

# 2016 DIGEST OF BILLS

Enacted by The Seventieth  
General Assembly  
Second Regular Session



## **Colorado Blue Spruce**

On Arbor Day in 1892 Colorado school children voted to name the blue spruce as the state tree; however it was not until March 7, 1939, that the Colorado General Assembly adopted House Joint Resolution 7 naming the Colorado Blue Spruce, (*Pinaceae Picea pungens*), the official tree of Colorado. (to learn more about this beautiful tree, see the reverse side of this page)

## June 2016

Prepared by  
the Office of Legislative Legal Services

## **About the Colorado Blue Spruce:**

Botanist Charles Parry, during an exploration of the Colorado territory near Pikes Peak, discovered the tree in 1862 yet it wasn't until 1879 that it was officially named the Colorado Blue Spruce by George Engelmann.

This tree is known for its stately, symmetrical form and its beautiful silver-blue color quickly became popular as a Holiday Tree both inside and outside of the home. It is a slow-growing, long-lived tree of medium size that, because of its symmetry and color, is planted extensively as an ornamental, for privacy, or as a wind break. Because blue spruce is relatively scarce and the wood is brittle and often full of knots, it is not an important timber tree.

In Colorado, it grows in small, scattered groves or singly among ponderosa pine, Douglas fir, alpine fir, and Engelmann spruce. In the northern parts of its range it grows at the 6,000 to 9,000 feet elevation while in the southern parts of its range at 8,000 to 11,000 feet. Its color ranges from green to blue to silver, and is sometimes called the silver spruce.

Donald Culrose Peattie, an American botanist, described the blue spruce best in his book *A Natural History of Western Trees* (1953), "This insistently pretty tree displays its charms of tier on tier of branches graduated in perfect symmetry from the longest boughs that sweep the ground to the slender but strong top."

# DIGEST

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

(2016 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, Session Laws, and House and Senate Rules" link.



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## PREFACE

Publication of the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Seventieth General Assembly at its Second Regular Session ending May 11, 2016. 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 interim committees, refer to pages ix and x.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2016 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.

9. To identify bills that have effective dates of July 1 and later, see the listings beginning on page xi.

10. The general assembly adjourned sine die on the 120th legislative day, May 11, 2016. 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 9, 2016. The effective date for such bills is therefore 12:01 a.m., on Wednesday, August 10, 2016, 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 9, 2016.

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 2016.

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## LEGISLATIVE STATISTICAL SUMMARY

	2016		2015		2014	
	Intro	Passed	Intro	Passed	Intro	Passed
House Bills	468	261	392	193	398	274
Senate Bills	217	126	290	174	223	151
Concurrent Resolutions	9	2	6	0	7	0
<b>Bills signed by Governor</b>	383		360		419	
<b>Bills becoming law without Governor's signature</b>	2		4		1	
<b>Bills partially vetoed by the Governor</b>	0		0		0	
<b>Bills vetoed by the Governor</b>	2		3		5	
<b>Bills referred to the People/Ballot questions</b>	0		1		0	

**BILLS VETOED BY THE GOVERNOR:**

**H.B.** 16-1231      **S.B.** 16-169

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

**H.B.** 16-1309      **H.B.** 16-1401

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

none

## **Bills enacted *without a Safety Clause*\*:**

### **HOUSE BILLS**

<b>H.B. 16-1005</b>	<b>H.B. 16-1085</b>	<b>H.B. 16-1159</b>	<b>H.B. 16-1272</b>	<b>H.B. 16-1356</b>
<b>H.B. 16-1006</b>	<b>H.B. 16-1086</b>	<b>H.B. 16-1160</b>	<b>H.B. 16-1277</b>	<b>H.B. 16-1359</b>
<b>H.B. 16-1012</b>	<b>H.B. 16-1090</b>	<b>H.B. 16-1165</b>	<b>H.B. 16-1282</b>	<b>H.B. 16-1360</b>
<b>H.B. 16-1014</b>	<b>H.B. 16-1091</b>	<b>H.B. 16-1169</b>	<b>H.B. 16-1284</b>	<b>H.B. 16-1362</b>
<b>H.B. 16-1018</b>	<b>H.B. 16-1094</b>	<b>H.B. 16-1172</b>	<b>H.B. 16-1286</b>	<b>H.B. 16-1363</b>
<b>H.B. 16-1025</b>	<b>H.B. 16-1095</b>	<b>H.B. 16-1173</b>	<b>H.B. 16-1287</b>	<b>H.B. 16-1368</b>
<b>H.B. 16-1028</b>	<b>H.B. 16-1101</b>	<b>H.B. 16-1184</b>	<b>H.B. 16-1288</b>	<b>H.B. 16-1375</b>
<b>H.B. 16-1032</b>	<b>H.B. 16-1104</b>	<b>H.B. 16-1188</b>	<b>H.B. 16-1289</b>	<b>H.B. 16-1378</b>
<b>H.B. 16-1033</b>	<b>H.B. 16-1106</b>	<b>H.B. 16-1189</b>	<b>H.B. 16-1290</b>	<b>H.B. 16-1379</b>
<b>H.B. 16-1034</b>	<b>H.B. 16-1109</b>	<b>H.B. 16-1190</b>	<b>H.B. 16-1298</b>	<b>H.B. 16-1387</b>
<b>H.B. 16-1038</b>	<b>H.B. 16-1114</b>	<b>H.B. 16-1194</b>	<b>H.B. 16-1306</b>	<b>H.B. 16-1390</b>
<b>H.B. 16-1040</b>	<b>H.B. 16-1122</b>	<b>H.B. 16-1197</b>	<b>H.B. 16-1309</b>	<b>H.B. 16-1401</b>
<b>H.B. 16-1042</b>	<b>H.B. 16-1125</b>	<b>H.B. 16-1198</b>	<b>H.B. 16-1316</b>	<b>H.B. 16-1402</b>
<b>H.B. 16-1043</b>	<b>H.B. 16-1129</b>	<b>H.B. 16-1211</b>	<b>H.B. 16-1317</b>	<b>H.B. 16-1404</b>
<b>H.B. 16-1044</b>	<b>H.B. 16-1130</b>	<b>H.B. 16-1215</b>	<b>H.B. 16-1323</b>	<b>H.B. 16-1423</b>
<b>H.B. 16-1051</b>	<b>H.B. 16-1141</b>	<b>H.B. 16-1224</b>	<b>H.B. 16-1324</b>	<b>H.B. 16-1426</b>
<b>H.B. 16-1056</b>	<b>H.B. 16-1142</b>	<b>H.B. 16-1225</b>	<b>H.B. 16-1327</b>	<b>H.B. 16-1432</b>
<b>H.B. 16-1061</b>	<b>H.B. 16-1149</b>	<b>H.B. 16-1228</b>	<b>H.B. 16-1329</b>	<b>H.B. 16-1438</b>
<b>H.B. 16-1069</b>	<b>H.B. 16-1151</b>	<b>H.B. 16-1230</b>	<b>H.B. 16-1330</b>	<b>H.B. 16-1439</b>
<b>H.B. 16-1070</b>	<b>H.B. 16-1153</b>	<b>H.B. 16-1267</b>	<b>H.B. 16-1333</b>	<b>H.B. 16-1440</b>
<b>H.B. 16-1076</b>	<b>H.B. 16-1155</b>	<b>H.B. 16-1269</b>	<b>H.B. 16-1339</b>	<b>H.B. 16-1442</b>
<b>H.B. 16-1081</b>	<b>H.B. 16-1157</b>	<b>H.B. 16-1270</b>	<b>H.B. 16-1345</b>	<b>H.B. 16-1459</b>
<b>H.B. 16-1082</b>	<b>H.B. 16-1158</b>	<b>H.B. 16-1271</b>	<b>H.B. 16-1349</b>	<b>H.B. 16-1467</b>
<b>H.B. 16-1083</b>				

### **SENATE BILLS**

<b>S.B. 16-009</b>	<b>S.B. 16-055</b>	<b>S.B. 16-095</b>	<b>S.B. 16-137</b>	<b>S.B. 16-168</b>
<b>S.B. 16-010</b>	<b>S.B. 16-063</b>	<b>S.B. 16-106</b>	<b>S.B. 16-138</b>	<b>S.B. 16-171</b>
<b>S.B. 16-015</b>	<b>S.B. 16-068</b>	<b>S.B. 16-116</b>	<b>S.B. 16-140</b>	<b>S.B. 16-173</b>
<b>S.B. 16-021</b>	<b>S.B. 16-073</b>	<b>S.B. 16-120</b>	<b>S.B. 16-143</b>	<b>S.B. 16-179</b>
<b>S.B. 16-027</b>	<b>S.B. 16-085</b>	<b>S.B. 16-125</b>	<b>S.B. 16-145</b>	<b>S.B. 16-180</b>
<b>S.B. 16-030</b>	<b>S.B. 16-088</b>	<b>S.B. 16-126</b>	<b>S.B. 16-153</b>	<b>S.B. 16-195</b>
<b>S.B. 16-034</b>	<b>S.B. 16-090</b>	<b>S.B. 16-131</b>	<b>S.B. 16-158</b>	<b>S.B. 16-200</b>
<b>S.B. 16-035</b>	<b>S.B. 16-091</b>	<b>S.B. 16-132</b>	<b>S.B. 16-164</b>	<b>S.B. 16-203</b>
<b>S.B. 16-036</b>	<b>S.B. 16-092</b>	<b>S.B. 16-133</b>	<b>S.B. 16-165</b>	<b>S.B. 16-208</b>
<b>S.B. 16-038</b>	<b>S.B. 16-094</b>	<b>S.B. 16-135</b>	<b>S.B. 16-166</b>	<b>S.B. 16-209</b>
<b>S.B. 16-041</b>				

\* These bills become effective on August 10, 2016, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest. To see specific effective dates for bills, see pages xi to xiv of this digest. (v - vetoed)

**Bills enacted and recommended by Statutory and Interim Committees:**

<b>Capital Development Committee:</b>				
<b>H.B. 16-1043</b>	<b>H.B. 16-1459</b>	<b>S.B. 16-020</b>		
<b>Colorado Commission on Uniform State Laws:</b>				
<b>S.B. 16-085</b>	<b>S.B. 16-088</b>			
<b>Colorado Health Insurance Exchange Oversight Committee:</b>				
<b>S.B. 16-006</b>				
<b>Committee on Legal Services:</b>				
<b>H.B. 16-1192</b>	<b>S.B. 16-004</b>	<b>S.B. 16-163</b>		
<b>H.B. 16-1257</b>	<b>S.B. 16-031</b>	<b>S.B. 16-189</b>		
<b>Early Childhood and School Readiness Legislative Commission:</b>				
<b>S.B. 16-022</b>				
<b>Executive Committee of the Legislative Council:</b>				
<b>H.B. 16-1353</b>				
<b>Joint Budget Committee: (other than supplementals):</b>				
<b>H.B. 16-1161</b>	<b>H.B. 16-1352</b>	<b>H.B. 16-1414</b>	<b>S.B. 16-066</b>	<b>S.B. 16-190</b>
<b>H.B. 16-1163</b>	<b>H.B. 16-1406</b>	<b>H.B. 16-1415</b>	<b>S.B. 16-089</b>	<b>S.B. 16-191</b>
<b>H.B. 16-1184</b>	<b>H.B. 16-1407</b>	<b>H.B. 16-1416</b>	<b>S.B. 16-090</b>	<b>S.B. 16-192</b>
<b>H.B. 16-1193</b>	<b>H.B. 16-1408</b>	<b>H.B. 16-1417</b>	<b>S.B. 16-091</b>	<b>S.B. 16-195</b>
<b>H.B. 16-1229</b>	<b>H.B. 16-1409</b>	<b>H.B. 16-1418</b>	<b>S.B. 16-092</b>	<b>S.B. 16-201</b>
<b>H.B. 16-1253</b>	<b>H.B. 16-1410</b>	<b>H.B. 16-1419</b>	<b>S.B. 16-093</b>	<b>S.B. 16-202</b>
<b>H.B. 16-1254</b>	<b>H.B. 16-1411</b>	<b>H.B. 16-1453</b>	<b>S.B. 16-095</b>	<b>S.B. 16-203</b>
<b>H.B. 16-1350</b>	<b>H.B. 16-1413</b>		<b>S.B. 16-167</b>	<b>S.B. 16-204</b>
			<b>S.B. 16-178</b>	<b>S.B. 16-218</b>
			<b>S.B. 16-182</b>	
v - vetoed				

**Bills enacted and recommended by Statutory and Interim Committees:**  
(cont.)

<b>Legislative Audit Committee:</b>			
H.B. 16-1086 H.B. 16-1172	H.B. 16-1175 HJR 16-1011	S.B. 16-050 S.B. 16-099	
<b>Mental Illness in the Criminal Justice System:</b>			
none			
<b>Off-Highway Vehicle Interim Committee:</b>			
H.B. 16-1030			
<b>Police Officers' and Firefighters' Pension Reform Commission:</b>			
H.B. 16-1028	H.B. 16-1038		
<b>Profiling-Initiated Contacts by Law Enforcement Interim Committee:</b>			
H.B. 16-1021			
<b>Transportation Legislation Review Committee:</b>			
H.B. 16-1018	H.B. 16-1031	H.B. 16-1056	
<b>Vocational Rehabilitation Services for the Blind:</b>			
H.B. 16-1048			
<b>Water Resources Review Committee:</b>			
HJR 16-1002	SJM 16-001	SJM 16-002	
<b>Wildfire Matters Review Committee:</b>			
H.B. 16-1019	H.B. 16-1040	S.B. 16-003	SJR 16-002
<b>Sunset Review Process:</b>			
H.B. 16-1157 H.B. 16-1158 H.B. 16-1159 H.B. 16-1160	H.B. 16-1168 H.B. 16-1170 H.B. 16-1171 H.B. 16-1173	H.B. 16-1177 H.B. 16-1182 H.B. 16-1232 H.B. 16-1236	H.B. 16-1261 H.B. 16-1345 H.B. 16-1360
v - vetoed			

**Acts with July 1, 2016, and later effective dates:**

<b>July 1, 2016</b>				
<b><u>HOUSE BILLS</u></b>				
<b>H.B. 16-1017</b>	<b>H.B. 16-1193</b>	<b>H.B. 16-1394</b>	<b>H.B. 16-1414*</b>	
<b>H.B. 16-1027</b>	<b>H.B. 16-1229*</b>	<b>H.B. 16-1398</b>	<b>H.B. 16-1415*</b>	
<b>H.B. 16-1048*</b>	<b>H.B. 16-1260</b>	<b>H.B. 16-1406</b>	<b>H.B. 16-1424*</b>	
<b>H.B. 16-1057</b>	<b>H.B. 16-1264</b>	<b>H.B. 16-1408*</b>	<b>H.B. 16-1444</b>	
<b>H.B. 16-1066</b>	<b>H.B. 16-1335</b>	<b>H.B. 16-1410</b>	<b>H.B. 16-1453</b>	
<b>H.B. 16-1080</b>	<b>H.B. 16-1393</b>	<b>H.B. 16-1413</b>		
<b><u>SENATE BILLS</u></b>				
<b>S.B. 16-051</b>	<b>S.B. 16-093*</b>	<b>S.B. 16-150*</b>	<b>S.B. 16-191</b>	
<b>S.B. 16-062</b>	<b>S.B. 16-102</b>	<b>S.B. 16-161</b>	<b>S.B. 16-197*</b>	
<b>S.B. 16-065</b>	<b>S.B. 16-127</b>	<b>S.B. 16-182</b>	<b>S.B. 16-205</b>	
<b>S.B. 16-077</b>	<b>S.B. 16-146</b>	<b>S.B. 16-189*</b>	<b>S.B. 16-217</b>	
<p><b>v</b> - vetoed  <b>*</b> - portions only</p>				



**Acts with July 1, 2016, and later effective dates: (cont.)**

**Other upcoming effective dates:**

<b>September 1, 2016</b>			
H.B. 16-1085 H.B. 16-1277	H.B. 16-1414*	S.B. 16-034 S.B. 16-110	
<b>October 1, 2016</b>			
H.B. 16-1448			
<b>January 1, 2017</b>			
H.B. 16-1095 H.B. 16-1103 H.B. 16-1165	H.B. 16-1175* H.B. 16-1184 H.B. 16-1224	H.B. 16-1426 H.B. 16-1432	S.B. 16-016* S.B. 16-019 S.B. 16-165
<b>May 1, 2017</b>			
H.B. 16-1309			
<b>July 1, 2017</b>			
H.B. 16-1424*			
<b>January 1, 2018</b>			
H.B. 16-1387		S.B. 16-016*	
<b>July 1, 2018</b>			
H.B. 16-1149		S.B. 16-016*	
<b>January 1, 2019</b>			
S.B. 16-197*			
v - vetoed * - portions only			

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## TABLE OF ENACTED HOUSE BILLS

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
1005	Esgar, Merrifield	Residential Precipitation Collection	Approved 5/12/2016	No Safety Clause	161	186
1006	Becker K., Hill	Clarify Tax Exemptions For Housing Authorities	Approved 5/18/2016	No Safety Clause	177	66
1008	Winter, Cooke	Roadway Shoulder Access For Buses	Approved 3/9/2016	3/9/2016	8	131
1011	Vigil, Garcia	Metro Dist Authority Promote Business Development	Approved 4/15/2016	4/15/2016	110	74
1012	Ryden, Scott	Clerk File Copy Of Mun Election Results With DOLA	Approved 3/16/2016	No Safety Clause	19	55
1013	Garnett, Marble	Sch Dist Crime Insurance In Lieu Of Bonds	Approved 3/18/2016	3/18/2016	28	37
1014	Williams, Tate	SOS Business Intelligence Center	Approved 6/10/2016	No Safety Clause	318	82
1017	Pabon, Cooke	Victim Impact Panel Appearances For DUI	Approved 3/22/2016	7/1/2016	41	131
1018	Carver, Todd	Transportation Advisory Committee Procedures	Approved 3/2/2016	No Safety Clause	2	180
1019	Becker K., Jones	Broadcast Burns Watershed Protection	Approved 3/22/2016	3/22/2016	39	135
1021	Salazar, Ulibarri	Race Info ID Application	Approved 6/10/2016	6/10/2016	322	131
1025	Arndt, Tate	Renewal Property Casualty Insurance	Approved 3/16/2016	No Safety Clause	16	118
1026	Thurlow, Holbert	Repeal DOR Revenue Impact Accounting Reqmnts	Approved 3/22/2016	3/22/2016	36	172
1027	Danielson, Todd	Criminal Deposition For At-risk Persons	Approved 5/19/2016	7/1/2016	179	26
1028	Van Winkle, Cooke	FPPA Statewide Death & Disab Plan Modifications	Approved 3/18/2016	No Safety Clause	25	66
1030	Brown, Donovan	Off-highway Vehicles Regulation & Local Government	Approved 4/12/2016	4/12/2016	73	135

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
1031	Carver, Cooke	Modify Transportation Commission Membership	Approved 6/10/2016	6/10/2016	323	180
1032	Lontine, Todd	Changes To Contents Of Criminal Summons	Approved 3/22/2016	No Safety Clause	37	26
1033	McCann, Kefalas	Travel Costs & Members Human Trafficking Council	Approved 4/1/2016	No Safety Clause	64	26
1034	Sias, Garcia	Emergency Medical Responder Registration Program	Approved 6/10/2016	No Safety Clause	324	95
1035	Leonard, Scott	PUC Approval Of Securities Only For Gas & Electric	Approved 4/21/2016	4/21/2016	129	165
1038	Melton, Jones	County Sheriff Optional Affiliation With FPPA	Approved 4/1/2016	No Safety Clause	65	67
1040	Singer, Holbert	Auxiliary Emergency Communications	Approved 6/6/2016	No Safety Clause	233	82
1041	Lebsock, Holbert	Repeal Bonding Requirement Marijuana Businesses	Approved 3/11/2016	3/11/2016	14	147
1042	Arndt, Sonnenberg	Liquor License Exemption Higher Ed Brewing Program	Approved 3/18/2016	No Safety Clause	30	147
1043	Brown, Baumgardner	JTC Authority To Approve Requests For Waivers	Approved 3/18/2016	No Safety Clause	29	83
1044	Becker J., Hill	Extend Repeal Dates Petroleum Storage Tank Fund	Approved 3/2/2016	No Safety Clause	1	121
1046	Kraft-Tharp, Baumgardner	Designated Emergency Response Authorities	Approved 3/31/2016	3/31/2016	60	95
1047	Buck, Newell	Interstate Medical Licensure Compact	Approved 6/8/2016	6/8/2016	245	147
1048	Primavera, Lundberg	Expand Business Enterprise Program	Approved 5/4/2016	Portions effective 5/4/2016 Portions effective 7/1/2016	146	121
1049	Lee, Scheffel	Crowdfunding Escrow In Depository Institutions	Approved 3/9/2016	3/9/2016	3	60
1051	Van Winkle, Holbert	Forms To Transfer Vehicle Ownership Upon Death	Approved 3/23/2016	No Safety Clause	47	131

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1053	Kraft-Tharp, Hill	Retail Hydrogen Fuel Systems Regulation	Approved 3/9/2016	3/9/2016	4	122
1056	Tyler, Baumgardner	Tow Operator Abandoned Vehicle Title Search	Approved 6/10/2016	No Safety Clause	325	132
1057	Ransom, Merrifield	Seven Day Court Time Intervals	Approved 3/18/2016	7/1/2016	31	21
1060	Tyler, Baumgardner	Colorado State Patrol Roadside Memorials	Approved 4/21/2016	4/21/2016	111	181
1061	Carver, Todd	Military Installation Transp Needs Planning	Approved 3/31/2016	No Safety Clause	57	181
1063	Foote, Scheffel	Mental Hlth Professional Disclosure School Safety	Approved 5/18/2016	5/18/2016	176	148
1064	Brown, Roberts	Medical Marijuana Testing Facility Local Licensing	Approved 3/23/2016	3/23/2016	49	149
1066	Roupe, Newell	Habitual Domestic Violence Offenders	Approved 4/15/2016	7/1/2016	106	26
1069	Rankin, Grantham	Allow City To Set Housing Auth Commn Term Length	Approved 3/9/2016	No Safety Clause	5	67
1070	Neville P., Neville T.	Signature Verification In Mun Mail Ballot Election	Approved 4/22/2016	No Safety Clause	130	56
1073	Duran, Guzman	Electrical Industry Safety And Training Act	Approved 4/15/2016	4/15/2016	100	149
1076	Hamner, Tate	Retired Architects	Approved 3/16/2016	No Safety Clause	15	149
1077	Moreno, Martinez Humenik	Recreate Statutory Revision Committee	Approved 6/10/2016	6/10/2016	326	63
1080	Foote, Cooke	Assault By Strangulation	Approved 6/10/2016	7/1/2016	327	27
1081	Ransom, Lundberg	Obsolete Reporting Dept Health Care Policy & Fin	Approved 3/18/2016	No Safety Clause	22	101
1082	Garnett, Todd	Change Name Area Vocational Schools	Approved 3/31/2016	No Safety Clause	58	49
1083	Brown, Donovan	Western State Colorado University Role And Mission	Approved 4/1/2016	No Safety Clause	63	49

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1084	Lebsock, Holbert	Home Brewing By Adult For Personal Use	Approved 3/18/2016	3/18/2016	26	150
1085	Thurlow, Tate	Simplified Name Change After Divorce	Approved 3/31/2016	No Safety Clause 9/1/2016	55	21
1086	Ryden, Holbert	Performance Audit Of DPA & State Personnel Board	Approved 3/18/2016	No Safety Clause	27	83
1088	Dore, Roberts	Fire Protection Dist Impact Fee On New Development	Approved 6/8/2016	6/8/2016	259	67
1090	McCann, Jahn	Excess Foreclosure Proceeds Limit Finder's Fees	Approved 4/15/2016	No Safety Clause	97	16
1091	Thurlow, Sonnenberg	Change Due Dates For Elec Util Transmission Plans	Approved 3/23/2016	No Safety Clause	48	165
1093	Ransom, Tate	Election List Maintenance Procedures	Approved 4/21/2016	4/21/2016	126	56
1094	Dore, Roberts	Make References To Attorney General Gender Neutral	Approved 4/14/2016	No Safety Clause	94	83
1095	McCann, Crowder	Health Insurance For Prescription Eye Drop Refills	Approved 3/9/2016	No Safety Clause 1/1/2017	12	118
1097	Coram, Scott	PUC Permit For Medicaid Transportation Providers	Approved 5/20/2016	5/20/2016	186	165
1098	Lawrence, Newell	School Discipline Reporting Requirements	Approved 4/15/2016	4/15/2016	103	37
1100	Pettersen, Cooke	Define Tuition Status Unaccompanied Homeless Youth	Approved 5/17/2016	5/17/2016	169	49
1101	Young, Lundberg	Medical Decisions For Unrepresented Patients	Approved 5/18/2016	No Safety Clause	170	138
1103	Kraft-Tharp, Martinez Humenik	License Pathways For Mental Health Workforce	Approved 4/15/2016	1/1/2017	98	108
1104	Roupe, Cooke	Summons In Lieu Of Warrant For Non-violent Crimes	Approved 4/21/2016	No Safety Clause	118	27
1106	Wilson, Grantham	County Authority To Designate Pioneer Trail	Approved 4/15/2016	No Safety Clause	107	84
1109	Becker J., Sonnenberg	Application Of State Water Law To Federal Agencies	Approved 4/21/2016	No Safety Clause	125	187

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1112	Landgraf, Crowder	Training Vets To Train Service Dogs Pilot Program	Approved 6/10/2016	6/10/2016	328	127
1114	DelGrosso, Ulibarri	Repeal Duplicate Reporting Requirements	Approved 6/8/2016	No Safety Clause	266	122
1117	Kagan, Aguilar	Record Custodial Interrogations	Approved 6/10/2016	6/10/2016	329	27
1119	Thurlow, Holbert	Modify Sales & Use Tax Exemption For Aircraft	Approved 3/23/2016	3/23/2016	50	172
1122	Everett, Hill	Remote Starter Systems	Approved 3/31/2016	No Safety Clause	62	181
1125	Roupe, Baumgardner	Aligning Definition Of Veteran With Federal Law	Approved 3/22/2016	No Safety Clause	38	127
1129	Lawrence, Crowder	Charitable Fraud Enhanced Enforcement Measures	Approved 6/8/2016	No Safety Clause	262	16
1130	Priola, Johnston	Changes To CDE Reports	Approved 3/22/2016	No Safety Clause	34	37
1141	Becker K., Jahn	Radon Exposure In Buildings	Approved 4/21/2016	No Safety Clause	128	96
1142	Buck, Crowder	Rural & Frontier Health Care Preceptor Tax Credit	Approved 6/6/2016	No Safety Clause	229	173
1144	Becker J., Grantham	Transparency College Courses High School Students	Approved 3/31/2016	3/31/2016	61	38
1145	Lebsack, Tate	Documentary Fee For Residential Real Property	Approved 4/15/2016	4/15/2016	108	162
1148	Sias, Roberts	Health Benefit Exchange Rules and Policies	Approved 3/22/2016	6/1/2016	40	118
1149	Melton, Newell	Remove Budget Reporting Exemption HOAs Predate Act	Approved 4/15/2016	No Safety Clause 7/1/2018	104	162
1151	Pabon, Holbert	Alcohol Beverage Expand Penalty Mitigation	Approved 3/31/2016	No Safety Clause	59	150
1152	Foote, Cooke	Department Of Corrections Medication Distribution	Approved 4/7/2016	4/7/2016	70	150
1153	Melton, Cooke	Change Due Date For State Board Of Parole Report	Approved 4/21/2016	No Safety Clause	112	20

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1155	Saine, Sonnenberg	Controlled-access Highway As County Primary Road	Approved 4/22/2016	No Safety Clause	134	181
1157	Garnett, Tate	Sunset Review Skolnik Medical Transparency Act	Approved 4/14/2016	No Safety Clause	79	150
1158	Lee, Holbert	Sunset Identity Theft And Financial Fraud Board	Approved 5/4/2016	No Safety Clause	147	84
1159	Lee, Holbert	Sunset Colorado Fraud Investigators Unit	Approved 5/4/2016	No Safety Clause	148	84
1160	Ginal, Tate	Sunset Surgical Assistants Surgical Technicians	Approved 6/10/2016	No Safety Clause	330	150
1161	Young, Lambert	Allocate Senior Property Tax Exemption Money	Approved 3/22/2016	3/22/2016	35	173
1163	Rankin, Grantham	Appropriations From Noxious Weed Management Fund	Approved 4/12/2016	4/12/2016	76	2
1165	Becker K., Crowder	CO Child Support Commission Statutory Changes	Approved 5/4/2016	No Safety Clause 1/1/2017	157	10
1168	Ginal, Scott	Sunset Rural Alcohol & Sub Abuse Treatment Prog	Approved 4/14/2016	4/14/2016	93	108
1169	Coram, Roberts	Ute Representatives For Transp Advisory Committee	Approved 4/14/2016	No Safety Clause	95	182
1170	Vigil, Sonnenberg	Sunset Division Racing Events	Approved 4/15/2016	4/15/2016	109	151
1171	Pettersen, Woods	Sunset CO Special Ed Fiscal Advisory Committee	Approved 6/8/2016	6/8/2016	244	38
1172	Saine, Holbert	CDOT Efficiency And Accountability Committee	Approved 6/10/2016	No Safety Clause	331	182
1173	Mitsch Bush, Scott	Sunset Continue Water Vessel Registration	Approved 4/21/2016	No Safety Clause	114	135
1175	Primavera, Jahn	Property Tax Exemption Administration	Approved 6/10/2016	Portions effective 6/10/2016 Portions effective 1/1/2017	332	174
1176	Lebsock, Tate	Wine & Spirits Wholesalers Employee Purchase Prog	Approved 4/14/2016	4/14/2016	80	151

