice. The act changes "facility" to the more accurate term "real property". The act separates "state institutions of higher education" from the term "state agencies".

Sections 4 and 5 make conforming amendments to the department of personnel's

responsibilities related to state buildings as a result of the definition changes and updates those responsibilities to more clearly reflect current practice. Conforming amendments are made to the requirement that the department of personnel prepare and maintain inventories of state property. Most particularly, the act removes the responsibility from the department of personnel to establish a separate inventory of computer equipment and all other capital assets valued in excess of \$100,000 as this responsibility was never fulfilled by the department.

Section 6 makes conforming amendments and changes to reflect current practice to provisions related to the eligibility for state-controlled maintenance funding. Items in the definition of "controlled maintenance" and in other provisions of law are relocated for ease of access and clarity.

Sections 7, 8 and 9 make conforming amendments to the life-cycle cost analysis requirements for the department of personnel. Other changes in section 9 reorganize current law, including relocation of some provisions to reflect that life-cycle analysis is a different concept from high performance standards certification.

Section 10 makes conforming amendments to the legislative declaration in the state buildings statute.

Sections 11 and 12 repeal provisions that are relocated within the act.

Sections 13 through 20 make conforming amendments to the capital development committee's enacting statutes. Most specifically, these sections:

- Add cross references to the new definitions;
- Make changes to reflect the new definitions;
- Clarify the capital development committee's duty to forecast the states's need for capital construction, capital renewal, and controlled maintenance, as well as to forecast the projected available revenue to meet such needs for the state. The act changes the time to be analyzed in the forecast for projected available revenue.
- Clarify that it is the capital development committee's responsibility to review all acquisitions of real property by a state agency or state institution of higher education;
- Establish deadlines by which the capital development committee submits its prioritization of capital construction, capital renewal, and controlled maintenance budget requests to the joint budget committee; and
- Eliminate the automatic repeal of the capital development committee.

Section 21 makes conforming amendments to the statute that delineates the joint budget committee's powers and duties in order to reflect the new definitions and strikes the reference to the repeal of the capital development committee's enacting statutes.

Sections 22 through 31 allow qualified state institutions of higher education with a building department that meets or exceeds minimum standards adopted by the state electrical board and the state plumbing board to continue performing their own permitting and inspections for electrical and plumbing work related to their own construction or remodeling projects.

Section 32 makes conforming amendments to the capital construction definition used in the "Building Excellent Schools Today Act".

Section 33 amends the "Building Excellent Schools Today Act" to allow an applicant school district that is approved for an award of financial assistance as an alternate award recipient and that successfully raises required matching moneys through voter-approval of a ballot question for contracting bonded indebtedness but that does not actually receive financial assistance because all primary award recipients or higher priority alternate award recipients also successfully raised required matching moneys to resubmit its application for financial assistance as previously approved during the next application cycle.

Section 34 makes conforming changes to the description of the duties and powers of the Colorado commission on higher education with respect to capital construction and long-range planning.

Section 35 clarifies that the governor's approval of the expenditure of money from funds derived from the sale of lands donated by an 1862 act of congress is not reliant on requirements specified in the capital construction fund statutes.

Section 36 makes conforming amendments to provisions describing the need for long-range planning for capital construction, controlled maintenance, and capital renewal by the heads of principal departments.

Section 37 makes conforming amendments to definitions related to the negotiation of professional services' contracts.

Section 38 makes conforming amendments and specifies that the requirement to conduct discussions with no less than 3 persons regarding the professional services such persons would provide applies only where the fee for such professional services is estimated to equal or exceed \$25,000.

Section 39 makes conforming amendments to provisions addressing the requirements for contracts for professional services.

Section 40 changes requirements that notice be given in a newspaper of general circulation when a state agency is seeking to contract for the professional services to allow the notice to be given either electronically or by newspaper.

Sections 41 and 42 make conforming amendments to the criminal liability provisions addressing contracts for professional services.

Section 43 changes the definitions applicable to provisions delineating the office of state planning and budgeting's responsibilities.

Section 44 changes the deadlines for the capital budget submissions by the office of state planning and budgeting to the capital development committee.

Section 45 requires the office of information technology to establish, maintain, and keep a separate inventory of information technology equipment valued in excess of \$100,000 owned by or held in trust for every state agency.

Section 46 makes conforming amendments and changes to the provisions governing art in public places to clarify that the 1% requirement is calculated based on total construction costs, rather than the total project costs, appropriated in each year. Section 46 also explicitly allows an appropriation for professional services to include planning for the acquisition of public art.

Section 47 makes a conforming amendment to the definition of "capital outlay" related to the new capital construction, capital renewal, and controlled maintenance definitions in the act.

Section 48 makes a conforming amendment to provisions restricting state appropriations related to the new capital construction definition in the act.

Sections 49 through 54 make conforming amendments, make technical changes, and remove obsolete provisions related to the capital construction fund.

Section 55 modifies provisions related to the capitol complex master plan to clarify that statutory references to any other buildings, facilities, and surface parking lots acquired after May 28, 2013, refers to such buildings, facilities, and surface parking lots belonging to the capitol complex.

Section 56 makes conforming amendments and technical changes to provisions authorizing the executive director of the department of personnel, with the approval of the governor, to rent or lease real property not presently needed for state use.

Sections 57 through 62 make conforming amendments to requirements related to construction contracts with public entities, construction bidding for public projects, and construction contracts related to the new capital construction, capital renewal, and controlled maintenance definitions in the act.

Section 63 makes conforming amendments to the source selection and contract formations portion of the "Procurement Code" related to the new state agency and state institution of higher education definitions in the act.

Section 64 changes the threshold for when bonds and security must be delivered to the state when a construction contract is awarded from \$100,000 to \$150,000.

Section 65 changes the threshold for when a contractor bond is necessary for public works projects from \$100,000 to \$150,000.

Section 66 changes the threshold for when notice of final settlement must be published for public works contracts from contracts exceeding \$50,000 to contracts exceeding \$150,000.

Section 67 makes conforming and technical amendments to the department of transportation's requirements to request funding for state highway reconstruction, repair, or maintenance projects to the capital development committee.

Sections 68 through 70 add cross references in appropriate statutes to the new joint rule of the senate and house of representatives that differentiates a budget request and operating budget request reviewed by the joint budget committee, a capital budget request

reviewed by the capital development committee, or an information technology budget request reviewed by the joint technology committee.

Section 71 repeals statutory sections that were relocated and repeals the code appeals board statute, which board was never established due to lack of funding. Code compliance for state buildings is coordinated by the office of the state architect in the department of personnel.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**NOTE:** Certain sections of the act are contingent on the adoption of Senate Joint Resolution 14-039. It was signed by the President of the Senate and the Speaker of the House on May 15, 2014.

**H.B. 14-1390** Open meetings law - legal standing to challenge violations. The act clarifies the open meetings law (OML) to explicitly state that any person denied or threatened with denial of any of the rights that are conferred on the public by the OML has suffered an injury in fact and, therefore, has standing to challenge the violation of the OML.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**H.B. 14-1391** Treasurer - payments by check. The state treasurer and the treasurer of the university of Colorado make payments by means of warrants drawn upon them. The act authorizes them to also pay certain obligations by check.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** June 5, 2014

**H.B. 14-1394** Tobacco litigation settlement moneys - allocation of disputed payments - clarification. The act clarifies the statutory allocation of tobacco litigation settlement moneys in order to ensure that the state treasurer has the statutory direction required to use disputed payments of settlement moneys received by the state to reduce the annual amount of accelerated payments allocated from the tobacco litigation settlement cash fund as was intended by Senate Bill 14-104.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

## HEALTH AND ENVIRONMENT

**S.B. 14-25** Water quality control - water and wastewater facilities - small communities water and wastewater grant fund. The act clarifies that severance tax dollars credited to the small communities water and wastewater grant fund may be used for domestic wastewater treatment works. The act also repeals a statute that separately governs the funding, through grant-making, of domestic wastewater treatment works for small municipalities because the statute is substantially duplicated by the provisions added or amended in the act.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**S.B. 14-29** Paint disposal - stewardship program - appropriation. On or before July 1, 2015, each producer of architectural paint being sold in Colorado must participate in a paint stewardship program that establishes standards and practices for the collection, transportation, reuse, recycling, and disposal of postconsumer architectural paint.

A producer, group of producers, or stewardship organization contracted by a producer or group of producers must submit for approval a paint stewardship program plan to the executive director of the department of public health and environment (executive director) by January 1, 2015. The plan must:

- Describe the environmentally sound collection, transportation, reuse, recycling, and disposal standards and practices that the proposed program will implement to handle postconsumer architectural paint;
- Establish enough postconsumer architectural paint collection sites throughout the state to ensure that at least 90% of Colorado residents have permanent collection sites within 15 miles of their homes, or, as an alternative, the plan may identify an available curbside service that provides access to residents that is at least as convenient and equitably accessible as a collection site;
- Establish postconsumer architectural paint collection events for the portion of Colorado residents who will not have permanent collection sites established within 15 miles of their homes;
- Develop an education and outreach program; and
- Provide sufficient funding for the program by imposing a uniform, per-container assessment on retailers and distributors that the retailers and distributors will recoup by adding to the purchase price of the architectural paint.

The producer, group of producers, or stewardship organization implementing a paint stewardship program must submit an annual report to the executive director describing the progress of the program.

The act establishes an administrative penalty for a violation of the relevant statutes and rules, and creates the paint stewardship program cash fund for the executive director's collection of fees associated with a paint stewardship program.

\$84,045 and 0.9 FTE is appropriated out of the paint stewardship program cash fund to the department of public health and environment to be allocated to the hazardous

materials and waste management division for the implementation of the act.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** August 6, 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. 14-50** Hospitals - billing statements - billing errors - department review and investigations - corrective action - creation of hospital financial assistance standards committee - appropriation. The act requires each hospital to include in its billing statements to a patient information regarding the patient's rights, information regarding financial assistance and charity care, and contact information to obtain assistance or charity care. The act requires a hospital to correct billing errors and omissions, to inform the patient of an error, and to provide financial correction to persons affected by the error. The act outlines reporting requirements to the department of public health and environment and allows the department to investigate certain errors and omissions. The act specifies a complaint, review, and corrective action plan for hospitals and the department, and it requires the department to make information available regarding any corrective actions for which fines were imposed.

A hospital financial assistance standards committee is created to develop recommendations for uniform standards consistent with the act.

The act appropriates \$49,161 from the general fund and 0.8 FTE to the department of public health and environment.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** August 6, 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. 14-88** Suicide prevention commission - creation - appropriation. The act creates the suicide prevention commission for the purpose of providing public and private leadership and recommendations regarding suicide prevention in Colorado. The commission will have members who represent the public and private sectors and who have experience with, or have been affected by, suicide and suicide prevention. The department of public health and environment will provide administrative support to the commission. The act requires the office of suicide prevention to include recommendations of the commission in its annual report to the general assembly and present the report in the annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearings.

The department of public health and environment may receive gifts, grants, and donations for the costs associated with the implementation and duties of the commission.

The act appropriates \$73,972 and 0.9 FTE from the general fund to the prevention services division in the department of public health and environment for the suicide prevention program.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** May 29, 2014



**S.B. 14-142** Water quality control - powers and duties of the commissioner of agriculture - pollution from agricultural chemicals. The commissioner of agriculture regulates the use of agricultural chemicals in Colorado. As part of that duty, the commissioner inspects all facilities in Colorado that store pesticides, including public water systems and domestic wastewater treatment works. However, the water quality control division in the Colorado department of public health and environment also inspects public water systems and domestic wastewater treatment works to facilitate the water quality control commission's regulation of water quality throughout the state. The act eliminates this duplication of efforts by removing the commissioner of agriculture's duty to regulate these facilities.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**S.B. 14-151** Nursing home care - innovations - grants - nursing home innovations grant board - grants from civil penalties moneys - appropriation. The act makes the following changes to the law governing the use of moneys derived from civil penalties imposed on nursing facilities and used to fund innovations in nursing home care:

- Changes the name of the nursing facility culture change accountability board to the nursing home innovations grant board and changes the membership of the board;
- Defines "benefit residents of nursing facilities" to specify that grants have a direct impact on the residents of nursing facilities or an indirect impact through education of nursing facility staff;
- Deletes language permitting use of grant money to educate state surveyors, supervisors, and the state or local ombudsman;
- Deletes language permitting use of grant money for organization newsletters or web sites;
- Specifies that programs approved for grants must be portable and not proprietary to the grantee so that programs can be shared without cost to other providers for the benefit of nursing home residents statewide;
- Increases the amount available for grants from 25% of the moneys deposited in the nursing home penalty cash fund (fund) to \$250,000 annually if the balance in the fund is above \$2,000,000. If the balance in the fund falls below \$2,000,000, 25% of the moneys deposited in the fund in the immediately preceding fiscal year may be used for grants.
- Directs the department of health care policy and financing to adopt rules implementing procedures for grants; and
- Prohibits governmental agencies, except for facilities owned or operated by a governmental agency and licensed as a nursing care facility, from applying for or receiving grants.

For the fiscal year beginning July 1, 2014, \$165,000 is appropriated from the fund to the department of health care policy and financing for implementation of the act.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** June 5, 2014

**S.B. 14-159** Medical clean claims task force - implementation of standardized payment rules and claim edits - updates - reports - appropriation. Under current law, the medical

clean claims task force in the department of health care policy and financing (department) is tasked with developing a standardized set of payment rules and claim edits for use by payers in processing medical claims for which coverage is undisputed. Carriers in the state are required to use the standardized payment rules and claim edits developed by the task force by January 1, 2014, for commercial health plans, and by January 1, 2015, for domestic, nonprofit health plans.

The act delays implementation of the complete set of standardized payment rules and claim edits until January 1, 2017, and requires all carriers to implement and use the standardized payment rules and claim edits by that date when processing medical claims under health plans issued in this state, other than those plans governed by federal law superseding state authority, and to implement updated payment rules and claim edits at least twice annually thereafter. The clean claims task force is to develop the complete set by December 31, 2014, and submit a report to the executive director of the department and to specified committees of the general assembly concerning the complete set.

The task force is to make the complete set of payment rules and claim edits available for public review and comment throughout 2015 and to modify the complete set as necessary based on public feedback. By January 31, 2016, the clean claims task force is to submit a final report to the executive director of the department and to specified committees of the general assembly and, throughout 2016, is to provide assistance to users preparing to implement the standardized payment rules and claim edits by January 1, 2017. Also, after implementation of the standardized payment rules and claim edits, the clean claims task force must review and update the payment rules and claim edits at least quarterly.

Additionally, the act requires the executive director of the department to work with the United States department of health and human services to facilitate the use of the standardized payment rules and claim edits adopted in Colorado as the model for use nationally.

\$128,688 is appropriated from the general fund to the task force for use in the 2014-15 fiscal year in developing and assisting with implementation of the standardized payment rules and claim edits.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** August 6, 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. 14-162** Emergency medical service providers - quality management programs - minimum required components - confidentiality and immunity - exceptions and limitations. If an emergency medical services organization chooses to establish a quality management (QM) program to conduct assessments of prehospital care provided by emergency medical service (EMS) providers, the act specifies the mandatory components of the QM program, including:

- Periodic review of treatment protocols, compliance with treatment protocols, and prehospital emergency medical care provided to patients;
- Peer review of EMS providers;
- Data collection as required by law;

- A general description of the types of cases, problems, or risks to be reviewed and the process used for identifying potential risks;
- Identification of personnel or committees responsible for coordinating QM activities and reporting within the QM program;
- A description of the method for investigating and analyzing causes of individual problems and patterns of problems;
- A description of possible corrective actions to address problems; and
- A description of the method for following up in a timely manner on corrective actions.

Information collected and maintained pursuant to a QM program that contains the required components is confidential, and persons who participate in a quality management program cannot be compelled to testify in a civil or administrative proceeding. The confidentiality protections do not apply to factual testimony about which a person has personal knowledge. Persons participating in good faith within the scope and functions of a QM program are not liable for any damages resulting from the proceedings.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** June 5, 2014

**S.B. 14-173** Department of public health and environment - hepatitis C testing - recommendation. The act states that the department of public health and environment recommends that each primary health care provider, physician, physician assistant, or nurse practitioner who treats a patient born between 1945 and 1965 in an inpatient or outpatient setting offer the patient hepatitis C screening or hepatitis C diagnostic testing unless the patient is being treated for a life-threatening emergency, has previously been offered the testing, or lacks capacity to give consent.

If the offer is accepted and the test is reactive, the health care provider is required to offer the patient follow-up care or refer the patient for follow-up care.

**APPROVED** by Governor May 19, 2014

**EFFECTIVE** August 6, 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. 14-187** Colorado commission on affordable health care - creation - membership - duties - reporting requirements - repeal - appropriation. The act creates the Colorado commission on affordable health care and tasks the commission with studying and making recommendations regarding health care costs, focusing on evidence-based cost controls and access to and quality of health care. The governor and legislative leadership from both houses and parties are to appoint the 12-member commission, assuring representation by individuals from across the state and with expertise in various subject areas, including health care administration, financing, delivery, and consumption. Additionally, the commissioner of insurance; the executive directors of the departments of public health and environment, human services, and health care policy and financing; and an administrator from the all-payer health claims database serve as ex officio, nonvoting members of the commission.

The commission is to make recommendations regarding legislative and regulatory modifications that could make health care affordable while improving access to and quality

of health care.

The commission may hire staff and contract with experts to facilitate its work and to provide support for the commission's activities.

The commission is authorized to accept gifts, grants, and donations to fund the commission's duties. Additionally, for the 2014-15 fiscal year, the general assembly is to appropriate \$400,000 to the commission.

The commission is repealed on July 1, 2017.

The act appropriates \$400,000 from the general fund to the department of public health and environment, for allocation to the commission to perform its functions as specified in the act.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** May 29, 2014

**S.B. 14-192** Radiation - facility licensing - groundwater remediation - appropriation. Section 1 of the act specifies that:

- Groundwater wells affected by the release of radioactive materials must be restored, using best available active technologies, to at least the numeric groundwater standards, as established by the water quality control commission, that apply to the historic uses of the wells;
- Licensed radioactive materials facilities must notify the department of public health and environment as soon as practicable upon discovery of any spill or release involving toxic or radioactive materials and provide an initial written report within 7 days after any such discovery; and
- The department must post the reports on the department's web site no later than 7 days after receipt by the department.

Section 2 defines a "facility" to include a thorium mill.

Current law requires a radioactive materials license applicant to pay up to \$50,000 to the local board of county commissioners for its reasonable and necessary expenses to respond to the application; section 3 adjusts that figure for inflation since 2003. Section 3 also modifies the timing of the department's license review process, including the issuance of a draft decision and final draft decision.

Section 4 appropriates \$30,986 and 0.4 FTE from the radiation control fund to the department for implementation of the act.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1002** Water quality control - public drinking water and wastewater treatment systems - natural disaster grant fund - appropriation. The act creates a natural disaster grant

fund and directs the division of administration in the department of public health and environment (division) to award grants from the fund to local governments, including local governments accepting grants on behalf of and in coordination with not-for-profit public water systems, under rules promulgated by the water quality control commission for the planning, design, construction, improvement, renovation, or reconstruction of domestic wastewater treatment works and public drinking water systems that have been impacted, damaged, or destroyed in connection with a natural disaster. The division may only award grants to be used in counties for which the governor has declared a disaster emergency by executive order or proclamation.

The division is required to award grants for the 2014-15 fiscal year and, as needed, for the 2015-16 fiscal year, to eligible local governments that have domestic wastewater treatment works, public drinking water systems, or on-site wastewater treatment systems impacted, damaged, or destroyed in connection with the flood of September 2013.

The act appropriates \$17,000,000 and 1.0 FTE to the fund for implementation of the act. On September 1, 2015, the state treasurer is directed to transfer any unencumbered moneys remaining in the fund to the nutrients grant fund.

**APPROVED** by Governor May 17, 2014

**EFFECTIVE** May 17, 2014

**H.B. 14-1186** Patient medical records - release to third parties - conditions - electronic delivery - fees. The act clarifies that a medical record in the custody of a health care facility or an individual health care provider may be released to a third party with a valid subpoena or other valid authorization. The act requires the facility or provider to deliver the medical record in electronic format if requested and if there is no additional cost to the facility or provider. The act defines what reasonable fees may be charged for the copies of the medical records.

**APPROVED** by Governor April 18, 2014

**EFFECTIVE** April 18, 2014

**H.B. 14-1207** Household medication take-back program - creation - cash fund - appropriation. The act requires the executive director of the department of public health and environment (department) to establish a household medication take-back program (program) to collect and dispose of unused household medications. The program allows individuals to dispose of unused household medications at approved collection sites, and for carriers to transport unused household medications from approved collection sites to disposal locations.

The act specifies that collection sites, carriers, and disposal locations that act in good faith are not subject to liability for incidents arising from the collection, transport, or disposal of household medications.

The act creates the household medication take-back cash fund for the implementation of the program.

\$50,000 is appropriated from the household medication take-back cash fund, and \$5,000 is appropriated from the general fund, to the department for implementation of the

act. The 1014 general fund appropriation to the controlled maintenance trust fund is reduced by \$5,000.

**APPROVED** by Governor May 21, 2014

**EFFECTIVE** May 21, 2014

**H.B. 14-1213** Pharmacy benefit managers - contracts - pricing - appropriation. The act requires a pharmacy benefit manager (PBM) to include the basis for determining maximum allowable cost pricing in each contract between a pharmacy benefit manager and a pharmacy, and to update the pricing information at least every 7 days. The act also requires a PBM to maintain a procedure to eliminate products from the list of drugs subject to maximum allowable cost pricing.

In order for a prescription drug to be placed on a maximum allowable cost list, the act requires a PBM to ensure that the drug meets specific requirements.

The act requires each contract between a PBM and a pharmacy to include a process to appeal, investigate, and resolve disputes regarding maximum allowable cost pricing.