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1177	Buckner, Hill	Sunset Council Of Higher Education Representatives	Approved 6/6/2016	6/6/2016	218	49
1182	Court, Cooke	Sunset Commodity Metals Theft Task Force	Approved 4/12/2016	4/12/2016	74	28
1184	Rankin, Grantham	HCSM Fund Transfers To Broadband Fund	Approved 4/12/2016	No Safety Clause 1/1/2017	77	166
1186	Tyler, Baumgardner	MAP-21 Rail Fixed Guideway Safety Fund Grant Match	Approved 6/6/2016	6/6/2016	212	166
1187	Kraft-Tharp, Holbert	Sales & Use Tax Exemption Retirement Comm Food	Approved 6/1/2016	6/1/2016	205	175
1188	Rosenthal, Martinez Humenik	Separate Governmental Entity Transparency	Approved 4/14/2016	No Safety Clause	86	68
1189	Wist, Roberts	Bingo-raffle License Regulation Secretary Of State	Approved 4/15/2016	No Safety Clause	96	151
1190	Dore, Cooke	Exclude Detention Facilities From Deadly Force Law	Approved 4/14/2016	No Safety Clause	87	28
1192	Kagan, Steadman	Recodification Of Sunset Provisions	Approved 4/14/2016	4/14/2016	83	64
1193	Hamner, Lambert	Electronic Access Ofc Respondent Parents' Counsel	Approved 4/14/2016	7/1/2016	81	10
1194	Mitsch Bush, Sonnenberg	Income Tax Deduction For Leasing Out Ag Asset	Approved 6/8/2016	No Safety Clause	252	175
1197	Carver, Todd	Military Veteran Occupational Credentials	Approved 5/20/2016	No Safety Clause	190	152
1198	Pabon, Tate	Computer Courses Fulfill Graduation Requirements	Approved 4/21/2016	No Safety Clause	122	38
1211	Melton, Baumgardner	Marijuana Transporter License	Approved 6/10/2016	No Safety Clause	333	152
1215	McCann, Guzman	Purposes Of Parole	Approved 4/21/2016	No Safety Clause	120	20
1222	Rankin, Todd	Suppl Online Ed & Blended Learning Resources	Approved 6/10/2016	6/10/2016	334	38
1224	Lundeen, Woods	Treat Trafficking Of Children As Child Abuse	Approved 4/15/2016	No Safety Clause 1/1/2017	101	113

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1225	Priola, Tate	School Districts Must Post Director Candidate Info	Approved 6/10/2016	No Safety Clause	335	56
1227	Kagan, Hill	Exemptions Child Support Reqmnts Child Care Assist	Approved 5/19/2016	5/19/2016	182	113
1228	Arndt, Donovan	Ag Protection Water Right Transfer Mechanism	Approved 5/18/2016	No Safety Clause	175	188
1229	Rankin, Steadman	Higher Ed Financial Obligation Repayment	Approved 4/14/2016	Portions effective 4/14/2016 Portions effective 7/1/2016 Portions effective 4/15/2016	84	50
1230	Dore, Cooke	Transparency Online Project Include County Info	Approved 4/21/2016	No Safety Clause	115	84
1231	Lebsock, Carroll	Restricting The Use Of Red Light Cameras	Vetoed 6/2/2016			132
1232	Kraft-Tharp, Baumgardner	Sunset DOR Private Letter Ruling & Gen Info Letter	Approved 6/10/2016	6/10/2016	336	85
1234	Klingenschmitt, Merrifield	State Assess Selection & Local Flexibility	Approved 6/10/2016	6/10/2016	337	39
1236	Primavera, Crowder	Sunset Infection Control Advisory Committee	Approved 4/15/2016	4/15/2016	105	85
1237	Hamner, Lambert	Suppl Approp Dept Of Agriculture	Approved 3/11/2016	3/11/2016	369	4
1238	Hamner, Lambert	Suppl Approp Dept Of Corrections	Approved 3/11/2016	3/11/2016	370	4
1239	Hamner, Lambert	Suppl Approp Dept Of Gov,+ Lt Gov, & OSPB	Approved 3/11/2016	3/11/2016	371	4
1240	Hamner, Lambert	Suppl Approp Dept Of Health Care Pol & Fin	Approved 3/11/2016	3/11/2016	372	4
1241	Hamner, Lambert	Suppl Approp Dept Of Higher Ed	Approved 3/22/2016	3/22/2016	373	5
1242	Hamner, Lambert	Suppl Approp Dept Of Human Servs	Approved 3/11/2016	3/11/2016	374	5

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1243	Hamner, Lambert	Suppl Approp Judicial Dept	Approved 3/11/2016	3/11/2016	375	5
1244	Hamner, Lambert	Suppl Approp Dept Of Law	Approved 3/11/2016	3/11/2016	376	5
1245	Hamner, Lambert	Suppl Approp Dept Of Military Affairs	Approved 3/11/2016	3/11/2016	377	5
1246	Hamner, Lambert	Suppl Approp Dept Of Personnel	Approved 3/11/2016	3/11/2016	378	6
1247	Hamner, Lambert	Suppl Approp Dept Of Public Health & Environ	Approved 4/14/2016	4/14/2016	379	6
1248	Hamner, Lambert	Suppl Approp Dept Of Public Safety	Approved 3/11/2016	3/11/2016	380	6
1249	Hamner, Lambert	Suppl Approp Dept Of Reg Agencies	Approved 3/11/2016	3/11/2016	381	6
1250	Hamner, Lambert	Suppl Approp Dept Of Revenue	Approved 3/11/2016	3/11/2016	382	6
1251	Hamner, Lambert	Suppl Approp Dept Of Treasury	Approved 3/11/2016	3/11/2016	383	6
1252	Hamner, Lambert	Suppl Approp Dept Of Cap Constr	Approved 3/11/2016	3/11/2016	384	7
1253	Hamner, Steadman	Current Year Adjustments To School Finance	Approved 3/9/2016	3/9/2016	9	39
1254	Young, Grantham	P.O.S.T. Board Training Persons With Disabilities	Approved 3/9/2016	3/9/2016	6	85
1255	Coram, Baumgardner	Manage Forests To Improve Water Supply Conditions	Approved 4/21/2016	4/21/2016	113	135
1256	Brown, Sonnenberg	South Platte Water Storage Study	Approved 6/9/2016	6/9/2016	268	188
1257	McCann, Scheffel	Rule Review Bill	Approved 5/9/2016	5/9/2016	160	1
1258	Melton, Lundberg	Court Clerks Posting Of Service	Approved 4/21/2016	4/21/2016	116	21
1259	Mitsch Bush, Cooke	Changes To Local District College Statutes	Approved 4/21/2016	4/21/2016	123	50

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1260	Fields, Cooke	Extend Statute Of Limitations Sexual Assault	Approved 6/10/2016	7/1/2016	363	28
1261	Pabon, Jahn	Retail Marijuana Sunset	Approved 6/10/2016	6/10/2016	338	153
1262	Williams, Cooke	Law Enforcement Background Check Employment Waiver	Approved 6/10/2016	6/10/2016	339	68
1263	Williams, Ulibarri	Racial Profiling Prohibition	Approved 6/10/2016	6/10/2016	340	29
1264	Melton, Johnston	Ban Law Enforcement Use Of Chokehold	Approved 6/10/2016	7/1/2016	341	29
1265	Melton, Johnston	Expunge Arrest Records Based On Mistaken Identity	Approved 6/10/2016	6/10/2016	342	29
1267	Lee, Woods	Colorado Veterans' Service-To-Career Pilot Program	Approved 5/20/2016	No Safety Clause	187	123
1268	Foote, Cooke	DA Representation Interstate Offender Compacts	Approved 5/4/2016	5/4/2016	141	33
1269	Melton, Cooke	Electronic And Mail Application For ID Cards	Approved 4/12/2016	No Safety Clause	78	133
1270	Lee, Scheffel	Security Interest Owner's Interest In Bus Entity	Approved 4/21/2016	No Safety Clause	119	18
1271	Singer, Jahn	Limited Winery Direct Delivery Personal Consumers	Approved 4/21/2016	No Safety Clause	121	154
1272	Kraft-Tharp, Tate	Disconnection Of Land From A Municipality	Approved 4/14/2016	No Safety Clause	82	69
1276	Hamner, Roberts	Conduct Emergency Responses At Legacy Mining Sites	Approved 5/17/2016	5/17/2016	165	136
1277	Lontine, Kefalas	Appeal Process For Changes To Medicaid Benefits	Approved 6/1/2016	No Safety Clause 9/1/2016	198	102
1278	Lee, Cooke	Residential Drug Treatment For Probationers	Approved 5/20/2016	5/20/2016	188	29
1280	Winter, Lambert	Update Air Ambulance Regulation	Approved 6/1/2016	6/1/2016	206	3
1282	Becker K., Todd	Align Regular Biennial School Elections & FCPA	Approved 6/8/2016	No Safety Clause	267	57

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1284	Nordberg, Hill	Divest From Co With Prohibitions Against Israel	Approved 3/18/2016	No Safety Clause	33	85
1286	Becker K., Tate	Increase Wildfire Mitigation Income Tax Deduction	Approved 6/10/2016	No Safety Clause	300	176
1287	Rosenthal, Cooke	CDLE Pre-apprenticeship & Apprenticeship Study	Approved 6/6/2016	No Safety Clause	224	123
1288	Kraft-Tharp, Tate	Industry Infrastructure Grant Program	Approved 5/20/2016	No Safety Clause	185	123
1289	Duran, Garcia	Incentives To Complete Career Development Courses	Approved 5/27/2016	No Safety Clause	196	40
1290	Esgar, Kerr	Extend Transitional Jobs Program	Approved 5/20/2016	No Safety Clause	191	124
1297	Court, Martinez Humenik	Reestablish Check-offs Excluded From 2015 Tax Form	Approved 4/14/2016	4/14/2016	92	176
1298	Melton, Cooke	Vehicle Height, Length, And Weight	Approved 5/4/2016	No Safety Clause	142	183
1302	Duran, Newell	Align With Workforce Innovation & Opportunity Act	Approved 5/19/2016	5/19/2016	183	124
1306	Williams, Holbert	Mortgage Loan Originators SAFE Act	Approved 4/21/2016	No Safety Clause	117	154
1309	Lontine, Marble	Right To Counsel In Municipal Court	Became Law 6/11/2016	No Safety Clause 5/1/2017	366	22
1311	Salazar, Carroll	Procedures When Orders Require Monetary Payments	Approved 6/10/2016	6/10/2016	343	29
1316	Rosenthal, Cooke	Change Venue Children In Out-of-home Placement	Approved 4/21/2016	No Safety Clause	127	11
1317	Williams, Holbert	Motor Vehicle Service Contract Products & Services	Approved 5/4/2016	No Safety Clause	143	133
1320	Foote, Cooke	Regulation of Massage Therapy	Approved 6/8/2016	6/8/2016	265	155
1321	Young, Merrifield	Medicaid Buy-in Certain Medicaid Waivers	Approved 6/10/2016	6/10/2016	344	102
1323	Kraft-Tharp, Cooke	Division Of Labor Name Change	Approved 4/22/2016	No Safety Clause	131	124

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1324	Ginal, Sonnenberg	Veterinary Access Compounded Pharmaceutical Drugs	Approved 6/10/2016	No Safety Clause	362	155
1327	Ginal, Grantham	Financial Responsibility For Dental Hygienists	Approved 4/21/2016	No Safety Clause	124	156
1328	Lee, Lambert	Use Of Restraint And Seclusion On Individuals	Approved 6/10/2016	6/10/2016	345	11
1329	Lee, Scheffel	Limited Liability Companies Governing Law	Approved 6/6/2016	No Safety Clause	242	18
1330	Lee, Scheffel	Correction Statement Sec State Erroneous Filed Doc	Approved 6/6/2016	No Safety Clause	240	18
1332	Duran, Scott	Alternative Fuel Motor Vehicle Income Tax Credits	Approved 6/6/2016	6/6/2016	237	176
1333	Lee, Scheffel	Partnerships Statute Of Frauds Governing Law	Approved 6/6/2016	No Safety Clause	241	18
1335	Pabon, Steadman	Unlawful Sale Of Public Services & Appointments	Approved 6/8/2016	7/1/2016	246	17
1336	Hamner, Donovan	Study Single Geographic Area Individual Hlth Plans	Approved 5/17/2016	5/17/2016	168	118
1339	Buck, Baumgardner	Agricultural Property Foreclosures	Approved 6/10/2016	No Safety Clause	346	163
1345	Kagan, Cooke	Sunset Treatment Program For Sex Offenders	Approved 6/10/2016	No Safety Clause	347	30
1348	Ryden, Todd	Crime Of Cruelty To Law Enforcement Service Animal	Approved 6/6/2016	6/6/2016	236	31
1349	Ryden, Carroll	Continue Military Family Relief Fund Tax Check-off	Approved 6/6/2016	No Safety Clause	219	177
1350	Young, Grantham	Higher Educ Transfers Fee-for-service Contracts	Approved 4/22/2016	4/22/2016	133	50
1352	Hamner, Grantham	History Colorado Cash Fund	Approved 4/22/2016	4/22/2016	132	86
1353	Duran, Scheffel	FY 2016-17 Legislative Appropriation Bill	Approved 4/7/2016	4/7/2016	368	7
1354	Mitsch Bush, Sonnenberg	Debt-free Schools Act	Approved 5/17/2016	5/17/2016	166	41

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1356	Kraft-Tharp, Jahn	Debts Secured By Liens On Real Property	Approved 6/10/2016	No Safety Clause	348	60
1359	Salazar, Guzman	Use Of Medical Marijuana While On Probation	Approved 6/10/2016	No Safety Clause	349	31
1360	Landgraf, Lundberg	Continue Regulation Direct-entry Midwives	Approved 6/10/2016	No Safety Clause	350	156
1362	Young, Martinez Humenik	License Plate Auction Transfer Disability Benefit	Approved 6/10/2016	No Safety Clause	319	86
1363	Singer, Newell	Med Marijuana Advertising Rule-making Authority	Approved 6/10/2016	No Safety Clause	299	157
1367	Hamner, Hodge	County Categories For Officers For Salary Purposes	Approved 6/10/2016	6/10/2016	301	65
1368	Tyler, Martinez Humenik	Management Of Records In The State Archives	Approved 6/6/2016	No Safety Clause	231	87
1373	Singer, Holbert	Student Medical Marijuana Use At School	Approved 6/6/2016	6/6/2016	232	41
1375	Arndt, Todd	Due Dates For Reports Involving Dept Of Higher Ed	Approved 6/6/2016	No Safety Clause	225	51
1377	Primavera, Lambert	Task Force Digital Images Of Child Abuse Neglect	Approved 6/8/2016	6/8/2016	253	12
1378	Ginal, Crowder	Court To Collect And Transfer Costs Of DUI Tests	Approved 6/10/2016	No Safety Clause	303	133
1379	Kraft-Tharp, Martinez Humenik	Psychologists Continuing Profl Development Program	Approved 5/4/2016	No Safety Clause	144	157
1386	Kraft-Tharp, Steadman	Necessary Document Program	Approved 6/10/2016	6/10/2016	302	96
1387	Primavera, Woods	Health Insurance For Protein Allergic Conditions	Approved 6/1/2016	No Safety Clause 1/1/2018	203	119
1390	Moreno, Guzman	Immunity When Overdoses Reported	Approved 5/19/2016	No Safety Clause	184	31
1391	Pabon, Lundberg	Immigration Consultants Deceptive Trade Practice	Approved 6/10/2016	6/10/2016	354	17
1393	Esgar, Cooke	Search Warrant For Communicable Disease Testing	Approved 6/10/2016	7/1/2016	304	31

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
1394	Young, Grantham	Aligning Issues Around At-risk Persons	Approved 5/18/2016	7/1/2016	172	115
1397	Ryden, Hodge	Completion Fitzsimons Veterans Community Living	Approved 6/1/2016	6/1/2016	202	128
1398	Young, Martinez Humenik	Implement Respite Care Task Force Recommendations	Approved 6/10/2016	7/1/2016	305	115
1401	Becker K., Woods	Retail Food Establishment Licensure & Inspection	Became Law 6/11/2016	No Safety Clause	367	97
1402	Becker K., Holbert	Prohibit Device Wager Previous Sporting Event	Approved 6/10/2016	No Safety Clause	306	158
1404	Duran, Cooke	Regulate Fantasy Contests	Approved 6/10/2016	No Safety Clause	358	158
1405	Hamner, Lambert	2016-17 Long Appropriation Bill	Approved 5/3/2016	5/3/2016	385	7
1406	Young, Grantham	County Coroners Reimbursement By DOC	Approved 5/4/2016	7/1/2016	150	20
1407	Young, Steadman	Extend Medicaid Payment Reform & Innovation Pilot	Approved 5/4/2016	5/4/2016	152	103
1408	Rankin, Steadman	Cash Fund Allocations For Health-related Programs	Approved 5/4/2016	Portions effective 5/4/2016 Portions effective 7/1/2016	153	88
1409	Hamner, Lambert	Unclaimed Prop Fund Transfer For State Programs	Approved 5/4/2016	5/4/2016	137	88
1410	Young, Grantham	Competency Evaluation Location	Approved 5/4/2016	7/1/2016	151	108
1411	Rankin, Steadman	Fort Lyon Residential Community Study	Approved 5/4/2016	5/4/2016	154	89
1413	Rankin, Grantham	Refinance Water Pollution Control Program	Approved 5/4/2016	7/1/2016	138	97
1414	Rankin, Steadman	Funding Base For Telecom Relay Services	Approved 5/4/2016	Portions effective 7/1/2016 Portions effective 9/1/2016	155	166

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
1415	Hamner, Steadman	Driver & Motor Vehicle Services	Approved 5/4/2016	Portions effective 5/4/2016 Portions effective 7/1/2016	139	183
1416	Hamner, Lambert	State Infrastructure General Fund Transfers	Approved 4/14/2016	4/14/2016	88	89
1417	Hamner, Lambert	Capital-related Transfers Of Moneys	Approved 5/4/2016	5/4/2016	140	89
1418	Rankin, Steadman	Marijuana Tax Cash Fund Transfer To General Fund	Approved 5/4/2016	5/4/2016	156	90
1419	Hamner, Lambert	FY2015-16 Statutory Reserve Reduction	Approved 5/4/2016	5/4/2016	136	90
1422	Hamner, Lambert	Financing Public Schools	Approved 6/10/2016	6/10/2016	351	42
1423	Lundeen, Hill	Student Data Collection Use Security	Approved 6/10/2016	No Safety Clause	355	43
1424	Vigil, Garcia	Qualified Medication Administration Personnel	Approved 6/10/2016	Portions effective 7/1/2016 Portions effective 7/1/2017	307	98
1425	Hamner, Roberts	Immunization Records For Temporary Child Care	Approved 6/10/2016	6/10/2016	308	116
1426	Primavera, Tate	Intentional Misrepresentation Assistance Animal	Approved 6/10/2016	No Safety Clause 1/1/2017	309	159
1427	Pabon, Hill	Multi-serving Liquid Marijuana Products	Approved 6/10/2016	6/10/2016	310	160
1429	Pettersen, Kerr	Alt Ed Campus Criteria & Pilot Program	Approved 6/8/2016	6/8/2016	249	46
1432	Winter, Kerr	Personnel Files Employee Inspection Right	Approved 6/10/2016	No Safety Clause 1/1/2017	311	125
1436	Pabon, Newell	No Edible Marijuana Products Shaped To Entice Kids	Approved 6/10/2016	6/10/2016	361	32
1438	Winter, Martinez Humenik	Employer Accommodations Related To Pregnancy	Approved 6/1/2016	No Safety Clause	207	125

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
1439	Garnett, Holbert	Lodging & Entertainment Facility Liquor License	Approved 6/10/2016	No Safety Clause	312	160
1440	Wilson, Johnston	Admin Flexibility For School Districts And Schools	Approved 6/10/2016	No Safety Clause	316	46
1442	Ryden, Ulibarri	Various Updates To Local Government Election Code	Approved 6/10/2016	No Safety Clause	313	57
1444	Ryden, Kefalas	Definition Qualifying Disabled Veteran Prop Tax	Approved 5/27/2016	7/1/2016	193	128
1448	Singer, Kefalas	Relative Guardianship Assistance Program Criteria	Approved 6/10/2016	10/1/2016	359	15
1451	Ryden, Scott	Procurement Code Working Group	Approved 6/10/2016	6/10/2016	314	90
1453	Hamner, Lambert	Colorado Cybersecurity Initiative	Approved 5/20/2016	7/1/2016	189	90
1456	Lontine, Crowder	Sale Of State Land For Fort Logan Natl Cemetery	Approved 6/1/2016	6/1/2016	197	91
1457	Garnett, Neville T.	Sales & Use Tax Exemption Residential Energy	Approved 6/10/2016	6/10/2016	315	177
1458	Vigil, Sonnenberg	Species Conservation Trust Fund Projects	Approved 6/6/2016	6/6/2016	223	136
1459	Becker K., Sonnenberg	Submission Threshold For Higher Ed Cash Projects	Approved 6/10/2016	No Safety Clause	317	51
1460	Becker K., Baumgardner	DOA Authority To Sell & Buy Prop For Consolidation	Approved 6/10/2016	6/10/2016	320	91
1462	Hullinghorst, Guzman	Lieutenant Governor As Governor's Office Appointee	Approved 5/26/2016	5/26/2016	192	92
1465	Duran, Ulibarri	Modifications Low-income Housing Tax Credit	Approved 6/6/2016	6/6/2016	243	178
1467	Duran, Scheffel	First-time Home Buyer Savings Acct Tax Deduction	Approved 6/10/2016	No Safety Clause	321	178

## TABLE OF ENACTED SENATE BILLS

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
003	Roberts, Becker K.	Broadcast Burns Wildfire Risk Reduction Funding	Approved 6/6/2016	6/6/2016	213	134
004	Scott, Willett	Enactment Of 2015 CRS	Approved 3/9/2016	3/9/2016	13	168
006	Martinez Humenik, Sias	Health Insurance Exchange Insurance Brokers	Approved 6/10/2016	6/10/2016	296	117
008	Crowder, Vigil	Municipal State Highway Off-highway Vehicles	Approved 3/16/2016	3/16/2016	18	134
009	Grantham, Primavera	Prohibit Referral Fees When Dividing Dental Fees	Approved 3/9/2016	No Safety Clause	7	140
010	Baumgardner, Becker J.	Off-highway Vehicle Powersports Dealer Purchase	Approved 4/7/2016	No Safety Clause	69	129
012	Heath, Singer	Time To Reconstruct Residential Improvements	Approved 4/5/2016	4/5/2016	66	169
013	Newell, Singer	Clean-up Office Of The Child Protection Ombudsman	Approved 4/15/2016	4/15/2016	102	9
014	Holbert, Williams	Mortgage Loan Originators Conform To TILA & RESPA	Approved 3/16/2016	3/16/2016	17	140
015	Baumgardner, Vigil	Rules For Allowed Marijuana Pesticides	Approved 3/9/2016	No Safety Clause	10	2
016	Steadman, Hullinghorst	Modifications To The SCFD	Approved 4/29/2016	Portions effective 4/29/2016 Portions effective 1/1/2017 Portions effective 1/1/2018 Portions effective 7/1/2018	135	72
019	Cooke, Saine	Videotape Mental Condition Evaluations	Approved 6/10/2016	1/1/2017	297	23
020	Sonnenberg, Becker K.	Clarify Calculation Issues Of Auto Capital Funding	Approved 3/9/2016	3/9/2016	11	75

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
021	Donovan, Mitsch Bush	Recognition Of Public Lands Day	Approved 5/17/2016	No Safety Clause	167	75
022	Martinez Humenik, Pettersen	Child Care Assistance Cliff Effect Pilot Program	Approved 3/18/2016	3/18/2016	20	110
027	Martinez Humenik, Primavera	Medicaid Option For Prescribed Drugs By Mail	Approved 6/1/2016	No Safety Clause	208	99
029	Scheffel, Duran	Insurance Comply With Model Acts	Approved 3/18/2016	3/18/2016	32	117
030	Hodge, Tyler	Motor Vehicle Weight Violation Surcharges	Approved 6/10/2016	No Safety Clause	298	129
031	Steadman, Dore	Authority Of OLLS Director To Sign Vouchers	Approved 3/18/2016	3/18/2016	23	62
034	Sonnenberg, Fields	Tampering With A Deceased Human Body	Approved 4/7/2016	No Safety Clause 9/1/2016	72	23
035	Johnston, Rankin	The Public School Fund	Approved 6/8/2016	No Safety Clause	250	75
036	Neville T., Kraft-Tharp	Surety Reqmnt For Appealing Tax Bills Claimed Due	Approved 6/10/2016	No Safety Clause	292	169
038	Aguilar, Young	Transparency Of Community-centered Boards	Approved 6/1/2016	No Safety Clause	199	76
040	Holbert, Pabon	Marijuana Owner Changes	Approved 6/10/2016	6/10/2016	293	140
041	Baumgardner, Pabon	CDPS Data On Law Enforcement Marijuana Activities	Approved 6/6/2016	No Safety Clause	220	77
050	Neville T., Saine	Retailer Hold Harmless For Assigned Location Code	Approved 3/18/2016	3/18/2016	21	170
051	Johnston, Melton	Judge's Discretion Regarding Consecutive Sentences	Approved 4/14/2016	7/1/2016	85	23
055	Grantham, Moreno	Rural Electric Cooperative Election Procedures	Approved 3/23/2016	No Safety Clause	46	164
056	Lambert, Lee	Enhanced Whistleblower Protections	Approved 6/10/2016	6/10/2016	294	77
058	Hill, Becker K.	CO Farm To Consumer Sales	Approved 5/4/2016	5/4/2016	158	2

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
062	Marble, Becker J.	Veterinary Pharmaceuticals	Approved 6/10/2016	7/1/2016	295	141
063	Roberts, Vigil	Intergovt Agreement With Out-of-state Local Gov	Approved 3/23/2016	No Safety Clause	51	65
065	Steadman, Lee	Restitution In Criminal Cases	Approved 6/10/2016	7/1/2016	277	24
066	Steadman, Hamner	Recreating School Finance Contingency Reserve Fund	Approved 3/18/2016	3/18/2016	24	34
068	Donovan, Esgar	Hunter Safety Pink	Approved 4/12/2016	No Safety Clause	75	134
069	Garcia, Pabon	Community Paramedicine Regulation	Approved 6/8/2016	6/8/2016	260	93
072	Kerr, Garnett	Increase Annual BEST Lease-purchase Payment Cap	Approved 5/19/2016	5/19/2016	180	34
073	Grantham, Lawrence	State Auditor Auth Audit State Hist Fund Distrib	Approved 6/8/2016	No Safety Clause	261	62
077	Kefalas, Ginal	Employment First For Persons With Disabilities	Approved 6/10/2016	7/1/2016	360	104
080	Newell, Wist	Marijuana Grows Enclosed Space Requirements	Approved 6/8/2016	6/8/2016	247	142
085	Steadman, Willett	Uniform Trust Decanting Act	Approved 6/6/2016	No Safety Clause	228	137
087	Baumgardner, Tyler	Highway-rail Crossing Signalization Fund Funding	Approved 6/6/2016	6/6/2016	217	164
088	Steadman, Willett	Revised Uniform Fiduciary Access To Digital Assets	Approved 4/7/2016	No Safety Clause	71	137
089	Lambert, Hamner	Dept Of State Cash Fund Alternative Max Reserve	Approved 3/23/2016	3/23/2016	44	79
090	Steadman, Young	Marijuana Health Effects Data Regional Level	Approved 3/23/2016	No Safety Clause	45	93
091	Lambert, Hamner	Delay Start Of Statewide Discovery Sharing System	Approved 3/23/2016	No Safety Clause	52	24
092	Grantham, Rankin	State Authority Under Federal Oil Pollution Act	Approved 3/23/2016	No Safety Clause	53	94

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
093	Lambert, Young	Transfer Independent Living Services To CDLE	Approved 3/23/2016	Portions effective 3/23/2016 Portions effective 7/1/2016	54	120
094	Crowder, Vigil	District Public Health Agency Costs By County	Approved 4/5/2016	No Safety Clause	67	94
095	Steadman, Young	5 Year DOC Appropriations for Crimes Fixes	Approved 3/23/2016	No Safety Clause	43	62
099	Jahn, Primavera	Correctional Education Program Sales Of Goods	Approved 4/14/2016	4/14/2016	89	19
102	Kerr, Moreno	Repeal Certain Mandatory Minimum Prison Sentences	Approved 5/19/2016	7/1/2016	181	24
104	Todd, Becker J.	Incentives To Build Number Of Rural Teachers	Approved 6/6/2016	6/6/2016	234	34
106	Holbert, Salazar	Administration Of Laws Governing Campaign Finance	Approved 6/10/2016	No Safety Clause	290	52
107	Cooke, Pabon	Regulation Of Voter Registration Drive Circulators	Approved 3/23/2016	3/23/2016	42	52
110	Woods, Lundeen	Child Victim Privacy Criminal Justice Records	Approved 4/14/2016	9/1/2016	90	79
111	Lambert, Lundeen	Colorado Mounted Rangers Peace Officer Status	Approved 6/10/2016	6/10/2016	291	79
115	Martinez Humenik, Moreno	Electronic Recording Technology Board	Approved 6/10/2016	6/10/2016	356	80
116	Johnston, Lee	Private Company Accurate Criminal History Data	Approved 6/10/2016	No Safety Clause	285	81
120	Roberts, Coram	Review By Medicaid Client For Billing Fraud	Approved 6/8/2016	No Safety Clause	254	99
121	Tate, Garnett	Higher Education Tuition Pledged for Bonding	Approved 3/31/2016	3/31/2016	56	47
122	Baumgardner, Nordberg	More Oversight Of Department Of Transportation	Approved 4/14/2016	4/14/2016	91	180
124	Grantham, Priola	Machine Tools Sales Tax Exempt Recovered Materials	Approved 6/8/2016	6/8/2016	258	170

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125	Holbert, Kraft-Tharp	Credit Union Governance	Approved 4/15/2016	No Safety Clause	99	60
126	Roberts, Garnett	State Bank Meeting Frequency	Approved 5/4/2016	No Safety Clause	159	60
127	Tate, Arndt	Repeal Medical Clean Claims Task Force	Approved 4/5/2016	7/1/2016	68	100
131	Tate, Pabon	Overseeing Fiduciaries' Mgmt Of Assets	Approved 6/10/2016	No Safety Clause	286	137
132	Cooke, Foote	BAC Test Results Not Public Information	Approved 6/6/2016	No Safety Clause	221	129
133	Tate, Pabon	Transfer Of Property Rights At Death	Approved 5/4/2016	No Safety Clause	145	138
134	Heath, Danielson	Professional Licensing For Military Veterans	Approved 5/27/2016	5/27/2016	195	127
135	Aguilar, Ginal	Collaborative Pharmacy Practice Agreements	Approved 6/6/2016	No Safety Clause	239	117
137	Johnston, Dore	Parks & Wildlife Commn & Landowner Agrmnt	Approved 5/4/2016	No Safety Clause	149	134
138	Scott, Priola	Study Delegating Division Motor Vehicle Functions	Approved 5/16/2016	No Safety Clause	162	130
140	Sonnenberg, Kraft-Tharp	Motor Vehicle Dealer Certificate Of Title	Approved 6/10/2016	No Safety Clause	287	130
142	Scott, Ryden	Miscellaneous Updates To Elections Laws	Approved 5/18/2016	5/18/2016	173	52
143	Hill, Pabon	Reduce Distiller Wholesaler Liquor Licensing Fees	Approved 6/10/2016	No Safety Clause	288	142
145	Baumgardner, Mitsch Bush	Colorado River District Subdistrict Formation	Approved 6/10/2016	No Safety Clause	281	185
146	Steadman, Esgar	Modernize Statutes Sexually Transmitted Infections	Approved 6/6/2016	7/1/2016	230	94
147	Newell, Pettersen	Suicide Prevention Through Zero Suicide Model	Approved 6/10/2016	6/10/2016	364	105

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150	Steadman, Esgar	Marriages By Individuals In Civil Unions	Approved 6/8/2016	Portions effective 6/8/2016 Portions effective 7/1/2016	263	9
153	Crowder, Wilson	County Court Judge Residence Preferences	Approved 5/27/2016	No Safety Clause	194	21
156	Scheffel, Duran	Modifications Regarding GA Oversight Cmts	Approved 6/10/2016	6/10/2016	282	63
158	Lundberg, Primavera	Physician Duties Delegated To Physician Assistant	Approved 6/1/2016	No Safety Clause	204	142
161	Crowder, Primavera	Regulate Athletic Trainers	Approved 6/8/2016	7/1/2016	264	143
163	Johnston, Kagan	COLS OLLS Study Organizational Recodify Title 12	Approved 6/10/2016	6/10/2016	283	144
164	Cooke, Lee	Private Probation Summons And Complaint	Approved 6/10/2016	No Safety Clause	284	25
165	Grantham, Young	Home Or Regional Office Definition Ins Premium Tax	Approved 6/10/2016	No Safety Clause 1/1/2017	278	170
166	Woods, Kagan	Transportation Fuel Distributors' Tax Liens	Approved 6/10/2016	No Safety Clause	357	162
167	Grantham, Rankin	Severance Tax Operational Fund Reserve Reduction	Approved 6/10/2016	6/10/2016	279	81
168	Roberts, Brown	Local Gov From Adjoining State In Airport Auth	Approved 5/16/2016	No Safety Clause	164	66
169	Martinez Humenik, Kraft-Tharp	Emergency 72-hour Mental Health Procedures	Vetoed 6/9/2016			105
171	Martinez Humenik, Tyler	New Energy Improvement District Clarifications	Approved 6/6/2016	No Safety Clause	238	74
172	Woods, Tyler	Electronic Notices In County Property Tax Disputes	Approved 6/10/2016	6/10/2016	280	65
173	Heath, Becker K.	Golf Car Crossing State Highway Local Authority	Approved 6/10/2016	No Safety Clause	273	130
174	Sonnenberg, Vigil	CO Water Conservation Bd Construction Fund Project	Approved 5/16/2016	5/16/2016	163	185

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177	Martinez Humenik, Hullinghorst	Modify 2015 Urban Renewal Legislation	Approved 5/18/2016	5/18/2016	178	70
178	Lambert, Young	Grand Junction Regional Center Campus	Approved 6/10/2016	6/10/2016	274	110
179	Roberts, DelGrosso	CDLE Unemployment Insurance Classification	Approved 6/10/2016	No Safety Clause	275	120
180	Woods, Kagan	DOC Program For Juvenile Offenders	Approved 6/10/2016	No Safety Clause	352	19
181	Woods, Kagan	Sentencing Juveniles Convicted Of Class 1 Felonies	Approved 6/10/2016	6/10/2016	353	25
182	Lambert, Young	Vocational Rehabilitation Statutory Clean-Up	Approved 6/8/2016	7/1/2016	255	120
183	Scheffel, Williams	Clarify Portion Of 911 Call Subject To PUC Regul	Approved 6/10/2016	6/10/2016	276	164
186	Tate, Lontine	Small-scale Issue Committees	Approved 6/10/2016	6/10/2016	269	54
189	Scott, Foote	Revisor's Bill	Approved 6/6/2016	Portions effective 6/6/2016 Portions effective 7/1/2016 Portions effective on the effective date of House Bill 16-1125 Portions effective on the effective date of House Bill 16-1401 Portions effective on the effective date of House Bill 16-1056	210	168

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190	Steadman, Rankin	Improve County Admin Public Assistance Programs	Approved 6/1/2016	6/1/2016	201	111
191	Steadman, Rankin	Marijuana Research Marijuana Tax Cash Fund	Approved 6/6/2016	7/1/2016	214	35
192	Lambert, Young	Assessment Tool Intellectual & Dev Disab	Approved 6/8/2016	6/8/2016	256	100
193	Cadman, Hullinghorst	Safe2Tell Provide Free Materials And Training	Approved 6/6/2016	6/6/2016	227	36
195	Grantham, Rankin	Veterans Centers Annual Approp From Central Fund	Approved 6/6/2016	No Safety Clause	215	111
196	Cooke, Landgraf	Inclusive Higher Education Pilot Program	Approved 6/6/2016	6/6/2016	226	47
197	Steadman, Williams	Liquor-licensed Drugstores Multiple Licenses	Approved 6/10/2016	Portions effective 7/1/2016 Portions effective 1/1/2019	365	144
198	Holbert, Kraft-Tharp	Work Comp Insurance Forms Certified Filed With DOI	Approved 6/8/2016	6/8/2016	257	121
199	Scott, DelGrosso	Program Of All-inclusive Care For The Elderly	Approved 6/10/2016	6/10/2016	270	100
200	Sonnenberg, Vigil	Create Director Water Project Permit Coordination	Approved 6/8/2016	No Safety Clause	251	186
201	Grantham, Young	Restructure Child Welfare Funding	Approved 5/18/2016	5/18/2016	171	112
202	Steadman, Young	Increasing Access Effective Substance Use Serv	Approved 6/1/2016	6/1/2016	209	106
203	Lambert, Hamner	Evaluation Of The State's Tax Expenditures	Approved 6/6/2016	No Safety Clause	211	171
204	Lambert, Rankin	Higher Education Revenue Bond Intercept Program	Approved 6/6/2016	6/6/2016	222	48
205	Lambert, Hamner	Expenses Of Indigent Parents	Approved 6/6/2016	7/1/2016	216	21
208	Hill, Williams	Funding For Charter Schools That Convert	Approved 6/10/2016	No Safety Clause	271	36

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>BILL TOPIC</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>PAGE</b>
209	Todd, Buckner	Authorize Sch Dist Prop Lease To Higher Ed Inst	Approved 6/6/2016	No Safety Clause	235	36
211	Cadman, Hullinghorst	Limit Certain Contests Past Special Dist Elections	Approved 5/18/2016	5/18/2016	174	55
212	Crowder, Buckner	12-month Eligibility Child Care Assistance Prog	Approved 6/1/2016	6/1/2016	200	112
215	Tate, Young	Twice Monthly Payroll System For State Employees	Approved 6/8/2016	6/8/2016	248	81
217	Hill, Williams	Expedite Litigation Workers' Comp Claims	Approved 6/10/2016	7/1/2016	272	121
218	Lambert, Hamner	State Severance Tax Refunds	Approved 6/10/2016	6/10/2016	289	172
SCR16-002	Baumgardner, Vigil	Prop Tax Exemption Real Prop Possessory Interests				190
SCR16-006	Ulibarri, Melton	No Exception To Involuntary Servitude Prohibition				190



## **ADMINISTRATIVE RULE REVIEW**

**H.B. 16-1257** Continuation of 2015 rules of executive agencies. Based on the findings and recommendations of the committee on legal services, the act extends all state agency rules that were adopted or amended on or after November 1, 2014, and before November 1, 2015, with the exception of the rules specifically listed in the act. Those specified rules and regulations will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2016, on the grounds that the rules either conflict with statute or lack or exceed statutory authority.

**APPROVED** by Governor May 9, 2016

**EFFECTIVE** May 9, 2016

## AGRICULTURE

**S.B. 16-15** Pesticides - rules - criteria for use with marijuana. Current law requires the governor to designate one or more state agencies to compile a list of pesticides that cannot be used in the cultivation or processing of marijuana. The act replaces these provisions with a directive that the governor designate a state agency to promulgate rules to designate criteria that identify pesticides that may be used in the cultivation of marijuana. The agency will list the pesticides that meet the criteria on its website.

**APPROVED** by Governor March 9, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-58** Colorado Cottage Foods Act - expansion - poultry producers - exemption from federal inspection - appropriation. The act amends the "Colorado Cottage Foods Act" by:

- Adding a legislative declaration;
- Expanding the definition of "producer" to include a producer's representative;
- Eliminating the distinction between tier one and tier two foods; and
- Specifying that pickled fruits may be sold under the act.

The act amends the current custom slaughter laws to create 2 exemptions from federal inspection for producers who slaughter no more than 20,000 poultry per calendar year. A producer operating under this exemption must be licensed and inspected by the department of agriculture.

The act requires the department of agriculture to meet with the stakeholders to develop a regulatory framework for the processing of poultry that is sold to retail food establishments.

For the 2016-17 state fiscal year, \$3,800 is appropriated from the inspection and consumer services cash fund to the department of agriculture for the purchase of legal services to implement the act.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** May 4, 2016

**H.B. 16-1163** Noxious weed management fund - annual appropriation. The act specifies that all state moneys in the noxious weed management fund are subject to annual appropriation and that any unexpended and unencumbered moneys from an appropriation from the fund remain available for expenditure by the department of agriculture in the next fiscal year without further appropriation.

**APPROVED** by Governor April 12, 2016

**EFFECTIVE** April 12, 2016

## AIRCRAFT AND AIRPORTS

**H.B. 16-1280** Air ambulance service - licensing - accreditation - rule-making authority of state board of health - appropriation. Under current law, Colorado requires air ambulance services to be accredited by the Commission on Accreditation of Medical Transport Systems (CAMTS) in order to operate legally in the state. However, some of the CAMTS standards relate to an air carrier's rates, routes, and service, which are matters that have been determined to be exclusively subject to federal, not state, regulation.

The act removes direct references to CAMTS accreditation as the necessary and sufficient condition for Colorado licensure and substitutes a regulatory structure in which CAMTS accreditation is one of a number of factors considered by the department of public health and environment in its licensing decisions. Other factors relate to patient care and the health, safety, and welfare of the general public, which are matters subject to state jurisdiction.

The state board of health is granted rule-making authority to set minimum standards for licensure of air ambulance services; issue provisional licenses and recognize licenses issued by other states; waive certain requirements if health and safety are not adversely affected; establish fees; and take disciplinary action, including the assessment of civil penalties, for violation of the rules.

For purposes of implementation, the act appropriates \$18,036 to the department of public health and environment and \$3,800 to the department of law for legal services. These appropriations come from the fixed-wing and rotary-wing ambulances cash fund created in section 25-3.5-307 (2) (a), C.R.S.

**APPROVED** by Governor June 1, 2016

**EFFECTIVE** June 1, 2016

## APPROPRIATIONS

**H.B. 16-1237** Supplemental appropriation - department of agriculture. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of agriculture. The cash funds and reappropriated funds portions of the appropriation are increased.

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1238** Supplemental appropriation - department of corrections. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of corrections. The general fund and cash funds portions of the appropriation are decreased.

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1239** Supplemental appropriation - offices of governor, lieutenant governor, state planning and budgeting. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the offices of the governor, lieutenant governor, and state planning and budgeting. The general fund and reappropriated funds portions of the appropriation is increased.

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1240** Supplemental appropriation - department of health care policy and financing. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. The federal funds portion of the appropriation is increased.

An appropriation made by House Bill 15-1186, concerning home- and community-based services for children with autism, is amended to decrease the amount appropriated to the department.

Restrictions on certain amounts and line item appropriations in the 2013-14 fiscal year and the 2014-15 fiscal year are released.

An appropriation made by House Bill 15-1368, concerning the creation of a cross-system response for behavioral health crises pilot program to serve individuals with intellectual or developmental disabilities, is amended to specify the assumption is that the division will require an additional FTE.

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1241** Supplemental appropriation - department of higher education. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of higher education. Adjustments were made under the item and subtotal column, resulting in no change in the funding for the department.

The 2014 general appropriation act is amended to add a footnote explaining how a line item amount is calculated.

**APPROVED** by Governor March 22, 2016

**EFFECTIVE** March 22, 2016

**H.B. 16-1242** Supplemental appropriation - department of human services. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of human services. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased and the federal funds portion is decreased, resulting in an overall increase in funding for the department.

An appropriation made by Senate Bill 15-012, concerning the treatment of child support for purposes of the Colorado works program, is amended to indicate that specific dollar amounts remain available until June 30, 2017.

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1243** Supplemental appropriation - judicial department. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the judicial department. The general fund and reappropriated funds portions of the appropriation are increased and the cash funds portion is decreased, resulting in an overall decrease in the amount appropriated for the department.

An appropriation made by Senate Bill 15-204, the independent functioning of the office of the child protection ombudsman, is amended to increase the amount appropriated to the judicial department.

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1244** Supplemental appropriation - department of law. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of law. The general fund, cash funds, reappropriated funds, and the federal funds portions are increased.

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1245** Supplemental appropriation - department of military and veterans affairs. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of military and veterans affairs. The general fund portion of the appropriation is increased and the federal funds portion is decreased, resulting in an overall decrease for the department.

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1246** Supplemental appropriation - department of personnel. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of personnel. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

The 2014 general appropriation act is amended to increase the total amount appropriated to the department.

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1247** Supplemental appropriation - department of public health and environment. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of public health and environment. The cash funds portion of the appropriation is decreased and the reappropriated funds portion is increased, resulting in an overall decrease in funding for the department.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** April 14, 2016

**H.B. 16-1248** Supplemental appropriation - department of public safety. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of public safety. The general fund portion of the appropriation is decreased and the cash funds, reappropriated funds, and federal funds portions are increased, resulting in an overall decrease to the total amount appropriated to the department.

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1249** Supplemental appropriation - department of regulatory agencies. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of regulatory agencies. The cash funds portion of the appropriation is increased.

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1250** Supplemental appropriation - department of revenue. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of revenue. The general fund and cash funds portions of the appropriation are increased.

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1251** Supplemental appropriation - department of the treasury. The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the treasury. The general fund portion of the appropriation

is decreased.

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1252** Supplemental appropriation - capital construction. The 2015 general appropriation is amended to balance and make adjustments to the total amount appropriated to capital construction. The capital construction and cash funds portions of the appropriation are increased.

The 2014 general appropriation act is amended to increase the total amount appropriated to the department for capital construction projects.

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1353** Legislative appropriation - appropriation to youth advisory council cash fund. \$41,548,865 is appropriated to the legislative department for the payment of expenses in the 2016-17 state fiscal year. In addition, \$25,000 is appropriated to the youth advisory council cash fund.

**APPROVED** by Governor April 7, 2016

**EFFECTIVE** April 7, 2016

**H.B. 16-1405** General appropriation act - 2016 - long bill. For the fiscal year beginning July 1, 2016, the act provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2016. The grand total for the operating budget is set at \$26,987,067,029 of which \$7,384,526,968 is from the general fund portion of the appropriation, \$2,566,465,180 is from the general fund exempt portion, 7,388,529,222 is from the cash funds portion, \$1,540,567,479 is from the reappropriated funds portion, and \$8,106,978,180 is from the federal funds portion.

The grand total for the fiscal year 2016 capital construction projects is \$239,086,768 fo which \$115,569,901 is from the capital construction fund portion of the appropriation, \$108,931,647 is from the cash funds portion, and \$14,585,220 is from the federal funds portion.

The 2014 general appropriation act, capital construction projects, is amended to balance and make adjustments to the total amount appropriated for controlled maintenance.

The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, higher education, judicial, personnel, public health and environment, and public safety.

Appropriations made in House Bill 14-1317, concerning modifications to the Colorado child care assistance program, is amended to make adjustments in the total amount appropriated and to clarify that the funds remain available until June 30, 2017.

Appropriations made in House Bill 15-1186, concerning a sales and use tax exemption for qualified property used in space flight, is amended to make adjustments in the

total amount appropriated.

Appropriations made in House Bill 15-1367, concerning retail marijuana taxes, is amended to clarify that the unexpended funds remain available until June 30, 2017.

Appropriations made in Senate Bill 15-204, concerning the independent functioning of the office of the child protection ombudsman, is amended to make adjustments in the total amount appropriated.

Appropriations made in Senate Bill 15-014, concerning marijuana issues that are not regulated by the department of revenue, is amended to clarify that the funds remain available until June 30, 2017.

**APPROVED** by Governor May 3, 2016

**EFFECTIVE** May 3, 2016

## CHILDREN AND DOMESTIC MATTERS

**S.B. 16-13** Child abuse and neglect - office of the child protection ombudsman. The act addresses several items in the statutes relating to the office of the child protection ombudsman (office), including:

- Giving the child protection ombudsman board (board) the responsibility to evaluate the office's performance; to develop a public complaint process related to the office; to oversee and to advise the office on its strategic direction and mission; and to help promote the use of, engagement of, and access to the office;
- Shifting the responsibility for accountability in policies and procedures from the board to the office;
- Adding to the office's responsibilities the regular review of the memorandum of understanding between the office and the judicial department and the renegotiation of the memorandum at any time the parties mutually deem appropriate; and
- Removing the statutory requirement for an audit of the office by the office of the state auditor but leaving it at the discretion of the legislative audit committee to request such an audit at a future date.

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** April 15, 2016

**S.B. 16-150** Civil unions - effect of parties to a civil union marrying each other - dissolution process - coverage of civil union partners under the bigamy statute. The act includes a nonstatutory legislative declaration regarding the effect of the act, stating that the general assembly finds a legal conflict between the Colorado constitution and the manner in which the decision in *Obergefell v. Hodges* has altered the issuance of marriage licenses in Colorado. The legislative declaration states that the intent of the act is to remedy the complicated legal process of dissolving a civil union and a marriage for the same couple. The legislative declaration states that the ultimate question of the United States supreme court's constitutional jurisdiction and authority to redefine marriage in Colorado's constitution through a ruling in certain individual cases in other states is a matter the general assembly may take up at a different time, but the act does not address nor settle that concern.

The act amends the statute on prohibited marriages to disallow a marriage entered into prior to the dissolution of an earlier civil union of one of the parties, except a currently valid civil union between the same 2 parties. The executive director of the department of public health and environment is directed to revise the marriage license application to include questions regarding prior civil unions.

The act repeals a statute in the "Colorado Civil Union Act" that states that a relationship between 2 persons that does not comply with section 31 of article II of the state constitution but that was legally entered into in another jurisdiction is deemed to be a civil union. The act states that a civil union license and a civil union certificate do not constitute evidence of the parties' intent to create a common law marriage.

When parties who have entered into a civil union subsequently marry, the effect is a merger of the 2 relationship statuses. Once merged, the civil union terminates as of the date of the solemnization of the marriage or determination of a common law marriage, and no

separate dissolution of a civil union is required.

If one or both of the parties to a marriage that has been merged with a civil union subsequently desire to dissolve the marriage, legally separate, or have the marriage declared invalid, one or both of the parties must file a petition in accordance with the procedures specified in the "Uniform Dissolution of Marriage Act". If a civil union and marriage were merged, any calculation of the duration of the marriage includes the time period during which the parties were in a civil union.

The criminal statute on bigamy is amended, effective July 1, 2016, to include a person who, while married, marries, enters into a civil union, or cohabits in the state with another person not his or her spouse and to include a person who, while still legally in a civil union, marries, enters into a civil union, or cohabits in the state with another person not his or her civil union partner.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1165** Child support. The act makes several changes to the Colorado child support guidelines and related statutes based on the work and final report of the 2013-2015 Colorado child support commission. The changes include:

- New legislation that permits the state child support enforcement agency to discover and administratively seize insurance claim payments, awards, and settlements for the purpose of meeting past-due child support obligations;
- Changes to the income adjustment formula when parents are obligated to support children with multiple co-parents and joint legal responsibilities for the children;
- An amendment to the definition of "shared physical care" so that overall parenting time with a child is considered rather than simply the number of overnights with a child;
- Changing the reasonable cost threshold percentage for the enforcement of court-ordered medical support from 20% to 5%;
- Adding statutory language requiring the annual exchange between parents of information relevant to child support calculations that have occurred since the previous child support order;
- Limiting the time period for which a party may seek retroactive child support based upon a change in physical care to 5 years; and
- Adding language regarding notice to possible and presumptive fathers.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** January 1, 2017

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

**H.B. 16-1193** Courts - office of the respondent parents' counsel. The act grants electronic access to the name index and register of actions to attorneys under contract with the office of the respondent parents' counsel.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1316** Child welfare proceedings - transfer of venue to another county. The act sets forth the procedures for determining proper venue for transferring child welfare proceedings to another county when a child is placed in the legal custody of a county department of social or human services (county department) and the child is initially placed in out-of-home placement in another county. For purposes of determining proper venue, a child who is placed in the legal custody of a county department is deemed for the entire period of placement to reside in the county in which the child's legal parent or guardian resides or is located, even if the child is physically residing in a foster care or residential facility located in another county. In that circumstance, the court shall not transfer venue during the period of out-of-home placement to any county other than to the county in which the child's legal parent or guardian resides or is located.

The act clarifies the circumstances when a case may not be transferred and adds to the statute factors where transfers should not occur, including:

- Where the legal parent or guardian has a history of frequent moves unless there is evidence of stability in the most recent move indicating an intent to remain in the new residence for 6 or more months;
- The case is likely to close within 3 to 6 months;
- The transfer will disrupt continuity or provision of services;
- The case is an expedited permanency planning case for a child under 6 years of age, unless the presumption that a transfer of proceedings is not in the best interest of the child has been rebutted by a preponderance of the evidence.

The county attorney filing a motion to change venue is required to notify the county attorney in the receiving county that a motion to change venue has been filed. The attorney for the receiving county has a right to file responsive pleadings and appear at the hearing.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** August 10, 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. 16-1328** Youth corrections - use of restraint or seclusion - guidelines for use - duties related to use - reporting requirements - youth seclusion working group - appropriation. The act strengthens the safety provisions for the use of restraint and seclusion on youths who are being detained in a secure state-operated or state-owned facility (facility). Language is added to clarify that restraint or seclusion must never be used as a punishment, sanction, part of a treatment plan, for retaliation, or for protection, except in the case of demonstrated emergencies.

The division of youth corrections (division) within the state department of human services (department) may place a youth in emergency seclusion for a maximum of no more than 4 consecutive hours in a calendar day unless a prescribed protocol is followed, including examination by a mental health professional, for an extended emergency situation, including documentation of the incident. If the emergency situation continues and the youth is in seclusion for 8 total hours in a 2-calendar-day period, the division must obtain a court order to continue the seclusion.

The division may confine a youth in a room alone if such confinement is part of a routine practice that is applicable to substantial portions of the population and is imposed only for the completion of administrative tasks and lasts no longer than necessary to achieve the task safely and effectively.

If an agency uses seclusion:

- Staff shall adhere to strict timeline protocols for youth in seclusion for emergency situations, including having a staff member check the youth's safety at varying intervals, but at least every fifteen minutes, and within one hour and every hour thereafter a staff member must notify the facility director or his or her designee and obtain written approval of the use of seclusion;
- Within 12 hours, the facility shall notify the youth's parent, guardian, or legal custodian of the fact of and need for the seclusion; and
- If the emergency requiring seclusion continues beyond 4 hours, the division may only continue the seclusion if a qualified mental health professional who has met with the youth, or the facility director or his or her designee, determines that referral of the youth to a mental health facility is not warranted, and the director of the division, or his or her designee, approves the use of seclusion at or before the conclusion of 4 hours and every hour thereafter.

A division facility that utilizes seclusion is required to ensure that all staff who are involved with the use of restraint and seclusion are properly trained in the health and behavioral effects of such action, effective de-escalation techniques, positive versus negative reinforcement, and methods for implementing positive behavior incentives.

Additional reporting requirements are imposed in the act. The division is required to keep specific documentation, including incident reports, on file for each individual placed in seclusion. The division shall provide semi-annual compilation reports to the youth seclusion working group (working group), created in the act. Similarly, any facility that operates for the purpose of detaining youth shall report semi-annually to the public health and human services committee of the house of representatives and the health and human services committee of the senate, or any successor committees, on its use of seclusion. The division is required to meet the reporting requirements, to the extent possible, using its current reporting mechanisms. The division shall fully comply with all reporting requirements of the act on or before January 1, 2018.

The working group is created to study the issues surrounding the use and effect of seclusion on youth. The working group is repealed, effective September 1, 2024.

The act appropriates \$4,900 for the 2016-17 state fiscal year for the provision of legal services by the department of law as related to the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1377** Child abuse or neglect - task force on collection and security of digital images of evidence of child abuse or neglect created - issues to study. The act creates a task force on the collection and security of digital images of evidence of child abuse or neglect (task force). The task force is directed to examine and study the existing system of and the

best practices for collecting, documenting, and securing digital images of evidence of suspected child abuse or neglect by government employees.

The act defines the terms "child's private areas", "digital image", and "visible in plain sight on the child".

The 21-member task force includes the executive director of the state department of human services or his or her designee, the child protection ombudsman, an attorney representing the office of the child's representative, an attorney representing the respondent parents' counsel, a representative of the attorney general's office, a representative of the Colorado district attorneys' council, 5 members appointed by the governor, 5 members appointed by the speaker of the house of representatives, and 5 members appointed by the president of the senate. The act specifies the qualifications for the appointed members. The task force members must be appointed on or before September 1, 2016.