\$129,831 is appropriated to the department of health care policy and financing for allocation to the indigent care program for the children's basic health plan medical and dental costs related to implementation of the act.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** January 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. 14-1281** Terminal illness - eligible patient - use of investigational drugs, biological products, devices - Right to Try Act. The act allows eligible patients to use investigational drugs, biological products, and devices. The act defines an eligible patient as a person who has:

- A terminal illness;
- Considered all other treatment options currently approved by the United States food and drug administration;
- Been unable to participate in a clinical trial;
- Received a recommendation from his or her physician;
- Given written, informed consent for the use of the investigational drug, biological product, or device; and
- Received documentation from his or her physician that he or she meets the definition of "eligible patient".

The act allows a manufacturer to provide an investigational drug, biological product, or device to an eligible patient for no compensation or to charge the patient for the costs. The act clarifies that a health insurance carrier is not required to pay for the investigational drug, biological product, or device.

The act prohibits any action against a health care provider's license for his or her recommendations regarding the use of investigational drugs, biological products, or devices.

The act prohibits an official, employee, or agent of the state from blocking or attempting to block a patient's access to investigational treatment.

**APPROVED** by Governor May 17, 2014

**EFFECTIVE** May 17, 2014

**H.B. 14-1288** Student immunizations - rules - data collection, sharing, and analysis. The act requires the state board of health to promulgate rules concerning student immunizations. Each school must make immunization and exemption rates of its enrolled student population publicly available. The act requires the department of public health and environment to establish a joint policy on immunization data collection and sharing and to assist schools with the analysis and interpretation of the data.

**APPROVED** by Governor May 21, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1352** Waste tires - disposal - reuse - cleanup - appropriation. The act repeals the state's waste tire laws, recreating and consolidating the laws in a new part of the solid waste statutes and all regulatory authority in the department of public health and environment (department). The department's existing solid waste enforcement authority applies to waste tires.

The solid and hazardous waste commission will set the waste tire fee by rule in an amount not to exceed the current \$1.50 fee. In addition to the existing application of the fee to automobile tires, the fee will also be collected on trailer, truck, motor home, and motorcycle tires. On and after January 1, 2018, the fee is set at 55¢ per tire.

Until December 31, 2017, the fee will be distributed as follows: 30% to the waste tire administration, enforcement, and cleanup fund; 65% to the end users fund; and 5% to the waste tire market development fund. On January 1, 2018, the entire fee is credited to the waste tire administration, enforcement, and cleanup fund, and the end users fund and the waste tire market development fund are repealed.

The commission will set the amount of the rebate payable from the end users fund, not to exceed \$80 per ton of waste tires in an amount that is: The same each month for each successive 12-month period; based on the monthly rolling weighted average weight of waste tires submitted for a rebate during the previous 36-month period; and calculated to equalize, but not exceed, the amount of rebates paid with the anticipated income to the end users fund during each succeeding 12-month period. Until the commission adopts a rule to set the rebate amount, the amount is \$40 per ton, which the department may adjust based upon the above factors. The department must pay rebates on a per-ton basis, and the commission's rules governing administration of the rebate must specify that:

- If the weight of waste tires submitted for a rebate in any one month multiplied by the amount of the rebate exceeds the balance of the end users fund, the department will pay a reduced per-ton rebate that month; and
- The department must quarterly notify end users of the date on which the balance of the end users fund is anticipated to be insufficient to pay all of the rebates applied for.

Rebates can be made to end users, retailers who sell tire-derived product, and

processors of Colorado waste tires who sell their tire-derived product to out-of-state end users. To avoid double payment of the rebate, once the department has paid a rebate on a particular quantity of tire-derived product, every part of that particular quantity of tire-derived product is no longer eligible for payment of the rebate.

Waste tire haulers cannot have more than 1,500 waste tires on site or store a waste tire for more than 3 days. Waste tire generators cannot have more than 1,500 waste tires at any one time and must develop and maintain written criteria for distinguishing waste tires from used tires, clearly identify waste tires and used tires according to the criteria, and organize used tires for sale in a manner that allows the inspection of each individual tire. Waste tire collection facilities cannot have on site more than 7,500 waste tires at any one time. Waste tire processors cannot have on site at any one time more than the lesser of 100,000 waste tires, the amount of waste tires allowed under local requirements, or the amount of waste tires anticipated in the waste tire processor's financial assurance instrument. Mobile processors of waste tires must register with the department.

Used tire sellers must distinguish waste tires from used tires, distinguish used tires being held for sale in Colorado from used tires being held for sale outside Colorado, and organize used tires for sale in a manner that allows the inspection of each individual tire.

Waste tire monofills must:

- On an annual basis, for every one waste tire received, end use at least 2 waste tires or process at least 2 waste tires into tire-derived product; and
- Not place any waste tires into monofill storage after January 1, 2018, and close the waste tire monofill by July 1, 2024.

The waste tire advisory committee is repealed.

The act adjusts the 2014 general appropriations act by:

- Eliminating the appropriations from the repealed funds;
- Appropriating \$2,942,216 and 5.1 FTE to the department for administration and enforcement of the waste tire program;
- Appropriating \$3,900,000 to the department for rebates;
- Appropriating \$386,409 to the department for market development;
- Appropriating \$500,000 from the general fund to the department for cleanup of waste tires;
- Appropriating \$34,000 to the department of revenue for programming costs; and
- Appropriating \$17,621 and 0.6 FTE to the department of revenue for personal services and operating expenses.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1360** Home care agencies - home care placement agencies - continuation of regulation by department of public health and environment - fees - rules - limited regulation of PACE home care service providers - relicensure inspection stay for CCBs and PASAs - reporting requirements - appropriations. The act extends the automatic termination date of the regulation of home care agencies and home care placement agencies by the Colorado



department of public health and environment (department) for 5 years, until 2019, with the following modifications:

- Requires the department of regulatory agencies, in its next sunset report of the program, to segregate data based on type of agency and type of services provided;
- Clarifies that owners and managers or administrators must obtain a criminal history record check with respect to an application for a home care agency license or home care placement agency registration;
- Excludes from the definition of "home care agency" a program of all-inclusive care for the elderly (PACE) that is regulated by the department of health care policy and financing, but specifies the department's regulatory authority over PACE providers that furnish PACE home care services;
- Directs the state board of health (state board) to promulgate rules to provide factors for the agencies to consider in determining whether a conviction for an offense should disqualify an applicant for employment with a home care agency or for referral by a home care placement agency as a home care services provider;
- Directs the state board to promulgate rules requiring home care placement agencies to retain their records for inspection by the department and establishing fees for home care placement agency registration to cover the direct and indirect costs of the department's oversight of home care placement agencies;
- Requires home care placement agencies to apply for a registration from the department by June 1, 2015, and to obtain a registration by January 1, 2016, and specifies that a home care placement agency must obtain and maintain general liability insurance in an amount determined by the state board;
- Authorizes the imposition of a civil penalty of up to \$10,000 on a home care placement agency, and subjects the agency to criminal penalties, if the agency fails to comply with registration requirements;
- Requires a home care placement agency to disclose in writing to its home care consumer clients, in accordance with state board rules, that it does not employ, direct, control, train, or schedule the home care service providers it refers to home care consumers;
- Authorizes the department to inspect home care placement agencies' records and to deny an initial registration application; suspend, revoke, or refuse to renew a registration; or impose intermediate restrictions or conditions on a registered home care placement agency if the agency is not complying with its statutory requirements;
- Limits the scope of the initial licensure inspection of a community-centered board (CCB) or program-approved service agency (PASA) seeking a home care agency license if the CCB or PASA has been certified or recertified by the department of health care policy and financing within the previous 12 months and has satisfied all requirements for the certification as a provider of services to individuals with developmental disabilities under the supported living services (SLS) waiver or the children's extensive support (CES) waiver program administered by the department of health care policy and financing;
- Institutes a 2-year stay on relicensure inspections of CCBs and PASAs that provide in-home personal care services to home care consumers who are recipients of services under the SLS or CES waiver program;
- Requires the department, during the stay of relicensure inspections of CCBs

and PASAs, to convene a work group to develop a plan, by September 1, 2015, to eliminate conflicts and gaps between the requirements imposed on CCBs and PASAs for licensure by the department and the requirements for certification by the department of health care policy and financing, which plan must specify the rules of the state board and the medical services board that require modification to eliminate the conflicts and gaps, and requires the respective boards to adopt necessary rules by July 1, 2016; and

- Requires the 2 departments, during their "SMART Act" hearings before their joint legislative committees of reference, to report their progress on resolving conflicts and eliminating gaps in the rules applicable to CCBs and PASAs that provide in-home personal care services.

The act appropriates moneys as follows to implement the act:

- \$110,000 from the intellectual and developmental disabilities services cash fund to the department of health care policy and financing, which is reappropriated to the department of public health and environment for the payment of licensure fees for CCBs and PASAs;
- \$144,423 and 2.1 FTE from the home care agency cash fund to the department of public health and environment, for allocation to the health facilities and emergency medical services division for the health facilities general licensure program;
- \$53,560 from the home care agency cash fund to the department, which amount is reappropriated to the governor's office for allocation to the office of information technology to provide computer services to the department; and
- \$40,966 and 0.2 FTE from the Colorado bureau of investigation (CBI) identification unit fund to the CBI crime information center for fingerprint-based criminal history record checks required by the act.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1396** Medical marijuana - state registry of patients and caregivers - authorized access to registry - registration required to receive marijuana from caregiver. The act clarifies that the term "authorized employees of the state health agency", as used in article XVIII, section 14 of the Colorado constitution, which created the medical marijuana registry, includes independent contractors or other agencies acting on behalf of the department of public health and environment under a contract or intergovernmental agreement. The act also specifies that these contractors are not, as a result of this authorization, entitled to state employee benefits.

A primary caregiver is prohibited from growing, selling, or processing marijuana for any person unless that person has a registry identification card and the caregiver is identified on the registry as the person's primary caregiver.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

## HEALTH CARE POLICY AND FINANCING

**S.B. 14-67** Medicaid - children's basic health plan - statutory changes to align with federal law - eligibility categories - income determination. The federal "Patient Protection and Affordable Care Act" enacted in 2010 made certain changes to the eligibility groups in the medicaid program. The act makes technical changes to the statutes to align the eligibility provisions of Colorado's medical assistance program and the children's basic health program with the changes under federal law. Specifically, the act:

- Removes obsolete eligibility group descriptions and renames and consolidates eligibility groups to conform to the current medicaid eligibility groups under federal law;
- Defines "modified adjusted gross income" by reference to the federal definition for purposes of determining income eligibility;
- Removes obsolete language regarding income- and resource-counting methods;
- Updates statutory language relating to income verification through federally approved electronic data sources; and
- Clarifies that application data and verifications for individuals who are ineligible for medical assistance will be transferred to the state insurance marketplace.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**S.B. 14-130** Nursing facility - personal needs allowance - increase - appropriations. The act changes the personal needs allowance by increasing from \$50 to \$75 per month the minimum amount payable to a resident of a nursing facility or an intermediate care facility for individuals with intellectual disabilities. Additionally, on January 1, 2015, and on January 1 of each year thereafter, the basic minimum amount is increased by the same percentage increase as the nursing facility provider reimbursement rate. Any decrease in patient payments to nursing facilities is fully funded by payments from the state general fund and applicable federal funds.

The act makes the following appropriations to implement the act:

- \$517,971 of general funds and \$539,329 in federal funds to the department of health care policy and financing for medical services premiums due to a reduction in patient payments resulting from the increase in the personal needs allowance;
- \$2,289 to the department of human services for medicaid-related information technology services;
- \$10,947 in general funds and \$11,398 in federal funds to the department of human services for regional centers due to a reduction in patient payments;
- \$6,203 to the department of human services for information technology services;
- Adjustments to the appropriations in the 2014 long appropriation act to the department of human services for regional centers for services for people with disabilities; and

- \$6,203 to office of state planning and budgeting for information technology.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-143** Medicaid - nursing facility cash fund - provider reimbursement appeals. The act authorizes appropriations from the medicaid nursing facility cash fund to satisfy settlements or judgments resulting from nursing facility provider reimbursement appeals.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

**S.B. 14-144** Commission on family medicine - family medicine residency programs - study - appropriation. The act extends the commission on family medicine's (commission) support of the development of family medicine residency programs in rural and other underserved areas of the state and removes the 2016 repeal date for this commission duty. Further, the act requires the commission to report annually to the office of state planning and budgeting and the department of health care policy and financing concerning its duty regarding family medicine residency programs and to present its report at the annual meeting of the joint budget committee.

In addition, the act requires the commission to complete a study, or to contract for the completion of a study, concerning family medicine residency programs in rural and other underserved areas of the state. The act includes several issues that must be evaluated as part of the study, including issues relating to family medicine residency programs, specifically, and graduate medical education programs, in general. The study must also include an evaluation and recommendations concerning the use of medicaid graduate medical education funding to support family medicine residency programs in the state. The completed study must be submitted to certain committees of the general assembly.

The act appropriates \$150,000 to the department of health care policy and financing to implement the act consisting of \$75,000 in general funds and \$75,000 in federal funds. The act decreases the general fund appropriation to the controlled maintenance trust fund in the 2014 general appropriations act by \$75,000.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** August 6, 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. 14-160** Medicaid - persons with a brain injury - transitional living programs. Under current law, for persons with a brain injury, the transitional living program is limited to a 6- to 12-month period. The act removes this limitation.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

**S.B. 14-180** Dental services for low-income seniors - transfer to HCPF - appropriation. There is currently a program in the department of public health and environment to provide dental services to eligible low-income seniors. As of July 1, 2015, the act moves the program

to the department of health care policy and financing (department). The act directs the department to make grants to qualified grantees to provide or arrange for the provisions of dental services for eligible seniors. The act directs the medical services board (board) to promulgate rules governing the program and establishes a senior dental advisory committee to make recommendations to the department and the board.

The act directs the department of public health and environment to continue to provide dental services to eligible seniors who are not eligible for other public dental programs and repeals the existing program as of January 1, 2016.

The act reduces the appropriation to the department of public health and environment by \$55,000 and makes a \$55,000 appropriation to the department to establish the new program.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

**H.B. 14-1045** Breast and cervical cancer prevention and treatment program - continuation - funding - appropriation. The act extends the repeal date by 5 years for the breast and cervical cancer prevention and treatment program (detection program).

The act permits a person to receive treatment if the person was screened by any provider, within his or her scope of practice, who does not receive funds through the center for disease control and prevention's detection program but whose screening activities have been recognized under the detection program.

The act permits the program to receive moneys from the sale of the breast cancer awareness license plates and removes language that prevents the transfer of those moneys until certain conditions are met.

The act includes language concerning the source of funds for the annual appropriation for the program for the next budget year and budget years thereafter.

The act makes the following appropriations:

- Adjusts the appropriations in the 2014 long appropriation act to the department of health care policy and financing and the department of public health and environment for the prevention services division by \$936,892; and
- Appropriates \$7,006,802 and 1.0 FTE, comprised of \$2,424,016 from the breast and cervical cancer prevention and treatment fund, and \$4,582,786 from federal funds to the department of health care policy and financing for implementation of the act.

**APPROVED** by Governor April 29, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1211** Medicaid - durable medical equipment - complex rehabilitation technology - appropriation. The act requires the department of health care policy and financing (department) to recognize complex rehabilitation technology as a specific need of persons with complex diagnoses or medical conditions that result in significant physical or functional needs.

The department must develop the parameters of the complex rehabilitation technology benefit and establish supplier quality standards for complex rehabilitation technology suppliers. Additionally, the department must require an evaluation of complex needs patients by qualified professionals for purposes of identifying appropriate complex rehabilitation technology. Further, the department must continue to ensure that reimbursement rates for complex rehabilitation technology support continued access to the benefit. The department must provide public notice prior to a collaborative process that includes discussion of the type of equipment included in the complex rehabilitation technology benefit. The act defines terms relating to complex rehabilitation technology.

The act decreases the appropriation to the controlled maintenance trust fund for fiscal year 2014-15 by \$16,533. For fiscal year 2014-15, the act appropriates \$51,133, comprised of \$16,533 from the general fund and \$34,600 from federal funds, to the department for implementation of the act.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** January 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. 14-1252 Medicaid - use of intellectual and developmental disabilities cash fund - plan for distribution of moneys to increase system capacity - report - intellectual and developmental disabilities services appropriations mid-year adjustments - appropriations.** The act amends the intellectual and developmental disabilities cash fund to allow moneys in the fund to be used for administrative expenses relating to medicaid waiver renewal and redesign and for increasing system capacity for home- and community-based services for persons with intellectual and developmental disabilities.

On or before April 1, 2014, the department of health care policy and financing (state department) shall report to the joint budget committee concerning the state department's plan for distribution of moneys appropriated for increases in system capacity. The state department must work with community-centered boards and providers to develop recommendations to the executive director concerning the plan. By April 15, 2014, the state department shall distribute the moneys appropriated for increases in system capacity. On or before October 1, 2014, each community-centered board or provider that receives moneys for increases in system capacity shall report to the state department concerning the use and effectiveness of the moneys. The statutory provisions relating to the plan for distribution of moneys repeals July 1, 2015.

Finally, the act makes mid-year adjustments to funding for the intellectual and developmental disabilities waivers and appropriates moneys from the general fund to the intellectual and developmental disabilities cash fund.

The act appropriates the following amounts to the state department for the 2013-14 fiscal year:

- \$4,500,000, of general fund moneys for allocation to the intellectual and developmental disabilities services cash fund;
- \$13,852 and 0.2 FTE for allocation to the division of intellectual and

developmental disabilities for administrative expenses for renewal and redesign of medicaid home- and community-based waivers relating to intellectual and developmental disabilities. \$6,926 is from the intellectual and developmental disabilities services cash fund with an equal amount in federal funds.

- \$400,000 for allocation to the division of intellectual and developmental disabilities for contract services for renewal and redesign of medicaid home- and community-based waivers relating to intellectual and developmental disabilities. \$200,000 is from the intellectual and developmental disabilities services cash fund with an equal amount in federal funds.
- \$4,293,074 from the intellectual and developmental disabilities services cash fund for allocation to the division of intellectual and developmental disabilities for increasing system capacity for home- and community-based intellectual and developmental disabilities programs, services, and supports.

**APPROVED** by Governor February 27, 2014

**PORTIONS EFFECTIVE** February 27, 2014

**PORTIONS EFFECTIVE** March 1, 2014

**H.B. 14-1357** Medicaid - home- and community-based services - in-home support services - appropriation. The act makes changes to the in-home support services delivery model for home- and community-based services. The changes include:

- Expanding in-home support services to include persons enrolled in the spinal cord injury waiver pilot program;
- Clarifying that in-home support services may be provided in the home or in the community;
- Clarifying that the person receiving services, or his or her authorized representative, may schedule, manage, supervise, and direct the work of the attendant providing services;
- Requiring the state board of medical services rules for in-home support services to include rules that permit the person receiving services, or his or her representative, in conjunction with the in-home support services agency to determine the amount of oversight needed in connection with the person's in-home support services;
- Permitting family members to be reimbursed for in-home support services provided to eligible persons and requiring the medical services board to promulgate rules, as necessary, regarding reimbursement for services; and
- Amending statutory provisions for the elderly, blind, and disabled waiver to reflect current law permitting persons enrolled in the waiver to receive in-home support services.

The act also requires the department of health care policy and financing, on or before March 1, 2015, to develop a plan to expand the provision of in-home support services to include clients eligible for other home- and community-based services waivers and to report to the general assembly concerning the plan.

The act appropriates \$297,986 to the department of health care policy and financing for medical services premiums, \$145,983 from general funds and \$152,002 from federal

funds. The act decreases the general fund appropriation to the controlled maintenance trust fund by \$145,983.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** March 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. 14-1369** Durable medical equipment suppliers - license required - appropriation. The act requires a durable medical equipment supplier that currently bills or plans to bill the medicare program for services or products to have a license with the secretary of state. The licensee must be physically located within the state or within 50 miles of the state, have sufficient inventory and staff to do business, and be accredited by an organization recognized and accepted by the centers for medicare and medicaid services.

The act appropriates \$95,775 from the department of state cash fund and 0.1 FTE to the department of state for allocation to the business and licensing division for personal services and information technology services for information technology costs.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** May 22, 2014



## HUMAN SERVICES - BEHAVIORAL HEALTH

**S.B. 14-118** Individuals with disabilities - service animals. The act conforms several definitions related to discrimination based on a disability (discrimination) to the federal "Americans With Disabilities Act of 1990", including changing the term "assistance dog" to "service animal". The statutory fine for discrimination in places of public accommodation, housing, and or violations of the rights of an individual with a disability who uses a service animal or a trainer of a service animal is increased to an amount not to exceed \$3,500, plus actual monetary damages, attorney fees and costs, and an order for compliance, if applicable. A small business defendant is entitled to a 50% reduction of the statutory fine assessed if it corrects the accessibility violation within 30 days after the filing of the complaint, unless the defendant knowingly or intentionally caused the accessibility violation. Penalties are added for a person who causes harm to a service animal or service animal in training or a person who owns an animal that causes harm to a service animal or service animal in training.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1051** Home- and community-based services for persons with intellectual and developmental disabilities - strategic plan for enrollment - recommendations - report - hearing. The act requires the department of health care policy and financing (state department), by November 1, 2014, to develop a strategic plan, in consultation with intellectual and developmental disability system stakeholders, to enroll eligible persons with intellectual and developmental disabilities (eligible persons) in home- and community-based programs, services, and supports at the time those persons choose to enroll in the programs or need the services or supports. The strategic plan must include specific recommendations and annual benchmarks for achieving the enrollment goal by July 1, 2020. The state department shall submit the plan to the general assembly and present the plan at a joint budget committee hearing on or before December 1, 2014. The state department shall revise the strategic plan as necessary.

Additionally, on or before November 1, 2014, and each November 1 thereafter, the state department shall report to the general assembly concerning the number of eligible persons who are waiting for enrollment into a home- and community-based program or state program. In its budget submitted to the general assembly, the governor's office shall specify those budget requests related to achieving the enrollment goal in the strategic plan.

Under current law, the joint budget committee and the health and human services committees of the general assembly hold an annual hearing concerning the status of the waiting lists for intellectual and developmental disabilities services and supports. The act requires the state department to present testimony at the hearing relating to the number of eligible persons waiting for enrollment into a home- and community-based program or state program and any revisions made to the strategic plan. In addition, community-centered boards and providers shall report concerning the use and effectiveness of any moneys received in the preceding fiscal year for increasing system capacity.

**APPROVED** by Governor March 14, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1173** Controlled substances act - continuation under sunset law - appropriation. The act extends the "Colorado Licensing of Controlled Substances Act" (act) until 2019. The department of human services is granted authority to impose a wider range of disciplinary actions for violations of the act. The act grants the medical director, or his or her designee, at substance abuse treatment facilities, with patient permission, access to the state prescription drug monitoring program. The additional license fee of \$75 for a controlled substance addiction treatment program is removed.

The act appropriates \$7,500 to the department of regulatory agencies for computer system changes.

The act makes certain provisions effective only if House Bill 14-1283 is not enacted or does not become law.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

**NOTE:** House Bill 14-1283 was signed by the governor May 21, 2014.

**H.B. 14-1271** Mental health providers - duty to warn - immunity. Current law grants immunity from liability to a mental health provider who has a duty to warn a specific person or persons when a patient has communicated to the provider a serious threat of imminent physical violence against that person or persons. The act extends that immunity and duty to warn to include persons or persons identifiable by their association with a specific location or entity.

**APPROVED** by Governor April 7, 2014

**EFFECTIVE** April 7, 2014

**H.B. 14-1338** Regional centers for persons with intellectual disabilities - needs assessment - utilization study - appropriation. The act creates the regional centers task force (task force) to study matters relating to the state's regional centers and to make findings and recommendations to the general assembly relating to the state's need for beds for persons with intellectual disabilities and whether the state should operate those beds. In addition, the task force shall create a strategic plan for the future use of the regional centers.

The task force consists of legislative members, representatives of state agencies, a state employees' group, a family member of an individual residing in each of the three regional centers, and community members. The department of human services (department) will retain a facilitator to facilitate the work of the task force. The task force has enumerated duties relating to the need for and use of the state's regional centers. The act contains provisions for appointing task force members, task force meetings and subcommittees, reimbursement for task force members' expenditures, task force reporting requirements, and the repeal of the task force. The first meeting of the task force must occur no later than July 15, 2014.

In addition, the act requires the department to contract for a utilization study to make

findings and recommendations relating to the state's regional centers, including the need for regional center beds and the use of the regional centers' facilities. The department shall present the utilization study to the task force and to the general assembly.

The act prohibits the department from selling any state-operated regional centers until the task force has completed its final report and requires the department to maintain an adequate number of regional center beds for individuals who have not successfully transitioned to the community.

The act appropriates \$250,000 to the department for purposes of the task force and utilization study.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

**H.B. 14-1368** Youth with intellectual and developmental disabilities - transition to adult services - rules - appropriation. Currently, youth who are 18 to 20 years of age and who have intellectual and developmental disabilities (youth) receive services through county child welfare services. The act establishes a plan by which youth who are currently 18 to 20 years of age are transitioned into adult services for persons with intellectual and developmental disabilities (adult services). County departments of human or social services are instructed to develop a policy to ensure that youth will be transitioned to adult services when they turn 18 years of age. The act sets forth criteria that must be included in a transition plan for a youth who is being transitioned to adult services. The medical services board and state board of human services may promulgate rules, as necessary and appropriate, related to the transition of youth to adult services.

The child welfare transition cash fund (fund) is created to cover the costs related to the transition. The fund repeals July 1, 2016.

The act makes appropriations available to both the department of humans services and the department of health care policy and financing to transition youth to adult services.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

## HUMAN SERVICES - SOCIAL SERVICES

**S.B. 14-3** Child care - child care assistance program - cliff effect pilot program - appropriation. The act makes several changes to the statute that created a pilot program to address the cliff effect that occurs when working parents in the Colorado child care assistance program (CCCAP) receive a minor increase in their income that makes them ineligible for child care assistance and the increase in wages is not enough to cover the costs for child care without the child care assistance. The cliff effect pilot program was designed to allow families to remain in the CCCAP program notwithstanding the increase in income. The changes to the statute governing the pilot program include:

- Extending the duration of the cliff effect pilot program;
- Allowing counties to limit participation in the pilot program to a reasonable percentage of their CCCAP caseload instead of having to cover all of their CCCAP caseload;
- Allowing counties to limit participation in the pilot program to families who enter CCCAP with children who are 36 months of age or younger;
- Allowing counties to have more flexibility in designing a pilot program that best addresses their specific community needs;
- Clarifying the data collection and reporting responsibilities of the county departments of human services and the department of human services (department) about the pilot program.

A county department selected to participate in the pilot program may apply for a grant through a grant program funded through the newly created Colorado child care assistance cliff effect pilot program fund (fund). Grant moneys may be used at the county's discretion for administrative costs and the costs of providing continued benefits to families participating in the pilot program. The state department may adopt rules as necessary concerning the application process for the grant program.

The cliff effect program is repealed, effective July 1, 2020.

The department is directed to report annually about CCCAP and the results of the pilot program to the public health care and human services committee of the house of representatives and to the health and human services committee of the senate, or any successor committees. The act lists the items that should be included in the annual report.

For the 2014-15 fiscal year, the act appropriates:

- \$1,200,000 to the fund for the implementation of the fund;
- \$1,200,000 from the fund to the department of human services; and
- \$69,453 and 1.0 FTE to the department of human services for implementation of the cliff effect pilot program.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** May 22, 2014

**S.B. 14-12** Aid to the needy disabled - increase in assistance payment - pilot program - rules - appropriations. The act requires the department of human services (department), by rule, to increase the assistance payment under the program for aid to the needy disabled to an amount equal to the amount of the payment for the 2013-14 state fiscal year increased by

10%. For state fiscal years 2015-16 through 2018-19, subject to available appropriations, the department is encouraged to restore the assistance payment to the state fiscal year 2006-07 level and to adjust the assistance payment for increases in the cost of living.

The act permits the department to promulgate rules describing the conditions under which a county department may waive the requirement that a person apply for federal supplemental security income benefits prior to receiving aid to the needy disabled assistance payments.

The act creates the federal supplemental security income application assistance pilot program (pilot program) in the department to assist persons applying for the program for aid to the needy disabled in completing federal applications for supplemental security income benefits and social security disability insurance benefits. The department shall award a competitive contract to a nonprofit organization to implement the pilot program. The pilot program repeals in 2 years.

The act amends the state supplemental security income stabilization fund to require that an amount not exceeding 20% of the total appropriation for the applicable fiscal year in the annual general appropriations act for the program for aid to the needy disabled remain in the stabilization fund at the end of the fiscal year.

The act makes the following appropriations to implement the act:

- Decreases the appropriation in the 2014 long bill to the controlled maintenance trust fund by \$1,240,067;
- \$1,495,144 to the department, for the program for aid to the needy disabled and the pilot program and reappropriated funds for modifications to the Colorado benefits management system;
- \$4,697 to the department of health care policy and financing for modifications to the Colorado benefits management system; and
- \$13,764 to the office of state planning and budgeting for information technology out of reappropriated funds from the department.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1015 Transitional job program - appropriation.** Current law directs the department of human services (department) to administer a transitional jobs program (program) through December 30, 2014. The act extends the program through June 30, 2017, but prohibits offering new transitional jobs after December 31, 2016.

The act authorizes \$800,000 of the appropriation for the program in 2013-14 to be carried forward to 2014-15 and appropriates an additional \$395,270 to the department for the 2014-15 fiscal year.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** August 6, 2014

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

effective date, see page vi of this digest.

**H.B. 14-1317** Child care - Colorado child care assistance program - rules - appropriation.  
The act makes several modifications to the Colorado child care assistance program (program), including:

- The state department of human services (state department) shall establish provider rates for each county every other year;
- The state-established provider reimbursement rates must include a system of tiered reimbursement for providers that enroll children in the program;
- After notice to the state department, a county may opt out of the state-established provider reimbursement rates and negotiate its own rates with providers, so long as the county-established provider reimbursement rates include a system of tiered reimbursement for providers that enroll children in the program;
- Subject to available appropriations, the state department shall conduct a study to examine private payment tuition rates and how those rates compare to the program rates set by the state and the counties and whether those rates achieve the federal requirement of equal access. The study must also examine reasons why licensed providers choose to limit or deny access to program-subsidized families.
- Subject to available appropriations, counties are directed to provide child care assistance to a person or family whose income is not more than 165% of the federal poverty level;
- The board shall adopt new rules for determining the amount of copayment a participant in the program must pay. The rules must include a provision that for a family living at 100% of the federal poverty level, the copayment must be restricted to 1% of the family's gross annual income.
- The rules concerning participant copayment must also establish a tiered copayment schedule that increases the copayment gradually as the participant's income approaches self-sufficiency income levels. The participant's income should reflect an average of income over time to account for variations in wages, work schedules, or seasonal employment.
- A county shall set the exit-income-eligibility threshold at a level higher than the entry-income-eligibility level, at an income level needed for a family of the size receiving the child care assistance to achieve a self-sufficiency standard of living in that county, at a level not to exceed 85% of the state median income for a family of the same size, and in a manner so that a family does not lose child care assistance due to a modest increase in the parents' income above their entry-income-eligibility level;
- In current rule, a participant in the program who loses employment can remain in the program for only 30 days while actively searching for employment. The act increases that time to at least 60 days, assuming all other eligibility criteria are met.
- The act creates a new eligibility activity by allowing a parent who is not employed but who is either enrolled in a postsecondary or workforce training program to participate in the program for up to 2 years that he or she is enrolled in the postsecondary or workforce training program;
- A county may give priority for services to a working family over a family enrolled in postsecondary education or workforce training;

- The act makes it a statutory requirement that the hours for the provision of child care services through the program must not be directly linked to a participant's employment, education, or workforce training schedule, and the number of hours authorized for child care should be based on the number of hours the parent is participating in an eligible activity and the child's needs for care;
- The act requires a county to allow for presumptive eligibility of a participant for at least 30 days while awaiting verification of an application to the program;
- To the extent practicable, and with certain exceptions, the duration of a child care authorization notice for a child enrolled in the program must be the same as the child care eligibility period for the child's family;
- Income received during the past thirty days must be used in determining eligibility unless, on a case-by-case basis, the prior thirty-day period does not provide an accurate indication of anticipated income, in which case a family may provide evidence of up to 12 of the most recent months of income if it more accurately reflects the family's current income level;
- Counties are given the authority to develop a voucher system for relative or unlicensed child care for families enrolled in the program;
- Counties are given permission to use their program allocations to provide direct contracts or grants to early care and education providers for a county-determined number of program slots for a 12-month period to increase the supply and improve the quality and continuity of child care for infants and toddlers, children with disabilities, after-hours care, and children in underserved neighborhoods;
- Counties are required to provide participants and child care providers with at least 45 days' notice prior to the effective date of any change in income-eligibility levels;
- Counties are required to post eligibility, authorization, and administration policies and procedures so they are easily accessible to a layperson;
- Administrative changes in the act include allowing a county to use eligibility determination information from other public assistance programs and systems to determine program eligibility, allowing a child care provider to accept a participant's program application and submit it to the county on behalf of the family seeking enrollment in the program, and requiring each county to maintain a current and accurate program waiting list;
- Counties shall reimburse providers, separate from regular reimbursement rates according to the following schedule: for providers in the first level of the state department's quality-rating and improvement system (system) for no fewer than 6 absences or holidays per year; for providers in the second level of the system for no fewer than 10 absences or holidays per year; and for providers in the top 3 levels of the system for no fewer than 15 absences or holidays per year; and
- The state department is directed to prepare an annual report on the program.

The act appropriates \$9,922,744 to the state department to implement the act and \$44,529 to the department of health care policy and financing for charges to the Colorado benefits management system.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** May 22, 2014

**H.B. 14-1358** Medicaid - home- and community-based services - in-home support services - continuation of program. The act continues in-home support services until September 1, 2019, and requires a review of the program by the department of regulatory agencies prior to repeal.

The act permits persons who are participating in the spinal cord injury waiver program to receive in-home support services.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** August 6, 2014

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



## INSURANCE

**S.B. 14-152** Insurance companies - derivative instruments - holding companies. Section 1 of the act modifies the requirements applicable to insurance companies' investments in derivative transactions by expanding the definitions of "derivative instrument" and "income generation" and by imposing caps on the percentage of an insurance company's admitted assets that an insurance company may commit to various types of derivative instruments.

Section 2 updates existing law relating to insurance company holding systems by enacting a model act adopted by the national association of insurance commissioners. The model act:

- Authorizes the commissioner of insurance to participate in one or more supervisory colleges with other state, federal, and international insurance regulatory agencies for the purpose of reviewing insurance company holding systems' enterprise risk and compliance with the financial transaction requirements in the model act; and
- Uses an expansive definition of "control" to require the commissioner's review and approval of a wide variety of financial transactions that affect control over an insurance company or market competitiveness standards.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-209** Regulation of insurers - permissible investments - mortgages - adoption of NAIC recommendations. In most cases, current law limits the investments insurers may make in mortgage loans and similar instruments to those secured by property located in the United States and having a loan-to-value ratio of 80%. The national association of insurance commissioners (NAIC) recommends limitations that differ in certain respects from these requirements. The act adopts the NAIC's recommendations by:

- Authorizing investment in loans secured by property in either the United States or Canada;
- Increasing the allowable loan-to-value ratio to 90% for purchase-money mortgages if the insurer holds the note, 80% for commercial property if the payment schedule meets specified requirements, up to 97% for mortgages on residential property if mortgage insurance applies, and 75% in all other cases; and
- Repealing portions of current law that conflict with these provisions.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** August 6, 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. 14-210** Market conduct examinations - preexamination conference - predraft conference. The act requires the division of insurance, when conducting any market conduct examination of an insurer, to hold a preexamination conference and a conference before

issuance of a draft examination report.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1053** Pediatric dental benefits - consistent requirements in health benefit plans - insurance commissioner rules. The act permits the commissioner of insurance to adopt rules to ensure that the requirements for pediatric dental benefits in health benefit plans offered in this state are consistent regardless of whether a plan is purchased via the Colorado health benefit exchange or outside the exchange.

**APPROVED** by Governor February 19, 2014

**EFFECTIVE** February 19, 2014

**H.B. 14-1082** Life insurance - notice to lapse - requirement for insured - prior written notice. The act declares that citizens of Colorado benefit when life insurers, prior to the lapse of individual life insurance policies for nonpayment of premium, provide written notice in a uniform manner to policy owners. The act specifies that notice of lapse of an individual life insurance policy is effective only if the information is mailed along with the reason for the lapse by first-class United States mail to the last-known address of the policy owner at least 25 days before the effective date of lapse or, if the policy-owner has consented to receive information from the insurer by electronic mail, the information is transmitted electronically to the last-known electronic mail address of the policy owner at least 25 days before the effective date of lapse. The act specifies that the affidavit, executed under penalty of perjury, of any officer, clerk, or agent of the insurer or of anyone authorized to mail or electronically transmit notices required by the act constitutes proof of notice. The act also specifies that it does not apply to individual life insurance policies upon which premiums are paid monthly or at more frequent intervals. The act authorizes the insurance commissioner to adopt rules necessary for the administration of the act.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** January 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. 14-1108** Physical rehabilitation services - copayment limits. The act prohibits a carrier from charging a covered person a copayment for physical rehabilitation services that is more than the copayment charged for a visit to a primary care physician as long as the services are reasonable and necessary or if, in the case of services performed by a massage therapist or acupuncturist, the patient has received a referral. The amount charged may be the amount the carrier has allowed for the services for each office visit. The act requires a carrier to clearly state the availability, including limitations, conditions, and exclusions, of physical rehabilitation services under its plan.

**VETOED** by Governor March 28, 2014

**H.B. 14-1185** Limited lines travel insurance producer license - requirements. The act allows the commissioner of insurance to issue a limited lines travel insurance producer license. The act allows a travel retailer to issue travel insurance policies under a business entity that holds a limited lines travel insurance producer license. The travel retailer is required to provide specific information to purchasers of travel insurance. The limited lines travel insurance producer is required to keep a register of each travel retailer that offers travel insurance on its behalf; designate a person who is responsible for compliance with state laws and rules; and train each travel retailer who offers and disseminates travel insurance.

The act requires each travel retailer to provide specific information to prospective purchasers of travel insurance. The act prohibits a travel retailer from interpreting technicalities of the travel insurance, providing advice about the coverage, or holding himself or herself out as a licensed insurer or insurance expert.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1199** Consumer goods service contracts - regulation - adoption of model act - appropriation. The act provides for changes to the regulation of consumer goods service contracts based on the model act of the national association of insurance commissioners. These contracts require the provider to perform repair, replacement, or maintenance on any consumer good covered by the service contract. The act requires that service contracts be in writing and disclose to the contract holder the terms and conditions of the contract, the covered consumer goods, the identity of the provider and any administrator appointed by the provider, procedures for cancellation of the contract by either the provider or the service contract holder, and whether the service contract is protected by reimbursement insurance coverage. Under the act, a provider must provide a sample copy of the service contract upon the request of the consumer prior to selling the contract, and must provide an actual copy of the contract to the contract holder within a reasonable time following sale of the contract.

The act requires that a contract holder be allowed to void the contract within 20 days after the contract holder receives the contract unless the contract holder has already made a claim under the contract. Either a contract holder or a provider may cancel a contract at any time, in which case the provider must refund to the contract holder a pro rata share of the consideration paid to the provider.

In order for a service contract provider to sell service contracts, the provider must demonstrate an ability to faithfully provide the services covered under the contract. The provider can do this by either obtaining reimbursement insurance coverage or demonstrating that the provider's company or parent company has a net worth of at least \$100,000,000. Prior to the termination of a reimbursement insurance policy, an insurer must provide notice of termination to the insured provider and provide a copy of the notice to the commissioner of insurance. The termination of a reimbursement insurance policy does not reduce the issuer's responsibility for service contracts issued by providers prior to the date of termination of the reimbursement insurance policy.

A service contract provider must also adhere to record-keeping requirements, and

must maintain those records for a period of at least one year after the specified coverage has expired.

The act specifies that service contracts are not insurance, and service contract providers, as well as their agents and employees, are not required to be licensed under any other provisions of the state insurance laws. The act requires each provider of service contracts to register with the commissioner of insurance and to pay an annual fee for registering. Service contract providers, with some exceptions, are not allowed to use terms descriptive of the insurance industry in their name. Service contract providers are also prohibited from making false and misleading statements. Sellers and manufacturers are further prohibited from requiring a service contract as a condition for the sale of any property. The act specifies that it does not limit or prohibit a person from pursuing any claim, cause of action, or right available under Colorado law.

The commissioner may conduct market examinations or financial examinations of providers to enforce the provisions of the act. Any civil penalties assessed by the commissioner are limited to \$500 per violation, up to \$10,000 for all violations of a similar nature.

For the 2014-15 fiscal year, the act appropriates \$13,560 and 0.2 FTE from the division of insurance cash fund to the department of regulatory agencies for the implementation of the act. \$9,917 and 0.2 FTE are allocated to the division of insurance and \$3,643 is allocated to the executive director's office and administrative services for the purchase of legal services from the department of law. The act also appropriates \$3,643 to the department of law from amounts appropriated in the act.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** January 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. 14-1282** Insurers - documents in a language other than English. If an insurer chooses to provide materials in a language other than English, the act requires the insurer to provide an English version of the insurance policy, rider, and endorsement to the customer but eliminates the requirement that explanatory or advertising materials also be provided in English.

**APPROVED** by Governor April 18, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1315** Insurance companies - reinsurance - insolvency. Section 1 of the act enacts the credit for reinsurance model act adopted by the national association of insurance commissioners (NAIC), pursuant to which the commissioner of insurance will determine whether and to what extent to give credit to an insurance company's ceding of some of its risks to another insurance company in evaluating the ceding insurance company's financial fitness.

Section 2 enacts section 711 of the insurer receivership model act adopted by the NAIC, which specifies the conditions under which insurance companies may offset their obligations to each other when an insurance company becomes insolvent.

**APPROVED** by Governor May 31, 2014

**PORTIONS EFFECTIVE** August 6, 2014

**PORTIONS EFFECTIVE** January 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. 14-1344** Policies - notices - delivery to policyholder - electronic delivery and posting - when permissible - conditions. The act allows certain notices and other documents related to insurance coverage to be sent electronically to an e-mail address specified by the policyholder if the policyholder consents to receiving the documents electronically. Consent may be withdrawn at any time, reinstating the insurer's obligation to provide the documents in hard copy form and deliver them personally or by regular mail as the case may be.

The act also allows standard insurance policies and endorsements to be posted on an insurer's web site if:

- They do not contain personally identifiable information;
- Policyholders are given reliable and current information on how the documents can be accessed; and
- Access can be obtained using programs or applications that are widely available on the Internet and free to use.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1359** Medication synchronization plans - health insurance carriers to offer - required components. The act requires health insurance carriers offering health coverage plans that provide prescription drug coverage to offer to covered persons medication synchronization services that align the refill dates for multiple prescription medications. Carriers are permitted to develop their own medication synchronization plans but are required to:

- Apply the normal copayment amount applicable under the health coverage plan when a prescription drug is dispensed in a quantity less than the prescribed amount as long as the prescription drug is dispensed in accordance with the carrier's medication synchronization services by a network pharmacy; and
- Provide a full dispensing fee to the pharmacy that dispenses the medication.

**APPROVED** by Governor May 17, 2014

**EFFECTIVE** May 17, 2014

## LABOR AND INDUSTRY

**S.B. 14-5** Wage claims - penalties - administrative procedures - appropriation. For purposes of duties, obligations, and liabilities related to the payment of wages, the act:

- Requires an employer to maintain records reflecting information in an employee's pay statement for at least 3 years after payment of the wages and to make the records available to the employee and the division of labor in the department of labor and employment (division). The act authorizes the executive director of the division to impose a fine on an employer who fails to retain or make available the records.
- Requires an employer to mail a check for wages to the employee's last-known address within 60 days after the check was due if an employer is unable to otherwise deliver the check to the employee.

Under current law to recover penalties in an action for unpaid wages, an employee must make a written demand of his or her employer to recover penalties, and the penalties are increased by 50% if the employer's failure to pay is willful. The act:

- Provides that failure to respond to a written demand creates a rebuttable presumption that the failure to pay was willful;
- Provides that a small claims court complaint serves as the written demand; and
- Reduces the penalties for failing to pay wages by 50% if the employer makes legal tender to the employee the amount that the employer believes in good faith is due the employee.