The task force shall consider:

- The constitutional standards, case law, statutes, rules, practices, and standards in Colorado, if any, that govern:
  - How an employee of a county department of human or social services who has open involvement with a child takes, maintains, and disseminates digital images of a child, including the child's private areas, to document the abuse or neglect or the absence of abuse or neglect; and
  - How a government employee takes, maintains, and disseminates digital images of a child's body, including those areas that are visible in plain sight and those that are private areas;
- Whether criteria or standards that government employees follow when documenting evidence of suspected child abuse or neglect through digital images balance the need to collect evidence with the need to protect the privacy and constitutional rights of both parents and of children;
- The safeguards used by a government employee to ensure the best interests of children when documenting evidence of suspected child abuse or neglect through digital imagery;
- The role of law enforcement agencies in conducting a child abuse or neglect assessment or investigation jointly with county departments pursuant to cooperative agreements and whether there are best practices that have been developed in cooperative agreements relating to the collecting, sharing, and handling of digital images;
- How governments and medical professionals collaborate during assessments or investigations of suspected child abuse or neglect to collect, transmit, and share evidence, including digital images, without slowing down the process and while ensuring that there is no impediment to the child's safety;
- Whether the statute authorizing the taking of color photographs of children should be amended to include all types of digital images and what precautions should be taken regarding the transmission and storage of digital images of children;
- The statutes, rules, and policies that govern the taking of digital images of children's bodies, including private areas, on personal or government-owned cell phones, cameras, or other equipment and safeguards in place to guide government employees on how to take, maintain, and disseminate digital images;

- Whether digital images of children that may be used as evidence in cases of criminal child abuse should be transmitted and stored through the statewide discovery sharing system and what safeguards should be developed on the transmission and maintenance of digital images through that system;
- The statutes, rules, and policies governing the audiotaping and videotaping of child interviews; and
- The best practices followed in other states or recommended by national child welfare experts for child welfare caseworkers to follow when collecting evidence of suspected child abuse or neglect through digital imagery to document evidence or absence of evidence of child abuse or neglect; collaborating with and sharing in the dissemination of evidence with law enforcement agencies, medical professionals, and any other agencies legally authorized in the investigation of child abuse or neglect; referring a child for medical examinations; and maintaining, storing, and safeguarding digital images of children.

The task force shall consider and recommend:

- The best practices and procedures that government employees should use when documenting evidence of suspected abuse or neglect on a child's body, including areas that are not visible in plain sight on the child or that are private areas of a child or both; and
- The best practices and procedures that government employees should use when observing or assessing a child's private areas or collecting digital images or other evidence of suspected abuse or neglect.

The task force shall study the following sequence of events and recommend best practices when a government employee seeking to view or document evidence of suspected child abuse or neglect of private areas of the child:

- Is required to obtain the consent of a parent, guardian, or legal custodian of the child; or
- Is required to obtain the consent of a child who is 15 years of age or older and less than 18 years of age in addition to obtaining the parent, guardian, or legal custodian's consent; or
- Must obtain a court order to have the child examined and evaluated by an independent medical provider, a sexual assault nurse examiner, or the child's own physician, if the parent, guardian or legal custodian, or the child, if between the ages of 15 and 18, refuses to give consent; or
- May proceed in examining and photographing the private areas of the child without the parent's consent or the child's consent and without a court order based upon a reasonable belief that exigent circumstances exist that constitute a medical emergency or based upon a reasonable suspicion that the child needs treatment or is in immediate threat of serious bodily injury.

The task force shall submit an initial written report on its findings and progress to the governor, the state department of human services, the child welfare training academy, the Colorado association of chiefs of police, the county sheriffs of Colorado, the Colorado medical society, the joint budget committee, and the house public health care and human services committee and the senate health and human services committee, or any successor committees, on or before December 1, 2017. The task force shall submit a final written report with its findings and recommendations for administrative changes and legislative

changes, if any, to those same officials and entities on or before December 1, 2018.

The task force is repealed, effective July 1, 2019.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** June 8, 2016

**H.B. 16-1448** Guardianship - financial assistance. The act makes changes to the relative guardianship assistance program (program) to comply with federal regulations and to clarify the qualifying legal relationships and situations that are eligible for the program in situations where a child or children cannot be returned to the physical custody of such child's or children's parent, kin, or legal guardian and adoption and reunification are either unavailable or not appropriate permanency options for the child or children.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** October 1, 2016

## CONSUMER AND COMMERCIAL TRANSACTIONS

**H.B. 16-1090** Foreclosure - proceeds of sale - disposition of overbid amounts - remittances due to homeowner - contracts to assist in recovery - limits on fees. The act limits the premium, sometimes known as a "finder's fee", that a person may charge for offering assistance in recovering the balance of the purchase price of foreclosed property after all liens and claims against the property have been satisfied. Under current law, the public trustee must hold this balance, if any, for the benefit of the former owner of the property for up to 5 years, and then transfer it to the state treasurer for administration under the "Unclaimed Property Act".

The act reduces the period during which the public trustee must hold these funds from 5 years to 6 months. It also voids any contract for payment of a finder's fee during the public trustee's custody of the funds and during the first 2 years of the state treasurer's custody of the funds, and caps the finder's fee at 20% of the amount recovered once these periods expire. For amounts that have been in the custody of the state treasurer for 3 years or more, the finder's fee may be up to 30%.

Additional requirements are imposed on the finder's contract, including the requirements that the contract:

- Is signed by the person to whom the amounts are due;
- Contains a description of the property and the date of the foreclosure sale; and
- Describes the nature of the services that the finder will perform.

Inducing, or attempting to induce, a person to enter into a contract that violates these requirements is punishable as a misdemeanor with penalties of up to 6 months in jail, a fine of up to \$10,000, or both, and is designated as a deceptive trade practice under the "Colorado Consumer Protection Act".

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** August 10, 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. 16-1129** Charitable solicitations - charitable fraud - enhanced enforcement measures. Section 1 of the act creates enhanced penalties under the "Colorado Consumer Protection Act" for committing acts of charitable fraud involving knowledge or intent under the "Colorado Charitable Solicitations Act". The penalty for each violation is up to \$10,000, with a cap of \$3,000,000 for a related series of violations. The act includes a mechanism to adjust the \$3,000,000 limitations cap for inflation. Penalties collected are paid to the attorney general and held as custodial money to be granted within 2 years after receipt to a charity in accordance with the cy pres doctrine.

Sections 2, 3, and 5 of the act require:

- A statement on each application for registration by a paid solicitor to the secretary of state, indicating whether the paid solicitor or any officer, director, or employee serves on the board of directors of a charitable organization, directs the operations of a charitable organization, or otherwise has a financial interest in a charitable organization for which the applicant solicits

- contributions. If this relationship exists, the application must include a statement that the relationship meets the standards set forth for conflicting-interest transactions for directors of business entities in Colorado.
- Paid solicitors to either have a bond or a savings account, deposit, or certificate of deposit in a financial institution payable to the state of Colorado in the amount of \$15,000, conditioned upon the performance of the paid solicitor in good faith without fraud or fraudulent representation and without violating the "Colorado Charitable Solicitations Act".

Section 4 defines charitable fraud to include any misrepresentation that a charitable organization for which a paid solicitor solicits has a significant membership of a certain type, such as active police, sheriff, patrol, firefighters, first responders, or veterans. A charitable organization is also liable to the same extent as a paid solicitor if the charitable organization knew or should have known that the paid solicitor was engaged in charitable fraud on behalf of the charitable organization. Section 4 also clarifies that this provision does not extend personal liability to board members of a charitable organization beyond the personal liability allowed by law prior to enactment of the act.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** August 10, 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. 16-1335** Deceptive trade practices - consumer protection - selling free government services. The act prohibits a person from reserving or obtaining and selling, intending to sell, bundling in a sale, or selling without obtaining a government service or appointment publicly available without charge. The prohibition does not apply when the person has consent from the government entity or when the person is selling or offering to sell only information. A violation of the prohibition is a class 1 misdemeanor. The act also makes these behaviors a deceptive trade practice, which allows the attorney general and district attorneys to seek civil penalties for a violation.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1391** Deceptive trade practices - immigration consulting by nonattorneys. The act establishes that if a person, other than a licensed attorney or person authorized under federal law to represent others in immigration matters, engages in certain practices that amount to providing or offering to provide legal advice or legal services in an immigration matter, the person is engaged in a deceptive trade practice. The attorney general or a district attorney may seek civil penalties against the person under the "Colorado Consumer Protection Act".

The act also adds to the notice a notary public must provide in any advertisement of his or her services that the notary is not an immigration consultant.

The act applies to acts committed and practices engaged in on or after the effective date of the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

## CORPORATIONS AND ASSOCIATIONS

**H.B. 16-1270** Owner's interest in business entity - exemption from security interest limits. Under current law, the "Uniform Commercial Code" (Code) invalidates contractual limits on the transferability of some assets that can be subject to a security interest. In 2006, the "Colorado Corporations and Associations Act" (Act) was amended to clearly and broadly exempt an owner's interest in a business entity from these Code provisions to effectuate the "pick your partner" principle that allows small businesses to control their ownership. Section 3 of the act narrows the exemption in the Act to that necessary for "pick your partner", and sections 1 and 2 codify this narrowed exemption in the Code.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** August 10, 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. 16-1329** Limited liability companies - contributions - tax status - statute of frauds - partner compensation. Section 1 of the act deletes the requirement that a partner's contribution to a limited liability company is a prerequisite to becoming a member of the company. Section 2 clarifies that the tax status of a limited liability company does not affect the immunity of a member of the company from liability for the company's acts. Section 3 limits the applicability of the statute of frauds, which requires certain contracts to be written to be enforceable, to operating agreements for limited liability companies. Section 4 reconciles the various partnership and limited liability company acts regarding compensation of a partner for services performed during the windup of the entity's affairs.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 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. 16-1330** Filings with secretary of state - statement of correction. The act allows a person to file a statement of correction with the secretary of state if a document previously filed was delivered to the secretary of state for filing in error.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 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. 16-1333** Partnerships - statute of frauds - governing law. Sections 1 and 2 of the act limit the applicability of the statute of frauds, which requires certain contracts to be written to be enforceable, to partnership agreements. Section 3 specifies which of several potentially applicable laws govern limited partnerships.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 2016

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

## CORRECTIONS

**S.B. 16-99** Correctional education program. The act authorizes the correctional education program in the department of corrections to sell goods and services to specified persons and entities and requires that the prices and quality of goods and services be comparable to those in the private sector or the Colorado community college system.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** April 14, 2016

**S.B. 16-180** Programs - specialized program for juveniles convicted as adults - appropriation. The act requires the department of corrections (department) to develop and implement a program for offenders who were sentenced to an adult prison for a felony offense committed while the offender was less than 18 years of age and who are determined to be appropriate for placement in the program. The program must include components that allow an offender to experience a placement with more independence in daily life. If such an offender was convicted of:

- A crime other than first degree murder, he or she may apply for placement in the program if he or she has served 20 calendar years of his or her sentence and satisfies other eligibility criteria.
- First degree murder committed in the course of, or in furtherance of, certain other felonies, or was convicted of first degree murder under circumstances evidencing an attitude of universal malice manifesting extreme indifference to the value of human life, then he or she may apply for placement in the program if he or she has served 20 calendar years of his or her sentence and satisfies other eligibility criteria.
- Any other crime of first degree murder, he or she may apply for placement in the program if he or she has served 25 calendar years of his or her sentence and has satisfied several other eligibility criteria.

Upon receiving a petition from an eligible offender, the executive director of the department or his or her designee shall review the petition. In determining whether to place an offender in the program, the executive director or his or her designee shall consider certain criteria.

An offender who successfully completes the program may apply to the governor for early parole after completing 25 or 30 years of his or her sentence. The governor may grant early parole to such an offender if, in the governor's opinion, extraordinary mitigating circumstances exist and the offender's release from custody is compatible with the safety and welfare of society. The state board of parole shall make a recommendation to the governor concerning whether early parole should be granted to such an offender.

The act makes an appropriation.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 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. 16-1153** Parole guidelines - report regarding outcomes of decisions of the state board of parole - report date. The state board of parole and the division of criminal justice in the department of public safety report annually to the general assembly regarding outcomes of decisions by the state board of parole. The act changes the annual due date of the report from November 1 to March 31.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** August 10, 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. 16-1215** Parole - statutory purposes. The act redefines the purposes of parole to focus on successful reintegration.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** August 10, 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. 16-1406** Expenses of autopsies - reimbursement - appropriation. The act directs the department of corrections (department) to reimburse a county for reasonable and necessary expenses of investigations and autopsies performed by the county coroner on persons in the custody of the department.

\$32,175 is appropriated from the general fund to the department for the implementation of this act.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** July 1, 2016

## COURTS

**S.B. 16-153** Judicial nominating commissions - county court residence preference. The act encourages judicial district nominating commissions to give preference to attorneys who reside in the county in which the vacancy occurs.

**APPROVED** by Governor May 27, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-205** Respondent parents' counsel - appropriations to pay expenses. Since the responsibility for retaining counsel for indigent parents in a parent-child termination proceeding is now handled by the office of the respondent parents' counsel, the act requires the general assembly to appropriate to that office to pay for an indigent parent to retain one expert witness and to obtain a transcript of the trial.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1057** Time intervals - multiple of 7 days. The act changes several time periods in title 19 to conform to court rules and previous acts that made time periods multiples of 7.

**APPROVED** by Governor March 18, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1085** Divorce and legal separation - restore prior name - post-decree. The act permits a party to a dissolution or legal separation action to request the restoration of his or her prior full name by filing a motion in the court that granted the divorce or legal separation. The ex-parte motion does not require notice to the other party to the divorce or legal separation. The act includes the requirements for filing the motion and the conditions under which the court must grant the motion.

The act also clarifies that the provisions of the adult name change statute do not apply to a party to a dissolution or legal separation action who requests restoration of a prior name pursuant to the new statute.

**APPROVED** by Governor March 31, 2016

**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. 16-1258** Domestic relations - service by publication - online posting. Under current law, if a respondent in a domestic relations action cannot be personally served and is served by publication, the clerk of the court is required to post a copy of the process on a bulletin board in his or her office for 35 days after the date of publication. The act authorizes the clerk the option of posting the service online on the court's website in addition to on a bulletin board.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** April 21, 2016

**H.B. 16-1309** Municipal courts - right to counsel. At the time of first appearance on a municipal charge, if the defendant is in custody and the charged offense includes a possible sentence of incarceration, the court shall appoint counsel to represent the defendant for purposes of the initial appearance unless, after a full advisement, the defendant makes a knowing, intelligent, and voluntary waiver of his or her right to counsel.

If the defendant remains in custody, the appointment of counsel continues until the defendant is released from custody. If the defendant is released from custody, he or she may apply for court-appointed counsel, and the court shall appoint counsel if the court determines that the defendant is indigent and the charged offense includes a possible sentence of incarceration.

**BECAME LAW** June 11, 2016

**EFFECTIVE** May 1, 2017

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

## CRIMINAL LAW AND PROCEDURE

**S.B. 16-19** Mental condition examinations - video and audio recorded - exceptions - appropriation. The act requires a court-ordered mental condition examination to be video and audio recorded if the defendant is charged with a class 1 or class 2 felony or a felony sex crime. Any court-ordered mental condition examination requested by the defendant must be video and audio recorded. A copy of the recording must be included with the evaluator's report.

A jail or other facility where the court orders the examination to take place must permit the recording to occur and must provide the space and equipment for the recording. If space and equipment are not available, the sheriff or facility director shall attempt to coordinate a location and the availability of equipment with the court, which may consult with the district attorney and defense counsel for an agreed upon location. If no agreement is reached, the court shall order the location of the examination, which may include the Colorado mental health institute at Pueblo.

Prior to or during any examination, the evaluator shall assess whether recording the examination could cause or is causing mental or physical harm to the defendant or others or will make the examination not useful to the expert forensic opinion. If such a determination is made and documented contemporaneously in writing, the evaluator shall not record the examination or shall cease recording the examination, and the evaluator shall document the reasons for the decision in a written report to the court. If only a partial recording is made, the evaluator shall provide the partial recording to the court and the parties, and the partial recording may be used by any psychiatrist or forensic psychologist in forming an opinion, submitting a report, or testifying on the issue of the defendant's mental health.

The act appropriates \$62,831 from the general fund to the department of human services.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** January 1, 2017

**S.B. 16-34** Tampering with a deceased human body - felony. The act creates the crime of tampering with a deceased human body prohibiting a person from willfully tampering with human remains with the intent to impair or alter its appearance or availability for an official proceeding.

Tampering with a deceased human body is a class 3 felony.

**APPROVED** by Governor April 7, 2016

**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.

**S.B. 16-51** Sentencing - mandatory sentences for violent crimes - judicial discretion. Under prior law, for a person convicted of 2 or more separate crimes of violence arising out of the same incident, a court had to require the person to serve the resulting sentences consecutively rather than concurrently. The act states that the court has discretion to require

the person to serve the resulting sentences concurrently rather than consecutively if one of the crimes is aggravated robbery, assault in the second degree, or escape.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** July 1, 2016

**S.B. 16-65** Restitution - interest - termination. The act establishes a procedure whereby 2 years after the defendant's death the obligation may be terminated.

The act lowers the rate of interest on unpaid restitution amounts from 12% per annum to 8% per annum and specifies that it is simple interest. The act also permits the clerk of the court to adjust the amount remaining due on an order if money is paid on the order outside of the court's process.

Under current law, a person's driver's license is revoked if he or she is convicted of specified driving offenses and cannot be reinstated until the person has paid all restitution due as a result of the conviction. The act repeals the prohibition against reinstating a person's license until all restitution has been paid.

Current law prohibits a person from moving to have his or her records in a juvenile case expunged until the person has paid all restitution due as a result of the juvenile case. The act repeals this requirement and authorizes expungement so long as the person is current on any restitution payment schedule, but establishes a procedure to reverse the expungement order if the person does not make timely payments on the schedule.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** July 1, 2016

**S.B. 16-91** District attorneys - statewide discovery sharing system. Under current law, the Colorado district attorneys' council shall contract for a statewide discovery sharing system (system) to be operational by November 1, 2016. The act extends this date to July 1, 2017. The act repeals actions concerning the system that have already occurred.

**APPROVED** by Governor March 23, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-102** Mandatory sentencing - repeals - second degree assault - bail bond violations - appropriation. Under current law, a person convicted of certain types of second degree assault crimes or convicted of violating bail bond conditions must be sentenced to a mandatory term of incarceration. This act removes the mandatory term of incarceration requirement in the second degree assault circumstances and many of the violating bail bond conditions circumstances. The act requires a mandatory imprisonment sentence for a person who is convicted of a misdemeanor violation of a protection order offense or of a felony offense related to witness bribing, intimidation, retaliation, or tampering involving a victim or witness in the underlying offense while on bond in the underlying case. The court must impose the mandatory sentence as a consecutive sentence to any underlying incarceration sentence.

For the 2016-17 state fiscal year, \$65,788 is appropriated to the judicial department

for implementation of the act. The act adjusts the 2016-17 long bill by reducing the appropriation to the department of corrections by \$605,372 for private prison costs and reduces the appropriation to the department of corrections by \$116,124 for pre-release parole revocation facilities.

**APPROVED** by Governor May 19, 2016

**EFFECTIVE** July 1, 2016

**S.B. 16-164** Probation - private probation provider - summons and complaint authority. Under current law, a probationer may be supervised by a private probation supervision provider. The act clarifies that a private probation supervision provider has the authority to issue a summons and file a complaint with the court for a probationer under his or her supervision.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-181** Sentencing - in criminal cases - resentencing of certain persons convicted as adults of class 1 felonies committed while the persons were juveniles. In *Miller v. Alabama* (2012), the United States supreme court held that imposing a mandatory life sentence without the possibility of parole on a juvenile is a cruel and unusual punishment prohibited by the Eighth Amendment to the United States Constitution. In Colorado, a juvenile sentenced for a class 1 felony committed on or after July 1, 1990, and before July 1, 2006, was sentenced to a mandatory life sentence without the possibility of parole.

The act provides a procedure for resentencing these offenders, as follows:

- If the felony for which the person was convicted is first-degree murder where the death of a person was caused in the course of or in furtherance of any one of several described offenses, then the district court, after holding a hearing, may sentence the person to a determinate sentence within the range of 30 to 50 years in prison, less any earned time granted, if, after considering certain factors, the district court finds extraordinary mitigating circumstances. Alternatively, the court may sentence the person to a term of life imprisonment with the possibility of parole after serving 40 years, less any earned time granted.
- If the felony for which the person was convicted is any other form of first-degree murder, then the district court shall sentence the person to a term of life imprisonment with the possibility of parole after serving 40 years, less any earned time granted.

In determining whether extraordinary mitigating circumstances exist, the court shall conduct a hearing, make factual findings, and consider relevant evidence presented by either party regarding certain factors relating to the offender and the offense.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1027** At-risk adult criminal victim or witness - depositions - procedure. Under current law, the prosecution may request to take the deposition of an at-risk adult victim or witness if the victim or witness may be unavailable at trial. The act allows the prosecution to make the request for both at-risk adults and at-risk elders. If the motion relates to an at-risk elder victim, the court shall schedule the deposition. If the motion relates to an at-risk adult or an at-risk elder witness, there is a rebuttable presumption that the deposition should be taken to prevent injustice. The court may deny the motion if it finds that granting the motion will not prevent injustice. Under current law, the motion must be filed at least 3 days prior to taking the deposition. The act changes the timing to at least 14 days prior to taking the deposition unless good cause is shown for a shorter period of time. The act requires the parties to provide all available discovery at least 5 days prior to the deposition. If the discovery is not provided, either party can motion the court to reschedule the deposition until a time when the discovery can be provided.

**APPROVED** by Governor May 19, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1032** Criminal summons - no defendant execution. When a peace officer issues a person a summons for a criminal violation, current law requires that the summons contain a place for the person to execute a promise to appear. The act removes the requirement for a place for the defendant to execute a promise to appear.

**APPROVED** by Governor March 22, 2016

**EFFECTIVE** August 10, 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. 16-1033** Human trafficking council - reimbursement for travel expenses - membership. The act states that members of the Colorado human trafficking council may be reimbursed for actual travel expenses incurred in the performance of their duties. The act also adds a new member representing the judiciary branch, to be appointed by the chief justice of the supreme court.

**APPROVED** by Governor April 1, 2016

**EFFECTIVE** August 10, 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. 16-1066** Habitual domestic violence offender - procedure. Under current law, a person who is convicted of a misdemeanor involving an underlying factual basis of domestic violence and who has 3 prior convictions that include an act of domestic violence can be convicted as an habitual domestic violence offender, which is a class 5 felony. The act maintains this sentencing provision and describes the procedures that a court uses to determine whether the defendant has been convicted of 3 previous offenses that include an act of domestic violence.

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1080** Strangulation as first or second degree assault - penalty - appropriation. The act adds intentionally causing serious bodily injury through strangulation as a means of committing the crime of first degree assault and intentionally causing bodily injury through strangulation as a means of committing second degree assault. The act designates the new means of second degree assault as an extraordinary risk crime increasing the maximum presumptive sentence range.

The act makes the required 5-year appropriation required for acts that create new crimes or increase sentences.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1104** Commencement of criminal action - issuance of summons in lieu of a warrant. Under prior law, except in class 1, class 2, and class 3 felonies; level 1 and level 2 drug felonies; and unclassified felonies punishable by a maximum penalty of more than 10 years, if an indictment was returned or an information, felony complaint, or complaint was filed prior to the arrest of the person named as defendant therein, the court could issue a summons commanding the appearance of the defendant in lieu of a warrant for his or her arrest unless a law enforcement officer presented in writing a basis to believe that there is a significant risk of flight or that a victim or public safety may be compromised.

The act states that, except for class 1, class 2, class 3, and class 4 felonies; certain crimes relating to victim's rights laws; and in unclassified felonies punishable by a maximum penalty of more than 10 years, a law enforcement officer may issue a summons commanding the appearance of the defendant in lieu of a warrant for his or her arrest based on probable cause if:

- The local district attorney consents to the procedure and has developed and approved criteria for the issuance of such a summons;
- There is a reasonable likelihood that the defendant will appear;
- The defendant has had no felony arrests during the preceding 5 years;
- There is no allegation that the defendant used a deadly weapon; and
- There are no outstanding warrants for the defendant's arrest.

Not later than 10 days after the law enforcement officer issues the summons, he or she shall deliver a copy to the court and to the office of the district attorney where jurisdiction lies.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** April 21, 2016

**H.B. 16-1117** Custodial interrogations - record interrogations of class 1 and 2 felonies and felony sexual assault - exceptions - appropriations. The act requires all law enforcement agencies to have audio-visual recording equipment available and policies and procedures in place for preserving custodial interrogations by July 1, 2017. A peace officer must record custodial interrogations occurring in a permanent detention facility if the peace officer is investigating a class 1 or 2 felony or a felony sexual assault. A peace officer does not have to record the interrogation if:

- The defendant requests that the interrogation not be recorded and the defendant's request is preserved by electronic recording or in writing;

- The recording equipment fails;
- The recording equipment is unavailable, either through damage or extraordinary circumstances;
- Exigent circumstances related to public safety prevent recording; or
- The interrogation takes place outside of Colorado.

The court may admit evidence from a custodial interrogation that is not recorded. When offering evidence from an unrecorded interrogation, if the prosecution shows by a preponderance of the evidence that one of the exceptions apply or that the evidence is offered as rebuttal or impeachment evidence, the court may admit the evidence without a cautionary instruction. If the prosecution does not meet that burden, the court shall issue a cautionary instruction to the jury after admitting the evidence.

The act appropriates \$24,700 to the department of corrections to implement the act.

This act applies to custodial interrogations conducted on or after July 1, 2017.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1182** Commodity metals theft task force - continuation under sunset law. The act amends the definition of "commodity metal" and extends the repeal of the commodity metals theft task force to September 1, 2025.

**APPROVED** by Governor April 12, 2016

**EFFECTIVE** April 12, 2016

**H.B. 16-1190** Use of deadly physical force against an intruder - detention facilities. Under current law, an occupant of a dwelling is justified in using any degree of physical force, including deadly physical force, against another person when that other person has made an unlawful entry into the dwelling, and when the occupant has a reasonable belief that such other person has committed a crime in the dwelling in addition to the uninvited entry or is committing or intends to commit a crime against a person or property in addition to the uninvited entry, and when the occupant reasonably believes that such other person might use any physical force, no matter how slight, against any occupant.

The act states that "dwelling" does not include any place of habitation in a detention facility.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** August 10, 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. 16-1260** Sexual assault - statute of limitations - 20 years. The act makes the statute of limitations for felony sexual assault 20 years.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1263** Profiling prohibition - update definition. Under current law, there is a prohibition against profiling by a peace officer. The act adds to the prohibition by updating the profiling definition to include profiling based on national origin, language, religion, sexual orientation, gender identity, and disability.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1264** Choke hold - use of physical force by peace officers. The act adds using a choke hold to the statute governing the use of physical force by peace officers. A peace officer can use a choke hold upon another person only when he or she reasonably believes that it is necessary:

- To defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force or infliction of bodily injury; or
- To effect an arrest, or to prevent the escape from custody, of a person whom he or she reasonably believes:
  - Has committed or attempted to commit a felony involving or threatening the use of a deadly weapon; or
  - Is attempting to escape by the use of physical force; or
  - Indicates, except through a motor vehicle, that he or she is likely to endanger human life or to inflict serious bodily injury to another unless he or she is apprehended without delay.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1265** Expungement - arrest mistaken identity. The act requires a law enforcement agency to file a petition to expunge the arrest record of a person who is arrested as a result of mistaken identity with no charges filed. The law enforcement agency shall file the petition with the district court in the judicial district where the person was arrested within 90 days after determining that the person was arrested based on mistaken identity. The court shall enter an order of expungement within 90 days after receiving the petition. The act prohibits employers, educational institutions, state and local government agencies, officials, and employees from, in any application or interview or in any other way, requiring an applicant to disclose information contained in expunged records.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1278** Residential drug treatment program. The act authorizes a court to require any person as a condition of probation to participate in a community corrections residential drug treatment program rather than only persons sentenced for a drug offense.

**APPROVED** by Governor May 20, 2016

**EFFECTIVE** May 20, 2016

**H.B. 16-1311** Sentences including monetary payments - procedures - limitations. Current law establishes procedures for when a sentence includes the payment of a monetary amount. The act clarifies that the procedures also apply whenever a court enters a judgment or issues an order obligating a defendant to pay an amount to the court.

The act modifies the procedures by requiring notice to a defendant that if he or she is unable to pay:

- The defendant may appear in court and request a reduction in the amount or an alternative sentence that does not involve incarceration; and
- The court will not jail or otherwise punish the defendant for his or her inability to pay.

The act also prohibits a court from:

- Accepting a guilty plea for contempt of court for failure to pay unless the court finds that the defendant has the ability to pay and the payment will not be an undue hardship on the defendant or the defendant's dependents; or
- Issuing a warrant for failure to pay money or to appear when ordered to pay money unless the existing procedural provisions are followed.

The act specifies what undue hardship means and lists items a court shall consider in determining undue hardship.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1345** Sex offender management board - revised standards - data collection plan - complaint procedure - sunset review. The act extends the sex offender management board (board) from September 1, 2016, to September 1, 2020. In addition, the act:

- Requires the board, when revising standards for both adult and juvenile sex offenders, to incorporate the concepts of risk-need-responsibility or another evidence-based correctional model and to complete the revisions by July 1, 2017, or report to the judiciary committees a projected completion date in its report to those committees in January 2017;
- Directs the board whenever it adopts portions of the standards and guidelines to publish the approved portions;
- Requires the board to develop a data collection plan, including associated costs, and report on the plan at its January 2017 report to the judiciary committees;
- Requires the supervising agency of each adult and juvenile sex offender to give the offender a choice of at least two appropriate treatment providers but, once selected, the offender cannot change the provider without other approval;
- Requires the board to review and investigate complaints and grievances against authorized providers concerning its standards and to notify the department of regulatory agencies (DORA) of any complaints or grievances and the outcomes of any investigations; and
- Requires DORA to notify the board of any complaints or grievances received concerning authorized providers and the outcomes of any investigations.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1348** Certified police working dog - defined - inclusion in cruelty to animals statute. The act defines a "certified police working dog" and makes specific inclusion of a certified police working dog in the cruelty to animals statute. A person convicted of cruelty to a certified police working dog is required to make financial restitution to the individual or agency that owns the certified police working dog for all expenses, including any immediate and ongoing veterinary expenses and replacement costs for the certified police working dog if it is permanently disabled or killed as a result of the cruelty to animals incident. The person convicted will further be liable to make restitution to the individual or agency that owns the certified police working dog for all training and certification costs related to the injured certified police working dog if the court finds that the person acted with malicious intent.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** June 6, 2016

**H.B. 16-1359** Use of medical marijuana while on probation. Current law prohibits a court from requiring that a person on probation refrain from possessing or using medical marijuana unless the person was convicted of a crime related to medical marijuana or, based on an assessment, the court determines that a prohibition against such possession or use is necessary to accomplish the goals of sentencing. The act eliminates the reference to the assessment and authorizes the court to base its decision on any material evidence.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1390** Exemptions from criminal responsibility - immunity for persons who are involved with an overdose event. Under the act, a person who reports an emergency drug or alcohol overdose event is immune from arrest as well as from criminal prosecution for certain drug-related offenses if certain conditions are satisfied.

Under the act, an underage person who calls 911 and reports that another underage person is in need of medical assistance due to alcohol or marijuana consumption is immune from arrest as well as from criminal prosecution for certain offenses if certain conditions are satisfied. The act also extends immunity to the underage person who was in need of medical assistance.

**APPROVED** by Governor May 19, 2016

**EFFECTIVE** August 10, 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. 16-1393** Court order for test for communicable disease after assault - requirements - procedures. Current law provides that a person may be required to submit to a medical test for communicable diseases if the person's or another person's bodily fluid came into contact with another person related to a conviction or finding of probable cause related to an assault in the first, second, or third degree. The act repeals these provisions and substitutes a provision authorizing a court, after the person has refused to consent to a blood test, to issue a court order for a person to give blood to test for a communicable disease if:

- Probable cause exists to believe that an assault has been committed; and
- The person's blood or other bodily fluid came into contact with another person and there is reason to believe, based on information from a medical professional or health department, that the other person is at risk of transmission of a communicable disease.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1436** Marijuana - no edibles in the shape of a human, animal or fruit. The act requires the state marijuana licensing authority to promulgate rules that prohibit the production and sale of edible marijuana products that are in the distinct shape of a human, animal, or fruit. Geometric shapes and products that are simply fruit flavored are not considered fruit. Products in the shape of a marijuana leaf are permissible. The prohibition does not apply to a company logo. The promulgated rules take effect October 1, 2017.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

## DISTRICT ATTORNEYS

**H.B. 16-1268** Interstate compacts - probation probable cause hearing - appearance. Under the rules of 2 interstate compacts on the supervision of out-of-state offenders, the offender is entitled to a probation probable cause hearing before the offender is returned to the state in which the offender was sentenced. The act clarifies that a district attorney shall appear and represent the state at such hearings.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** May 4, 2016

## EDUCATION - PUBLIC SCHOOLS

**S.B. 16-66** School finance - contingency reserve fund - recreated. Before July 1, 2015, the statutes provided for a contingency reserve fund as a source of supplemental assistance for school districts that demonstrated increased financial need due to circumstances described in the statute. The state board of education reviewed applications for supplemental assistance it received from school districts and approved payments to those districts that could demonstrate the existence of the statutorily described circumstances.

The contingency reserve fund was erroneously repealed July 1, 2015. The act recreates the contingency reserve fund without substantive change.

**APPROVED** by Governor March 18, 2016

**EFFECTIVE** March 18, 2016

**S.B. 16-72** Public school - facility capital construction lease-purchase agreements - increase in maximum total annual amount of lease payments allowed - appropriation. Under the "Building Excellent Schools Today Act" (BEST), the state may enter into lease-purchase agreements for public school facility capital construction projects subject to the limitation that the maximum total annual amount of lease payments payable under the terms of the agreements does not exceed \$80 million. The act increases the maximum total annual amount of lease payments authorized to be paid with both state money and local matching money to \$90 million for the 2016-17 fiscal year and to \$100 million for the 2017-18 fiscal year and for each fiscal year thereafter. The act also moves projects that are designed to incorporate technology into the educational environment from the last tier to the first tier of priority for BEST financial assistance and eliminates the following existing requirements that govern charter school applications for financial assistance through the BEST program:

- The requirement that a charter school be chartered for at least 5 years before applying for financial assistance, replacing this requirement with a requirement that any school be in existence for at least 3 years before applying for financial assistance;
- The requirement that a charter school apply for financial assistance indirectly through its authorizing school district or other authorizing entity; and
- The requirement that a charter school that first occupies a public school facility on or after May 22, 2008, must have complied with all public school facilities construction guidelines addressing health and safety issues established by the public school capital construction assistance board at the time the charter school first occupied the facility.

For the 2016-17 state fiscal year, \$5,000,000 is appropriated from the public school capital construction assistance fund to the department of education for use by the division of public school capital construction assistance for BEST program lease payments.

**APPROVED** by Governor May 19, 2016

**EFFECTIVE** May 19, 2016

**S.B. 16-104** Rural schools and school districts - incentives to teach - appropriation. The act creates several methods to address the problem of recruitment and retention of teachers in rural school districts of Colorado (rural districts). This includes:

- Establishing a rural education coordinator housed in an institution of higher education in a rural district;
- Providing up to 40 financial stipends annually, not to exceed \$2,800 per student, to offset tuition costs for individuals who are in approved educator preparation programs and who agree to student teach in a rural school or rural school district of the student's teacher's choice. A student teacher who receives a financial stipend pursuant to the act must agree to work in a rural school or school district for at least 2 years, unless he or she can demonstrate extenuating circumstances that such employment would impose a hardship on him or her. If a student teacher does not fulfill the 2-year teaching commitment, he or she may, on a case-by-case basis as determined by the department of higher education, reimburse the department of higher education for as little as one-third or as high as two-thirds of the amount to the financial stipend awarded received.
- Establishing teacher cadet programs in identified rural schools and rural school districts to identify and support high school students interested in pursuing teaching careers in rural districts; and
- Annually funding up to 20 financial stipends, not to exceed \$6,000 each, to a teacher in a rural school or rural school district who is seeking certification as a national board certified teacher, certification as a concurrent enrollment teacher, or is a teacher furthering his or her professional development plan through continuing education. A teacher who receives such a stipend must commit to teach for a total of 3 years in his or her rural school or school district.

For the 2016-17 state fiscal year:

- The cash funds appropriated from the state public school fund for the state share of districts' total program funding is increased by \$441,095;
- The general fund appropriation for the state share of districts' total program funding is decreased by \$441,095; and
- \$441,095 is appropriated to the department of higher education based on an assumption that the department will require an addition 0.3 FTE.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** June 6, 2016

**S.B. 16-191** Marijuana - CSU-Pueblo scientific and social science research - extend study of law enforcement's activity and costs related to retail marijuana - appropriations. The act allows the general assembly to appropriate money from the marijuana tax cash fund to CSU-Pueblo for scientific and social science cannabis research. The act requires the governor's office of marijuana coordination to coordinate data sharing in consultation with the joint technology committee and address any data gaps. The act appropriates \$900,000 from the marijuana tax cash fund to the board of governors of the CSU system for CSU-Pueblo.

Currently, the division of criminal justice is gathering data for a scientific study of law enforcement's activity and costs related to the implementation of retail marijuana over the 2-year period beginning January 1, 2006, and over the 2-year period beginning January 1, 2014. The act extends the study with a reporting requirement for each 2-year period thereafter. The act appropriates \$79,992 to the division of criminal justice in the department

of public safety for the continued study of marijuana implementation.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** July 1, 2016

**S.B. 16-193** Safe2tell program - free materials - all schools, boys & girls clubs, and 4-H extension offices - training - appropriation. Under current law, the safe2tell program (safe2tell) provides awareness and education materials to all participating schools and school districts. The act requires safe2tell to provide the materials to all preschool, elementary, and secondary schools in the state at no cost to the schools. The act also requires safe2tell to provide the materials to the boys & girls clubs and 4-H extension offices in Colorado at no charge.

The act requires safe2tell to develop training curriculum and teaching materials for a train the trainer program and to annually organize, host, and conduct training in all geographic regions of the state and provide related materials to persons who attend the training at no charge.

The act appropriates \$135,942 to the department of law to implement the act.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** June 6, 2016

**S.B. 16-208** Charter schools - conversion - calculation of funding. Under the act, if a district charter school converts to an institute charter school, or an institute charter school converts to a district charter school, the converted school's funding is still calculated using the formula that applied to the school before the conversion. The provisions of the act will repeal in 5 years. The act does not apply to a charter school that is authorized initially or following conversion by a small rural school district.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-209** School district buildings - lease to institution of higher education. The act authorizes a school district board of education, with the prior approval of the commissioner of education (commissioner), to lease school district property to a state institution of higher education and to accept in-kind services from the institution as all or part of the lease payments. Beginning in December 2018 and every 3 years thereafter, a school district that leases property to an institution of higher education in exchange for in-kind services must submit a report concerning the lease to the education committees of the general assembly. The act clarifies that a school district, with the commissioner's prior approval, may issue bonds to construct a building for lease to a state institution of higher education.

After the effective date of the act, a school district that intends to lease a building to an institution of higher education in exchange for in-kind services must submit a letter of intent to the commissioner. The commissioner may approve the first 3 intent letters received. After approving the first 3 letters, the commissioner cannot approve additional letters for 5

years, at which time he or she may approve 3 additional letters.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 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. 16-1013** Crime insurance coverage - alternative to surety bonds. Current law requires the secretary, assistant secretary, treasurer, and assistant treasurer of a school board and any person authorized by the board to be the custodian of money of the school district to obtain a surety bond before taking office. Additionally, a school board is required to obtain and pay for a surety bond for any person who is likely to have custody of \$50 or more of school district money.

The act authorizes a school district to purchase crime insurance coverage instead of the bonds.

**APPROVED** by Governor March 18, 2016

**EFFECTIVE** March 18, 2016

**H.B. 16-1098** Safety - school discipline - reporting. The act makes adjustments to required school discipline reporting provisions. If the department of public safety utilizes records related to juvenile proceedings for research purposes, the department must meet all statutory requirements for research use; except that it is not required to obtain prior authorization from the department of human services. A provision is added to the section concerning the use of juvenile delinquency data for research purposes that any research generated by that data must be in aggregate form.

The district attorney or his or her designee is no longer subject to any criminal or civil penalties for his or her compliance with the reporting obligations of the statute.

The division of criminal justice is no longer required to release data related to juvenile delinquency to independent entities for research purposes.

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** April 15, 2016

**H.B. 16-1130** Department of education - reports. The act changes from February 15 to March 15 the date by which the department of education (department) must submit the report concerning policy recommendations for reducing student dropout rates and increasing student graduation and completion rates. With regard to character education programs, the act repeals the annual report that the department prepares, the department's ability to collect information for the annual report, and the department's ability to receive gifts, grants, or donations for character education programs. The act repeals the requirement that the department study and prepare an annual report concerning concurrent enrollment options available in the public school system.

**APPROVED** by Governor March 22, 2016

**EFFECTIVE** August 10, 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. 16-1144** Concurrent enrollment programs - notice to students. The act requires a public high school student's education provider to notify the student and his or her parent or legal guardian if the student enrolls in a postsecondary course that does not meet the statutory requirements for concurrent enrollment programs. The notice must inform the student that the course does not meet the requirements of the concurrent enrollment statute and that there are postsecondary courses available to the student at low or no cost that meet the concurrent enrollment requirements and that are credit-bearing and applicable toward earning a degree or certificate at an institution of higher education or, if approved for statewide transfer, at any institution of higher education. The institution of higher education offering the course shall inform the local education provider as to whether the postsecondary course meets the concurrent enrollment requirements.

**APPROVED** by Governor March 31, 2016

**EFFECTIVE** March 31, 2016

**H.B. 16-1171** Special education - fiscal advisory committee. The Colorado special education fiscal advisory committee (committee) is scheduled to repeal July 1, 2016. The act continues the committee until September 1, 2021, and requires the department of regulatory agencies to review the committee before the repeal.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** June 8, 2016

**H.B. 16-1198** Graduation requirements - count computer science as math or science. The act encourages school districts to count a computer science or coding course as fulfilling a graduation requirement in a mathematics or science subject area.

The act directs the state board of education, when revising the preschool through elementary and secondary education standards, to include knowledge and skills that a secondary student should acquire related to computer science in courses that qualify as a graduation requirement in either mathematics or science. The act provides that local education providers may elect to implement the standards.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** August 10, 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. 16-1222** Supplemental online education and blended learning - board of cooperative services - statewide program - appropriation. Before passage of the act, a board of cooperative services (BOCES) was designated to make supplemental online education courses, teacher professional development, and consulting services available to school districts, charter schools, and other BOCES (local education providers). The designated BOCES contracted with nonprofit entities to provide these services.

The act creates the statewide supplemental online and blended learning program (program) to better administer the availability of these courses and services. The designated BOCES is charged with leading and administering the program, which includes creating a statewide plan for making supplemental online and blended learning resources available to

local education providers. In administering the program, the designated BOCES may contract with multiple nonprofit providers and local public education agencies for the supplemental online education courses, professional development, and consulting services. A provider may subcontract with for-profit or nonprofit entities, local public education agencies, or private organizations. The designated BOCES must also actively market the program to local education providers. The designated BOCES may expend up to 10 % of the amount appropriated for the program to offset the increased costs of administering the program.

Under the act, once a multi-district online school is certified by the department of education, it is now required to seek the department's approval only if it intends to expand the grade levels that it serves.

\$480,000 is appropriated to the department of education for the 2016-17 fiscal year for implementation of the program.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1234** State assessments - cost study for selecting assessments - pilot program - appropriation. The act directs the department of education (department) to investigate methods for and costs of creating or selecting state assessments in the subjects of mathematics, English language arts, science, and social studies, including the methods and costs to allow local education providers to create or select assessments in these subjects and to enable the state to use the locally selected assessments as part of the state accountability system. The department must report the results of its investigation to the state board of education and to the education committees of the general assembly. The act requires the department to apply to the federal department of education for innovative assessment and accountability demonstration authority.

\$39,600 is appropriated to the department of education for the 2016-17 fiscal year for the implement of the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1253** School finance - mid-year adjustments to total program funding. The general assembly recognizes that, relative to the projections made during the 2015 legislative session, the funded pupil count and the at-risk pupil counts were lower than anticipated. In addition, local property tax and specific ownership taxes were greater than expected, thereby reducing the state share of total program funding. The reduction in the funded pupil count and at-risk pupil counts enabled the general assembly to reduce the dollar amount of the negative factor. Due to variations in the amounts of state aid distributed to school districts, the act decreases the minimum amount of total program funding for the 2015-16 budget year to \$6,233,835,044.

The act: (1) reduces the state's share of total program funding by \$133,542,173, including \$93,542,173 of general fund and \$40,000,000 cash funds from the State Public School Fund; (2) increases the appropriation for hold-harmless full-day kindergarten funding by \$49,947 cash funds from the State Education Fund; and (3) adjusts the Long Bill

footnote detailing funding for the ASCENT program in FY 2015-16 to increase ASCENT per pupil funding by \$23 and increase total funding dedicated to the program by \$12,826 based on the increased per pupil funding.

**APPROVED** by Governor March 9, 2016

**EFFECTIVE** March 9, 2016

**H.B. 16-1289** Workforce development - career development success pilot program - appropriation. The act creates the career development success pilot program to provide financial incentives for school districts and charter schools to encourage pupils enrolled in grades 9 through 12 to enroll in and successfully complete identified industry-credential, internship, residency, or construction industry pre-apprenticeship or apprenticeship programs related to jobs identified in the Colorado talent pipeline report or jobs in other high-demand industries and computer science advanced placement (AP) courses. The state work force development council, in collaboration with the departments of education, higher education, and labor and employment and the office of economic development, must annually identify the level of regional and state demand for various jobs and those industry-credential programs and qualifying internship, residency, and construction industry pre-apprenticeship and apprenticeship programs that are related to the identified jobs.

Starting June 30, 2017, each school district that chooses to participate, each nonparticipating school district on behalf of its charter schools that choose to participate, and the state charter school institute (institute) on behalf of institute charter schools that choose to participate, must annually report to the department of education (department) the number of students who successfully earned an industry certificate by completing an identified industry-credential program or successfully completed an internship, residency, or construction industry pre-apprenticeship or apprenticeship program or qualified to receive college credit for completing a computer science AP course for that school year.

Beginning in the 2017-18 budget year and in each budget year thereafter, the general assembly shall appropriate at least \$1,000,000 for the career development success pilot program. In each budget year, the department shall first distribute to each school district and, through the institute, to each institute charter school \$1,000 for each student reported as successfully earning an industry certificate by completing an identified industry-credential program in the preceding school year. If there is money remaining in the appropriation after the first distribution, the department must distribute to each school district and, through the institute, to each institute charter school \$1,000 for each student reported as successfully completing an identified internship, residency, or construction industry pre-apprenticeship or apprenticeship program in the preceding school year. And if there is money remaining after the second distribution, the department must distribute to each school district and, through the institute, to each institute charter school \$1,000 for each student reported as successfully completing a computer science AP course in the preceding school year. Each school district and the institute shall transfer to its charter schools 100% of the amount received on behalf of the students enrolled in each charter school.

With each distribution, if the amount of the appropriation is insufficient to fully fund the students included in the distribution, the department must proportionately reduce the amount distributed for each student.

Beginning in 2017, the department must provide to the joint education committee of the general assembly a report on the implementation and impact of the career development

success pilot program. The career development success pilot program is repealed in 2019.

**APPROVED** by Governor May 27, 2016

**EFFECTIVE** August 10, 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. 16-1354** Public school - capital construction, technology, and maintenance needs - authorization for additional mill levy. The act authorizes a school district, with voter approval, to impose an additional mill levy for the sole purpose of funding its capital construction, new technology, existing technology upgrade, and facility maintenance needs without borrowing money. If a charter school chartered by a district requests that the district fund capital construction, technology, or facility maintenance needs of the charter school with money generated by an additional mill levy and submits a capital construction plan to the board of the district, the board must assess the priority of the charter school's capital construction needs relative to the needs of other district schools and include the charter school's needs for funding if the priority of those needs is higher than the other schools' needs. Revenue raised from such a mill levy must be credited to a supplemental capital construction, technology, and maintenance fund of the district and used for the sole purpose of paying for capital construction, new technology, existing technology upgrade, and facility maintenance needs of the district.

**APPROVED** by Governor May 17, 2016

**EFFECTIVE** May 17, 2016

**H.B. 16-1373** Medical marijuana use at school - primary caregiver administer nonsmokeable form -opt out - no school discipline based on medical marijuana recommendation. Under current law, a student with a medical marijuana recommendation is not permitted to use medical marijuana on school grounds, on a school bus, or at a school activity unless the district has adopted a policy permitting the use. The act allows a student to use medical marijuana on school grounds, on a school bus, or at a school activity if the student's primary caregiver possesses and administers medical marijuana in a nonsmokeable form to the student. The primary caregiver shall not administer the medical marijuana in a manner that is disruptive to the educational environment or causes exposure to other students. After the primary caregiver administers the medical marijuana, the primary caregiver shall remove any remaining medical marijuana from the grounds of the preschool or primary or secondary school, the school bus, or school sponsored event. The act allows a school district to adopt policies regarding who may be a primary caregiver and the permissible circumstances regarding the administration of the medical marijuana.

The act does not apply to a school district or charter school if:

- The school district or charter school loses federal funding as a result of implementing the act;
- The school district or charter school can reasonably demonstrate that it lost federal funding as a result of implementing the act; and
- The school district or charter school posts on its website in a conspicuous place a statement regarding its decision not to comply with the act.

The act prohibits a school district or charter school from disciplining a student or denying eligibility to attend school to a student who holds a valid recommendation for

medical marijuana solely because the student requires medical marijuana in a nonsmokeable form as a reasonable accommodation necessary for the child to attend school.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** June 6, 2016

**H.B. 16-1422 Public school finance - appropriation.** The act sets the statewide base per pupil funding amount for the 2016-17 budget year at \$6,367.90, which is an inflationary increase of 1.2%, and establishes the minimum amount of total program funding for the 2016-17 budget year at \$6,394,528,931. For the 2017-18 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 2016-17 budget year.

The act adjusts the size factor for a school district by increasing the number of pupils to 5,000 or more for application of the flat factor, and adjusts the factor for districts with at least 3,500 but fewer than 5,000 pupils to increase the funding for districts with at least 3,500 pupils. As a result of adjusting the factor, all districts with at least 2,293 pupils experience a slight adjustment to the factor.

If a school district is required to use property tax revenue to replace categorical program support funds received from the state, the school district is required to replace those funds by the end of the budget year in which the funds were paid to the school district. If unpaid, the commissioner of education (commissioner) is required to withhold the amount due, with interest, from any state money due to the district for any reason, commencing in the budget year immediately following the budget year in which the school district fails to replace the categorical program support funds. The commissioner may waive accrued interest upon payment of the amount due from the school district.

Commencing with the 2016-17 budget year, the act permits the state board of education to provide supplemental assistance from the contingency reserve fund to a school district that experiences an unusual financial burden caused by a significant reduction in the assessed value of real property in a district whose state share of total program funding before the application of the negative factor was less than one-half of one percent of the district's total program funding, causing the district to receive a state share that is one-half of one percent of the total program funding or greater before the application of the negative factor in the budget year in which the assessed value is reduced. The amount of supplemental assistance shall not exceed 25% of the amount of the district's state share as a result of the negative factor. The district may receive this supplemental assistance only one time.

In a budget year in which a school district's total program mill levy would be reduced because the local property tax revenues received from the total program mill levy exceed the district's total program and categorical buyout requirements, the act authorizes the school district to continue levying the same number of mills. The school district must deposit the revenues generated by the excess mills in the school district's total program reserve fund and may use the revenues only to replace state share lost as a result of the negative factor.

The act permits the public school capital construction assistance board (board) to award financial assistance in the form of matching grants to an applicant for a public school that is operated or will operate in a state-owned, leased facility that is listed on the state inventory of real property and improvements and other capital assets maintained by the office of the state architect or state-owned property leased by the state board of land

commissioners to the applicant. The board shall adopt rules relating to the award of financial assistance in these circumstances.

The act makes changes to state law concerning charter schools, including:

- Unless an audit of the district's charter school is requested by an authorizing district, allowing a charter school network to complete an audit as a single legal entity and include financial information on each charter school campus as supplementary information;
- Allowing revocation of a school district's exclusive chartering authority on the grounds that the school district no longer meets the statutory authority for initially retaining exclusive chartering authority;
- Requiring an authorizing school district to annually prepare a list of vacant or underused buildings and land and provide the list to charter schools, charter applicants, and other interested persons, and to post on its website that the list is available. Within 45 days after the list is posted, a charter school may apply to the district to use the building or land, and the local board of education must approve or disapprove each application.
- Allowing a charter school to request and requiring a school district to provide a list of school district personnel positions and the services provided by persons in those positions as part of the school district's annual itemized accounting of school district administrative costs and district services charged to the charter school;
- Requiring each authorizing school district to distribute to each charter school on a per-pupil basis any state or federal money that the district receives based on a per-pupil calculation if the calculation includes students enrolled in the charter school;
- Allowing a charter school to receive capital construction assistance from the state for maintaining a building;
- Clarifying that the governing board of an institute charter school is a local public body for the purpose of open meeting requirements; and
- Adding the statutory requirement for an annual number of teacher-student contact hours to the list of statutes that the state board of education cannot automatically waive for charter schools.

The act makes a conforming amendment to the definition of facility school funding for purposes of state assistance for career and technical education to reflect that facility schools receive funding based on pupil enrollment multiplied by an amount equal to 1.73 of the statewide base per pupil funding for the applicable budget year, rather than the state average per pupil revenues.

The act increases the appropriation in the annual general appropriations act for fiscal year 2016-17 from the state education fund by \$124,664 for the state share of district's total program funding pursuant to the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1423** Student data - reporting - security protections - limits on use. The act adds to the laws pertaining to student data security that existed before passage of the act by adopting additional duties that the state board of education (state board), department of education (department), and school districts, boards of cooperative services, and charter

schools (LEPs) must comply with to increase the transparency and security of the student personally identifiable information (student PII) that the department and the LEPs collect and maintain. The act imposes duties on the commercial entities that provide school services by formal contract with the department or an LEP (contract providers) and the commercial entities that an LEP or employees of an LEP choose to use without entering into a formal, negotiated contract (on-demand providers).

For contracts and research agreements that the department enters into or renews on or after the effective date of the act, the department must ensure that the contract or agreement includes the restrictions and requirements pertaining to student PII. If the contract provider or researcher commits a material breach of the contract involving the misuse or unauthorized release of student PII, the department must follow the state board policy, which must include a public meeting and opportunity for the contract provider to respond to the allegation of breach, to decide whether to terminate the contract or agreement. For school service contracts that an LEP enters into or renews on or after the effective date of the act, the LEP must ensure that the contract includes the restrictions and requirements pertaining to student PII. If the contract provider commits a material breach of the contract involving the misuse or unauthorized release of student PII, the LEP must follow the policy of its governing board, which must include a public meeting and opportunity for the contract provider to respond to the allegation of breach, to decide whether to terminate the contract.

Laws that existed before passage of the act require the state board to perform several duties with regard to the student PII that the department collects from LEPs. These duties include explaining the types of student PII the department collects and creating policies to protect the collected student PII. The act does not substantively change the duties of the state board, except to require the state board to ensure that an organization that conducts research for the department is subject to the same requirements and restrictions imposed on contract providers.

Laws that existed before passage of the act require the department to perform several duties with regard to the student PII that the department collects from LEPs. The act adds to these duties by requiring the department, before it releases student PII to a person or entity that is conducting research, to enter into an agreement with the researcher that includes the same requirements and restrictions that apply to a contract provider. The department also must maintain on its website a detailed list of the vendors, researchers, researcher organizations, and government agencies with which it has agreements for the release of student PII, along with copies of the contracts and agreements.

The act requires the department to create a sample student information privacy and protection policy and sample school service provider contract language that LEPs may choose to use. The department must make training materials and, upon request, training services, available to LEPs for training employees with regard to student information security and privacy.

The act requires each LEP to post on its website a list of the student PII that the LEP collects and maintains in addition to the student PII that the LEP submits to the department, a list of the contract providers that the LEP contracts with, and copies of the contracts. Each local education provider must post on its website a list, to the extent practicable, of the on-demand providers that the LEP or an employee of the LEP uses. The LEP must update the list twice each school year. If the LEP has evidence demonstrating that an on-demand provider does not comply with its own privacy policy or does not meet the requirements and restrictions imposed on contract providers, the LEP is encouraged to stop using the

on-demand provider. If it stops using an on-demand provider for privacy reasons, the LEP must notify the on-demand provider, and the on-demand provider may submit a written statement. The LEP must publish on its website a list of the on-demand providers that it stops using for privacy reasons, with any written statements it receives, and notify the department when it stops using an on-demand provider for privacy reasons. The department must post on its website a list of the on-demand providers that LEPs stop using for privacy reasons and any written statements from on-demand providers.

Each LEP must adopt a student information privacy and protection policy, make copies available to parents upon request, and post the policy on its website.

Each contract provider must provide clear information concerning the student PII it collects and how it uses and shares the student PII. The contract provider must provide the information to the department and each LEP (public education entity) with which it contracts and post the information on its website. Each contract provider must help an LEP access and correct any factually inaccurate student PII that the contract provider holds. A contract provider may collect and use student PII only for the purposes authorized by the contract and must obtain parental consent to use a student's data in a manner that is inconsistent with the contract. If a contract provider discovers the misuse or unauthorized release of the student PII that it holds, the contract provider must notify the contracting public education entity as soon as possible.

A contract provider cannot sell student PII; use or share student PII for use in targeted advertising; or use student PII to create a profile, except for purposes authorized by the contracting public education entity or with parental consent. A contract provider may use student PII for specified purposes. A contract provider may share student PII with a subcontractor, and a subcontractor may share with a subsequent subcontractor, only if the subcontractor or subsequent subcontractor is, by contract, subject to the restrictions and limitations imposed on the contract provider. If a subcontractor commits a material breach that involves the misuse or unauthorized release of student PII, the public education entity must follow the state board or governing board policy to decide whether to terminate the contract with the contract provider unless the contract provider terminates the contract with the subcontractor.

Each contract provider must maintain a comprehensive information security program and must destroy student PII at the request of a contracting public education entity, unless the student's parent consents to retaining the student PII or the student has transferred to another public education entity that requests retention of the student PII. Each contract provider must destroy all student PII in accordance with the terms of the contract.

The act describes some ways in which a contract provider may use student PII that are exceptions to the restrictions in the act.

The act recognizes a parent's right to inspect and review his or her child's student PII, to request a paper or electronic copy of his or her child's student PII, and to request corrections to factually inaccurate student PII that an LEP maintains. The governing board of each LEP must adopt a policy for hearing complaints from parents concerning the LEP's compliance with the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1429** Alternative education campus - criteria for designation - definition of high-risk student - appropriation. A school that meets specified criteria may be designated as an alternative education campus, which makes the school subject to accountability standards that are different from those that apply to other public schools. Before passage of the act, one of the criteria was that at least 95% of the school's student population has an individual education plan or meets the criteria for identification as an at-risk student under the alternative education campus statute or that at least 95% of the school's student population meets a combination of these requirements. The act reduces the percentage to 90%. The act also expands some of the criteria for being identified as an at-risk student for purposes of the alternative education campus statute.