The act authorizes the director of the division to establish an administrative procedure to adjudicate wage claims. For wage claims filed with the division for \$7,500 or less, the act establishes procedures for the division to adjudicate the claim and issue citations and notices of assessments for the amounts due. A person dissatisfied with a decision may appeal the decision in any district court of competent jurisdiction.

Under current law fines collected by the division are deposited in the general fund. The act provides that the fines are deposited in a new wage theft enforcement fund.

The act provides that an employee is entitled to reasonable attorney fees in an action to recover the minimum wage.

The act appropriates \$333,403 to the division, \$16,480 to the office of information technology, and \$23,225 to the department of law to implement the new administrative procedures established by the act.

**APPROVED** by Governor May 29, 2014

**PORTIONS EFFECTIVE** May 29, 2014  
**PORTIONS EFFECTIVE** January 1, 2015

**S.B. 14-15** Hospitality industry - secondary education grant program - appropriation. The act creates the hospitality career secondary education grant program (grant program). Hospitality education programs that operate at the secondary education level (hospitality programs) may apply for a grant from the grant program. The department of labor and employment (department) administers the grant program. The hospitality secondary

education fund is created to fund the grant program. The department is directed to provide an annual report on the activities of the grant program.

The act appropriates \$56,665 to the department to implement the grant program.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** June 5, 2014

**S.B. 14-137** Workers' compensation carriers - use of forms - annual certification by insurance commissioner. The act allows a workers' compensation carrier to write a policy of insurance or an endorsement, rider, letter, or other document affecting an insurance contract on a form that has not received prior approval from the commissioner of insurance if the carrier certifies that, to the best of its knowledge, the document complies with Colorado law. The act allows the forms to be certified on an annual basis after submission by the workers' compensation carriers.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** August 6, 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. 14-191** Workers' compensation - claims - procedure - medical treatment guidelines - settlements - timelines - expenses - maximum payments. Section 1 of the act explicitly authorizes the director of the division of workers' compensation (director), or an administrative law judge (ALJ) presiding over a workers' compensation case, to consider, but not necessarily to rely solely on, the medical treatment guidelines adopted by the director in determining whether certain medical treatment is appropriate.

Section 2 requires the director to adopt rules governing the approval of settlements in workers' compensation cases, including procedures for electronic transmission of documents and verification of signatures.

Sections 3 and 4 adjust the measurement of time within which a hearing must commence, from 100 days after the date the hearing is set to 120 days after the date of service of the hearing request or the notice that the hearing is set. Section 5 extends the time for objecting to a summary order issued by an ALJ from 7 days to 10 days.

Section 6 allows the director or an ALJ to summon out-of-state parties to appear, either in person or by telephone, at a hearing or deposition and authorizes sanctions for a failure to appear.

Section 7 sets a 30-day deadline for the director, ALJ, or administrative panel to comply with the directions accompanying the remand of a case or order by an appellate tribunal.

Section 8 allows a claimant to receive \$75 per day, in addition to transportation and lodging, if the claimant is required to travel for a medical examination requested by the employer and misses work as a result.

Section 8 also requires an authorized physician to give written notice, with an

explanation, to the claimant and the employer if the physician refuses to treat the claimant or discharges the claimant from medical care for a nonmedical reason. After receiving the notice, the employer has 15 days to select another physician before the claimant is allowed to select a physician independently.

Section 9 adjusts the maximum amount payable in a lump-sum settlement, replacing the current limit of \$60,000 with a range of \$80,868.10 to \$161,734.15, depending on the number of claimants, to be adjusted periodically whenever adjustments are made to the state average weekly wage.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1278** Workers' compensation - authorized treating physicians - accreditation program - continuation under sunset law. The act implements the recommendations of the sunset review and report on the workers' compensation accreditation program (WCAP) for medical professionals, administered by the division of workers' compensation in the department of labor and employment, by allowing the division to set fees for WCAP training programs and materials administratively rather than specifying the amount of the fees in statute.

The automatic termination date of the program is extended until September 1, 2025, pursuant to the sunset law.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1334** Petroleum cleanup and redevelopment fund - uncommitted reserves - continuous appropriation. The act specifies that revenues in the petroleum cleanup and redevelopment fund are exempt from the generally applicable limit on cash funds' uncommitted reserves and, with the exception of administrative costs, are continuously appropriated to the division of oil and public safety.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**H.B. 14-1383** Workers' compensation - health care provider choice. The act generally requires an employer or a workers' compensation insurer to provide a list of at least 4 separate and independent physicians or corporate medical providers to an injured employee from which to select a treating physician. But the act allows an employer or insurer to instead designate fewer than 4 medical providers or a combination of the providers in a rural area where there are a limited number of physicians or corporate medical providers within 30 miles of the employer's place of business.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** April 1, 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

**S.B. 14-96** State veterans community living centers. The act changes the terms "state veterans nursing home" and "state nursing home" throughout statute to "veterans community living center" and "veterans center" to more accurately reflect the wide array of services provided by these facilities to meet the multiple needs of veterans and their families in Colorado.

**APPROVED** by Governor March 21, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1205** Veterans assistance grant program. The veterans assistance grant program (program) is created in the division of veterans affairs within the state department of military and veterans affairs (department) to provide moneys to nonprofit organizations and governmental agencies that provide services to ensure the health and well-being of veterans of the United States armed forces who live in Colorado.

On or before September 1, 2014, the adjutant general, in consultation with the board of veterans affairs, shall adopt rules for the administration of the program, including but not limited to:

- Criteria for determining which nonprofit organizations and governmental agencies are eligible to receive moneys from the program; and
- Procedures by which eligible organizations may apply for and receive moneys from the program.

The veterans assistance grant program cash fund is created and consists of any moneys received by the division as gifts, grants, or donations and such moneys as are appropriated to the fund by the general assembly.

The program is repealed, effective September 1, 2024. Before such repeal, the department of regulatory agencies shall review the program.

The act increases the FTE for the department by 0.4 FTE.

**APPROVED** by Governor May 26, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1277** National guard - military family relief fund. Under current law, to be eligible to receive a grant from the military family relief fund (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. The act permits a member of the Colorado National Guard

or a reservist to also be eligible to receive a grant from the fund if he or she is called to state active duty by executive order of the governor.

**APPROVED** by Governor April 25, 2014

**EFFECTIVE** April 25, 2014

## MOTOR VEHICLES AND TRAFFIC REGULATION

**S.B. 14-30** Registration - special license plates - military - distinguished flying cross - appropriation. The act waives the additional one-time fees for one set of distinguished flying cross special license plates if the cross was awarded for valor.

\$824 is appropriated to the department of revenue for computer services.

**APPROVED** by Governor May 26, 2014

**EFFECTIVE** August 6, 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. 14-36** Registration - special license plates - EMS license plate - appropriation. The act creates the EMS license plate. A person becomes eligible to use the plate by providing a certificate confirming that the person made a \$25 donation to the emergency medical services association of Colorado. 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 and \$5,920 from the license plate cash fund are appropriated to the department of revenue for implementation of the act.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** August 6, 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. 14-41** Registration - special license plates - USS Colorado license plate - appropriation. The act creates the USS Colorado license plate. In addition to the normal 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 \$1,658 from the license plate cash fund are appropriated to the department of revenue to implement the act.

**APPROVED** by Governor June 4, 2014

**EFFECTIVE** August 6, 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. 14-75** Registration and taxation - specific ownership tax - fees - military deployment - appropriation. The act exempts a member of the United States armed forces from paying the basic motor vehicle registration fees and authorizes payment of an alternate specific ownership tax of \$1 if the person is deployed outside the United States for a full year. The vehicle may not be driven during this time. If the person is not deployed for a whole year,

the basic fees and taxes are prorated. If the person has already paid the fees at the time of deployment, the department credits the fees towards succeeding years.

The annual appropriation to the controlled maintenance trust fund is decreased by \$81,749. \$68,921 is appropriated from the general fund to the department of education. \$12,828 is appropriated from the general fund to the division of motor vehicles. \$104,030 is appropriated to the department of revenue from the Colorado state titling and registration account for the purchase of computer center services.

**APPROVED** by Governor May 26, 2014

**EFFECTIVE** August 6, 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. 14-87** Driver's licenses - identification documents - issuance by department of revenue - exceptions processing - document errors - correction through court actions - name changes. Section 1 of the act requires the department of revenue (department) to submit to the transportation legislation review committee a report concerning the effectiveness of exceptions processing, which is the method by which a person may seek a driver's license or state ID card when their supporting documentation does not meet all of the regulatory requirements. Section 2 requires the department to promulgate rules to establish procedures for resolving minor spelling discrepancies and accepting alternate documents showing lawful presence.

Sections 3 and 4 create a simplified process for a person 70 years of age or older to change his or her name to settle name discrepancies. If the person attempted to obtain a fingerprint-based criminal history record check and the results were inconclusive or unreadable, the person may get a name-based instead of a fingerprint-based criminal history check and need not publish the name change. The person must sign an affidavit saying the change is to get an identification card and will not harm other people.

Section 5 decreases the appropriation to the controlled maintenance trust fund by \$43,260 for fiscal year 2014-15 and reallocates that amount to the department of revenue for computer services.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** August 6, 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. 14-131** Registration - evidence - cards - address and signature. The act removes the requirement that a motor vehicle registration card contain a signed statement swearing that the person has motor vehicle insurance. On and after July 1, 2014, the department will issue one registration card without the person's address in addition to a card with the person's address. The registration card without the address will contain a statement advising the person to keep the card without the address in the person's vehicle.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-132** Registration - special license plates - military - fallen soldier. The act repeals the requirement that a fallen soldier be deployed to a combat zone at the time of his or her death for a relative to be eligible for a fallen soldier license plate.

The act applies to license plates issued or renewed on or after January 1, 2015.

**APPROVED** by Governor May 14, 2014

**EFFECTIVE** August 6, 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. 14-194** Driver's licenses - identification documents - issuance by department of revenue - administration - funds - fees - appropriation. The act eliminates the identification security fund and the motorist insurance identification account in the highway users tax fund and allocates the moneys previously allocated to those funds to the licensing services cash fund and the Colorado state titling and registration account. An additional fee is imposed, to be collected by the department of revenue, on the issuance of a driver's license for each time an applicant retakes either the written exam or the driving exam.

The department is authorized to change statutory fees concerning driver's licenses and identification cards, but the fees cannot increase by more than 20% the first year and 5% per year thereafter and the joint budget committee must be notified before fees are increased.

For persons who may not have the ability to provide the documents necessary to get a driver's license or identification card, exceptions processing allows the use of alternative documents and evidence. The department is required to operate at least 4 regional offices that allow exceptions processing.

The act requires that any unexpended moneys in the Colorado state titling and registration account at the end of each fiscal year remain in the fund.

The act also modifies the allocation of the driver's license restoration fee. Currently, \$60 of this fee is credited to the administrative revocation account in the highway users tax fund and \$35 is credited to the first time drunk driving offender account in the highway users tax fund. The act changes this allocation by crediting \$73 to the administrative revocation account and \$22 to the first time drunk driving offender account.

A person may renew a driver's license or identification card electronically for 2 consecutive renewal periods.

\$191,651 and 2.7 FTE are appropriated from the general fund to the department of revenue to implement the act.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** June 5, 2014

**S.B. 14-213** Statute of limitations for commencing proceedings against a person who commits vehicular homicide and leaves the scene of the accident. In current law, the statute of limitations for bringing a criminal proceeding against a person who commits vehicular homicide is 5 years. For offenders who also leave the scene of the accident, the act changes

this limit to 10 years.

In current law, the statute of limitations for bringing a civil suit for wrongful death is 2 years. The act changes this limit to 4 years for a wrongful-death suit against a defendant who committed vehicular homicide and, as part of the same criminal episode, committed the offense of leaving the scene of an accident that resulted in the death of a person.

Five years after the act becomes law, the legislative service agencies shall conduct a post-enactment review of the implementation of the act and report their conclusions to the judiciary committees of the house of representatives and senate, or any successor committees.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-222** Registration - special license plates - license plate auction group - registration number licenses. The act changes the duration of a license to use a registration number purchased at auction from perpetual to a limited time determined by the license plate auction group.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** May 22, 2014

**H.B. 14-1027** Transportation - registration - plug-in electric motor vehicle - definition. For purposes of registering a motor vehicle, a "plug-in electric motor vehicle" is defined to include motor vehicles that are certified to be eligible for a particular federal tax credit and a catch-all provision that applies to other vehicles; for example, one that is retrofitted to be plugged in. The act clarifies the catch-all component of the definition to be "any motor vehicle that can be recharged from any external source of electricity and the electricity stored in a rechargeable battery pack propels or contributes to propel the vehicle's drive wheels".

**APPROVED** by Governor February 19, 2014

**EFFECTIVE** February 19, 2014

**H.B. 14-1029** Reserved parking - persons with disabilities - types of plates and placards - requirements for issuance - appropriation. The act recodifies the statutes for reserved parking for persons with disabilities to clarify that:

- The Colorado advisory council for persons with disabilities may implement an education program;
- A person may get personalized license plates with an identifying figure;
- The department of revenue places a "C" on the registration of the parent of a child under 16 years of age who is mobility-impaired and has a license plate granting reserved parking;
- If an entity transports mobility-impaired people, the entity must provide a driver's license or identification document of its operational officer in Colorado;
- When a person uses a disabled placard, the placard must be visible through the windshield and hung on the rear-view mirror or placed on the dashboard;
- An applicant for a license plate or placard with the identifying figure must sign an affidavit that the person for whom it is issued is eligible;

- Reserved parking signs must conform to the requirements of the "Americans with Disabilities Act";
- The chief officer and the employee of a company that violates disabled parking law are each individually liable, but the officer has an affirmative defense if a policy against misuse of a placard is enforced;
- The prohibition against using reserved parking for commercial purposes does not apply when the owner of the business consents to the use;
- A parking or tolling authority may access confidential reserved parking records; and
- A citation may be issued based on pavement marking.

The act also adds a 30-day grace period before expiration of a reserved parking placard. The penalties are increased for the following violations:

- Attempting to obtain a disabled parking plate or placard while it is revoked is increased to a range of \$350 to \$1,000 for the first offense, \$600 to \$1,000 for the second offense, \$1,000 to \$5,000 and up to 10 hours of community service for the third and subsequent offenses;
- Fraud and trafficking of disabled parking plates or placards is increased to a class 1 misdemeanor, punishable by 6 to 18 months imprisonment or a fine of \$500 to \$5,000, or both.
- Receiving payment for fraud and trafficking of disabled parking plates or placards is increased to a class 1 misdemeanor with a penalty enhancement of 12 to 32 months imprisonment or a fine of \$1,000 to \$10,000.

A person is prohibited from severing the ownership of reserved parking from the commonly owned parts of multiple-family dwellings. Placards issued before January 1, 2005, expire on July 1, 2014. Guidance for the design of reserved parking is enacted.

Local jurisdictions are prohibited from imposing additional restrictions on reserved parking unless approved by state law. Reserved parking is declared an issue of statewide concern.

\$80,027 is appropriated to the department of revenue with \$66,689 from the general fund and \$13,338 from the license plate cash fund for license plate ordering; and \$4,120 is appropriated to the department from the Colorado state titling and registration account of the highway users tax fund for the purchase of computer center services.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1031** Public utilities commission - nonconsensual tows - regulation - task force. Currently, the public utilities commission regulates rates for a nonconsensual tow of a motor vehicle if the vehicle is 10,000 pounds or less. The act repeals the 10,000-pound limitation, thereby applying the regulation to all vehicles.

The act also creates a task force to advise the public utilities commission on rates and investigations of overcharges. The task force is made up of nine members. Each of the following groups or persons will be represented by a member:

- The commission;

- The chief of the Colorado state patrol;
- A towing association;
- Towing carriers generally;
- An association of automobile owners;
- Insurance companies;
- An association of motor carriers;
- Local law enforcement agencies; and
- Consumers of towing services.

The commission must consult the task force when making rules about rate regulation. The task force sunsets in 2024.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1056** Motor vehicle emission inspection - collector's item motor vehicles - requirements. The act clarifies changes made to the laws governing the registration of collector's item motor vehicles by HB 13-1071. The act makes clear that emission inspection requirements for collector's item motor vehicles registered before September 1, 2009, continue to apply to those vehicles until they are transferred.

**APPROVED** by Governor March 7, 2014

**EFFECTIVE** March 7, 2014

**H.B. 14-1065** Commercial carriers - transportation contracts - provisions void as against public policy - self-indemnity provisions. The act prohibits a party to a contract for the transportation of property, including provisions relating to the loading or unloading of cargo or the entry to premises for the purpose of loading or unloading cargo, from requiring indemnity for any liability resulting from the party's own negligent or intentional acts.

**APPROVED** by Governor March 24, 2014

**EFFECTIVE** March 24, 2014

**H.B. 14-1066** Driver's licenses - issuance - county clerk and recorder - fees - appropriation. The act allows a county clerk and recorder's office that issues a driver's license to retain \$13.60 of the fee in counties of fewer than 100,000 people rather than the \$8 authorized under current law.

\$61,264 is appropriated to the department of revenue from the general fund and \$6,592 is appropriated to the department of revenue from the Colorado state titling and registration account of the highway users tax fund, to implement the act.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1081** Motor carrier safety fund - creation - for advancement of highway safety for commercial carriers - transfer of money. The act creates the motor carrier safety fund to be used for the advancement of highway safety relating to commercial carrier operations.



Beginning with the 2013-14 fiscal year, excess uncommitted reserves in the public utilities commission motor carrier fund are transferred to the motor carrier safety fund instead of the hazardous materials safety fund and the nuclear materials transportation fund. The act also transfers money from the hazardous materials safety fund to the motor carrier safety fund.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**H.B. 14-1089** Registration - special license plates - 10th mountain division. The act converts the current "10th mountain division" license plate into a "Support the 10th mountain division" license plate. The department of revenue must confirm that a person is qualified to have a "10th mountain division" license plate by making the issuance or renewal of the plate conditional upon the person's possession of a certificate from the sponsoring organization. The organization may require a specific level of contribution to qualify for the plate. The requirement that a person be qualified to renew the plate takes effect July 1, 2016.

The organization must award grants for programs that support veterans or honor the spirit and history of the division. The department of revenue may audit the organization.

The act also establishes a "10th mountain division" license plate for people who serve or have served in the division.

The act applies to license plates issued or renewed on or after January 1, 2015.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

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

**H.B. 14-1100** Titles - branding - flood damaged, nonrepairable, tampered odometer, designation by other jurisdiction - appropriation. The act expands the existing systems of branding the title of a motor vehicle to include a vehicle that:

- Is nonrepairable;
- Is flood damaged;
- Has had its odometer tampered with; or
- Has a designation placed on the title by another jurisdiction.

These brands are carried forward to all subsequent titles. Brands from other states are carried forward in Colorado.

If a vehicle is classified as junk, its title is canceled and cannot be reissued. If a vehicle is nonrepairable, the owner must apply for a nonrepairable title and the vehicle can only be sold for parts or scrap. When a part is sold, a copy of the nonrepairable title shows ownership of the part.

If, after 2 attempts, an insurer is unable to obtain a properly endorsed certificate of title within 30 days after a vehicle owner accepts a written or oral settlement offer of a total loss from the insurer, the act authorizes the department of revenue to issue a salvage or nonrepairable title to the insurer.

\$97,850 is appropriated to the department of revenue from the Colorado state titling and registration account of the highway users tax fund to implement the act.

**APPROVED** by Governor April 18, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1160** Size, weight, and load limits - divisible loads - permits - sludge waste vehicles. The act exempts sludge waste vehicles operated by a city, county, municipal utility, or special district from wheel and axle load restrictions if the vehicle is not operated on the interstate system. The act also authorizes issuing an annual fleet permit for 2- or 3-axle group vehicles with divisible loads. The fee for the permit is \$2,000 plus \$35 per vehicle.

**APPROVED** by Governor April 4, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1176** Emissions program - legislative oversight - audit program. Currently, the legislative audit committee is required to audit the emissions program for motor vehicles every 3 years. The act changes the cycle to every 5 years.

**APPROVED** by Governor April 25, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1228** Division of motor vehicles - administration - driving schools - evaluations - repeal - appropriation. The act repeals a requirement that the department of revenue evaluate the curriculum and effectiveness of driver improvement classes required by a court order.

The 2014 long bill cash funds appropriation to the division of motor vehicles is reduced by \$73,145.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** June 5, 2014

**H.B. 14-1284** Registration - special license plates - members of the general assembly. The act instructs the department of revenue to assign a registration number to each member of the general assembly. The registration number must be the license plate number, which comprises an "H" for the house or an "S" for the senate followed by the member's district number. The act also clarifies that a member is eligible for the special plates during the member's term of office.

The act applies to vehicles registered or license plates issued on or after January 1,

2015.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1299** Vehicle titles - salvage vehicles - six-year exception. Currently, a motor vehicle is not considered salvage if the vehicle is at least 6 years old when damaged. The act repeals the 6-year requirement and replaces it with an exception for collector's items, horseless carriages, and street rod vehicles.

**APPROVED** by Governor April 25, 2014

**EFFECTIVE** April 25, 2014

**H.B. 14-1310** Evidential breath testing cash fund created - repeal. The act creates the evidential breath testing cash fund (fund) is created for the collection of moneys to purchase breath-testing devices for law enforcement agencies. The department of public health and environment administers the fund.

The state board of health may promulgate rules for the administration of the fund. The fund is repealed, effective September 1, 2024. Before repeal, the department of regulatory agencies shall review the use of the fund by the department of public health and environment.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1321** Alcohol and drug offenses - Colorado task force on drunk and impaired driving - name change - membership. The act changes the name of an interagency drunk-driving task force to the Colorado task force on drunk and impaired driving. On the task force, the director of the division of behavioral health in the department of human services is replaced with 2 experts in substance abuse education and treatment appointed by the director. In addition, the director of the peace officers standards and training board and a researcher are added to the task force, and the executive director of the department of transportation selects a representative of the retail marijuana industry to serve on the task force.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1367** Autocycles - licensing - operation - appropriation. Autocycles are self-propelled 3-wheeled vehicles that have safety belts and air bags and are completely enclosed. The act clarifies that the definition of "motorcycle" does not include autocycles.

This means that motorcycle-specific rules, such as licensing and helmet requirements, don't apply to an autocycle driver. But autocycles are issued license plates that are similar to motorcycle plates.

\$33,990 is appropriated to the department of revenue from the Colorado state titling and registration account of the highway users tax fund to implement the act.

The act applies to vehicles registered or acts committed on or after July 1, 2015.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** July 1, 2014

## NATURAL RESOURCES

**S.B. 14-76** Mining permits - limited impact operations. The mining statutes previously included 2 limited-impact permit categories, the smaller of which was for operations that affected less than 2 acres and extracted less than 70,000 tons of mineral or overburden. (The larger limited-impact permit category comprises operations of less than 10 acres and extractions of 70,000 tons or less. That category is not affected by the act.) Beginning in 1993, no new applications could be filed for the smaller category, but several such operations continue to be active.

**Section 1** of the act authorizes a new limited-impact permit for operations that affect 5 acres or less of surface acres and subjects new applicants to the same permitting standards as the existing larger limited-impact permit category. The existing small limited-impact permit operations have until July 1, 2015, to comply with the new permit standards with regard to financial warranties and demonstrating the operator's right to conduct mining operations.

**Section 2** increases the annual fee for new small limited-impact permits for operations from \$86 to \$172. Existing small limited-impact permit operations have until July 1, 2015, to begin paying the \$172 annual fee.

**APPROVED** by Governor March 20, 2014

**EFFECTIVE** March 20, 2014

**S.B. 14-188** Wildlife - threatened and endangered species - conservation programs - funding - annual allocations from species conservation trust fund - appropriation. The act appropriates money from the species conservation trust fund (trust fund) for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law, or are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.

For the 2014-15 fiscal year, \$6.5 million is transferred from the severance tax operational account to the trust fund for the approved programs, and for the 2015-16 through the 2018-19 fiscal years, \$5 million is transferred to the trust fund. For the 2014-15 fiscal year, the act reappropriates \$163,944 and 1.0 FTE of the trust fund appropriation to the department of law for legal services.

**APPROVED** by Governor May 17, 2014

**EFFECTIVE** May 17, 2014

**H.B. 14-1077** Oil and gas - conservation and environmental response fund - statutory cap - increase. The act increases the statutory cap on the 2-year average of the unobligated portion of the oil and gas conservation and environmental response fund from \$4 million to \$6 million.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**H.B. 14-1174** Natural areas council - continuation - sunset review. The act continues the natural areas council, which serves as an advisory council to the parks and wildlife

commission, through September 1, 2024, and requires a sunset review of the council by the department of regulatory agencies prior to its repeal in 2024.

**APPROVED** by Governor March 14, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1267** Wildlife - endangered species - black-footed ferrets - introduction onto land owned by public entities. Current law requires legislative approval for the introduction or reintroduction of a threatened or endangered species that is not present in Colorado. The law has an exception for the black-footed ferret if introduced on private land and under a permit granted by the federal fish and wildlife service using a "safe harbor" agreement between the federal government and a consenting landowner.

The act broadens the exception to allow a political subdivision of the state to introduce the ferrets on its own land if done in accordance with the same type of agreement. The authorization is limited to 3 political subdivisions until July 1, 2019.

**APPROVED** by Governor May 17, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1275** Parks and wildlife commission - property acquisition - multi-use facility. The act authorizes the parks and wildlife commission to purchase property to build a multi-use shooting facility using appropriated funds, non-appropriated grant funds, or federal moneys. The authorization to purchase property expires on July 1, 2020. The commission may contract with a private entity to build or run the facility.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1356** Oil and gas operations - penalties - appropriation. The act:

- Increases the maximum daily penalty for a violation of the "Oil and Gas Conservation Act" from \$1,000 to \$15,000, subject to a penalty schedule promulgated by the oil and gas conservation commission that considers aggravating and mitigating circumstances;
- Directs the commission to:
  - Adopt rules that specify a process for determining the dates on which a violation begins and ends; and
  - Publish a quarterly report on its web site that specifies certain information about each penalty assessed in the previous quarter and discuss these reports at the department of natural resources' SMART Act hearings; and
- Repeals the \$10,000 cap on the maximum total penalty for violations that do not result in significant waste of oil and gas resources, do not damage correlative rights, and do not result in a significant adverse impact on public

health, safety, or welfare.

The commission must hold a hearing if an operator is responsible for gross negligence or knowing and willful misconduct that results in an egregious violation or a pattern of violations. The commission may issue an order that prohibits the issuance of any new permits to the operator, suspends any or all of the operator's certificates of clearance, or both. The commission may vacate the order after the operator has come back into compliance and paid all penalties.

The act appropriates \$80,425 from the oil and gas conservation and environmental response fund and 0.9 FTE to the commission to implement the act.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

## PROBATE, TRUSTS, AND FIDUCIARIES

**H.B. 14-1322** Probate omnibus act. The act repeals and reenacts certain provisions relating to the elective-share of a surviving spouse.

A specific devisee has a right to specifically devised property in a testator's estate at death and, in the absence of other statutorily described property and moneys, a general pecuniary devise equal to the value, as of its date of disposition, of other specifically devised property disposed of during the testator's lifetime, but only to the extent it is established that ademption would be inconsistent with the testator's manifested plan of distribution or that the testator did not intend ademption of the devise.

To be effective to nominate a personal representative, a will must be declared valid by an order of informal probate by the registrar or by the court.

Under current law, a successor of a decedent may collect from another person any debts owed to the decedent and any personal property belonging to the decedent if the fair market value of the property owned by the decedent at the time of his or her death does not exceed \$60,000. Under the act, this amount may not exceed twice the value of property that the decedent's surviving spouse is entitled to exempt from the estate, as adjusted for cost of living.

An instrument or other property that is payable or deliverable to a decedent or to the estate of a decedent is considered property of the decedent. A successor of the decedent or a person acting on behalf of a successor may endorse an instrument that is so payable and collect such amount.

The duties owed to a successor by a person acting on behalf of the successor in the making, presentation, or other use of an affidavit to collect personal property of a decedent are the same as the duties of an agent to the agent's principal. The breach of this duty is subject to the same remedies as are available under the law with respect to an agent.

If a proof of right is established in a proceeding, any person to whom an affidavit was delivered and who refused, without reasonable cause, to pay, deliver, transfer, or issue any personal property or evidence thereof shall be liable for all costs, including reasonable attorneys' fees and costs, incurred by or on behalf of the persons entitled thereto.

A provision in a trust specifying a method to revoke or amend the trust does not make the specified method exclusive unless the method is referred to as the "sole", "exclusive", or "only" method of revoking or amending the trust or the provision includes similar language manifesting the settlor's intent that the trust may not be revoked or amended by any other method.

The act sets forth certain duties and powers of trustees and trust advisors.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** August 6, 2014

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



**H.B. 14-1353** Powers of appointment. The "Uniform Powers of Appointment Act" as recommended by the national conference of commissioners on uniform state laws is enacted. The act also repeals existing statutory authority for the creation, release, and exercise of powers of appointment and makes conforming amendments for certain definitions in the probate code to the new uniform act.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** July 1, 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. 14-39** Emergency medical service providers - preveterinary care for dogs and cats - training - employer policy. The act allows an emergency medical service provider to provide preveterinary emergency care to dogs and cats to the extent the provider has received commensurate training and is authorized by the employer to provide the care. If an employer of emergency medical service providers opts to allow its employees to provide this care, the act requires the employer to specify in the employer's policies the circumstances under which the care may be provided.

**APPROVED** by Governor March 20, 2014

**EFFECTIVE** March 20, 2014

**S.B. 14-54** Alcohol beverage licenses - licensing authorities' enforcement power - fine in lieu of suspension - when permitted. The act expands the ability of the state or a local licensing authority, upon petition of an alcohol beverage license or permit holder and in the licensing authority's sole discretion, to impose a fine on the license or permit holder in lieu of a license or permit suspension by:

- Eliminating the restriction on the ability to petition for a fine in cases where the licensing authority has issued a final decision suspending the license or permit for more than 14 days, thereby allowing the license or permit holder to petition for a fine regardless of the length of the suspension; and
- Allowing the license or permit holder to petition to pay a fine, and allowing the licensing authority to grant the petition, regardless of whether the license or permit holder had a license or permit suspended or paid a fine in lieu of a suspension within the prior 2 years.

The act applies to final alcohol beverage license or permit suspension decisions issued by the state or a local licensing authority on or after April 11, 2014.

**APPROVED** by Governor April 11, 2014

**EFFECTIVE** April 11, 2014

**S.B. 14-95** Distribution of compounded drugs - ability to distribute to hospitals. Currently, a prescription drug outlet may distribute compounded drugs for office use only to practitioners who are authorized to prescribe drugs. The act allows a prescription drug outlet to also distribute compounded drugs to a hospital located in Colorado.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**S.B. 14-99** Physical therapists - provisional license - appropriation. The act allows the physical therapy board to issue a provisional license to applicants who have successfully completed a qualifying physical therapy program, and paid a fee. A person with a provisional license is required to practice under the supervision of a licensed physical therapist. The provisional license expires no later than 120 days after issuance.

The act appropriates \$18,336 from the professions and occupations cash fund to the department of regulatory agencies for operating expenses and legal services.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

**S.B. 14-117** Real estate appraisers - regulation - continuation of board of real estate appraisers. Under Senate Bill 13-155, the general assembly purported to continue the board of real estate appraisers and its functions in regulating real estate appraisers through September 1, 2022. However, due to an oversight, the July 1, 2013, repeal date in the statute that creates the board was not changed to reflect the legislative intent to extend the life of the board, and accordingly, the regulation of real estate appraisers repealed on July 1, 2013.

The act corrects this oversight by changing the July 1, 2013, repeal date to September 1, 2022, and reauthorizing the regulation of real estate appraisers by the board of real estate appraisers in the department of regulatory agencies.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-133** Regulation of private investigators - repeal of voluntary act - creation of mandatory licensure program - qualifications for level I and level II license - exemptions - director powers and duties - discipline - future sunset review - appropriation. In 2011, the general assembly enacted the "Private Investigators Voluntary Licensure Act" (voluntary licensure act), under which a private investigator, at his or her option, may apply for a license from the division of professions and occupations (division) in the department of regulatory agencies and, upon satisfaction of the criteria for licensure, the director of the division is to issue a license to the private investigator. Only a person who obtains a license from the division may refer to himself or herself as a licensed private investigator, but no private investigator is required to be licensed by the division.

The act repeals the voluntary licensure program and creates the "Private Investigators Licensure Act" (mandatory licensure act), which establishes a new mandatory licensure program under which all persons conducting private investigations in this state must obtain a license from the division starting June 1, 2015. The act recognizes that the voluntary program was operating at a loss, transfers the deficit fund balance from the voluntary program to the mandatory program for repayment by licensees under the mandatory program, and allows the division to spread the repayment of the deficit over the life of the mandatory program.

The definition of "private investigation", as it was defined under the voluntary licensure act, is expanded to include investigations pertaining to:

- The location or recovery of lost or stolen property;
- The affiliation, connection, or relationship of any person, firm, or corporation with any organization, society, or association or with any official, representative, or member of an organization, society, or association;
- The conduct, honesty, efficiency, loyalty, or activities of employees, persons seeking employment, agents, contractors, or subcontractors; and
- The identity of persons suspected of crimes or misdemeanors.

Under the mandatory licensure act, an applicant may apply for one of 2 types of licenses as follows:

- Level I private investigator license, which requires the applicant to be at least 21 years of age, be lawfully present in the United States, and pass a jurisprudence examination to demonstrate his or her knowledge and understanding of laws and rules applicable to the practice; or
- Level II private investigator license, which requires the applicant to satisfy the requirements applicable to a level I license and have an amount of verifiable, applicable experience as determined by the director, which may include postsecondary education or completion of approved certificate programs.

All private investigator license applicants must obtain a fingerprint-based criminal history record check.

The act continues the exemptions authorized in the voluntary licensure act and further exempts certain professionals, agencies, and activities from the mandatory licensure act, including:

- Collection and consumer reporting agencies;
- Certified peace officers;
- Government-employed investigators;
- An accountant, certified fraud examiner, or employee or independent contractor of an accountant or fraud examiner who conducts forensic accounting, fraud investigations, or related analysis of financial transactions using information publicly available or supplied to the person;
- A person serving process in accordance with rules of civil procedure or performing tasks associated with effecting service of process;
- A licensed attorney, an employee of a licensed attorney, or a person providing paralegal services under contract with a licensed attorney;
- A person who provides access to aggregated public records data for a fee;
- A person employed by an insurance company who conducts claims adjustment or investigation;
- A person recovering a fugitive; and
- An agency, and its owner, employee, or independent contractor acting for the agency, that is conducting an investigation of a fire or explosion or an engineer-led investigation for cause analysis and failure analysis.

Licensees are required to post a surety bond in an amount determined by the director of the division (director) by rule. The act establishes grounds for disciplining licensees, the methods of discipline available to the director, and disciplinary procedures.

The director is authorized to consult with stakeholders to obtain feedback and recommendations concerning the regulation of private investigators and the impacts of new technology on privacy. The director is also authorized to:

- Adopt rules to implement and administer the act;
- Develop and conduct or contract for jurisprudence examinations;
- Review and grant or deny license applications; and
- Establish license fees.

The mandatory licensure act and the functions of the director under the act are subject to repeal on September 1, 2020, and prior to the repeal, the department of regulatory agencies is required to conduct a sunset review of the act.

The act appropriates \$28,300 and 0.3 FTE from the division of professions and occupations cash fund to the department of regulatory agencies to implement the act and allocates the appropriation as follows:

- \$19,243 and 0.3 FTE to the division for personal services; and
- \$9,057 to the executive director's office and administrative services, which amount is reappropriated to the department of law, to purchase legal services.

The act also appropriates \$10,544 from the Colorado bureau of investigation identification unit fund to the department of public safety for allocation to the Colorado bureau of investigation for conducting fingerprint-based criminal history record checks of applicants for a private investigator license.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**H.B. 14-1034** Wine packaging permits - creation - qualifications - limitations - appropriation. The act creates a wine packaging permit under which a licensed winery, limited winery, or wholesaler may package wine produced by another manufacturer as long as the federal excise tax on the wine has already been paid. A winery, limited winery, or wholesaler that obtains a wine packaging permit must take possession of the tax-paid wine produced by another manufacturer, package it, then return it to the original manufacturer or to the manufacturer's licensed wholesaler. If the wholesaler that packages tax-paid wine is the original manufacturer's licensed wholesaler, the wholesaler is not required to return the packaged wine to the manufacturer.

A winery or limited winery that packages tax-paid wine cannot sell or distribute the packaged wine to a licensed retailer or directly to a consumer.

The department of revenue, acting as the state licensing authority for alcohol beverage licenses, is authorized to issue wine packaging permits, set permit application fees, and assess annual permit fees.

The act appropriates \$5,202 to the department of revenue for the 2014-2015 fiscal year and allocates the funds as follows:

- \$1,082 to the liquor and tobacco enforcement division for personal services; and
- \$4,120 for the purchase of computer center services from the office of information technology in the governor's office.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

**H.B. 14-1083** Acute treatment units - prescription medications - receipt of emergency kits or starter doses. The act allows an acute treatment unit to procure, store, order, dispense, and

administer prescription medications and to receive a supply of emergency kits or starter doses for patient treatment from a registered prescription drug outlet or licensed hospital.

**APPROVED** by Governor March 14, 2014

**EFFECTIVE** March 14, 2014

**H.B. 14-1099** Optometrists - prescriptive authority - hydrocodone combination drugs. The act allows an optometrist to prescribe hydrocodone combination drugs, and the act clarifies that an optometrist may charge a fee for prescribing and dispensing drugs for ophthalmic purposes.

**APPROVED** by Governor March 14, 2014

**EFFECTIVE** March 14, 2014

**H.B. 14-1122** Legal marijuana - packaging requirements - fraudulent identification confiscation - residential marijuana cultivation requirements. Under current law, medical marijuana-infused products must be sold in either child-proof packaging or in packaging that warns "medicinal product - keep out of reach of children". The act removes the option of selling the products in the packaging with the warning. The act requires that medical marijuana and medical marijuana-infused products must be sold in either child-proof packaging or in an opaque and resealable exit package or container that meets standards established by rule.

The act gives a retail marijuana store the ability to confiscate a fraudulent identification and detain and question the person who provided the fraudulent identification. The act makes selling marijuana to a person under 21 years of age at a retail marijuana store a class 1 misdemeanor.

The act requires that, if a person is growing marijuana in a residence and a person under 21 years of age lives at the residence, the grow site must be in an enclosed and locked space. If no one under 21 years of age lives in the residence but a person under 21 years of age enters the residence, the person growing the marijuana must ensure access to the grow site is reasonably restricted while the person under 21 years of age is staying at the residence.

**APPROVED** by Governor March 17, 2014

**EFFECTIVE** March 17, 2014

**H.B. 14-1146** Racing - regulation of race meets - live greyhound racing prohibited. Under current law, greyhound racing is permitted in Colorado. The act prohibits greyhound racing in Colorado but maintains the practice of wagering on greyhound races that are held at race tracks in other states and are simultaneously broadcast at race tracks in Colorado.

**APPROVED** by Governor March 10, 2014

**EFFECTIVE** March 10, 2014

**H.B. 14-1180** Hunting and fishing outfitters - regulation - continuation under sunset law. The act continues the regulation of hunting and fishing outfitters by the director of the division of professions and occupations until 2025. The act also:

- Clarifies that an outfitter entity may be disciplined for the acts of its principals;

- Sets the period of a registration revocation at two years;
- Authorizes the director of the division of professions and occupations to issue confidential letters of concern to outfitters;
- Authorizes the director to discipline a registered outfitter for failing to respond to a complaint;
- Changes the standard for discipline from being addicted to alcohol or drugs to using alcohol or drugs to the extent it places another person at risk while providing outfitting services; and
- Repeals the requirement that the director send a letter of admonition by certified mail.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1183** Reinstatement of license, registration, or certification - active military. The act requires the director of the division of registrations in the department of regulatory agencies to reinstate the expired license, certificate, or registration of any active military personnel pursuant to specific requirements.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**H.B. 14-1227** Regulation of dentists and dental hygienists - continuation under sunset law - renaming oversight board - license qualification - disciplinary grounds, procedures, and actions - dental hygienist prescriptive authority - anesthesia and sedation permits - continuing education - appropriation. The act amends the "Dental Practice Law of Colorado" (practice act) to implement the recommendations contained in the sunset review and report of the state board of dental examiners, as modified by the general assembly, as follows:

- Continues the state board of dental examiners until September 1, 2025, and renames the board as the Colorado dental board;
- Clarifies that a board member who has completed his or her term of office may remain in the position until a replacement is appointed and eliminates the provision disqualifying board candidates who have a past felony conviction or have been disciplined by the board;
- Removes limitations on who must administer clinical competency examinations to dentist applicants and authorizes the board to accept alternative methods of evaluating a dentist's or dental hygienist applicant's clinical competency;
- Repeals the requirement that the board adopt rules to limit the number of times a dentist may take a clinical examination for licensure;
- Repeals the requirement that applicants for a dental or dental hygiene license pass a jurisprudence examination;
- Repeals and relocates provisions regarding licensure of dental hygienists by endorsement;
- Modifies the requirement that an accredited dental hygiene program be at least 2 academic years to allow licensure of a hygienist who graduates from a program that is equivalent to 2 academic years;
- Eliminates as a grounds for discipline the fact that a licensee has a physical or mental disability that limits his or her ability to safely practice and instead

makes failure to notify the board of a limiting physical or mental illness or condition and failure to act within the limitations created by the illness or condition grounds for discipline;

- Authorizes the board to enter into a confidential agreement with a licensee who suffers from a limiting physical or mental illness or condition under which the licensee agrees to limit his or her practice to accommodate the illness or condition, and allows the board to discipline the licensee for failing to comply with the agreement terms;
- Adds the following as grounds for discipline by the board: Failing to follow generally accepted standards for infection control; failing to respond to a complaint in an honest, materially responsive, and timely manner; administering moderate sedation or deep sedation/general anesthesia without a licensed dentist or other qualified health care professional present in the operatory; and failing to complete and maintain records of compliance with continuing education requirements;
- Allows the board to suspend a dental or dental hygiene license if the licensee fails to comply with a board order;
- Allows the board to impose a fine on a licensee, sets caps on the fines based on whether the licensee is a dentist or dental hygienist, and requires the board to adopt rules establishing a uniform system and schedule of fines that set forth fine tiers based on the severity, type, and frequency of the violation;
- Requires a person other than a patient who files a complaint against a licensee to notify the patient of the complaint before filing it with the board;
- Repeals the requirement that the board send letters of admonition by certified mail;
- Updates provisions governing ownership of dental or dental hygiene practices by recognizing and referencing a provision in provider network statutes that allows dentists and dental hygienists to own and conduct a practice collaboratively as a provider network;
- Repeals the requirement that applicants for a dental license by examination submit verification of all other licenses issued by another jurisdiction;
- Creates parity for dentists and dental hygienists by allowing dental hygienists to apply for an inactive status license and permitting retired dental hygienists to provide uncompensated care to low-income patients; and
- Makes numerous technical changes to the "Dental Practice Law of Colorado", including: Renaming the practice act as the "Dental Practice Act"; repealing obsolete language; updating statutory citations; using consistent language when referring to anesthesia and sedation; dividing into multiple sections a lengthy section that addresses grounds for discipline, disciplinary procedures, disciplinary actions, cease-and-desist orders, panels for investigating and adjudicating complaints, and mental and physical evaluations of licensees; and making other nonsubstantive changes to update the act.