The act directs the department of education to work with stakeholders and alternative education campuses to develop effective methods to accurately measure the qualitative aspects of an alternative education campus's performance.

\$43,896 is appropriated to the department of education for the 2016-17 fiscal year for implementation of the act, which the department may use for college and career readiness.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** June 8, 2016

**H.B. 16-1440** Administrative requirements - performance plans - rules. Before passage of the act, a small rural school district or a public school of a small rural school district could submit a performance plan every 2 years instead of annually if the school district was accredited or accredited with distinction or if the public school was operating under a performance plan. The act extends this provision to all school districts and public schools. The act requires the state board to ensure that policies, guidelines, and rules impose the least possible administrative or financial burden on local education providers and, when appropriate to reduce potential administrative burden, to adopt guidelines, policies, and rules that apply specifically to rural local education providers.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

**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. 16-121** Institutions of higher education - contracts for advancement of money - amount of tuition pledged. The act allows an institution or group of institutions to pledge up to 100% of tuition revenue if the contract for the advancement of money for which it is pledging tuition is not subject to the higher education revenue bond intercept program and the institution is not a party to any existing contracts for the advancement of money that are subject to the higher education revenue bond intercept program.

**APPROVED** by Governor March 31, 2016

**EFFECTIVE** March 31, 2016

**S.B. 16-196** Students with disabilities - pilot program for inclusive higher education - creation - appropriation. The act creates the pilot program for inclusive higher education for students with intellectual and developmental disabilities (pilot program) and identifies pilot sites at institutions of higher education in the state (institutions), including the university of northern Colorado, the university of Colorado at Colorado Springs, and Arapahoe community college. An institution is not required to operate a pilot program and may cease to operate a pilot program if the institution does not receive sufficient appropriations from the general assembly for this purpose. The pilot program is repealed July 1, 2021.

The act requires the institutions participating in the pilot program, JFK Partners, defined in the act as a program of the university of Colorado school of medicine, and IN!, defined in the act as a stakeholder group supporting inclusive higher education, to work together to develop pilot programs at the pilot sites.

The act specifies the minimum requirements for each inclusive higher education pilot program, including, among other requirements, the development of programming for students that allows a student to take at least two on-campus undergraduate courses each semester in the student's chosen area of interest and a course specific to inclusive higher education, and to earn a certificate from the institution at the completion of the program. In addition, the inclusive higher education pilot programs shall integrate students socially and academically to the greatest extent possible, and shall be outcome-focused in preparing the student for gainful employment in the community.

In any year in which a pilot program is operating and in which the university of Colorado school of medicine receives sufficient appropriations from the general assembly for this purpose, JFK Partners shall complete a formative evaluation of each pilot program and provide a written report to the department of education (department). The department shall report annually to the general assembly regarding the implementation of inclusive higher education and shall include a summary of the JFK evaluation.

The act requires the department to enter into fee-for-service contracts with the governing boards of the institutions, and recognizes that fee-for-service contracts for inclusive higher education programs are not included in certain defined terms for purposes of calculating total appropriations in the college opportunity fund program or determining appropriations for student financial assistance.

The act includes transfers of money from the intellectual and developmental disabilities services cash fund in 2016 and 2017.

The act appropriates \$250,000 to the department of higher education for

fee-for-service contracts to the institutions to implement the act. Of the \$250,000 appropriation, \$100,000 is reappropriated to the university of Colorado, \$75,000 is reappropriated to the university of northern Colorado, and \$75,000 is reappropriated to the state board for community colleges and occupational education.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** June 6, 2016

**S.B. 16-204** Higher education - revenue bond intercept program - direct payment by state treasurer to prevent default - new requirements to issue bonds under the program - increased reporting. The higher education revenue bond intercept program allows the state to be available as a backup for the necessary payments of principal and interest on revenue bonds issued by a governing board of a state-supported institution of higher education (institution). The institution is able to bond for a project or projects using the state's credit rating, which generally saves the institution money. In order to participate in the program, the institution must meet certain requirements regarding its credit rating and its debt service coverage ratio.

The act:

- With specified exceptions for certain refunding bonds, requires a governing board of an institution to obtain a preapproval certificate from the state treasurer and seek approval from the capital development committee and the joint budget committee to use the higher education revenue bond intercept program prior to issuing intercept bonds;
- Requires the state treasurer to issue annual preapproval certificates to the governing boards of institutions that indicate that the governing board of an institution meets the program requirements related to credit rating and debt service coverage ratio, sets forth the maximum amount of intercept bonds that a governing board may issue based on a formula set forth in the act, and specifies that the preapproval certificate may be amended based on additional data;
- Allows the treasurer to issue early preapproval certificates between June 6, 2016, and the date the state treasurer must issue the first report that is the basis for the preapproval certificates;
- Specifies that the intercept program can only be used if the maximum total annual debt service payment of the new intercept bond to be issued plus the debt service payment for any other intercept bond issues that were issued by the same governing board of an institution equals 75% or less of the most recent general fund appropriation for stipends and fee-for-service contracts that is reappropriated to such governing board;
- Establishes and clarifies exceptions to allow for expedited approval by the state treasurer to refinance some intercept bonds;
- Requires the state treasurer to provide the capital development committee, the joint budget committee, the Colorado commission on higher education, and the office of state planning and budgeting with an annual report that includes:
  - The credit rating of each governing board of an institution that has issued intercept bonds;
  - The debt service coverage ratio of each governing board of an institution that has issued intercept bonds;
  - The total amount of all intercept bonds issued by governing boards of institutions, including the anticipated payment schedule for such revenue bonds; and

- The total amount of all revenue bonds issued by governing boards of institutions, including the anticipated payment schedule for all such revenue bonds;
- Amends statutes related to how the state treasurer recovers any amounts paid to a paying agent;
- Expands the reporting requirements related to the program; and
- Makes conforming amendments to the capital construction planning statutes for state-supported institutions of higher education.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** June 6, 2016

**H.B. 16-1082** Area vocational school - name change - area technical colleges. The act changes references to area vocational schools in the Colorado Revised Statutes to area technical colleges to remove the obsolete terminology. The act also adds a representative of an area technical college to the concurrent enrollment advisory board and the state work force development council.

**APPROVED** by Governor March 31, 2016

**EFFECTIVE** August 10, 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. 16-1083** Western state Colorado university - role and mission. The act modifies the admission standards for Western state Colorado university (university) from moderately selective to selective.

In addition, the act removes statutory language that allows the university to offer undergraduate teacher preparation and business degree programs and replaces it with the broader category of professional degree programs.

**APPROVED** by Governor April 1, 2016

**EFFECTIVE** August 10, 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. 16-1100** In-state tuition - unaccompanied homeless youth - determination of domicile. The act adds unaccompanied homeless youth to the list of persons who are qualified to determine their own domicile for the purpose of establishing in-state tuition at state institutions of higher education. The status of an "unaccompanied homeless youth", as defined in the act, must be verified by one of 4 verifiers listed in the act. In addition, the act amends the definition of "qualified person" in the statutory provisions relating to tuition status to include unaccompanied homeless youth.

**APPROVED** by Governor May 17, 2016

**EFFECTIVE** May 17, 2016

**H.B. 16-1177** Council of higher education representatives - extension under the sunset laws. The act extends for five years the council of higher education representatives (council), convened by the Colorado commission on higher education pursuant to section 23-1-108.5,

Colorado Revised Statutes, to review the statewide articulation matrix system of common course numbering. Prior to its repeal, the department of regulatory agencies shall conduct a sunset review of the council.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** June 6, 2016

**H.B. 16-1229** Certificates of participation for state-supported institutions of higher education - repayment from federal mineral lease revenues. In 2008, the state entered into lease-purchase agreements to fund capital construction projects for state-supported institutions of higher education and allocated a formula-based amount of federal mineral lease revenues to the ongoing repayment of certificates of participation (COPs) issued in connection with the lease-purchase agreements. In order to address current and anticipated future federal mineral lease revenues shortfalls, the act transfers all money in the higher education maintenance and reserve fund (reserve fund) to the higher education federal mineral lease revenues fund (revenues fund). The act eliminates the reserve fund, requires federal mineral lease revenue that is currently required to be credited to the reserve fund to instead be credited to the revenues fund, and, on and after July 1, 2016, authorizes the general assembly to annually appropriate money in the revenues fund to the department of higher education for transfer to the state treasurer, continuously appropriating to the state treasurer any moneys transferred for the purpose of making COP payments.

**APPROVED** by Governor April 14, 2016

**PORTIONS EFFECTIVE** April 14, 2016

**PORTIONS EFFECTIVE** April 15, 2016

**PORTIONS EFFECTIVE** July 1, 2016

**H.B. 16-1259** Local district colleges - board membership - electronic meetings - name change. The act allows a board of trustees of a local district college to consist of 5, 7, 9, or 11 members. But an existing seven-member board of trustees can expand its membership to 9 or 11 members only if one or more additional school districts are annexed into the local college district. The act allows a school district or group of school districts to be annexed into a local college district if the school district or group of school districts is located entirely within the boundaries of the local district college's service area. The act specifies the procedures by which the Colorado mountain college board of trustees may take an action without holding a regular or special meeting.

The act authorizes the revisor of statutes to change the phrases "local junior college" and "junior college" to "local district college" throughout the statutes and the phrases "local junior college district" and "junior college district" to "local college district" throughout the statutes.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** April 21, 2016

**H.B. 16-1350** Total governing board appropriation - transfer authority. The department of higher education (department) may transfer up to 10% of the annual total governing board appropriation for an institution of higher education between the governing board's appropriation for college opportunity fund stipends on behalf of students and the governing board's fee-for-service contracts for higher education services and programs. The act

expands the department's authority to include fee-for-service contracts for specialty education programs.

**APPROVED** by Governor April 22, 2016

**EFFECTIVE** April 22, 2016

**H.B. 16-1375** Institutions of higher education - due dates for reports. Before passage of the act, the law required the department of higher education and the department of education by February 1 each year to jointly prepare and submit to the education committees of the general assembly a report concerning concurrent enrollment in the state. The act changes the due date to April 1 starting in 2017.

Before passage of the act, the law required each state institution of higher education to annually submit to the department of higher education a report concerning the institution's information security program. The act requires the department of higher education to divide the institutions into 3 groups. The first group must submit the report every 3 years starting July 1, 2017; the second group must submit the report every 3 years starting July 1, 2018; and the third group must submit the report every 3 years starting July 1, 2019.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 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. 16-1459** Higher education - capital construction projects funded solely by cash funds held by the institution - new thresholds for when review is necessary. The act:

- Increases the dollar threshold for when the Colorado commission on higher education (CCHE) is allowed to except projects that are not for new construction from the requirements for program and physical planning;
- Increases the dollar threshold for when CCHE has a duty to request from the governing board of each state institution of higher education a 2-year projection of projects that are not for new acquisitions of real property or new construction to be undertaken;
- Increases the dollar threshold for the submission to the capital development committee of a 2-year report for capital construction or capital renewal projects that are not for new acquisitions of real property or new construction for auxiliary and academic facilities to be funded solely from cash funds held by an institution of higher education; and
- Makes conforming amendments and clarifies the reporting requirements.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

**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. 16-106** Campaign finance - continuing legal education in election or campaign finance for administrative law judges - campaign finance training course offered by secretary of state. The act requires the secretary of state (secretary) to create and post on the secretary's official website a campaign finance training course that offers sufficient content to satisfy the training requirements for administrative law judges.

The act requires that, on and after January 1, 2017, before hearing a complaint that has been filed with the office of administrative courts, an administrative law judge (ALJ) must complete 4 credit hours of continuing legal education courses that have been certified by the Colorado supreme court. The 4 credit hours of legal education must be substantially related to election or campaign finance law. An ALJ who hears campaign finance complaints must obtain the 4 credit hours on an annual basis. An ALJ may satisfy these requirements by completing the campaign finance training course that is offered on the secretary of state's website.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-107** Voter registration drives - circulators - regulation - training required - records - information required to be imparted to registrants - rules. The act requires circulators working on voter registration drives to:

- Fulfill mandatory training requirements, as specified by rule of the secretary of state and provided by the voter registration drive organizer, prior to circulating voter registration applications; and
- Inform persons of alternative means of registration when the deadline for timely submitting the application form through the voter registration drive prior to any election has passed.

The act also requires voter registration drive organizers to keep records evidencing the training completed by its circulators and to make those records available to the secretary of state.

**APPROVED** by Governor March 23, 2016

**EFFECTIVE** March 23, 2016

**S.B. 16-142** Elections administration - miscellaneous technical changes to laws governing elections - updates to terminology - correction of citations to federal voting laws - removal of obsolete references and practices - harmonization of "Help America Vote Act" complaint procedures with federal law - modernization of record retention requirements - authorization for online posting of qualified write-in candidate names - repeal of newspaper publication requirement for notices of random audits - appropriations. The act makes various technical changes to modernize, correct, and improve elections laws.

Statutory citations to the federal "National Voter Registration Act of 1993", "Help America Vote Act of 2002" (HAVA), "Voting Rights Act of 1965", "Uniformed and

Overseas Citizens Absentee Voting Act" (UOCAVA), "Military and Overseas Voter Empowerment Act", and the "Voting Accessibility for the Elderly and Handicapped Act" are corrected to reflect relocations of those laws within the United States Code.

The term "registration book" is replaced with references to the statewide voter registration system, commonly referred to as SCORE. As a result of these statutory amendments, additional adjustments are made to adapt the use of SCORE in cases where annexation results in a change of precinct boundaries and to criminalize the unauthorized tampering with SCORE.

The term "identification" is amended to exclude state drivers' licenses issued to noncitizens.

The HAVA complaint procedure, recently held to conflict with federal law with respect to standing, is aligned with the federal act.

Similar to existing law regarding the timeliness of voter registration, the time allotted to change or withdraw affiliation is extended to the next business day when the deadline falls on a weekend day or holiday.

Duplicative and inconsistent provisions relating to voter registration timeliness, application information required, and affirmations made by persons registering to vote are addressed.

Former law required voter registration records to be maintained until after the next general election. The act authorizes county clerks and recorders to destroy paper voter registration records after digitally storing them in SCORE and clarifies that such records are public and are subject to examination by any person.

The secretary of state was required, under former law, to generate a postelection list of voters to review potential instances of double voting. The act shifts this duty to county clerks and recorders, and requires county clerks and recorders to report to the appropriate district attorneys the names of persons who are suspected to have voted more than once.

To accommodate electors not voting in person, the act allows a designated election official to post write-in candidate names on the official website of the designated election official.

With respect to mail ballot elections, the act repeals provisions otherwise governed by the "Colorado Local Government Election Code"; removes redundant notice requirements; allows counties to mail ballots prior to 22 days before an election; and clarifies that certain provisions apply to all new registrants, rather than only new registrants who effected registration by mail.

The act repeals obsolete or superfluous provisions pertaining to: Defunct election commissions; passed deadlines; the process of sending voter information cards; the requirement that the secretary of state publish notice of a random audit in a newspaper of general circulation; the provision through which every UOCAVA-covered voter may apply to receive a ballot; and the prohibition of adding elector names after the close of voter registration prior to an election. Additionally, because modern technology renders it obsolete, the act repeals the ability of counties to request a waiver from the requirement that their voter service and polling centers have secure computer access.

Pursuant to the statutory requirement that any bill resulting in a net increase in periods of imprisonment in state correctional facilities contain appropriations sufficient to cover resulting increased capital construction and operating costs, the act makes the following statutory appropriations:

- For the 2017-18 state fiscal year, twenty-one thousand eight hundred sixty-four dollars is appropriated to the department of corrections from the general fund; and
- For the 2018-19 state fiscal year, five hundred forty-six dollars is appropriated to the department of corrections from the general fund.

**APPROVED** by Governor May 18, 2016

**EFFECTIVE** May 18, 2016

**S.B. 16-186** Campaign finance - small-scale issue committees - disclosure and reporting requirements. The United States court of appeals for the tenth circuit recently affirmed an order entered into by the federal district court for Colorado which held that the disclosure and registration requirements imposed upon issue committees under the Colorado constitution and the state "Fair Campaign Practices Act" (FCPA) were not to be applied to an advocacy organization that raised a relatively small amount of money to promote its issue advocacy. The district court had further enjoined the secretary of state (secretary) from enforcing the FCPA disclosure requirements against the organization.

In light of this opinion, the act makes existing disclosure and reporting requirements otherwise applicable to an issue committee inapplicable to a "small-scale issue committee", which is defined as an issue committee that has accepted or made contributions or expenditures in an amount that does not exceed \$5,000 during an applicable election cycle for the major purpose of supporting or opposing any ballot issue or ballot question. Instead, any small-scale issue committee is required to disclose or file reports about the contributions or expenditures it has made or received or otherwise register as an issue committee in connection with accepting or making such contributions or expenditures in accordance with the following alternative requirements:

- Any small-scale issue committee that accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that does not exceed \$200 is not required to disclose or file reports about the contributions or expenditures it has made or received or otherwise register as an issue committee in connection with accepting or making such contributions or expenditures.
- Any small-scale issue committee that accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle of between \$200 and \$5,000 is required to register with the appropriate officer within 10 business days of the date on which the aggregate amount of contributions or expenditures exceeds \$200. The act specifies the items the registration must include. However, any such committee is not required to make any disclosure about any contributions or expenditures it has made or received.
- At such time as any issue committee that began as a small-scale issue committee accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that exceeds \$5,000, the committee is required to report to the appropriate officer, for each particular

contribution or expenditure accepted or made, the name and address of each person who has made such contribution and the amount of each specific contribution and expenditure accepted or made by the committee.

- At such time as any issue committee that began as a small-scale issue committee accepts or makes contributions or expenditures in an aggregate amount during any applicable election cycle that exceeds \$5,000, the committee is required to make disclosure of any contributions or expenditures it accepts or makes on or after the date on which such aggregate amount exceeds \$5,000 in compliance with all applicable requirements under the FCPA pertaining to the disclosure by an issue committee of its contributions or expenditures accepted or made.
- Within 15 days of a small-scale issue committee becoming subject to the applicable requirements governing an issue committee, the committee, through its registered agent, is required to report this change in the committee's status to the secretary.

The act further defines small-scale issue committees to preclude the ability to circumvent campaign finance disclosure requirements applicable to regular issue committees by creating numerous small-scale issue committees under the \$5,000 threshold that support or oppose a common ballot measure.

The major provisions of the act are repealed, effective June 30, 2019.

For the 2016-17 state fiscal year, the act appropriates \$20,130 to the department of state from the department of state cash fund. To implement the act, the department may use the appropriation for personal services related to information technology services.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**S.B. 16-211** Validation of past special district elections - exceptions. With specified exceptions, the act prohibits contests of special district elections on the grounds that an elector was unqualified either to vote or to serve on a special district board of directors, and otherwise validates such elections conducted prior to April 21, 2016, and on May 3, 2016.

**APPROVED** by Governor May 18, 2016

**EFFECTIVE** May 18, 2016

**H.B. 16-1012** Municipal election - certified statement and determination of results - filing with the division of local government in the department of local affairs - online posting required - secretary of state's website to provide link to posting. Previously, a municipal clerk was required to file a copy of each certified statement and determination of municipal election results with the secretary of state. The act instead requires the filing of such results to be made with the division of local government (division) in the department of local affairs. The division must then post the copy on its official website. The act also requires the secretary of state to provide, on his or her official website, a hyperlink to the division's online posting.

**APPROVED** by Governor March 16, 2016

**EFFECTIVE** August 10, 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. 16-1070** Municipal mail ballot elections - ballot return envelopes - signature verification - procedures - access to statewide voter registration system - training - appropriation. For a mail ballot election conducted after March 30, 2018, under the "Colorado Municipal Election Code of 1965", the act:

- Requires election judges to compare a municipal elector's signature on a mail ballot return envelope self-affirmation with one of the elector's digitized signatures stored in the statewide voter registration system, commonly referred to as "SCORE";
- Grants municipal clerks access to SCORE for signature verification purposes;
- Specifies signature features that require election judges to perform additional research;
- Authorizes the use of signature verification devices to perform these comparisons;
- Describes the procedures for clerks and election judges to follow based on the outcomes of such comparisons; and
- Requires municipal clerks to provide training to election judges who compare signatures.

To implement the act, \$15,450 is appropriated to the information technology services division of the department of state for the 2016-17 fiscal year.

**APPROVED** by Governor April 22, 2016

**EFFECTIVE** August 10, 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. 16-1093** Voter registration records - maintenance - practices and procedures - terminology. The act makes various updates and corrections to the laws setting forth the ways in which elector information is processed, recorded, and changed pursuant to the "Uniform Election Code of 1992".

The act aligns terminology and practices with the "National Voter Registration Act" and the current definition of "confirmation card", which applies only to correspondence that is sent via forwardable mail to an elector's address of record.

Procedures for county clerks and recorders to follow when a new voter notification is returned as undeliverable after 20 days are added.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** April 21, 2016

**H.B. 16-1225** School district director elections - candidate information - online posting required - when - applicability based on number of pupils enrolled. The act requires a school district of at least 1,000 pupils to post on its official website, no later than 60 days

before the date of an election for school district directors, an image of each director candidate's notice of intention and each candidate's contact information.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1282** Fair Campaign Practices Act - alignment of regular biennial school elections and other election races - disclosure requirements - appropriations. The act aligns regular biennial school elections with disclosure requirements governing other election races under the "Fair Campaign Practices Act" (FCPA) in the following respects:

- Adds a definition to the FCPA of "regular biennial school election and "regular biennial school electioneering communication", which is the same as an "electioneering communication" with modifications adapted to a candidate in a regular biennial school election;
- Extends existing disclosure requirements applicable to a person making an independent expenditure in excess of \$1,000 to include such expenditures made in connection with a regular biennial school election;
- Makes large regular biennial school electioneering communications subject to the same disclosure requirements as electioneering communications;
- Modifies the definitions of "election year" and "major election" so the terms are applicable to regular biennial school elections;
- Requires various committees or political organizations that participate in a regular biennial school election to begin filing quarterly disclosure reports as of the date they commence various forms of political activity in connection with the election; and
- Extends the existing requirement that various committees or political parties must disclose a contribution in excess of \$1,000 30 days before a general or primary election to include 30 days before a regular biennial school election.

For the 2016-17 state fiscal year, the act appropriates \$5,047 to the department of state from the department of state cash fund. To implement the act, the department is authorized to use the appropriation for personal services related to information technology services.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** August 10, 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. 16-1442** Local government elections not coordinated by county clerk and recorder - miscellaneous updates to requirements and procedures - date upon which director terms commence - prohibition of certain interested persons serving as election judges or watchers - ballot form and recertification - absentee voter ballot application request deadline - permanent absentee voter request recipients - mail ballots for covered electors - return envelope components - contest documentation - clarification of recall statute operation and

applicability - updates to terminology. The "Colorado Local Government Election Code" (code), enacted in 2014, governs nonpartisan elections not coordinated by county clerk and recorders. The act makes various updates to the code:

- Defines the term "affidavit";
- Clarifies that the date upon which a special district director's term of office commences is calculated based on the date that election results are certified, rather than a date following the survey of returns;
- With regard to submission of self-nomination and acceptance forms or letters, requires an amended form or letter to be submitted until the normal close of business on the 67th day prior to an election;
- Prohibits a candidate or a member of a candidate's immediate family from serving as an election judge or watcher, respectively. Section 4 also reorganizes existing law for clarification;
- Directs a designated election official to also take any other action a court may order in such circumstances;
- Sets forth the circumstances under which a designated election official may recertify a previously certified ballot;
- Removes the requirement for ballots to contain a duplicate stub for elections conducted as independent mail ballot elections under the code;
- With regard to applications for absentee voter ballots:
  - Changes the day of the week, from the Friday before a local government election to the Tuesday before such an election, by which applications for such ballots must be filed; and
  - Requires identification return envelopes to contain a nonforwarding instruction;
- Provides that the secretary of the local government processes applications for permanent absentee voter status when there is no presently appointed designated election official;
- Aligns terminology with respect to entities that may conduct an independent mail ballot election under the code;
- Clarifies that a designated election official must send a mail ballot to each covered elector, as that term is defined by the "Uniform Military and Overseas Voter Act", residing within the boundaries of a local government;
- Removes the requirement that a mail ballot return envelope have a flap covering the elector's signature;
- Makes a grammatical correction; and
- Relocates provisions requiring that a copy of any certificate of election be filed with the division of local affairs in the department of local government.

Regarding contests of elections conducted under the code:

- Formerly, a statement of intent to contest an election could be verified by affidavit executed by either the contestor or any eligible elector of the local government that conducted the election. The act removes the latter so that the contestor himself or herself must execute the verifying documentation.
- The act requires a contestor's statement, or a contestee's answer, to list the persons, rather than the number of persons, whose votes caused the contest.

Formerly, the laws governing recall of municipal officers apply to recall of special

district directors. The act clarifies that provision.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

## FINANCIAL INSTITUTIONS

**S.B. 16-125** Credit union audit committee - director compensation. The act authorizes the board of directors of a credit union to appoint an audit committee in lieu of the election or appointment of a supervisory committee. The act also authorizes the credit union to reasonably compensate a director for his or her service to the credit union.

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-126** State banks - board of directors - frequency of meetings. The act changes the current statutory requirement for a state bank board of directors to meet from at least monthly to at least quarterly unless the banking board directs that meetings be held on a more frequent or less frequent basis.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** August 10, 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. 16-1049** Crowdfunding - depository institution - escrow account - termination. The act amends the "Colorado Crowdfunding Act", enacted in 2015, by:

- Using the defined term "depository institution" to describe the entity that an issuer must use to set up an escrow account to hold the proceeds of a sale of intrastate securities; and
- Allowing the issuer to terminate the escrow account once the minimum amount of proceeds from the sale of the securities have been deposited into the account.

**APPROVED** by Governor March 9, 2016

**EFFECTIVE** March 9, 2016

**H.B. 16-1356** Indebtedness - lines of credit - filing of release upon satisfaction of debt - special rules when line of credit is secured by lien on real property. The act makes the following changes to certain requirements upon satisfaction of indebtedness consisting of a line of credit secured by a lien on real property:

- The lien continues and no lien release is required until the line of credit expires and the debt is satisfied unless, before expiration of the line of credit, the outstanding indebtedness is satisfied and the debtor relinquishes in writing all right to make any further draw upon the line of credit; and
- The debtor relinquishes all right to make a further draw by either requesting in writing that the line of credit be closed by the creditor or by written notification by the debtor or the debtor's designee that the real property is being conveyed upon payment of all indebtedness. Upon satisfaction of all indebtedness in connection with the conveyance of the real property and notice to the creditor or holder of the conveyance, the creditor or holder shall

terminate the line of credit, record the release of the lien on real property, or in the case of a deed of trust, file with the public trustee the documents required for release, and return all papers and personal property as required by law.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

## GENERAL ASSEMBLY

**S.B. 16-31** Office of Legislative Legal Services - authority of staff director or designee to sign vouchers. The act authorizes the staff director of the Office of Legislative Legal Services or his or her authorized designee to sign any payroll voucher or any other voucher that does not exceed \$5,000.

**APPROVED** by Governor March 18, 2016

**EFFECTIVE** March 18, 2016

**S.B. 16-73** State auditor - conduct audits on certain limited gaming revenues - preservation and restoration of the cities of Central City, Black Hawk, and Cripple Creek. The state auditor is given the authority to conduct post-audits and performance audits related to the specific amount of the limited gaming fund that is transferred to the state historical fund for the preservation and restoration of the city of Central, the city of Black Hawk, and the city of Cripple Creek in order to ascertain:

- How the city of Central, the city of Black Hawk, and the city of Cripple Creek are spending their distributions and whether such expenditures are being used for the preservation and restoration of each city; and
- Whether the city of Central, the city of Black Hawk, and the city of Cripple Creek have adopted and are following the required statutory standards for distribution of grants from each city's share.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-95** Criminal sentencing bills - 5 year costs after effective date of the bill - parole costs. Under current law, the fiscal note for a bill that results in a net increase or decrease in incarceration periods in state correctional facilities must include the long-term costs of the bill, including capital construction and operating costs for the 5 years following the passage of the bill. Current law also requires that any bill that results in a net increase or decrease in incarceration periods in state correctional facilities include appropriations for the first 5 years that there is a fiscal impact to the bill. The act changes the timing in both instances to 5 years following the effective date of the bill. The act clarifies that the capital construction and operating costs that are subject to the 5-year appropriation clause are limited to department of corrections costs. The act also requires that the fiscal note and appropriations clause account for the parole costs associated with the bill. The division of criminal justice in the department of public safety in cooperation with the department of corrections shall annually provide incarceration and parole length-of-stay estimates to the director of research of the legislative council. The act clarifies that state correctional facilities include private prisons.