In addition to incorporating the recommendations in the sunset report, as modified by the general assembly, the act:

- Authorizes the board to adopt rules regarding the use of lasers;
- Allows licensed dentists to prescribe orders electronically;
- Allows a dental hygienist practicing unsupervised dental hygiene to prescribe, administer, or dispense fluoride, fluoride varnish, and antimicrobial solutions for mouth rinsing and other nonsystemic antimicrobial agents in collaboration



- with a licensed dentist;
- Deletes obsolete references to certain dental devices and specifies the duties and responsibilities of licensed dentists and unlicensed technicians in connection with the construction of dental devices;
- Requires a dentist who is arrested for a substance abuse-related offense to refer himself or herself to the dentist peer assistance program within 30 days after the arrest for an evaluation and referral for treatment as necessary;
- Requires dentists and dental hygienists to obtain at least 30 hours of continuing education every 2 years;
- Creates a new section in the practice act regarding anesthesia and sedation permits that: Specifies what permits dentists and dental hygienists may obtain and what type or level of anesthesia or sedation a particular permit allows a dentist or dental hygienist to administer; creates a permit designation for dentists who administer anesthesia or sedation to pediatric patients; and requires the board to adopt rules to establish minimum training, experience, and equipment requirements for the administration of anesthesia and sedation and rules to establish criteria and procedures for an office inspection program; and
- Creates a new section in the practice act that consolidates and relocates various provisions pertaining to the financial responsibility requirements applicable to dentists and the professional liability insurance requirements applicable to dental hygienists.

The act appropriates \$109,008 and 1.0 FTE from the division of professions and occupations cash fund to the department of regulatory agencies to implement the act and allocates the moneys and FTE as follows:

- \$42,530 and 1.0 FTE to the division of professions and occupations for personal services;
- \$5,653 to the division of professions and occupations for operating expenses and capital outlay;
- \$3,900 to the division of professions and occupations for board expenses; and
- \$56,925 to the executive director's office and administrative services for legal services, which amount is further appropriated to the department of law for the provision of legal services to the department of regulatory agencies in connection with the act.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1229** Retail marijuana licensing - background check - local submittal of fingerprints. For retail marijuana licensing purposes, the act allows a local jurisdiction to submit fingerprints for purposes of conducting a criminal history background check or to acquire a name-based criminal history check if the licensee's fingerprints are unclassifiable.

**APPROVED** by Governor March 17, 2014

**EFFECTIVE** March 17, 2014

**H.B. 14-1254** Community association managers - fees and charges - disclosure - documentation. The act requires a licensed community association manager that performs services for a homeowners' association (HOA) or provides services to the HOA through

employees or subcontractors to fully disclose to the HOA, during contract negotiations and annually thereafter, all fees and charges that the manager will bill to the HOA, unit owners, or purchasers of units in the common interest community for services performed by the manager or those employees or subcontractors. A fee or charge is not enforceable unless it is disclosed in the manager's contract, an addendum to the contract, or a real estate closing settlement statement. The manager must also disclose to the HOA executive board all remuneration the manager or any subsidiary or affiliate receives or will receive in connection with its relationship with the HOA.

The director of the division of real estate may take disciplinary action, including assessing an administrative fine of up to \$2,500, against a manager that violates the requirements of the act.

**APPROVED** by Governor April 18, 2014

**EFFECTIVE** January 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. 14-1265** Bingo and raffles - regulation by secretary of state - conduct of games of chance - prizes - equipment rental - proceeds - nonsubstantive reorganization of statutes. The act reorganizes the "Bingo and Raffles Law" and makes technical amendments to the law. In addition, the act makes the following substantive changes:

- The office of the secretary of state (the "licensing authority") may specify the method of selecting winning numbers in a raffle;
- For purposes of the prohibition on remunerating volunteer workers at a game of chance, food is excluded so long as the retail value of the food does not exceed a limit set by rules of the licensing authority;
- Games of chance other than bingo and pull tab games may be conducted with equipment not owned or leased by the bingo-raffle licensee or landlord of the premises on which the game of chance is held;
- If a game of progressive bingo is not won at the first occasion on which it is played, the play may continue on subsequent occasions that fall on the same day of the week as the first occasion as well as on every subsequent occasion as required under current law; and
- Licensees may maintain a bank account containing only proceeds from progressive games.

**APPROVED** by Governor April 4, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1283** Prescription drug monitoring program - prescribers and pharmacists required to register - expanded access to database - prescriber and pharmacist responsibilities and liability for designees - unsolicited reports to prescribers and pharmacies - study of and report on program effectiveness - appropriation. The act makes the following modifications to the electronic prescription drug monitoring program administered by the state board of pharmacy (board) and the division of professions and occupations (division) in the

department of regulatory agencies:

- Authorizes the board, in consultation with other state boards that oversee prescribing practitioners, to develop criteria for indicators of controlled substances misuse, abuse, and diversion and, based on those criteria, to disseminate unsolicited reports of prescription-specific data to prescribing practitioners and dispensing pharmacies to assist in preventing and reducing prescription drug misuse, abuse, and diversion;
- Allows the department of public health and environment to access the electronic database for public health purposes;
- Allows an out-of-state pharmacist to access the database in connection with a current patient to whom the pharmacist is dispensing a controlled substance or is providing clinical patient care services;
- Adds individual pharmacies as an eligible subject for information requests by law enforcement officials if the request for information is accompanied by a court order or subpoena;
- Allows a prescribing practitioner or a pharmacist to delegate authority to access the database to up to 3 designees acting for the practitioner or pharmacist and requires each designee to register with the program;
- Starting January 1, 2015, or by an earlier date determined by the director of the division, requires prescribing practitioners and pharmacists to register and create user accounts with the program;
- Allows federally owned and operated pharmacies to submit data to the database; and
- Requires the executive director of the department of regulatory agencies to create a prescription drug monitoring program task force, or to request assistance from the team assembled by the governor's office to develop a plan to reduce prescription drug abuse, to study the program, including issues relating to the security of and access to personal information through the program, and make recommendations to the executive director and the general assembly on ways to ensure that the program is effective at reducing prescription drug abuse and misuse.

The act appropriates \$7,500 from the prescription drug monitoring program to the division of professions and occupations in the department of regulatory agencies for computer system changes necessary to implement the act.

**APPROVED** by Governor May 21, 2014

**EFFECTIVE** May 21, 2014

**H.B. 14-1290** Telepharmacy outlets - registration as "other outlet" - board of pharmacy rules. The act authorizes a telepharmacy outlet to register with the state board of pharmacy (board) as an "other outlet" if the telepharmacy outlet:

- Is located more than 20 miles from the nearest pharmacy or telepharmacy outlet;
- Is connected via computer link, video link, and audio link, or via other functionally equivalent telecommunication equipment, with a central pharmacy; and
- Has a pharmacy technician on site who, under the remote supervision of a licensed pharmacist located at the central pharmacy, performs the pharmacy

tasks permitted under current law.

The act makes an exception to the requirement that a licensed pharmacist be physically present to supervise a pharmacy technician in situations where the pharmacy technician is working in a registered telepharmacy outlet and the licensed pharmacist is connected to the telepharmacy outlet via computer link, video link, and audio link or other comparable telecommunication equipment and is readily available to consult with and assist the pharmacy technician.

The board is authorized to adopt rules to specify additional criteria for a telepharmacy outlet that the board deems necessary.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1361** Retail marijuana - equivalency of marijuana flowers - study - appropriation. The act directs the department of revenue (department) to promulgate rules by January 1, 2016, establishing the equivalent of one ounce of retail marijuana flower in various retail marijuana products. The act authorizes the department to contract for a scientific study of the equivalency of marijuana flower in marijuana products.

The act prohibits a retail marijuana store from selling more than one ounce of retail marijuana or the equivalent in retail marijuana products during any single transaction to a Colorado resident. Current law prohibits the sale of more than one-quarter ounce of retail marijuana to a person who is not a resident of Colorado. The act expands this prohibition to include the equivalent of one-quarter ounce in retail marijuana products.

The act appropriates \$100,000 to the department to pay for the scientific study.

**APPROVED** by Governor May 21, 2014

**EFFECTIVE** May 21, 2014

**H.B. 14-1366** Retail marijuana - edible products - standard symbol - rules - stakeholders group. The act requires the department of revenue (department), by January 1, 2016, to adopt rules requiring edible retail marijuana products to be clearly identifiable, when practicable, with a standard symbol indicating that they contain marijuana and are not for consumption by children.

The act requires the department to convene a stakeholders group to make recommendations on the rule and to reports its findings to the health committees of the general assembly.

**APPROVED** by Governor May 21, 2014

**EFFECTIVE** May 21, 2014

## PROPERTY

**S.B. 14-9** Real property - sales - disclosures - mineral estate. The act requires a seller to disclose in the sale of real property that a separate mineral estate may subject the property to oil, gas, or mineral extraction. This requirement does not include a duty to investigate or disclose specific facts.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** August 6, 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. 14-22** Community development financial institution - qualified holder - foreclosure sale - full or partial release of collateral pledged. The act includes within the definition of a "qualified holder" any community development financial institution that has been certified and maintains such current status from the community development financial institutions fund administered by the United States department of the treasury (fund). In order to be a qualified holder, the community development financial institution must:

- Be a legal entity;
- Have a primary mission of promoting community development;
- Be a financing entity;
- Primarily serve one or more target markets as defined by the fund;
- Promote development services in conjunction with its financing activities;
- Maintain accountability to its defined target market; and
- Be a nongovernmental entity and not be under the control of any governmental entity (except that a tribal government is exempt from this last requirement).

The act amends the definition of "qualified holder" in connection with statutory provisions governing foreclosure sales to include any entity with active certification under the fund that originates, insures, guarantees, or purchases loans or a person acting on behalf of such an entity to enforce an evidence of debt or the deed of trust securing an evidence of debt.

The entities covered under the definition of "qualified holder" are allowed to present a request for full or partial release of collateral pledged without presentation of the original promissory note.

**APPROVED** by Governor April 7, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1125** Common interest communities - unit owners' association - records - privacy of personal information - when disclosure permissible - consent. The act specifies that, notwithstanding the general prohibition against sharing personal information about members of a common interest community, the unit owners' association may publish members' and

residents' contact information with their prior written consent. Residents may give written consent electronically.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1130** Foreclosure process - fees and costs - recovery - refunds. Current law is silent on when and how fees for court filings, published notices, and other costs of foreclosure are to be calculated and paid and, if overpaid, refunded. The act specifies that all costs and fees charged to a borrower must be accurately accounted for and that any overpayments based on prepayments or estimates must be promptly refunded to the borrower.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

**H.B. 14-1295** Foreclosure - process - rights of borrower - duties of lender - establishment of single point of contact - prohibition on dual tracking. The act requires a lender (or a loan servicer acting on the lender's behalf) to establish a single point of contact with whom a borrower can communicate about foreclosure matters within 45 days from the date the borrower becomes delinquent in payments. The act also prohibits "dual tracking", in which a lender simultaneously negotiates with the borrower for a loan modification and also pursues foreclosure through the public trustee.

Existing notice provisions are expanded to include notice to the borrower that:

- It is illegal for any person acting as a foreclosure consultant to charge an up-front fee or deposit for services related to the foreclosure; and
- If the borrower believes that the servicer has violated the single-point-of-contact or dual-tracking provisions, the borrower may file a complaint with the Colorado attorney general or the federal consumer financial protection bureau (CFPB), but filing the complaint will not stop the foreclosure process.

The public trustee of the county in which a foreclosure is commenced must contact the servicer if the borrower alleges that the servicer has received a completed application for an alternative to foreclosure, or that the borrower and servicer have entered into an agreement to avoid foreclosure and the borrower is complying with the terms of that agreement. If the servicer does not dispute the borrower's statements, the public trustee must postpone the foreclosure sale.

The act exempts servicers who service 5,000 or fewer mortgage loans and deems services who comply with or are exempt from relevant CFPB rules addressing single-point-of-contact and dual-tracking issues to be in compliance with the act.

The act applies to foreclosure proceedings in which the notice of election and demand

is filed on or after January 1, 2015.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** January 1, 2015

**H.B. 14-1302** Property - fraudulent transfers - remedies - judgment against a debtor or transferee who acts with actual intent. The act allows a creditor to seek a judgment in a fraudulent transfer action for 1.5 times the value of the asset transferred or for 1.5 times the amount necessary to satisfy the creditor's claim, whichever is less, together with the creditor's actual costs, against any debtor or transferee who acts with actual intent to hinder, delay, or defraud a creditor, either alone or in conspiracy with another. The act also specifies that a judgment may not be entered against a person other than the debtor unless that person also acts with wrongful intent and that a judgment may not be entered unless a court of competent jurisdiction enters or has entered a judgment or order establishing the validity of the creditor's claim against the debtor.

**APPROVED** by Governor May 2, 2014

**EFFECTIVE** May 2, 2014

**H.B. 14-1312** Foreclosure deferment program - continuation. The act continues the existing foreclosure deferment program, which is scheduled to expire in 2014, until 2015.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

## PUBLIC UTILITIES

**S.B. 14-125** Motor vehicles - transportation network companies - regulation by public utilities commission - appropriation. The act authorizes the public utilities commission (PUC) to regulate transportation network companies (TNCs), which are companies that match drivers and passengers through a digital network, such as a mobile phone application, but that do not own or control the vehicles through which the transportation is provided.

Although the act exempts TNCs from the definitions of "common carrier", "contract carrier", and "motor carrier", it authorizes the PUC to regulate TNCs with respect to vehicle safety conditions, driver qualifications, data privacy requirements, nondiscriminatory policies, and other operational requirements. The act also permits taxicab companies and shuttle companies to convert to a TNC model or establish a TNC subsidiary or affiliate.

The act requires a TNC or its drivers to obtain primary liability insurance coverage in an amount of at least \$1,000,000 for the period of time in which a driver is transporting a rider. For the period of time in which a driver is logged into a TNC's digital network but is not transporting a rider, the act requires:

- Until January 1, 2015, a TNC or its drivers to provide contingent liability insurance equal to at least the minimum insurance requirements for personal automobile insurance; and
- On January 1, 2015, and thereafter, a TNC or its drivers to maintain primary liability insurance in amounts of at least \$50,000 per person per accident, \$100,000 for all persons involved in an accident, and \$30,000 for any property damage arising from the accident.

The act specifies minimum qualifications for drivers and requires annual safety inspections for vehicles used in a TNC's operations. The PUC may take action against a TNC for any violations, including the authority to issue a cease-and-desist letter, suspend or revoke a permit, or impose civil penalties.

The act requires a TNC to obtain a permit and pay an annual permit fee of \$111,250. The PUC may adjust the annual permit fee to cover its direct and indirect costs associated with regulating TNCs.

The director of the division of workers' compensation in the department of labor and employment is authorized to determine by rule whether to require TNCs to provide workers' compensation insurance coverage to their drivers.

The act appropriates \$179,777 and 2.5 FTE from the transportation network company fund, created in the act, to the department of regulatory agencies for allocation to the PUC and \$9,108 and 0.1 FTE to the department of law for implementation of the act.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** June 5, 2014

**H.B. 14-1328** Public utilities commission - telecommunications - high cost support mechanism - grants for broadband deployment in unserved areas - appropriation. The high cost support mechanism (HCSM) reimburses telecommunications service providers for some of the cost of providing telephone services to rural areas. The act adds broadband service in



unserved areas to the services that are reimbursable.

The act defines terms including "broadband service", "broadband network", and "unserved area". It adds the provision of broadband networks in unserved areas to the purposes served through financial assistance from the HCSM and lists universal access to broadband service as a telecommunications policy goal.

The act creates a broadband fund and a broadband deployment board to facilitate the funding of projects to deploy broadband service into unserved areas of the state through the award of grants from moneys allocated to the provision of broadband service from the HCSM.

The act repeals the functions of the broadband deployment board regarding its administration of the broadband fund on September 1, 2024, subject to a sunset review by the department of regulatory agencies.

\$86,518 and 0.7 FTE is appropriated to the department of regulatory agencies and \$55,741 and 0.2 FTE is appropriated to the department of law for implementation of the act.

**APPROVED** by Governor May 10, 2014

**EFFECTIVE** May 10, 2014

**H.B. 14-1329** Public utilities commission - telecommunications - deregulation of certain internet-protocol-enabled services - appropriation. The act deregulates the following services:

- Advanced features offered and provided to residential customers and nonresidential customers with no more than 5 lines;
- Premium services;
- InterLATA toll and IntraLATA toll, except with respect to interexchange carrier registration, complaints of unauthorized charges on a subscriber's bill, or complaints of changing a subscriber's service without his or her consent;
- Private line service with a capacity of less than 24 voice grade circuits;
- Nonoptional operator services;
- Internet-protocol-enabled services; and
- Voice-over-internet protocol services.

The act appropriates \$21,220 and 0.3 FTE to the public utilities commission and \$18,216 to the department of law for implementation of the act's provisions.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

**H.B. 14-1330** Public utilities commission - telecommunications - updates of terminology and removal of expired statutory deadlines. With the advancement of telecommunications technologies, Colorado statutes governing telecommunications policy are outdated. The act updates definitions to encompass new technologies and terms and repeals language related to outdated technologies and terms and expired statutory deadlines.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

**H.B. 14-1331 Public utilities commission - telecommunications - deregulation of basic local exchange service - appropriation.** The act deregulates basic local exchange service and other related services; however, it authorizes the public utilities commission to regulate basic local exchange providers that accept high cost support mechanism distributions by:

- Designating providers of last resort;
- Determining a maximum price for basic service;
- Prohibiting the discontinuance of basic service; and
- Imposing fees related to the high cost support mechanism, emergency service, and telecommunications relay service.

The act repeals language related to private telecommunications network service, requirements concerning the discontinuation or rearrangement of basic local exchange service, and language concerning the regulation of IntraLATA interexchange telecommunications services.

The act also reclassifies a list of services that are currently regulated, leaving only one service, switched access, in the existing category.

The act clarifies that basic local exchange providers may be reimbursed from the high cost support mechanism regardless of whether basic local exchange service is regulated, but it limits the use of support mechanisms created by the public utilities commission to the provision of services in high-cost areas lacking effective competition.

The act appropriates \$270,335 and 2.0 FTE to the department of regulatory agencies and \$105,653 and 0.6 FTE to the department of law for implementation of the act.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** May 9, 2014

## STATE PUBLIC DEFENDER

**H.B. 14-1023** Hiring of social workers to assist in defending juveniles - appropriation. The act requires the state public defender to hire social workers to assist in defending juvenile defendants.

The act appropriates \$455,983 and 8 FTE to the office of the state public defender.

**APPROVED** by Governor May 14, 2014

**EFFECTIVE** May 14, 2014

## STATUTES

**H.B. 14-1019** Colorado Revised Statutes - enactment of 2013 statutes. The act enacts the softbound volumes of Colorado Revised Statutes 2013 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

**APPROVED** by Governor February 11, 2014

**EFFECTIVE** February 11, 2014

**H.B. 14-1363** Revisor's bill. To improve the clarity and certainty of the statutes, the act amends, repeals, and reconstructs various statutory provisions of law that are obsolete, imperfect, or inoperative.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

## TAXATION

**S.B. 14-14** Property tax - specific ownership - tax equivalent payments - heat or fuel expenses - assistance grants. Beginning with grants claimed for 2014, the act modifies the real property tax assistance grants, which include grants for property tax, specific ownership tax, or tax equivalent payments, and heat or fuel expenses assistance grants for low-income seniors and individuals with disabilities as follows:

- Increases the maximum real property expense assistance grant from \$600 to \$700;
- Increases the income limits for grant eligibility; and
- Establishes flat minimum grant amounts for an eligible individual or spouses of \$227 for a property tax or rent grant and \$73 for a heat grant.

The act also makes additional changes to how the PTC rebate program is administered. Specifically, it:

- Clarifies the executive director of the department of revenue's (executive director) responsibilities for preparing grant application forms and related instructions;
- Excludes payments or income received by a special needs trust from the definition of "income" for purposes of determining program eligibility;
- Permits the executive director to develop an electronic application form;
- Repeals the requirement that the department of revenue mail copies of the grant forms to county departments of social services and public and private pensions;
- Requires the department of human services to conduct specific types of outreach related to the program and report to legislative committees about those efforts; and
- Permits the executive director to waive the rebate reimbursement and any related interest or penalties that accrue, if the department of revenue incorrectly pays a rebate as a result of a departmental mistake.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-19** Income tax - clarification of state filing status for persons allowed to file joint federal returns. Any 2 taxpayers who may legally file a joint federal income tax return are required to file separate state income tax returns if they file separate federal income tax returns and file a joint state income tax return if they file a joint federal income tax return.

The act applies to income tax years commencing on or after January 1, 2013, and any other income tax years that are open specified statutory sections.

**APPROVED** by Governor February 27, 2014

**EFFECTIVE** February 27, 2014

**S.B. 14-43** Property tax - inclusion of certain greenhouse and nursery production areas within category of "all other agricultural property". Commencing January 1, 2015, the act includes within the property tax category of "all other agricultural property" greenhouse and

nursery production areas used to grow food products, agricultural products, or horticultural stock for wholesale purposes only that originate above the ground.

**APPROVED** by Governor March 20, 2014

**EFFECTIVE** March 20, 2014

**S.B. 14-73** Income tax - environmental remediation credit. From 2000 through 2010, there was a state income tax credit for taxpayers who conducted certain environmental remediation activities on property that was proposed for redevelopment. The act reauthorizes the credit for a 9-year period commencing in 2014 as follows:

- The property can be located anywhere in the state;
- The remediation need not be for property that will be redeveloped;
- A formula for calculating the amount of the credit is specified; and
- The credit may be transferred by a taxpayer to a transferee who may then claim the credit.

The taxpayer seeking the credit must obtain a certificate from the department of public health and environment certifying the accuracy of the costs of the cleanup and that a cleanup plan has been fully implemented. The credit can be carried forward for up to 5 years.