**APPROVED** by Governor March 23, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-156** Legislative oversight committees - additional appointing authorities - temporary appointments - chair and vice-chair of legislative council. The manner in which members are appointed to the legislative audit committee, the committee on legal services, and the legislative council is modified to:

- Provide for certain appointments to be made by the minority leaders of the house of representatives and the senate;
- Authorize an appointing authority to make a temporary appointment to replace a current member of one of these committees who is appointed by that appointing authority without the temporary appointment being approved by a majority of the members of the house of representatives or the senate, as appropriate; and
- Authorize the president of the senate and the speaker of the house of representatives to make an appointment to the committee on legal services to temporarily replace the chair of the senate or house committee on judiciary, as appropriate, or that chair's designee currently serving on the committee, without the temporary appointment being approved by a majority of the members of the senate or the house of representatives, as appropriate.

Previously, the legislative council annually elected a chair and vice-chair from its membership. The act specifies that the chair and vice-chair of the executive committee now also serve as the chair and vice-chair of the legislative council.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1077** Statutory revision committee - recreation - composition - appropriation. The statutory revision committee (committee), created in 1977 and repealed in 1985, was a standing legislative body tasked with making an ongoing investigation into statutory defects and anachronisms. The act recreates the committee.

The committee is comprised of 10 members, with the majority and minority party leaders of each chamber of the general assembly appointing 2 members of those bodies and the committee on legal services appointing 2 nonvoting nonlegislative members who are attorneys-at-law.

The committee is staffed by the office of legislative legal services and is charged with:

- Making an ongoing examination of the Colorado revised statutes and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms; except that, the committee is prohibited from considering any matter that is currently pending before, or appealable to, any court;
- Receiving, soliciting, and considering proposed changes in the law from legal organizations, public officials, lawyers, and the public generally as to defects and anachronisms in the law;
- Annually recommending legislation, upon an affirmative vote by at least 5 legislative members of the committee, to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory laws; and
- Reporting its findings and recommendations annually to the general assembly.

To implement the act, \$21,628 is appropriated to the legislative department from the general fund.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1192** Committee on legal services - sunset review process - recodification. The act reorganizes the sunset review provisions by removing repealed provisions and renumbering the remaining provisions for clarity. Additionally, the act adds self-repealing provisions for the subsections corresponding to the respective sunset dates set 2 years after the scheduled sunset dates of the agencies or functions listed in each subsection. The act further directs the revisor of statutes to harmonize, renumber, and relocate sunset provisions concurrently enacted by other legislation during the 2016 legislative session to conform with the numbering convention established by the act.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** April 14, 2016

## GOVERNMENT - COUNTY

**S.B. 16-63** Intergovernmental agreement - emergency services - local government - bordering state. The act authorizes any county, municipality, fire protection district, fire protection authority, ambulance district, or health service district in this state to enter into an agreement with a county, municipality, or special district from a bordering state to provide emergency services. The agreement must comply with the general requirements established in law for intergovernmental agreements. If the governor declares an emergency and activates the "Emergency Management Assistance Compact", any provision of the agreement that conflicts with a provision of the compact or a procedural plan or program created in accordance with the compact is void.

The act also grants immunity for persons performing duties under the agreement and assigns liability that accrues under the "Colorado Governmental Immunity Act" to the Colorado county, municipality, municipality, fire protection district, or fire protection authority that is a party to the agreement.

**APPROVED** by Governor March 23, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-172** Property tax - hearings and decisions - electronic notice. The law allows a board of county commissioners to conduct hearings on petitions to abate and refund property taxes that have been paid. The law also allows the board of county commissioners, sitting as the county board of equalization, to review disputed valuations of taxable property made by the county assessor. Notices of hearings and decisions related to these disputes are currently required to be mailed to petitioners. The act allows a board of county commissioners to authorize the petitioner, or some cases the petitioner's agent, to elect to receive the notices of hearings and the decisions by fax or electronic mail rather than regular mail.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1367** Officers - salary classification. Prior to 2015, counties were classified into primary categories I to VII for purposes of determining the salaries of county officers. Four subcategories, A to D, were added to each primary category in 2015, which would result in the following percentage increases for terms beginning on or after January 1, 2016:

- Subcategory A: 30% increase;
- Subcategory B: 20% increase;
- Subcategory C: 10% increase; and
- Subcategory D: No increase.

All counties were classified in subcategory A of their respective primary categories, which would have resulted in a 30% increase for all county officers in the state. The act modifies the classifications of certain counties, resulting in smaller increases for officers from these counties.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

## GOVERNMENT - LOCAL

**S.B. 16-168** Airport authority - county airport - county or municipality from an adjoining state - inclusion in airport authority. The act expands the "Public Airport Authority Act" to allow a county or municipality from an adjoining state to be part of an airport authority to operate an airport in this state by amending the definitions of "county" and "municipality" for purposes of the act. The act also:

- Makes explicit the requirement that the airport authority must be in this state;
- Limits a public notice requirement to Colorado counties and municipalities;
- Limits the requirement that a member of an airport authority's governing board be a resident taxpaying elector to Colorado counties and municipalities;
- Requires the official newspaper of the authority to be in Colorado; and
- Requires the board's resolutions or orders to not violate the adjoining state's law, if an airport authority includes a county or municipality from an adjoining state.

The act also permits a Colorado county operating, or 2 or more Colorado counties and municipalities jointly operating, an airport to enter into an agreement with a county or municipality from an adjoining state to jointly operate the airport in this state.

**APPROVED** by Governor May 16, 2016

**EFFECTIVE** August 10, 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. 16-1006** Property owned or leased by public housing authorities and authority - owned entities - clarification of scope of exemption from government charges. House Bill 00-1284, concerning housing authorities, extended to housing authority subsidiaries the same exemptions from payment of taxes and fees levied by the state and its subdivisions (government charges) as enjoyed by public housing authorities. In 2013, the department of revenue (department) revised its interpretation of that law, resulting in certain exemptions for housing authority subsidiaries being disallowed. The act clarifies the scope of the exemption from government charges for property owned by or leased to a housing authority or owned by, leased to, or under construction by an entity that is wholly owned by an authority, an entity in which an authority has an ownership interest, or an entity in which an entity wholly owned by an authority or of which an authority is the sole member has an ownership interest so that the department again allows the exemption to subsidiaries to the same extent as it had been allowing them before the department's 2013 reinterpretation of the law.

**APPROVED** by Governor May 18, 2016

**EFFECTIVE** August 10, 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. 16-1028** Fire and police pension association - new hire pension plans - statewide death and disability plan - contribution for time on temporary disability - statewide standard health history form. If a member of the fire and police pension association (FPPA) has a temporary

disability and returns to work or retires and receives contributions to the member's normal retirement plan for the member's time on temporary disability, the amount of the contribution to the member's normal retirement plan will be an amount that is equal to the employer and employee contribution rate to the member's normal retirement plan at the time of disability, rather than 16% of the member's monthly base salary. The amount of the contribution for the time the member was on temporary disability will not exceed 16% of the member's monthly base salary.

A newly hired FPPA member is required to complete a statewide standard health history form and submit it to the FPPA within 30 days of the newly hired member's first day of employment.

**APPROVED** by Governor March 18, 2016

**EFFECTIVE** August 10, 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. 16-1038** Fire and police pension association - new hire plans - optional affiliation - county sheriff. County sheriff departments that do not participate in social security are allowed to affiliate with the fire and police pension association.

**APPROVED** by Governor April 1, 2016

**EFFECTIVE** August 10, 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. 16-1069** Housing authorities - commissioners - terms - length - how determined - maximum number of years. Previously, for those housing authorities not comprised exclusively of members of the city's governing body who are serving ex officio, housing authority commissioner terms were 5 years in length. The act allows the governing body to pass a resolution setting the length of commissioner terms; except that such terms shall not exceed 5 years. If the governing body does not pass such a resolution, the statutory term length of 5 years continues to apply.

**APPROVED** by Governor March 9, 2016

**EFFECTIVE** August 10, 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. 16-1088** Impact fee - fire protection district - fire authority - capital facility. As a condition of issuance of a development permit, the act allows a municipality or county (local government) to impose an impact fee to fund an expenditure by a fire protection district or fire authority (fire and emergency services provider) for a capital facility. Before issuing a development permit, a local government is required to confer with a fire and emergency services provider and the owner or developer of the development to assess and determine whether there should be an impact fee imposed to defray the impacts to the fire and emergency services provider. The local government and fire and emergency services

provider are required to enter into an intergovernmental agreement defining such fees or other similar development charges and the details of collection and remittance.

A local government is prohibited from imposing an impact fee on an individual landowner to fund expenditures for a capital facility used to provide fire, rescue, and emergency services if the landowner is already required to pay an impact fee for another capital facility used to provide a similar fire, rescue, and emergency service or if the landowner has voluntarily contributed money for such a capital facility.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** June 8, 2016

**H.B. 16-1188** Separate legal entity formed by intergovernmental contract - contract filing and financial obligation issuance reporting requirements. The act requires a separate legal entity established by a contract by a combination of political subdivisions of the state to file a copy of the contract and any amendments to the contract with the division of local government in the department of local affairs. Also, if such a legal entity issues bonds, notes, or other financial obligations, it becomes subject to the "Public Securities Information Reporting Act" and must file an annual information report, to the extent practical, as required by that act.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** August 10, 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. 16-1262** Peace officers - hiring waiver for previous law enforcement or government agency personnel files - release of liability - certification denial for deferred judgment, deferred prosecution, diversion agreement, or deferred adjudication. Each law enforcement agency in the state that interviews a candidate for a peace officer position who has worked at another law enforcement agency or government agency shall require the candidate to execute a waiver. The waiver will allow the candidate's previous law enforcement agency or government agency employers to disclose all the applicant's performance and conduct related files, including internal affairs files, to the interviewing agency and releases the interviewing agency and each law enforcement agency or governmental agency that employed the candidate from any liability related to the use and disclosure of the files. A law enforcement agency or governmental agency may disclose the applicant's files by either providing copies or allowing the interviewing agency to review the files at the law enforcement agency's office or governmental agency's office. The interviewing agency must submit the waiver to each law enforcement agency or private security company at least 21 days before making a hiring decision. A state or local law enforcement agency or governmental agency that receives a waiver shall provide the disclosure to the Colorado law enforcement agency that is interviewing the candidate not more than 21 days after such receipt. The act exempts a state or local law enforcement agency from the disclosure requirement if the agency is prohibited from providing the disclosure pursuant to a binding nondisclosure agreement to which the agency is a party, which agreement was executed before June 10, 2016.

The act requires the P.O.S.T. board to deny certification to a person who entered into a deferred judgment, deferred prosecution, diversion agreement, or deferred adjudication for

a felony conviction and certain misdemeanors if it determines certification is not in the public interest.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1272** Disconnection of land from municipality - modification of procedures. The act modifies existing procedures to be followed in connection with the disconnection by ordinance of land from statutory cities and towns.

In connection with a disconnection application (application), the act requires the owner of the land that is the subject of the application (owner) to provide notice and a copy of the application to the board of county commissioners of the county (county board) in which the tract of land that is the subject of the application is located and to the board of directors of any affected special district (special district board).

Not more than 30 days after receipt of the notice, the act requires either the county board or the special district board to request a meeting with the owner and the governing body of the municipality, or its appointee, to discuss and address any negative impacts on the county that would result from the disconnection. If such meeting is requested, the owner and the governing body or its appointee are required to meet with either the county board, or its appointee, or the special district board, or its appointee, not more than 30 days after the meeting was requested. Failure by either the county board or the special district board to request a meeting constitutes an acknowledgment by the particular board that the disconnection will not adversely affect the county or an affected special district, as applicable.

The act defines "affected special district" to mean any special district that by its service plan or pursuant to an intergovernmental agreement is or will be expected to provide service to the tract of land that is the subject of the disconnection application. The act uses the term "negative impact" to include any change in the level or extent of services being provided to the tract of land by any special district.

The act also substitutes the term "municipality" for "city or town" in connection with statutory provisions governing the disconnection process.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** August 10, 2016

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

## GOVERNMENT - MUNICIPAL

**S.B. 16-177** Urban renewal plans allocating tax revenue - technical modification of 2015 legislation. The act makes technical modifications to statutory provisions enacted by the general assembly in 2015 (2015 legislation) that addressed urban renewal plans allocating tax revenue. Among the modifications, the act:

- In various places, substitutes the term "authority" for the terms "governing body" or "municipality" and "taxing entity" for the term "public body". Defines "taxing entity" to mean any county, special district, or other public body that levies an ad valorem property tax on property within the urban renewal area subject to a tax allocation provision.
- Clarifies that the subject of the agreement about which the authority and the taxing bodies are required to negotiate under the 2015 legislation concerns the sharing of incremental property tax revenue allocated to the special fund of the authority.
- Clarifies that the shared tax revenues governed by the agreement are limited to incremental revenue generated by the taxes levied upon taxable property by the taxing entity within the area covered by the urban renewal plan in addition to any incremental sales tax generated within the area included within the urban renewal plan by the imposition of the municipal sales tax and, at the option of any other taxing entity levying a sales tax within the area covered by the urban renewal plan, any incremental sales tax revenues of such other taxing entity that is included within the agreement.
- Deletes language from the 2015 legislation that permitted the municipality to delegate to the authority the responsibility for negotiating the subject agreement.
- In connection with the subject of the required mediation between the authority and taxing entities, clarifies that the main issue of the mediation is the sharing of incremental property tax revenues and urban renewal project costs among the authority and any such taxing entities whose incremental property tax revenues will be allocated pursuant to an urban renewal plan and with whom an intergovernmental agreement with the authority has not been reached.
- Requires the mediation to be conducted by a mediator jointly selected by the parties. Specifies the method of selecting a 3-mediator panel if the parties are unable to agree on the selection of a single mediator. Specifies the minimum qualifications of the mediator and the method for allocating the payment of the fees and costs of the mediation.
- Clarifies that the mediator must issue his or her findings of fact as to the appropriate sharing of costs and incremental property tax revenues. Strikes language from the 2015 legislation that required the municipality to either agree to the mediator's findings by including in the urban renewal plan cost allocation provisions determined by the mediator or by entering into an intergovernmental agreement with the taxing entity providing an alternative cost allocation methodology. Instead, specifies that, with respect to the use of incremental property tax revenues of each other taxing entity, following the issuance of findings by the mediator, the municipality is required to:
  - Incorporate the mediator's findings on the use of incremental property tax revenues of any taxing body into the urban renewal plan and proceed to adopt the plan;
  - Amend the urban renewal plan to delete authorization of the use of the

- incremental property tax revenues of any taxing body with whom an agreement has not been reached; or
- Direct the authority to either incorporate the mediator's findings into one or more intergovernmental agreements with other taxing entities or to enter into new negotiations with one or more taxing entities and to enter into one or more intergovernmental agreements with such taxing entities that incorporate such new or different provisions concerning the sharing of costs and incremental property tax revenues with which the parties are in agreement.
  - Clarifies that nothing in the 2015 legislation is intended to impair, jeopardize, or put at risk any existing bonds, investments, loans, contracts, or financial obligations of an urban renewal authority outstanding as of December 31, 2015, or the pledge of pledged revenues or assets to the payment thereof that occurred on or before December 31, 2015.

**APPROVED** by Governor May 18, 2016

**EFFECTIVE** May 18, 2016

## GOVERNMENT - SPECIAL DISTRICTS

**S.B. 16-16** Scientific and cultural facilities district - extension of district - ballot question - administration of district. In 1987, the general assembly created the scientific and cultural facilities district (SCFD). Since 1989, the SCFD has distributed funds from a one-tenth of one percent sales and use tax to scientific and cultural facilities throughout the 7-county Denver metropolitan area. The SCFD's current authority to levy the sales and use tax expires on June 30, 2018. Pursuant to its existing statutory authority, the SCFD may submit a ballot question to the registered voters of the SCFD concerning the extension of the tax from July 1, 2018, through June 30, 2030. The ballot question and other provisions of the statute are amended by the act as follows:

- Without increasing the total SCFD sales and use tax rate, the rates of the 3 taxes collected annually by the SCFD that are used to fund the following organization are modified:
  - The Denver museum of nature and science, the Denver art museum, the Denver zoological gardens, the Denver botanical gardens, and the Denver center for the performing arts (tier I facilities);
  - Certain regional scientific and cultural facilities within the district that are not tier I facilities (tier II facilities); and
  - County scientific and cultural organizations (tier III facilities);
- The rates of the 3 taxes collected annually by the SCFD will change after it collects \$38 million in revenue; and
- The authority of the SCFD to levy a sales and use tax is extended 12 years from the date upon which the authority of the SCFD is scheduled to expire.

The terms "cultural facility" and "scientific facility" are redefined to reflect changes in the arts and sciences fields since the SCFD was created, the requirement that an organization must be a 501 (c) (3) nonprofit organization to be a cultural facility or scientific facility for the purposes of the SCFD is clarified, and the requirements that a facility's "annual operating income" for purposes of the SCFD means income from mission-based sources and that a facility's "paid attendance" means the total paid attendance at all mission-based programs are specified.

The deadline for an election to include the portions of Douglas county that are excluded from the SCFD boundaries is extended from 2017 to 2025.

The sale or use of aviation fuel is exempt from the SCFD sales and use tax, as the SCFD has had difficulty tracking the source of revenues to confirm compliance with federal law requiring that taxes collected on aviation fuel be used at airport sites.

The SCFD board of directors (board) is directed to publish and update annual governance and transparency notice requirements by posting certain information on the SCFD website.

The percentage of SCFD sales and use tax proceeds that the board is authorized to keep for administrative purposes is increased to 1.5% of the sales and use tax revenues annually collected. The board may deduct up to 1.5% of the sales and use tax revenues annually collected up to and including \$38 million and up to 1.5% of the sales and use tax revenues annually collected in excess of \$38 million.

Beginning July 1, 2018, the distribution of tier I moneys to tier I facilities is changed

as follows:

- The distribution to the Denver museum of nature and science is decreased from 25% to 24.5%;
- The distribution to the Denver art museum is decreased from 20.83% to 20.33%;
- The distribution to the Denver botanical gardens is increased from 11.75% to 13.25%;
- The distribution to the Denver center for the performing arts is decreased from 18.18% to 17.68%; and
- The distribution to the Denver zoo is maintained at 24.24%.

The following modifications are made concerning tier II facilities:

- Tier II organizations are required to demonstrate their regional service and impact in a manner determined by the board.
- The annual adjustment to an organization's minimum annual operating income to qualify for tier II funding is based on the average of the changes in the previous 2 years' Denver-Boulder-Greeley consumer price index (CPI), rather than being adjusted by the most recent CPI.
- Beginning January 1, 2017, a facility must have been in existence, operating, and providing service to the public for at least 7, rather than 5, years as a 501 (c) (3) nonprofit organization before applying for SCFD tier II moneys for the first time.
- No more than 2 local government facilities per taxpayer identification number are eligible to receive SCFD moneys in any year.
- For purposes of the formula that the SCFD uses to distribute moneys to tier II organizations, the annual documented free attendance at the facilities is included in the factors to be considered in the distribution and the board is required to determine the weight to give to each factor.

The following modifications are made concerning tier III facilities:

- Tier II facilities are no longer eligible to apply for funding from tier III moneys.
- Beginning January 1, 2017, a facility must have been in existence, operating, and providing service to the public for at least 5, rather than 3, years, as a 501 (c) (3) nonprofit organization before applying for SCFD tier III moneys for the first time.
- No more than 2 local government tier III facilities per taxpayer identification number are eligible to receive SCFD moneys in any year.
- For the purpose of determining the distribution of tier III moneys by the county cultural council of each county in the SCFD, a county cultural council is allowed to take into consideration an organization's financial and organizational capacity to spend SCFD moneys to serve the public and to achieve the mission of the organization.

**APPROVED** by Governor April 29, 2016

**PORTIONS EFFECTIVE** April 29, 2016  
**PORTIONS EFFECTIVE** January 1, 2017  
**PORTIONS EFFECTIVE** January 1, 2018  
**PORTIONS EFFECTIVE** July 1, 2018

**S.B. 16-171** New energy improvement district - special assessment administration and enforcement - technical and clarifying amendments. The new energy improvement district (NEID) is a statewide district that operates a program to facilitate private financing of energy and water improvements to eligible real property. The act modifies and clarifies the statutes that pertain to the NEID as follows:

- Requires the county treasurer of a county that has authorized the operation of the NEID program (program) in the county to retain a 1% collection fee for each NEID special assessment that it collects, and authorizes such a county to revoke its authorization for the operation of the program so long as the county meets all of its obligations as to program financing obligations existing on the effective date of the deauthorization until any and all special assessments within the county have been paid in full to the NEID;
- Repeals the authority of the NEID to reduce the amount of any special assessment with the consent of the owner of the property on which the special assessment is levied, clarifies that delinquent special assessment installments incur interest charges at the same rate as delinquent property taxes, and requires the county treasurer to distribute NEID special assessments to the NEID in the same manner, less the collection fee, as property taxes are distributed;
- Repeals an existing prohibition against a county assessor taking into account, when valuing real property, an increase in its market value resulting from an energy or water improvement financed through the NEID program and repeals existing authority for the NEID to initiate a civil action for foreclosure; and
- Makes various technical and clarifying amendments.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 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. 16-1011** Metropolitan districts - business development activities. The act removes a specified minimum dollar amount of valuation for assessment of commercial property in a metropolitan district that was required for the district's board to provide activities in support of business development within the district.

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** April 15, 2016

## GOVERNMENT - STATE

**S.B. 16-20** Capital construction - automatic funding mechanism for payment of future costs - clarifications. Senate Bill 15-211, concerning an automatic funding mechanism for payment of future costs attributable to certain of the state's capital assets, created an automatic funding mechanism for payment of future costs attributable to certain of the state's capital assets. After Senate Bill 15-211 became law, it was determined that there was ambiguity regarding the timing of the required calculations for capital construction appropriations made from the general fund, the capital construction fund, or the controlled maintenance trust fund. The act clarifies that the depreciation calculations are to be made from the date of acquisition or the date of completion of the repair, improvement, replacement, renovation, or construction to June 30 of the fiscal year of acquisition or completion. The act specifies that the amount continues to be annually calculated on a fiscal year basis until the depreciation for the capital asset is no longer recorded. The act also clarifies responsibilities of the state institutions of higher education and the department of higher education.

**APPROVED** by Governor March 9, 2016

**EFFECTIVE** March 9, 2016

**S.B. 16-21** Legal holidays - Public Lands Day - third Saturday in May. The act designates the third Saturday in May as "Public Lands Day" to recognize the significant contributions that national, state, and local public lands within Colorado make to wildlife, recreation, the economy, and to Coloradans' quality of life.

**APPROVED** by Governor May 17, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-35** Public school fund - public school fund investment board created - direct state treasurer on the investment of the fund - distribution of interest or income generated from the investments. The act creates the public school fund investment board (board) to direct the state treasurer on the investment of the constitutionally created public school fund (fund). The fund consists of the proceeds of land that was granted to the state by the federal government for educational purposes. The act specifies that the board is made up of 5 members including the treasurer, a member of the state board of land commissioners, and 3 members appointed by the state treasurer. The board may enter into contracts with private professional fund managers to provide expertise, technical support, and advice on investment market conditions but such contracts must be bid by employing standard public bidding practices.

Of the interest or income earned on the investment of the monies in the fund, the act specifies that for the 2017-18 and 2018-19 state fiscal years the first \$21 million is credited to the statutorily created state public school fund, then an amount to pay for the services of private professional fund managers hired by the board and to pay for any reimbursement for travel and other necessary expenses incurred by the members of the board, then the next \$10 million is credited to the public school capital construction assistance fund for the "Building Excellent Schools Today" grant program, and any interest or income in excess of the

distributed amount is credited as specified by the general assembly subject to the recommendation of the board.

Of the interest or income earned on the investment of the monies in the fund, the act also specifies that for the 2019-20 state fiscal year, and each state fiscal year thereafter, the first \$21 million is credited to the statutorily created state public school fund, then an amount to pay for the services of private professional fund managers hired by the board and to pay for any reimbursement for travel and other necessary expenses incurred by the members of the board, then the next \$20 million is credited to the public school capital construction assistance fund for the "Building Excellent Schools Today" grant program, and any interest or income in excess of the distributed amount is credited as specified by the general assembly subject to the recommendation of the board.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-38** Community-centered boards - state performance audits - application of local government audit law - public disclosure of activities of boards of directors and operations of community-centered boards - appropriation. The act requires the state auditor, at least once every 5 years or more frequently at the state auditor's discretion, to conduct or cause to be conducted a performance audit that includes each community-centered board (CCB) that receives more than 75% of its funding on an annual basis from federal, state, or local government, or from any combination of such governmental entities, to determine whether such CCB is effectively and efficiently fulfilling its statutory obligations. A CCB becomes subject to the audit requirement when the CCB initially satisfies the 75% funding requirement for any one year regardless of whether or not the funding level decreases below 75% in any subsequent year. Any performance audit must be completed in the first 5-year period following the effective date of the act. Thereafter, a performance audit may be conducted of a CCB if requested by the state auditor in the exercise of his or her discretion.

The state auditor is required to submit a written report and recommendations on each audit conducted and to present the report and recommendations to the legislative audit committee. The state auditor is required to pay the costs of any performance audit conducted.

Each CCB is subject to the requirements of the "Colorado Local Government Audit Law". The board of directors of a CCB is required to regularly post certain information affecting its activities and operations on the website of the CCB. These requirements affect such matters as the date, time, location, and agenda of each board meeting, documents related to functions of the CCB to be distributed at a board meeting, and minutes of the board meetings. The act requires each CCB to provide a direct email address to each member of the board of directors on its website. Additional requirements govern the presentation of financial statements and financial audits of the CCB and training of its board members. Each CCB is required to post certain financial information relating to its operations on its website and to make other forms of financial information available within a short time period after the request is made. The act also requires any contracts that the CCB has entered into with either the state departments of health care policy and financing (HCPF) or human services to be posted on the website of the CCB.

For the 2016-17 state fiscal year, the act appropriates \$30,208 from the intellectual and developmental disabilities cash fund to HCPF for its implementation.

**APPROVED** by Governor June 1, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-41** Marijuana data and study of law enforcement costs - limitation. Current law requires the division of criminal justice in the department of public safety (division) to gather data and undertake or contract for a study of law enforcement activity and costs related to the legalization of retail marijuana for the 2-year periods commencing January 1, 2006, and January 1, 2014. The act eliminates the requirement that the division collect data and report on costs related to legalized retail marijuana.

The act limits the requirement that the study include data on marijuana-initiated contacts by law enforcement broken down by judicial district and by race and ethnicity to the extent that the data is available. The study must describe the feasibility of law enforcement collecting the marijuana-initiated contacts data and must describe efforts made by local law enforcement to establish consistent definitions and proposed systems for reporting the data.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-56** State employee whistleblower protection - expansion - protection of confidential information - disclosure - working group - repeal. The act broadens the protections of the state whistleblower protection law by specifying that no appointing authority or supervisor may take disciplinary action against a state employee for disclosing information that is not subject to public inspection under the "Colorado Open Records Act" (CORA), or that is confidential under any other provision of law, to any of the following state entities that are designated as whistleblower review agencies:

- The state attorney general or the attorney general's designee, unless the information disclosed involves an officer or employee of the department of law;
- The director of the office of legislative legal services or the director's designee; or
- The state court administrator or the state court administrator's designee.

The act requires whistleblower review agencies to:

- Within 30 days of receiving information disclosed by a whistleblower, determine in writing whether the information is confidential under law and, if so, to maintain the confidentiality of information if required by law;
- If the information includes trade secrets, or confidential commercial, financial, geological, or geophysical data, maintain the confidential nature of the information. If there is substantial likelihood that information disclosed to a

whistleblower review agency will be released to the public, the whistleblower review agency shall, if possible, immediately give written notice to the owner of the information. Any person notified who could be harmed by the release of the information may, within 30 days after receiving notice, file an action in the district court for the city and county of Denver for injunctive relief prohibiting release of the information.

- Release information to members of the general assembly and to the public if information is determined to be releasable;
- Maintain records of any information received and the decisions of the whistleblower review agencies with respect to the information; and
- Designate a person or persons as a point of contact for whistleblower review agency activities and publicize the contact information.

Within 60 days after receiving any information, a whistleblower review agency may confer with and transfer the information to the entity having jurisdiction or authority to investigate any allegation of unlawful behavior.

If the designated point-of-contact person or persons become aware that information from public records that are closed to inspection under CORA or otherwise confidential under law has been disclosed at any time without lawful authority, the designated point-of-contact person or persons shall make reasonable efforts to notify the owner of the information within a reasonable time.

The act requires the governor to convene a working group on broadening protections for state employee whistleblowers who may be required to disclose confidential information that is the subject of whistleblowing. The working group consists of:

- A representative of the office of the governor, designated by the governor;
- The executive director of the department of personnel or the executive director's designee;
- A representative of the office of the attorney general, designated by the attorney general;
- The director of the office of legislative legal services or the director's designee.

The act requires the working group to examine the whistleblower protection laws of the federal government and of other states and to compare those laws to Colorado's whistleblower protection law. The working group must determine means of broadening the whistleblower protections in Colorado law for situations where the subject of whistleblowing involves confidential information that would need to be disclosed in some manner in order to bring to light activities including the waste of public funds, abuse of authority, or mismanagement.