Local governments and private nonprofit entities do not pay income taxes in the state but do incur expenses in conducting environmental remediation activities. Subject to the same terms and in the same amounts as the reauthorized credit allowed to taxpayers, the act allows certain local governments and private nonprofit entities to transfer a portion of these expenses to transferees who may then claim the amounts as an income tax credit.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** August 6, 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. 14-80** Property valuation - appeals - arbitrators - qualifications. In addition to pursuing an appeal of the valuation of his or her property through the county board of equalization or district court, a taxpayer may appeal by utilizing an arbitration process. The act repeals the requirement that arbitrators so utilized must be either an attorney licensed to practice law in the state, an appraiser who is a member of the institute of real estate appraisers, a former county assessor, a retired judge, or a licensed real estate broker.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** August 6, 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. 14-83** Property reappraisal costs - reimbursement to state - waiver. The state annually contracts with a private person for an annual statewide valuation for assessment study that determines whether or not the county assessor has followed all required procedures in assessing each and every class of real and personal property in each county. If the study

indicates that a county assessor has failed to appraise any class or classes of property in a manner consistent with the property tax provisions of the state constitution or state law, the state board of equalization must order the reappraisal of the improperly appraised class or classes of property at the expense of the county. If the state assists the county assessor in conducting the reappraisal, which it generally does, the county must reimburse the state for the costs it incurs.

The act allows the state board of equalization to waive the requirement that a county reimburse the state for reappraisal costs if the county submits a plan to use the money saved to improve the functioning of the county assessor's office and implements the plan in a timely manner. The act also clarifies that salaries and benefits paid to state employees who work on a reappraisal are not reimbursable state costs.

**APPROVED** by Governor March 20, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1001** Property tax - property destroyed by a natural cause - state reimbursement of tax liability - appropriation. On or after January 1, 2013, any real or business personal property listed on a single schedule that was destroyed by a natural cause as determined by the county assessor in the county in which the property is located is subject to a reimbursement from the state. The amount of the reimbursement is equal to the property tax liability applicable to the destroyed property in the property tax year in which the natural cause occurred.

Commencing January 1, 2013, the assessor of each county with property destroyed by a natural cause during the year is required to forward to the applicable county treasurer a report of the taxable real or business personal property in the county that was destroyed by a natural cause.

Within 30 calendar days of receiving a report from the county assessor, the county treasurer of the same county is required to verify the total amount of the property tax in the county that is eligible for reimbursement. After verifying the total amount of property tax in the county that is eligible to be reimbursed, the county treasurer is required to transmit a report to the state treasurer that includes the county treasurer's verification and the report of the destroyed properties from the county assessor.

After receiving a report from a county treasurer, and subject to appropriation by the general assembly, the state treasurer is required to issue a reimbursement warrant to the applicable county treasurer in an amount equal to the total amount of property tax due in the county that is eligible to be reimbursed for the applicable property tax year.

Within 30 calendar days of receipt of the reimbursement moneys from the state treasurer, the county treasurer is required to either apply a credit to the tax bill of the destroyed property for that year in the amount of the expected reimbursement or pay the property tax owed for each destroyed property. If the property tax due for the destroyed property has already been paid, the county treasurer is required to issue a reimbursement to the taxpayer's last recorded mailing address.

The finance committees of the house of representatives and the senate, or any successor committees, are required to review the provisions that allow the property tax reimbursements and to make recommendations regarding whether the provisions should be continued, repealed, or continued with modifications.

\$2,221,828 is appropriated from the general fund to the department of treasury for reimbursement to county treasurers.

**APPROVED** by Governor May 17, 2014

**EFFECTIVE** May 17, 2014

**H.B. 14-1003** Income tax - exemption - nonresident disaster emergency workers. Nonresident individuals are exempt from the state income tax if they perform disaster emergency-related work in the state on certain infrastructure that has been affected by a declared state disaster emergency or if they provide emergency service work related to the disaster emergency.

**APPROVED** by Governor May 17, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1012** Income tax - Colorado innovation investment tax credit - repeal - advanced industry investment tax credit - creation. The act repeals the Colorado innovation investment tax credit and replaces it with the advanced industry investment tax credit (tax credit). The tax credit is available for a qualified investor who, prior to January 1, 2018, makes an equity investment in a qualified small business from the advanced industries. The tax credit is equal to 25% of the investment or, if the qualified business is located in a rural area or economically distressed area, it is equal to 30%. The maximum amount of credit for a single tax credit is \$50,000, and the maximum of all tax credits allowed for a calendar year is \$750,000; except that unused tax credits from 2014 may roll over into 2015. A tax credit may not be refunded, but it may be carried forward for 5 tax years.

The Colorado office of economic development determines the eligibility for the tax credit and issues nontransferable tax credit certificates as evidence of eligibility and the amount of the tax credit. To claim the tax credit, a taxpayer must submit a copy of the tax credit certificate. The office and the department of revenue are required to share information related to the tax credit. In 2017, the office is required to submit to legislative committees a report that includes information about the tax credits issued and the economic benefits from the related qualified investments.

**APPROVED** by Governor May 29, 2014

**EFFECTIVE** May 29, 2014

**H.B. 14-1014** Income tax - job growth incentive tax credit - extension of credit claim period - lowering of wage match requirement - extension of credit. For income tax years commencing on or after January 1, 2014, the act modifies the job growth incentive tax credit by extending the tax credit claim period from 60 months to 96 months, lowering the average wage match from 110% to 100%, and changing the language that governs the commission's approval of a project to show that the credit is a major factor in the decision to locate or



retain the project in Colorado.

The act also extends the years the income tax credit is available so that the last income tax year is the tax year commencing January 1, 2026.

**APPROVED** by Governor May 16, 2014

**EFFECTIVE** May 16, 2014

**H.B. 14-1018** Tax profile and expenditure report - continuation. The act eliminates the department's ability to opt out of preparing future tax profile and expenditure reports, which include information about state tax expenditures. A "tax expenditure" is a tax provision that provides a gross or taxable income definition, deduction, exemption, credit, or rate for certain persons, types of income, transactions, or property that results in reduced tax revenue.

**APPROVED** by Governor March 14, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1072** Income tax - child care expenses - low-income resident individuals - alternative credit. For the 2014 income tax year and the next 2 income tax years thereafter, the act creates a new state child care expenses tax credit (state credit) for a resident individual who has a federal adjusted gross income of \$25,000 or less. A resident individual may claim the state credit if:

- The expenses are for the care of a dependent of the taxpayer who is less than 13 years old;
- The individual has insufficient tax liability to claim an existing state income tax credit for child care expenses; and
- The individual would be allowed a federal income tax credit for the expenses if he or she had sufficient tax liability to claim the credit.

The state credit is equal to 25% of the resident individual's expenses, but the maximum allowable amount is \$500 for a single dependent or \$1,000 for 2 or more dependents. The state credit is refundable.

**APPROVED** by Governor May 22, 2014

**EFFECTIVE** May 22, 2014

**H.B. 14-1074** Property tax - exempt property - allowable expenses for leased property. Real property that is owned and used by a nonprofit entity is generally exempt from the levy and collection of property tax. The nonprofit owner is allowed to lease the property to another nonprofit entity without losing the exemption as long as the amount received by the owner does not exceed one dollar plus the reasonable expenses incurred in operating and maintaining the property. The act specifies the following to be included as expenses incurred in operating and maintaining the property:

- Depreciation;
- Long-term maintenance expenses;

- Capital expenses dedicated to refurbishing the property; and
- Expenses incurred to allow the property to conserve energy, water, or other natural resources.

**APPROVED** by Governor March 14, 2014

**EFFECTIVE** March 14, 2014

**H.B. 14-1080** Sales and use tax - exemption - Colorado Ute Indians. The act codifies the department of revenue's current practice under federal law of exempting from sales and use tax on-reservation sales of goods and services to the Southern Ute Indian Tribe, Ute Mountain Ute Tribe, or an enrolled member of either tribe (tribe or tribal member). This exemption applies if the vendor is located on a reservation or if the vendor is located outside of a reservation and the good or service is delivered by the vendor and received by the tribe or tribal member on a reservation. In addition, all sales of motor vehicles to a tribe or tribal member that occur outside of a reservation are exempt from the sales and use tax if the motor vehicle is registered to an address on a reservation. This exemption applies even if the motor vehicle is not delivered to and received on a reservation, which continues the department's current practice.

The act also clarifies that these exemptions may proportionally apply for sales to a legal entity in which a tribe or tribal member has a partial or undivided interest, if a declaration is filed with the department of revenue.

**APPROVED** by Governor May 30, 2014

**EFFECTIVE** May 30, 2014

**H.B. 14-1092** Income tax - return form - voluntary contributions - Colorado Youth Conservation Corps fund - creation - placement in queue - repeal. The Colorado Youth Conservation Corps fund (fund) is created in the state treasury. A voluntary contribution designation line for the fund will appear on the state individual income tax return form (form) for the 5 income tax years following the year that the executive director of the department of revenue (department) certifies to the revisor of statutes that:

- There is a space available on the form; and
- The fund is next in the queue.

Once the fund is placed on the form, the department is directed to determine annually the total amount contributed to the fund and report that amount to the state treasurer and the general assembly. The state treasurer is required to credit that amount to the fund, and the general assembly appropriates from the fund to the department the costs of administering moneys designated for the fund. After that amount is deducted, the moneys remaining in the fund at the end of a fiscal year are transferred to the Colorado Youth Corps Association, a nonprofit organization.

Following the statutory 2-year grace period for new tax checkoffs, the fund is required to achieve the minimum contribution amount of \$75,000 per year to remain on the form.

**APPROVED** by Governor April 25, 2014

**EFFECTIVE** August 6, 2014

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

effective date, see page vi of this digest.

**H.B. 14-1101** Property tax - business personal property tax - community solar gardens - exemption. The act specifies that, for property tax years commencing on and after January 1, 2015, but before January 1, 2021, there is exempt from the levy and collection of property tax the percentage of alternating current electricity capacity of a community solar garden that is attributed to residential or governmental subscribers, or to subscribers that are not-for-profit or charitable organizations that have been granted property tax exemptions in law.

**APPROVED** by Governor May 9, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1107** Department of revenue - required notices to taxpayers - ability to offer taxpayers option to receive electronically. The act allows the department of revenue the flexibility to offer taxpayers the option to receive electronic communications rather than requiring the department to send notices by first-class mail.

**APPROVED** by Governor April 25, 2014

**EFFECTIVE** April 25, 2014

**H.B. 14-1119** Income tax - tax credit for food contributions. The act creates an income tax credit for taxpayers who make food contributions to a hunger-relief charitable organization in an amount equal to either 25%, but not to exceed \$5,000, of the wholesale market price or 25%, but not to exceed \$5,000, of the most recent sale price of the food contributions for tax years commencing on or after January 1, 2015, but before January 1, 2020.

**APPROVED** by Governor May 30, 2014

**EFFECTIVE** May 30, 2014

**H.B. 14-1159** Sales and use tax - exemption for biogas production system components. Through June 30, 2019, the act exempts components used in biogas production systems from state sales and use tax. Local governments that currently impose sales or use tax on such components may either continue to do so or may exempt them from their sales or use taxes.

**APPROVED** by Governor May 17, 2014

**EFFECTIVE** May 17, 2014

**H.B. 14-1163** Enterprise zones - enterprise zone investment tax credit - clarification of cap adopted in 2013 legislative session. Language added during the 2013 legislative session that could interfere with the general assembly's intent in adopting House Bill 13-1142, concerning reforms to the "Urban and Rural Enterprise Zone Act", is amended. The intent stated in committee hearings regarding the act and noted correctly in the fiscal note was that the amount of the enterprise zone investment tax credit that a taxpayer may claim in any year be limited to \$750,000 per year beginning in tax year 2014. Credits earned on and after tax year 2014 over the \$750,000 limit were intended to be allowed as a carryforward in future tax years for 14 years (or 22 years for renewable energy investments as determined in Senate

Bill 13-286, concerning an extension of the number of years that a taxpayer may claim excess enterprise zone investment income tax credits as credit carryovers for renewable energy investments). Credits carried forward from tax years before 2014 were to be exempt from the \$750,000 limit.

In error, the statute allows the amount of the credits earned on and after tax year 2014 over the \$750,000 limit to be added to the \$750,000 limit in future tax years. This was not the intent and would render the \$750,000 cap ineffective.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** March 27, 2014

**H.B. 14-1178** Sales and use tax - state sales and use tax exemption for qualified property used in space flight - appropriation. The act creates a state tax exemption for all sales, storage, and use of qualified property used in space flight and outlines the reporting requirements for the exemption. The act further specifies that local statutory taxing jurisdictions may choose to adopt the same exemption by express inclusion in their sales and use tax ordinance or resolution.

\$31,000 is appropriated from the general fund to the department of revenue for allocation to the taxation business group for CITA annual maintenance and support related to the implementation of this act.

The act makes adjustments to the 2014 general appropriation act for the implementation of this act.

**APPROVED** by Governor May 20, 2014

**EFFECTIVE** May 20, 2014

**H.B. 14-1269** Sales and use tax - doing business in this state - presumptions - exceptions. The state imposes a sales tax collection obligation on every retailer or vendor, and the terms "retailer" and "vendor" are defined to include every person doing business in this state and selling to the user or consumer, and not for resale. The state also imposes a use tax collection obligation on every person in this state for the privilege of storing, using, or consuming in the state any tangible personal property purchased at retail. By operation of law, the definition of the term "doing business in this state" establishes which retailers must collect sales and use tax on behalf of the state from its customers. What qualifies as "doing business in this state" is what is understood as "nexus" among sales tax experts.

The act modifies the state's sales and use tax nexus provisions by:

- Establishing rebuttable presumptions that specified activities create substantial nexus for the person without direct in-state physical presence;
- Specifying the types of activities that will create nexus with the state if conducted by a person that is a component member of a controlled group of corporations with physical presence in this state, other than a common carrier acting in its capacity as such, for the benefit of another person who is part of the same controlled group of corporations without direct in-state physical presence;
- Specifying the types of activities that will create nexus with the state if conducted by any person that already has a physical presence in this state,

- other than a common carrier acting in its capacity as such, pursuant to an agreement or arrangement with a person without direct in-state physical presence; and
- Identifying certain activities to which the presumptions do not apply, specifically agreements and arrangements pertaining to:
  - The purchase of advertisements to be delivered in this state on television, radio, newspapers, magazines, the internet, or any other mass-market medium;
  - Affiliate marketing agreements; or
  - Small businesses.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1279** Income tax - credit - personal property taxes paid. For 5 income tax years beginning January 1, 2015, the act creates an income tax credit to reimburse a qualifying taxpayer for personal property taxes paid in Colorado for which the taxpayer does not already receive a state or federal income tax benefit. This is accomplished by allowing a tax credit that is equal to the taxpayer's personal property taxes paid multiplied by a percentage equal to 100% minus the sum of the taxpayer's federal marginal income tax rate for the year and 4.63%.

To qualify for a tax credit, a taxpayer must have \$15,000 or less worth of personal property on which property taxes are paid in Colorado during an income tax year commencing in 2015, or have less than an inflation-adjusted amount for each income tax year thereafter. The amount of the credit that exceeds a taxpayer's income taxes is refunded to the taxpayer. For purposes of the credit, the term "taxpayer" includes an exempt 501 (c) organization, and the amount of the allowable credit for these organizations is equal to 100% of the personal property taxes paid.

**APPROVED** by Governor June 5, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1311** Income tax - tax credit - owner of qualified historic structure for recovery of certain costs incurred in preserving the structure - appropriation. For income tax years commencing on or after January 1, 2016, but prior to January 1, 2020, the act creates a new income tax credit to be claimed by an owner of a historic property for recovery of certain costs related to preserving the property. Among its provisions, the act:

- Requires the governor's office of economic development and international trade (office), in consultation with the state historical society (society), to develop standards for the approval of the substantial rehabilitation of qualified structures for which the new tax credit is being claimed;
- Requires the owner of the structure to submit an application and rehabilitation plan to the office for a qualified commercial structure or to a certified local government or the society (reviewing entity) for a qualified residential structure, along with an estimate of the certified rehabilitation expenditures under the rehabilitation plan and specifies procedures governing the review

of the application.

- Authorizes the office or the reviewing entity to impose a reasonable application fee and issuance fee for either a commercial or residential structure and specifies how each fee is derived. With respect to both an application fee and an issuance fee, the act requires the office to share on an equal basis any such fees collected with the society and the department of revenue (department).
- In the case of a qualified commercial structure, if the office and society determine that the application and rehabilitation plan are complete, the office is required to reserve for the benefit of the owner an allocation of a tax credit and to notify the owner in writing of the amount of the reservation;
- Requires the office to reserve tax credits in the order in which it receives completed applications and rehabilitation plans;
- Specifies that no reservation of tax credits is necessary in the case of a qualified residential structure;
- Requires any owner receiving a reservation of tax credits to commence rehabilitation of the qualified commercial structure, if rehabilitation has not previously begun, within one year of the date of issuance of the written notice from the office to the owner granting the reservation of tax credits. Any owner receiving such reservation is required to incur not less than 20% of the estimated costs of rehabilitation not later than 18 months after the date of issuance of the written notice.
- Following the completion of a rehabilitation of a qualified commercial structure, requires the owner to notify the office that the rehabilitation has been completed and to certify the qualified rehabilitation expenditures incurred by the owner under the rehabilitation plan. Within 90 days after receipt of the appropriate documentation, the office is required to issue a tax credit certificate geared to the amount of actual qualified rehabilitation expenditures.
- Specifies that the total amount of the tax credit certificate issued for any particular project must not exceed the amount of the tax credit reservation issued for the project. The amount of a tax credit certificate to be issued for any one qualified commercial structure is limited to \$1 million in any one calendar year.
- Following the completion of a substantial rehabilitation of a qualified residential structure, requires the owner to notify the reviewing entity that the substantial rehabilitation has been completed and to certify the qualified rehabilitation expenditures incurred in connection with the rehabilitation plan. Within 90 days after receipt of the documentation from the owner, the reviewing entity is required to issue a tax credit certificate in an amount equivalent to 20% of the actual qualified rehabilitation expenditures; except that the act limits the amount of the tax credit certificate to \$50,000 for each qualified residential structure to be calculated over a 10-year rolling period.
- Requires the tax credit amount to be increased for a certified commercial or residential structure that is located in a disaster area;
- In order to claim the tax credit, requires the owner to file the tax credit certificate with the owner's state income tax return;
- Specifies requirements under which a local government is permitted to act as a reviewing entity;
- Specifies that the entire tax credit to be issued may be claimed by the owner in the taxable year in which the certified rehabilitation is placed in service. If

the amount of the credit allowed exceeds the amount of income taxes otherwise due in the income tax year for which the credit is being claimed, the act permits the owner to offset the amount of the credit not used in the income tax year to be carried forward as a credit against subsequent years' income tax liability for a period not to exceed 10 years. Any amount of the credit that is not used after such period is not refunded to the owner.

- Specifies certain limits that the aggregate amount of all tax credits in any tax year that may be reserved by the office upon the certification of all rehabilitation plans must not exceed;
- Specifies that the commercial tax credits are freely transferable and assignable subject to certain requirements. In particular, the act specifies that the owner or a subsequent transferee may only transfer the portion of the tax credit that has neither been applied against the income tax or used to obtain a refund.
- Requires the office to promulgate rules to permit verification of the ownership and amount of tax credits;
- Specifies limits by tax year on the aggregate amount of tax credits that may be issued for each of the 4 state fiscal years in which the tax credit is in effect;
- Prohibits the office from issuing a tax credit before July 1, 2016;
- Permits the owner to appeal any final determination made by the office or the department in connection with the tax credit;
- Requires the office, in consultation with the department, to submit an annual report to the general assembly on the impact to the state of the tax credit;
- Requires the office, in consultation with the society, to promulgate rules to implement the act; and
- Prohibits a taxpayer from claiming a credit under the act if the taxpayer is also claiming a credit under a related tax credit program.

The act decreases the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund for the 2014-2015 state fiscal year by \$106,283 and appropriates to the governor - lieutenant governor - state planning and budgeting, for the 2014-2105 state fiscal year \$106,283 and 0.5 FTE to be allocated to economic development programs for the development, implementation, and management costs associated with the income tax credit.

The act applies to costs for the rehabilitation of historic structures incurred on or after July 1, 2015.

**APPROVED** by Governor May 14, 2014

**EFFECTIVE** May 14, 2014

**H.B. 14-1326** Income tax - tax credit for alternative fuel trucks - sales and use tax - exemption for certain motor vehicles - narrowing of motor vehicles eligible for the sales and use tax exemption - specific ownership tax - tax calculated on percentage of actual price for alternative fuel trucks. The act:

- Allows an income tax credit for the purchase or conversion of an electric or plug-in electric truck with a gross vehicle weight rating of over 8,500 pounds at a percentage of the actual cost incurred and caps the total amount a taxpayer may claim in a tax year;
- Expands the income tax credit for the purchase or conversion of a truck equipped to operate on compressed natural gas and liquefied petroleum gas

- to include liquefied natural gas and hydrogen and also allows the credit for heavy duty trucks;
- Allows an income tax credit for the purchase of devices on the United States environmental protection agency's smartway verified technology list that minimizes drag and improves air flow over a truck and trailer; except that such devices do not include tires;
- Allows an income tax credit for the purchase of clean fuel refrigerated trailers;
- Allows an income tax credit for the conversion of a hydraulic hybrid truck; and
- Makes the availability of certain tax credits dependent on a determination by the Colorado energy office of whether any category 4, 4 A, 4 B, 4 C, 7, or 7 A medium or heavy duty trucks are actually reducing emissions over a life-cycle period as compared to the emissions of similar trucks using traditional fuel.

The applicability of the current sales and use tax exemption for motor vehicles, the power source for any motor vehicle, or parts used for converting the power source for any motor vehicle is limited by the act, as of July 1, 2014, to those motor vehicles with gross vehicle weight ratings greater than:

- 26,000 pounds if the power source or parts used for converting the power source for the motor vehicle are certified by the United States environmental protection agency as provided in the federal heavy-duty program that includes new greenhouse gas emissions standards; or
- 10,000 pounds if the motor vehicle, power source for the motor vehicle, or parts used for converting the power source for the motor vehicle meets the definitions of category 4, 4 A, 4 B, 4 C, 7, and 7 B trucks.

The taxable value of category 4, 4 A, 4 B, 4 C, 7, 7 B, and 9 trucks is reduced to 75% of the actual purchase price of those trucks for purposes of calculating the specific ownership tax.

**APPROVED** by Governor June 6, 2014

**PORTIONS EFFECTIVE** June 6, 2014  
**PORTIONS EFFECTIVE** December 31, 2019

**H.B. 14-1348** Sales and use tax - definition of retail sale - delay effective date of amended definition. The act delays the effective date of the amended sales tax definition of "retail sale" that was adopted in House Bill 13-1295, which concerned the implementation of the minimum simplification requirements of the proposed federal "Marketplace Fairness Act of 2013", so that the definition does not take effect on July 1, 2014, but instead takes effect only if congress enacts an act that authorizes states to require certain retailers to pay, collect, or remit state or local sales taxes. The act also makes technical changes to remove erroneous references to the term "remote sale" in the definition.

**APPROVED** by Governor May 31, 2014

**EFFECTIVE** May 31, 2014

**H.B. 14-1349** Property tax - exemption - property owned by qualified business entity - used for charitable purposes. For property tax years beginning on or after January 1, 2014, real and personal property is exempt from the levy and collection of property tax if:



- The property tax is owed by a qualified business entity; and
- The property is used for charitable, religious, or educational purposes in accordance with existing property tax exemptions and requirements.

The act defines "qualified business entity" to mean a limited partnership or a limited liability company:

- That is formed for the purpose of obtaining federal tax credits and that does obtain such credits; and
- The general partner or managing member of which is an entity that would qualify for an existing property tax exemption for charitable, religious, or educational purposes.

The act also repeals statutory provisions that had required an entity that is formed to obtain the federal new markets tax credits or federal rehabilitation tax credits and that claims a property tax exemption to pay annually to the applicable county a payment in lieu of property taxes.

**APPROVED** by Governor May 17, 2014

**EFFECTIVE** May 17, 2014

**H.B. 14-1371** Severance tax - oil and gas - wellhead as point of taxation. The act specifies that for property tax purposes, the wellhead is the point of both valuation and taxation for oil and gas leaseholds and lands.

**BECAME LAW** June 7, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1373** Property tax - exemption for seniors and disabled veterans - eligibility. For property tax years commencing on or after January 1, 2015, the act clarifies eligibility for the property tax exemption for seniors and disabled veterans by specifying that:

- A senior who has received a property tax exemption for his or her former primary residence but has moved to a new primary residence after January 1, 2014, may continue to claim an exemption for his or her new primary residence if a natural disaster forced the move by destroying the former primary residence or otherwise rendering it uninhabitable. The surviving spouse of a deceased senior may also claim the exemption for his or her new primary residence if the deceased senior:
  - Previously qualified for a property tax exemption for the new primary residence; or
  - Would have qualified for a property tax exemption for the new primary residence if he or she had not died before the surviving spouse moved to the new primary residence.
- The surviving spouse of a deceased disabled veteran who had received a property tax exemption before his or her death may claim the exemption.

**APPROVED** by Governor May 26, 2014

**EFFECTIVE** May 26, 2014

**H.B. 14-1374** Sales and use tax - exemptions - on-demand air carriers. Beginning July 1, 2014, but prior to July 1, 2019, the sale of a new or used aircraft is exempt from sales and use tax if:

- The aircraft is purchased for use by an on-demand air carrier, regardless of whether the purchaser is a resident of the state;
- The aircraft will remain in the state only for the purpose of final assembly, maintenance, modification, or completion;
- The aircraft will be removed from the state within 120 days after the date of the sale; and
- The aircraft will not be in the state more than 73 days in any of the 3 calendar years following the calendar year in which the aircraft is removed from the state.

A purchaser of an aircraft who claims the exemption is required, at the time of purchase, to provide an affidavit to the seller that the aircraft will be used by an on-demand air carrier and that the purchaser agrees to pay the sales and use tax if the purchaser fails to comply with the exemption requirements.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** July 1, 2014

## TRANSPORTATION

**S.B. 14-55** Daily vehicle rental fee - imposition on short-term vehicle rentals only. The act specifies that the \$2 daily vehicle rental fee is imposed without regard to the primary business of the renter on any short-term rental of a vehicle with a gross vehicle weight rating of twenty-six thousand pounds or less that is rented in the state for a period of less than 30 days and that a subsequent renewal of such a short-term vehicle rental is exempt from the fee to the extent that the renewal extends the total rental period beyond 30 days.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-60** Flagpersons - failure to obey - traffic infraction - training - requirements while on duty. The act requires a person to obey the instructions, signals, and directions given by a flagperson and creates a class A traffic infraction for a failure to obey. The act allows the department of transportation to authorize public and private entities to conduct flagperson training.

The act requires flagpersons to wear high-visibility clothing, use a prescribed device while directing traffic, and abide by Colorado's manuals for traffic control. The act clarifies that law enforcement personnel are exempt from these requirements.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** July 1, 2014

**S.B. 14-146** State highways within municipalities - manner of determining safe and reasonable speed limits. Current law requires that the department of transportation (CDOT) approve any change to a speed limit on a portion of a state highway that is within a municipality and requires CDOT to conduct any traffic investigation needed for the determination of a safe and reasonable speed limit if a municipality with a population of 5,000 or fewer people requests that it do so. The act requires CDOT to conduct such a traffic investigation upon the request of municipality of any size and allows CDOT to receive traffic and engineering data from the city or county engineer of any requesting municipality when conducting such a traffic investigation.

**APPROVED** by Governor May 2, 2014

**EFFECTIVE** May 2, 2014

**S.B. 14-197** High performance transportation enterprise - board - public-private partnerships - notice, approval, and reporting requirements. The act modifies the board (board) of the high-performance transportation enterprise (enterprise) as follows:

- Newly appointed members of the board are subject to senate confirmation and are appointed for 4-year terms. Board members may be reappointed once.
- The number of board members is increased to 8 by adding the executive director of the department of transportation as an ex officio nonvoting member.

To increase public notice of and participation in, and legislative oversight of, any public-private partnership (PPP) involving the enterprise, the act requires the board to:

- Hold public meetings, in coordination with interested local governments, at the visioning, initial request for proposal preparation, and draft request for proposal revision stages of a PPP;
- Provide full and timely notice in the area of the PPP to state legislators, county and municipal governing bodies, and the general public;
- Provide specified information to the public and consider public suggestions and ideas received at the meetings; and
- After entering into a PPP, provide the terms of the PPP to the committees of the general assembly that have jurisdiction over transportation and post the terms of the PPP on its web site.

Unless the general assembly specifically approves any such provision through the enactment of a joint resolution that includes only language that approves the provision or provisions, the act prohibits the enterprise from issuing a request for proposal for or subsequently entering into a PPP that includes any of the following provisions:

- A term that exceeds 35 years after completion of the project to be developed and implemented by the PPP;
- A noncompete clause that prohibits or imposes financial penalties or obligations, including an obligation to compensate a private partner for a loss in toll revenues, on the enterprise for the development of infrastructure other than infrastructure that is directly above or below the highway lanes of the project being developed and implemented by the PPP, that reduces usage of the project; or
- A requirement that the transportation enterprise assume the private partner's risk of loss in toll revenues resulting from responses to types of emergencies, weather events, or safety events that occur intermittently but routinely, unless such emergencies or events occur on an unusually frequent or severe basis during a specific period as defined based on reasonable evidence-based forecasts.

The legislative approval requirement does not apply to a PPP to which a public highway authority or a regional transportation authority is a party if the PPP requires the authority to bear substantial responsibility for the designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, or operation of a surface transportation infrastructure project.

The act requires the enterprise:

- To provide public notice of any change in the status of a high-occupancy vehicle lane as a high-occupancy vehicle lane or the qualifications required to access such a lane for free use as a high-occupancy vehicle lane;
- When considering a project that includes one or more high-occupancy vehicle lanes, high-occupancy toll lanes, or managed lanes, to evaluate the suitability of express bus service or bus rapid transit service for the proposed project corridor and consider funding such service from user fee revenues as part of the costs of the proposed project. The enterprise may use user fee revenues generated by a project within a corridor to support transit within the corridor and must expend a minimum of 10% of any net user fee revenues shared back to the transportation enterprise from a party to the PPP that governs the operation of the project that generated the user fees to support transit in the

- project corridor.
- To include additional information, including a summary of the actual or anticipated terms of any current or proposed PPPs, regarding its current projects and PPPs and any future projects likely to be developed and implemented through PPPs and meet modified deadlines when annually reporting to the general assembly regarding its activities.

The act allows the state auditor to audit the enterprise.

**VETOED** by Governor June 4, 2014

**H.B. 14-1021** Highway restrictions - Independence Pass - vehicle combinations over 35 feet - fines. The act raises the fine to \$1,000 for driving a vehicle combination measuring 35 feet or longer over Independence Pass in violation of road restrictions. If the violation causes a road closure, the fine is raised to \$1,500. The Colorado department of transportation is instructed to put up signs giving notice of the enhanced penalties.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

**H.B. 14-1161** Southwest chief rail line economic development commission - creation - mission - board - appropriation. The act creates the southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance commission (commission) as a **type 1** agency within the department of transportation. The commission consists of the following members appointed by the governor:

- One representative of the Colorado tourist industry;
- One public rail transportation advocate;
- One representative of the freight rail industry;
- One resident of Las Animas, Otero, or Prowers county who has publicly advocated for public rail; and
- One resident of Pueblo or Huerfano county who has publicly advocated for public rail; and
- 2 nonvoting appointed advisors, including an employee of Amtrak and an employee of the Colorado department of transportation.

The act also:

- Specifies that the mission of the commission is to coordinate and oversee efforts by the state and local governments and cooperate with the states of Kansas and New Mexico, Amtrak, and the Burlington Northern and Santa Fe railway (BNSF) to ensure continuation of existing Amtrak southwest chief rail line service in the state, expansion of such service to include a stop in Pueblo, and exploration of the benefits of adding an additional stop in Walsenburg;
- Grants the commission the powers and duties necessary to further the accomplishment of its mission;
- Creates the southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance fund (fund);

- Specifies that moneys, including gifts, grants, and donations, received by the state from the federal government, local governments, public-private partnerships, or any other person, or as a result of any voter-approved ballot measure, that are dedicated for the purposes of ensuring that the Amtrak southwest chief rail line continues to pass through Colorado and that an additional stop in Pueblo is added to the southwest chief rail line, and any other moneys that the general assembly may appropriate or transfer, are credited to the fund;
- Specifies that, subject to annual appropriation by the general assembly and specified conditions regarding funding commitments from the states of Kansas and New Mexico, Amtrak and BNSF, and southwest chief rail service commitments from Amtrak, the commission may expend moneys from the fund for its administrative and staffing expenses, the costs of any necessary studies, rail replacement on or other improvements to the portion of the BNSF railway line used to provide existing Amtrak southwest chief rail line service in Colorado, and costs associated with the expansion of southwest chief rail line service to include a stop in Pueblo;
- Specifies that its provisions are repealed, effective July 1, 2017.

\$5,279 is appropriated from the fund to the commission for the implementation of this act.

**APPROVED** by Governor May 14, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1188** Outdoor advertising program - disposition of permit fees. The department of transportation (CDOT) administers an outdoor advertising program (program) under which it issues permits to persons who wish to construct or maintain advertising devices that are visible from a state highway. The act establishes a cost recovery center (center) within the state highway fund and requires CDOT to deposit all program permit fees charged for specific information signs, business signs installed on specific information signs, and tourist-oriented directional signs in the center to pay the costs of administering such signs. CDOT must credit all other program revenues to the state highway fund for use as permitted by law.

**APPROVED** by Governor March 27, 2014

**EFFECTIVE** July 1, 2014

**H.B. 14-1216** Aviation - marking of towers. Specified safety markings are required for certain towers located in rural areas of the state, including the marking of guy wires supporting the towers and painting the towers in alternating colors. There is an exception for specific towers, including electric utility towers, certain facilities licensed by the federal communications commission, towers within a ski area, certain wind generators, and street lights erected or maintained by the department of transportation.

Previously constructed towers have one year to comply with the requirements of the

act. Noncompliance with the requirements constitutes a misdemeanor.

**APPROVED** by Governor May 17, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1301** Safe routes to school program - state moneys - appropriation. Under current law, the Colorado department of transportation administers the safe routes to school program (program). The program distributes federal moneys to local governments and schools for projects to improve safety for pedestrians and bicyclists in school areas. Beginning in state fiscal year 2014-15, the Colorado department of transportation will not receive federal moneys for the safe routes to school grant programs. The act authorizes the appropriation of state moneys to the program. The act requires that at least 20% but not more than 30% of the state moneys be used for noninfrastructure projects; except for the 2014-15 state fiscal year when all of the grants awarded must be for noninfrastructure programs. If the state receives federal moneys for the program in the 2014-15 fiscal year, the state appropriation is reduced by the amount of the federal moneys.

The act appropriates \$700,000 of general fund moneys for the program.

**APPROVED** by Governor June 3, 2014

**EFFECTIVE** June 3, 2014

## **WATER AND IRRIGATION**

**S.B. 14-17** Reduction of municipal outdoor water consumption - study by water resources review committee. The act directs the water resources review committee to investigate how to minimize agricultural dry-up by limiting municipal outdoor water consumption. The investigation should identify and quantify best practices that limit municipal outdoor water consumption. The committee can propose legislation, if appropriate, to facilitate the implementation of those practices that are both reasonable and likely to result in the measurable conservation of municipal water used for outdoor purposes.

**APPROVED** by Governor April 11, 2014

**EFFECTIVE** April 11, 2014

**S.B. 14-23** Water efficiency savings - change for instream use. Section 1 of the act defines "water efficiency savings" as an amount of water, as determined in a water court proceeding, in water division 4, 5, 6, or 7 that is not consumed under existing practices and by which ditch seepage, surface run-off, return flow, or tail-water return will be reduced as a result of structural improvements that increase the efficiency of water storage, diversion, conveyance, application, or use practices associated with a water right.

Section 2 allows water efficiency savings to be changed, pursuant to existing water court statutes, only to the Colorado water conservation board, only for instream use, and only if:

- Notice has been given to water rights owners on the affected stream reach;
- The change will not materially injure decreed water rights; and
- The change will not adversely affect Colorado's entitlements or obligations under interstate compacts or equitable apportionment decrees.

The change decree must identify the amount of water efficiency savings and the stream reaches within which water efficiency savings, as changed, will be used. Water efficiency savings that have been changed are not subject to abandonment. The water judge may include decree conditions by which the original decreed diversion rate may be preserved for a future use by the water right owner who implements the efficiency measures if use of the efficiency measures is discontinued.

Section 3 specifies that the Colorado water conservation board can accept an instream flow right based on water efficiency savings notwithstanding existing law that requires acquired instream flow rights to be based on historic consumptive use.

**VETOED** by Governor June 5, 2014

**S.B. 14-26** State engineer's office - reports - publication requirements - printing - electronic media - first-class mail. The state engineer and the division engineers throughout the state are required to make a number of reports, tabulations, and other written materials available to the public by printing them out and mailing them to interested parties. The act updates statutes to remove printing requirements for the state engineer's annual report to the general assembly, the division engineers' tabulations of decreed and conditional water rights, and decisions concerning substitute water supply plans. The information from those reports is to be available on the state engineer's web site. The act eliminates the fee for filing an



objection to the inclusion of any absolute water right or portion of the water right in the decennial abandonment list. Electronic mail becomes the default method to notify parties of certain water plans. First-class mail is available as an alternative delivery method.

**APPROVED** by Governor February 19, 2014

**EFFECTIVE** August 6, 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. 14-115** State water plan - Colorado water conservation board - water resources review committee - public hearings - appropriation. The act requires the Colorado water conservation board to develop a state water plan with the involvement of the public and the basin roundtables. The board will present the scope, fundamental approach, and basic elements of the plan to the water resources review committee by August 1, 2014. The committee will hold at least one public hearing on the scope, fundamental approach, and basic elements of the draft plan in each geographic region associated with the basin roundtables to receive the public's feedback.

The committee will provide a summary of the public's feedback, as well as the committee's own feedback, to the board by November 1, 2014. The board will then present a draft plan to the committee by July 1, 2015. The committee will again hold public hearings on the draft plan in each of the basin roundtable regions and provide a summary of the committee's and the public's feedback to the board by November 1, 2015. The board and committee must follow the same procedures for proposed significant amendments to the plan, as determined by the board.

Any member of the general assembly may make a request in writing to the chairperson of the committee that the committee hold one or more hearings to review the plan or significant amendment. The committee, after holding a public hearing, may recommend the introduction of an exempt bill based on the results of the review. Beginning November 1, 2017, and no later than every five years thereafter, the committee must prepare a list of specific topics that it deems necessary to be addressed in the state water plan, and the board must provide its recommendations, including suggestions for potential legislation, for the committee's consideration within 8 months after receipt of the list of specific topics.

A state water plan, whether or not the subject of a bill, is only a policy, is not a rule, and does not have the force or effect of law.

The act decreases the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund by \$15,792 and appropriates that sum from the general fund to the legislative department for the implementation of the act.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

**S.B. 14-179** Colorado water conservation board - flood and drought response fund - watershed cleanup and stream restoration grants - appropriation - repeal. In response to the September 2013 flood, the act creates a stream restoration grant account in the flood and drought response fund for the purpose of allowing the Colorado water conservation board to make grants to help pay the costs of watershed cleanup and stream restoration in areas

affected by the flood.

The act makes a statutory appropriation of \$2,500,000 from the disaster emergency fund to the board for implementation of the grant program. The appropriation and the special account are both subject to automatic repeal on July 1, 2015.

**APPROVED** by Governor May 17, 2014

**EFFECTIVE** May 17, 2014

**S.B. 14-195** Colorado water conservation board - post-flood phreatophyte growth study - appropriation - repeal. The act directs the Colorado water conservation board ("board") to conduct at least the preliminary stages or, if appropriate, all stages of a study to evaluate the growth and identification of phreatophytes, which are deep-rooted plants that absorb water from the water table or the layer of soil just above the water table, along the South Platte river in the aftermath of the September 2013 flood. The board may enter into contracts with Colorado state university's bioagricultural sciences and pest management program to conduct the study. The board shall coordinate with the department of agriculture and weed management specialists on the study. The objectives of the study are to determine the relationship between high groundwater and nonbeneficial consumptive use by the phreatophytes and to develop a cost analysis for the removal of unwanted phreatophytes.

The board is authorized to accept and expend gifts, grants, and donations to help fund the study.

The act appropriates \$1,000,000 from the Colorado water conservation board construction fund to the department of natural resources, for allocation to the board for the board to continue funding phreatophyte control cost-sharing grants and to conduct the study.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

**H.B. 14-1005** Points of diversion - change in location. A statute enacted in 1881 allows the owner of a ditch to relocate the ditch's headgate if changes to the stream prevent the headgate from effectuating the diversion. The "Water Right Determination and Administration Act of 1969" (1969 act) requires changes of water rights, including changes of points of diversion, to be adjudicated. The 1969 act does not exempt changes authorized by the 1881 act. The act clarifies that a water right owner may relocate a ditch headgate pursuant to the 1881 act without filing for a change of water right under the 1969 act if the relocation does not physically interfere with the complete use or enjoyment of other water rights.

**APPROVED** by Governor May 15, 2014

**EFFECTIVE** May 15, 2014

**H.B. 14-1008** Water resources and power development authority - forest health projects - loans to private entities. The act authorizes the Colorado water resources and power development authority to make loans to private entities for purposes of forest health projects contemplated by legislation passed in 2013.

**APPROVED** by Governor May 12, 2014

**EFFECTIVE** May 12, 2014

**H.B. 14-1052** Ground water management districts - enforcement authority. Ground water management districts are currently authorized to enforce the terms of permits issued for small-capacity wells. The act authorizes a district to:

- Enforce permits for all wells located within the district;
- Enforce the district's rules with regard to those wells; and
- Issue orders requiring compliance with the rules and permits.

**APPROVED** by Governor March 21, 2014

**EFFECTIVE** March 21, 2014

**H.B. 14-1184** Conservancy districts - board of directors - vacancies - Pueblo conservancy district. Conservancy districts may be formed through a local election process to reduce flood risk, conserve or develop water resources, or participate in the development of parks or recreational facilities. The act clarifies that when a director no longer resides or owns property within a conservancy district, a vacancy is created on the district's board of directors.

The remainder of the act applies only to the Pueblo conservancy district and enlarges the board of directors from 3 to 9 directors. Rather than being appointed by a district court judge, the act specifies that the directors are appointed by either the governing bodies of the city and the county. The city of Pueblo will appoint 4 directors (whose initial terms are 3 years); Pueblo county will appoint 4 directors (whose initial terms are 4 years), of whom one must be a member or designee of the board of directors of the Pueblo West metropolitan district; and the city and the county will jointly appoint one at-large director (whose term is 5 years). Two of the existing 3 directors represent the city of Pueblo, and one of the existing directors represents Pueblo county.

**APPROVED** by Governor April 4, 2014

**EFFECTIVE** August 6, 2014

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

**H.B. 14-1333** 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;
- \$175,000 for continuation of the weather modification program;
- \$500,000 for continuation of the Colorado floodplain map modernization program;
- \$500,000 for continuation of the watershed restoration program;
- \$200,000 for the operation and maintenance of the statewide decision support system;
- \$500,000 for the operation and maintenance of the Arkansas river decision support system;
- \$500,000 for South Platte basin groundwater level data collection and analysis;
- \$250,000 for Gunnison basin irrigation system planning and optimization;
- \$100,000 for the implementation of drought mitigation strategies;

- \$750,000 for continuation of the alternative agriculture water transfer sustainability grant program;
- \$1,575,000 for the board to participate in the construction of Long Hollow reservoir;
- \$87,769,000 for loans to special water districts to enable them to purchase storage space in the Chatfield reallocation project; and
- \$43,430,000 to allow certain special water districts to participate in and construct the water infrastructure supply efficiency (WISE) project.

The act directs the state treasurer to transfer moneys on July 1, 2014, 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
- \$1,200,000 for the litigation fund.

The act also:

- Authorizes CWCB to receive and expend proceeds from its water allocation in the Animas-La Plata project and from its partial storage ownership in the Chatfield reallocation project;
- Extends the CWCB's spending authority for the Windy Gap from July 1, 2014, to July 1, 2016; and
- Transfers \$1,575,000 from the severance tax perpetual base fund to the CWCB construction fund for the board to participate in the construction of Long Hollow reservoir.

**APPROVED** by Governor June 6, 2014

**EFFECTIVE** June 6, 2014

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