The working group must determine methods by which confidential information could be disclosed while preserving the confidential nature of the information. The working group is required to include input from advocacy organizations including business, privacy advocates, and employee advocates. Meetings of the working group are subject to the state open meetings law, and records of the working group are subject to CORA. The working group must report recommendations to the committee on legal services and to the joint budget committee of the general assembly by November 1, 2016.

The expanded whistleblower protections provided in the act are repealed May 15,

2018, unless the general assembly acts to extend those provisions.

The act applies to any information disclosed by a state employee to a whistleblower review agency on or after June 10, 2016.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**S.B. 16-89** Department of state cash fund - alternative maximum reserve. The act establishes an alternative maximum reserve for the department of state cash fund that increases the existing maximum reserve by an amount equal to the amount of unexpended money from an appropriation to the department of state to reimburse county clerks and recorders for election costs.

**APPROVED** by Governor March 23, 2016

**EFFECTIVE** March 23, 2016

**S.B. 16-110** Criminal justice records - child victim crime - de-identify child victim. The act requires that, before releasing a criminal justice record related to a child-victim crime, the releasing agency delete the name and any other information that would identify a child victim of the offense. The act specifies the crimes that are child-victim crimes. The act makes an exception for sharing information between identified government entities.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** September 1, 2016

**S.B. 16-111** Colorado mounted rangers - peace officer authority task force. The act creates a peace officer authority Colorado mounted rangers study task force (task force), to study and make recommendations regarding peace officer certification and authority for the Colorado mounted rangers. The task force shall study and make recommendations regarding whether it is appropriate for the Colorado mounted rangers to receive P.O.S.T. peace officer certification, and if so:

- The appropriate level of peace officer certification for the Colorado mounted rangers, including the appropriate amount of training and supervision;
- The appropriate agency to house the Colorado mounted rangers;
- The appropriate level of peace officer authority of the Colorado mounted rangers;
- The status of a Colorado mounted ranger when the ranger is not on duty; and
- Any other relevant matters.

The task force consists of:

- The executive director of the department of public safety or his or her designee, who shall serve as the chair of the task force;
- The attorney general or his or her designee;
- A representative of the chiefs of police appointed by the executive director of the department of public safety;
- A county sheriff appointed by the executive director of the department of public safety;
- The chief of the Colorado state patrol or his or her designee;
- The director of the Colorado bureau of investigation or his or her designee;

- The director of the division of homeland security and emergency management or his or her designee; and
- The colonel of the Colorado mounted rangers.

The task force shall provide recommendations to the judiciary committees of the general assembly regarding the Colorado mounted rangers' application for peace officer status.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**S.B. 16-115** Electronic recording technology board - enterprise - clerk and recorder - filing surcharge - electronic filing system - standards - request for proposal - training - grants. The act creates the electronic recording technology board (board) in the department of state. The board, which is authorized to issue revenue bonds, is established as an enterprise. The board sunsets in 6 years, but prior to that sunset, it is subject to a sunset review. The board is authorized to impose a surcharge of up to \$2 on all documents that a clerk and recorder receives for recording or filing. If imposed, counties are required to collect the surcharge on behalf of the board and transmit it to the state treasurer for deposit in the newly created electronic recording technology fund, and the money in the fund is continuously appropriated to the board.

The board is required to:

- Develop a strategic plan incorporating the core goals of security, accuracy, sequencing, online public access, standardization, and preservation of public records;
- Determine functionality standards for an electronic filing system that support the core goals;
- Issue a request for proposal for electronic filing system equipment and software that will be available to counties on an optional basis;
- Develop best practices for an electronic filing system;
- Provide training to clerk and recorders related to electronic filing systems; and
- Make grants to counties to establish, maintain, improve, or replace electronic filing systems for documents that are recorded with a clerk and recorder. In awarding grants, the board is required to give priority for grants to counties that do not have sufficient revenue from the surcharge proceeds to maintain their existing electronic filing systems.

The act repeals the secretary of state's powers to ensure uniformity related to electronic filing systems, which powers become the board's responsibility, and requires the board to prepare an annual report that is published online about the grants that the board made in the prior fiscal year.

The act also extends the one-dollar surcharge that a county clerk and recorder is currently required to collect and use for the county's core or electronic filing system for 9.5 years. The definition of "electronic filing system" is expanded to include elements of the "core filing system", which term is repealed.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**S.B. 16-116** Criminal justice records - records of cases disposed of other than by convictions - sealing - appropriations. In addition to the existing procedures for sealing criminal justice records, the act creates a simplified process for sealing criminal justice records when a case is completely dismissed or when the person in interest is acquitted, completes a diversion agreement, or completes a deferred judgment and sentence.

The act requires the court in each of these circumstances to give the defendant the option of immediately moving to have his or her criminal justice records sealed. The motion may be informal and made in open court. The act also allows the defendant to make the motion at a later time by filing a written motion. When a defendant uses the expedited procedures created by the act, the court shall promptly process the request without the filing of a separate civil action. When the court seals criminal justice records under the expedited procedures, the court shall provide a copy of the court's order to each custodian who may have custody of any of the records subject to the order. The act requires defendants using the expedited process to pay a processing fee of \$65, which is credited to the judicial stabilization cash fund.

For the 2016-17 state fiscal year, \$178,173 is appropriated from the judicial stabilization cash fund to the judicial department. From the appropriation, the judicial department may use \$159,361 for trial court programs, with the assumption that the department will require an additional 3.5 FTE, and \$18,812 for courthouse capital and infrastructure maintenance.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-167** Severance tax operational fund - reserve - decrease. For the 2016-17 fiscal year, the act reduces the reserve in the severance tax operational fund by \$2.98 million.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**S.B. 16-215** Department of personnel - state employee payroll system - implementation of twice monthly payroll system. The majority of state employees who are paid through the state's payroll system are paid on a monthly basis and some state employees are paid bi-weekly; except that, for pay periods that begin on or after July 1, 2017, all state employees who are paid through the state's payroll system will be paid twice monthly.

The act authorizes the state personnel director to delay the implementation date of the twice-monthly payroll system if necessary due to the implementation of the new human resources information system. If there will be a delay in the implementation of the twice monthly payroll system, the state personnel director is required to notify affected employers and employees and the general assembly of the delay and of the new start date for the twice monthly payroll system.

In addition, any state employee is allowed to apply to the department of personnel for a one-time loan to assist the employee in July 2017 and may repay the loan either with a deduction from each paycheck for a specified period or with annual leave. The act eliminates the option to repay the loan with annual leave and requires the state personnel director to

delay the month for which employees may apply for a loan if the implementation date of the twice monthly payroll system is delayed.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** June 8, 2016

**H.B. 16-1014** Business intelligence center program - public data - developer contests - advisory board - creation. The act creates the business intelligence center program (program) within the department of state (department). The purpose of the program is to streamline access to public data collected by state agencies and to provide resources to make the data more useful. In operating the program, the department is authorized to assist state agencies in formatting and publishing their public data to a publicly available platform and provide resources to help users effectively use the data. To create those resources, the department may conduct public contests with cash awards and other incentives for the development of application software or other tools to help people effectively use the published public data. The business intelligence center advisory board is created in the department to assist the department in the operation of the program, and the advisory board will sunset in 10 years after a review by the department of regulatory agencies.

The department is authorized to solicit, receive, and expend gifts, grants, or donations for direct and indirect costs.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1040** Auxiliary emergency communications unit - creation - powers and duties - compensation benefits to volunteer civil defense workers - appropriation. The act creates the auxiliary emergency communications unit (unit) within the office of emergency management (office) within the division of homeland security and emergency management in the department of public safety. The unit is in the charge of the director of the office. The unit's powers and duties, and the powers and duties of the director of the office in connection with the powers and duties of the unit, are specified.

Statutory provisions governing compensation benefits to volunteer civil defense workers are modified. Specifically:

- The definition of "emergency volunteer service" is expanded to include activities undertaken during a training exercise, drill, or class conducted in preparation for a disaster if the exercise, drill, or class is organized or under the direction of the county sheriff, local government, local emergency planning committee, or state agency;
- Any credentialed member of the unit is a qualified volunteer and is eligible to receive accompanying protections and benefits under existing statutory provisions;
- The activities for which a qualified volunteer may be called to service is expanded to include a training exercise, drill, or class conducted in preparation for a disaster if the exercise, drill, or class is organized or under the direction of the county sheriff, local government, local emergency planning committee, or state agency. The statutory provisions protecting

qualified volunteers do not apply to a training exercise, drill, or class without the express prior consent and approval of the volunteer's employer. Parallel language is added to the statute to assist a volunteer in obtaining proof of service to provide to his or her employer.

- The process used to verify that a qualified volunteer provided volunteer services is modified to include volunteer service provided during an organized training exercise, drill, or class.

For the 2016-17 state fiscal year, the act appropriates \$60,238 to the department of public safety from the general fund for use by the office of emergency management. To implement the act, the office may use the appropriation for program administration.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 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. 16-1043** Contracts - deadline for execution of contract - exemption - information technology projects. Information technology projects that are overseen by the joint technology committee are exempt from the requirement that a state agency or institution of higher education enter into a contract within 6 months after moneys for the contract have been appropriated by the general assembly.

**APPROVED** by Governor March 18, 2016

**EFFECTIVE** August 10, 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. 16-1086** Department of personnel - performance audits - dates. The date by which the state auditor is required to complete the next performance audit of the department of personnel and the state personnel board is changed from December 1, 2016, to December 1, 2019. In addition, the 4-year audit requirement of the department of personnel and the state personnel board is repealed and future audits will be conducted at the discretion of the state auditor.

**APPROVED** by Governor March 18, 2016

**EFFECTIVE** August 10, 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. 16-1094** Attorney general - gender-neutral references. The act makes statutes that govern or refer to the attorney general or to the attorney general's office gender neutral.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** August 10, 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. 16-1106** County - authorization - pioneer trail. The act authorizes a board of county commissioners to designate, by resolution, any public roads in the county as a section of a pioneer trail. A pioneer trail consists of public roads that follow as closely as possible the original trails or routes of travel of national historic significance. The board shall not designate a pioneer trail across public lands on a road administered by the federal government unless the road is designated as open to travel by the appropriate federal land management agency. If a county designates any portion of a state highway as a pioneer trail, the designation is not effective unless the general assembly, acting by joint resolution, also designates the portion of the state highway as part of the pioneer trail. A county may post, or allow to be posted, identifying and informative signs related to the pioneer trail along county roads.

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** August 10, 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. 16-1158** Identity theft and financial fraud board - continuation under sunset law. The act implements the recommendations of the sunset review and report on the deterrence of identity theft and financial fraud by extending the automatic termination date of the identity theft and financial fraud board to September 1, 2025, pursuant to the sunset law.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** August 10, 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. 16-1159** Colorado fraud investigators unit - continuation under sunset law. The act implements the recommendations of the sunset review and report on the deterrence of identity theft and financial fraud by extending the automatic termination date of the Colorado fraud investigators unit to September 1, 2025, pursuant to the sunset law.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** August 10, 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. 16-1230** Transparency online project - county - revenue and expenditure data - budgets. The chief information officer (officer) publishes information about state revenues and expenditures in a web-based system, which is known as the transparency online project (TOP). The act requires the officer to include county revenue and expenditure data and their budgets in the TOP.

No later than 30 days following the beginning of a fiscal year, a county is required to provide the officer with a copy of the budget adopted for the fiscal year. No later than 30 days after the end-of-the-year audit for a fiscal year, a county is required to provide the officer with a database that identifies all revenue received by the county and all expenditures made by county agencies. The information is required to be in a format approved by the officer. If a county fails to provide the required budget or database to the officer for more

than 90 days after the deadline, then the executive director of the department of local affairs may consider the county's lack of transparency as an adverse factor when making grants from the local government severance tax fund. A county that posts its budget and revenue and expenditure data on the county website is not required to submit the same to the officer, and instead the officer shall include a link to the county's website in the TOP.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** August 10, 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. 16-1232** Department of revenue - issuance of private letter rulings and information letters - sunset extension - tracking of hours dedicated to such work. Currently, the executive director of department of revenue (department), or the executive director's designee, is charged with issuing the following upon written request from a taxpayer:

- Private letter rulings (binding determinations regarding the tax consequences of a proposed or completed transaction); and
- Information letters (nonbinding statements providing general information regarding any tax administered by the department).

This duty is currently scheduled to sunset on September 1, 2016. The act continues the requirement of the department to issue these letters until September 1, 2023.

The act also specifies that the department must track the total state full-time equivalent (FTE) personnel positions necessary and the hours dedicated by each FTE for the issuance, declination, modification, or revocation of all information letters or private letter rulings.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1236** Infection control advisory committee - continuation under sunset law. The act continues the infection control advisory committee until September 1, 2021, under the sunset law and makes technical changes and updates to the committee's governing statutes.

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** April 15, 2016

**H.B. 16-1254** P.O.S.T. board training - abuse or exploitation of adults with IDD. The peace officers standards and training board (P.O.S.T. board) currently provides a training curriculum for peace officers to recognize and address incidents of abuse and exploitation of persons 70 years of age and older. The act requires the P.O.S.T. board to provide a similar training curriculum on abuse and exploitation of persons 18 years of age and older who have an intellectual and developmental disability.

**APPROVED** by Governor March 9, 2016

**EFFECTIVE** March 9, 2016

**H.B. 16-1284** Public employees' retirement association - divestment from companies with economic prohibitions against Israel. The public employees' retirement association (PERA)

is required to make its best efforts to identify all companies that have economic prohibitions against Israel (restricted company), to assemble those identified companies into a list of restricted companies by January 1, 2017, and to review the list of restricted companies on a biannual basis.

For each company on the list of restricted companies, PERA is required to send a written notice informing the company of its status and that it may become subject to divestment by PERA. If a company ceases activity that designates it as a restricted company, PERA will remove the company from the list. If a company remains a restricted company 180 days following PERA's first engagement with the company, PERA is required to divest all direct holdings of the restricted company from its assets. If on the date of divestment PERA does not own direct holdings in a company on the list of restricted companies, PERA is prohibited from acquiring direct holdings in any company on the list of restricted companies during the time that it remains on the list.

Upon request, and at least annually, PERA is required to make available on its website information regarding investments sold, redeemed, divested, or withdrawn in compliance with the act. PERA may cease divesting from companies under specified circumstances, based on the value of the investments.

**APPROVED** by Governor March 18, 2016

**EFFECTIVE** August 10, 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. 16-1352** State museum cash fund - authorized uses - appropriation. Moneys in the state museum cash fund are currently subject to appropriation to the state historical society to design, construct, and provide exhibits for the new state museum. The act authorizes moneys in the fund to also be appropriated for exhibit planning, development, and build-out at other facilities of the state historical society. The act further specifies that \$3 million, plus interest earned on that amount, shall be retained as a controlled maintenance reserve for the new museum, to be available for appropriation for that purpose commencing July 1, 2027.

The act appropriates \$2 million to the department of higher education for use by the state historical society for exhibit planning, development, and build-out at its facilities.

**APPROVED** by Governor April 22, 2016

**EFFECTIVE** April 22, 2016

**H.B. 16-1362** Department of personnel - state administrative support - disability assistance act - transferring the duties of the license plate auction group to the disability support committee - appropriation. Under current law, the license plate auction group has authority to sell registration numbers for motor vehicle license plates. The money is used to help people with disabilities to navigate the social security process. The disability-benefit support contract committee (committee) administers this support. The act transfers the functions of the license plate auction group to the committee, renames the committee as the Colorado disability funding committee, and repeals the license plate auction group. In connection with this transfer, the act also:

- Changes the makeup of the committee from a representative model to a

qualification model, to include 7 members who are persons with disabilities; one caregiver or family member of a person with a disability; members with business management knowledge; members with managing nonprofit entities knowledge; members who advocate for persons with disabilities; one doctor; and one lawyer;

- Authorizes per diem and travel expenses for the members;
- Instructs the committee to contract with a private entity to sell the registration numbers;
- Rolls 3 existing funds into one fund for all the committee's work; and
- Provides that the department of public safety may prohibit any action of the committee if the decision would affect state policy concerning the use or display of license plates or registration numbers.

\$42,283 is appropriated from the disability support fund to the department of personnel to implement the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1368** Archives and public records - management of records of governmental agencies - clarification - codification of current practice. The current practices of the department of personnel (department) and the state archivist concerning state archives and records are clarified and codified. Specifically, the act clarifies or codifies that:

- All governmental agencies, including state agencies and local governments, are subject to the requirements in law regarding state archives and records;
- The state archivist, rather than the executive director of the department, is charged with the day-to-day responsibilities specified in law concerning state archives and records, including promulgating rules and determining when records should be transferred to the department;
- The state archives, created in the department, consists of a permanent records program for records that the department will permanently keep and maintain and a records center for records that have been transferred to the department for storage;
- The state archivist may establish fees to cover the costs of storing records in the records center;
- Each state agency is required to have a records management program;
- The attorney general is no longer involved in determining the legal, administrative, or historical value of records;
- If a public officer intends to destroy or dispose of original records that are determined to be of legal, administrative, or historical value, the public officer is required to take specified actions to reproduce the record and ensure that copies of the record remain accessible; and
- The state archivist may convene a records advisory board consisting of representatives from governmental agencies that have an interest in the preservation of records. Each governmental agency that participates in the records advisory board will be asked to determine the appropriate person from the agency to participate in the work of the board. If created, the board will

have several goals regarding the management, preservation, accessibility, retention, and appraisal of records.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 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. 16-1408** Health-related programs - allocation of funding from tobacco litigation settlement moneys and marijuana tax cash fund. The act modifies the allocation of cash fund revenues to various health-related programs as follows:

- The allocation of revenues annually received by the state pursuant to the tobacco litigation settlement (settlement moneys) is modified and streamlined by replacing the current 2-tier allocation system that includes both percentage-based and fixed amount allocations of settlement moneys with a single set of exclusively percentage-based allocations and replacing settlement moneys funding for specified programs with marijuana tax cash fund funding;
- An additional allocation of settlement moneys is made to the university of Colorado health sciences center for the sole purpose of funding cancer research; and
- \$20 million is transferred from the children's basic health plan trust to a newly created primary care provider sustainability fund on July 1, 2016, for the purpose of increasing access to primary care through rate enhancements for primary care office visits, preventative medicine visits, counseling and health risk assessments, immunization administration, health screening services, and newborn care, including neonatal critical care. Money expended from the fund for the purposes of increasing access to primary care through rate enhancements supplements and does not supplant general fund appropriations for that purpose.

The act makes and reduces various appropriations in order to accomplish its purposes and repeals various obsolete statutory provisions relating to the past allocation of settlement moneys and past transfers to and from cash funds.

**APPROVED** by Governor May 4, 2016

**PORTIONS EFFECTIVE** May 4, 2016  
**PORTIONS EFFECTIVE** July 1, 2016

**H.B. 16-1409** Unclaimed property trust fund - transfers - adult dental fund - general fund - fiscal year spending. On June 30, 2016, the state treasurer is required to transfer \$34.8 million from the unclaimed property trust fund to the adult dental fund. This transfer will be used to implement the adult dental benefit for the fiscal year 2016-17. On the same day, the state treasurer is also required to transfer \$8 million from the trust fund to the general fund. The act also clarifies that any amount from the trust fund that is credited to the adult dental fund or the general fund constitutes fiscal year spending for purposes of the state constitution.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** May 4, 2016

**H.B. 16-1411** Fort Lyon - supportive residential community for individuals who are homeless - longitudinal evaluation. The act requires a longitudinal evaluation (study) of the supportive residential community for individuals who are homeless that is operated at the Fort Lyon property (program). The state auditor, with the concurrence of the division of housing in the department of local affairs (division), is required to contract with an independent, 3rd party to conduct the study. The state director of housing is required to appoint 3 members to a Fort Lyon study advisory committee (committee) who are experts in evaluating similar programs. The committee will make recommendations about the request for proposals process and the contractor selection process, and along with the division, assist the state auditor in evaluating the contractor's progress on the study.

The study will include pre- and post-evaluation of the program and, to the extent possible, utilize a matched-comparison group. The contractor is required to include specific information in the study and may use various program and administrative data sources and comparable studies or reports for the study. The final report is due by August 1, 2018, and the contractor will also prepare a preliminary report.

The division is authorized to solicit, accept, and expend gifts, grants, and donations for the study, and the state auditor may use this money to pay the contractor.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** May 4, 2016

**H.B. 16-1416** Capital construction fund - highway users tax fund - transfers - fiscal years 2015-16 and 2016-17. In lieu of formulaic transfers, the act requires the state treasurer to transfer the following amounts from the general fund:

- \$49.8 million to the capital construction fund on June 30, 2016;
- \$199.2 million to the highway users tax fund on June 30, 2016;
- \$52.7 million to the capital construction fund on June 30, 2017; and
- \$158 million to the highway users tax fund on June 30, 2017.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** April 14, 2016

**H.B. 16-1417** Capital construction - transfers to the capital construction fund. For the 2016-17 fiscal year, the act transfers:

- \$20,586,398 from the general fund to the capital construction fund;
- \$10,697,409 from the general fund to the information technology capital account of the capital construction fund;
- \$500,000 from the general fund exempt account of the general fund to the capital construction fund;
- \$1 million of interest earned on the principal of the controlled maintenance trust fund to the capital construction fund; and
- \$1 million from the preservation grant program account of the state historical fund to the capital construction fund for historical renovations of the state house of representatives' chambers and the state senate's chambers.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** May 4, 2016

**H.B. 16-1418 Marijuana tax cash fund - general fund - transfer.** On July 1, 2016, the state treasurer is required to transfer \$26,277,661 from the marijuana tax cash fund to the general fund. A provision that reduces transfers from the general fund to the marijuana tax fund is repealed.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** May 4, 2016

**H.B. 16-1419 General fund reserve - decrease.** For the fiscal year 2015-16, the act reduces the statutorily required general fund reserve from 6.5% to 5.6% of the amount appropriated for expenditure from the general fund.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** May 4, 2016

**H.B. 16-1451 Procurement - procurement code working group.** The executive director of the department of personnel or his or her designee is required to convene a procurement code working group to meet during the interim following the 2nd regular session of the 70th general assembly to study ways to improve the state's "Procurement Code" (code). The working group is required to solicit input from subject-matter experts, including vendors, business organizations, nonprofit organizations, labor organizations, taxpayer advocacy organizations, legal professionals, and state employees with expertise in the code.

The procurement code working group is required to do its work within the existing resources of the department of personnel and submit its recommendations for modifications to the code to the general assembly on or before December 31, 2016.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1453 Public safety - cybersecurity - Colorado cybersecurity council - cyber operation center - cybersecurity education - training - workforce development - research - cybersecurity cash fund - appropriation.** The Colorado cybersecurity council (council) is created in the department of public safety to operate as a steering group to develop cybersecurity policy guidance for the governor, develop comprehensive goals, requirements, initiatives, and milestones, and to coordinate with the general assembly and the judicial branch regarding cybersecurity. The council is comprised of specified officers from the governor's office, executive branch agencies, military organizations, institutions of higher education, the attorney general's office, and the state auditor's office.

The department of public safety, using the office of prevention and security within the division of homeland security and emergency management, may coordinate with the division of homeland security and emergency management, the Colorado bureau of investigation, the federal bureau of investigation, the Colorado National Guard, and other relevant military and information-sharing organizations to define the operational requirements for in-state and interstate cybersecurity operational and training networks.

The university of Colorado at Colorado Springs (UCCS) may partner with other institutions of higher education and a nonprofit organization that supports national, state, and regional cybersecurity initiatives (nonprofit organization) to establish and expand cyber higher education programs and establish needed cyber education and training laboratories in specified subject areas. UCCS may also partner with a nonprofit organization to establish

a secure environment for research and development, initial operational testing and evaluation, and expedited contracting for production for industrial cyber products and techniques.

The cybersecurity cash fund (fund) is created in the state treasury. The fund consists of any money that the general assembly may appropriate or transfer to the fund. Subject to annual appropriation, the regents of the university of Colorado may expend money from the fund for the purposes of the act. The cybersecurity gifts, grants, and donations account (account) is created in the fund. The regents of the university of Colorado may seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of the act and are required to credit any such gifts, grants, or donations to the account. The moneys in the account are continuously appropriated to the department of higher education for use by the regents of the university of Colorado for the purposes of the act.

For the 2016-17 state fiscal year, \$7,932,020 is appropriated to the department of higher education for use by the regents of the university of Colorado for the implementation of the act. For the 2016-17 state fiscal year, \$67,980 is appropriated to the department of public safety for use by the office of prevention and security for implementation of the act.

**APPROVED** by Governor May 20, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1456** Department of human services - authority to sell certain property - proceeds of sale credited to the Fort Logan national cemetery fund and appropriated to the central fund for veterans community living centers. The act authorizes the department of human services to execute a land sale, at fair market value, for up to 15 acres of vacant land around the Colorado mental health institute at Fort Logan to the United States department of veterans affairs for the purpose of expanding the Fort Logan national cemetery.

The act requires all sale proceeds to be credited to the Fort Logan national cemetery fund, created in the act, and then appropriated by the general assembly to the central fund for veterans community living centers (central fund) in the fiscal year in which the property sale takes place, and in each fiscal year thereafter, until all sale proceeds are appropriated to the central fund in such amounts so that the appropriation from the cemetery fund in each fiscal year equals the maximum amount possible that would not exceed 10% of the veterans center or group of veterans centers total annual revenues in grants from the state and all Colorado local governments combined.

**APPROVED** by Governor June 1, 2016

**EFFECTIVE** June 1, 2016

**H.B. 16-1460** Department of agriculture - authority of commissioner to sell and buy certain property - proceeds of sale credited to the agriculture management fund. The act grants the commissioner of agriculture the authority, in consultation with the office of the state architect, to sell the vacated property at 5000 Packing House Road, in Denver, Colorado, which houses the department of agriculture's warehouse and storage facility. The proceeds of the sale must be credited to the agriculture management fund to be used for the acquisition of real property authorized in the act subject to appropriation.

The act grants the commissioner of agriculture the authority, in consultation with the office of the state architect, to acquire the real property located in the Interlocken area at 300

Technology Drive, Broomfield, Colorado, for the future home of the inspection and consumer services division facility. The act specifies that the construction of the new facility must be subject to the normal capital construction approval process.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1462** Lieutenant governor - concurrent service as state chief operating officer. House Bill 11-1155 authorized the lieutenant governor to also serve concurrently as the head of a principal department of state government. The act allows the lieutenant governor to similarly serve as the state chief operating officer through the remainder of the current term of the lieutenant governor. The total amount of salary paid to the lieutenant governor is limited to the amount that would be paid for service as the head of a principal department or the state chief operating officer.

**APPROVED** by Governor May 26, 2016

**EFFECTIVE** May 26, 2016

## HEALTH AND ENVIRONMENT

**S.B. 16-69** Community paramedics - endorsement by state licensing authority - agency licensing - sunset - appropriation. Community paramedics are certified emergency medical service providers who provide community-based, out-of-hospital medical services to medically underserved and medically served, yet vulnerable, populations.

The act defines the terms "community paramedic" and "community integrated health care service" and authorizes the executive director of the Colorado department of public health and environment (department) to adopt rules for the endorsement of emergency medical service providers as community paramedics.

The act authorizes a licensed ambulance service, fire department, fire protection district, ambulance district, health assurance district, health service district, metropolitan district, special district authority, or health care business entity to establish a community outreach and health education program in its community. The department shall maintain a list of all authorized entities operating a community outreach and health education program in Colorado and shall compile annual reports provided by the authorized entities about the programs.

The act also authorizes the department to issue licenses to community integrated health care service agencies and authorizes the state board of health to promulgate rules concerning the minimum standards for operating a community integrated health care service agency. The act creates the community integrated health care service agencies cash fund. The department's functions regulating community integrated health care service agencies are repealed on September 1, 2021, subject to a review by the department of regulatory agencies under the sunset review process.

\$73,986 is appropriated from the general fund to the department for the 2016-17 state fiscal year. Of that money, \$70,184 is for use by the health facilities and emergency medical services (EMS) division for the state EMS coordination, planning, and certification program and \$3,802 is for the purchase of legal services.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** June 8, 2016

**S.B. 16-90** Marijuana health effects data - collection - option to collect on regional or county basis. Under its duty to collect data on the health effects of marijuana use, the department of public health and environment is currently directed to break down the data by county. The act allows the department to determine whether to collect the data at a county or regional level. Additionally, the act deletes language that made the department's data collection duties contingent on the receipt of sufficient revenue in the marijuana cash fund since the contingency has been satisfied.

**APPROVED** by Governor March 23, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-92** Federal "Oil Pollution Act of 1990" - natural resource damages - response actions. Current law authorizes the department of public health and environment and the attorney general to act as trustees under the federal "Comprehensive Environmental Response, Compensation, and Liability Act" (aka Superfund) for the receipt of natural resource damages and to conduct and expend money for response actions. The act adds the federal "Oil Pollution Act of 1990" as a source of natural resource damages and as authority for response actions that the department and attorney general may conduct and expend money on.

**APPROVED** by Governor March 23, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-94** District public health agencies - selection of treasurer - apportionment of costs. Current law states that, in the case of a district public health agency (district agency) serving multiple counties, the county treasurer of the county in the district having the largest population shall serve as treasurer of the district agency. The act allows the boards of county commissioners to select the county whose treasurer shall serve as treasurer of the district if the combined populations of the counties is 4,000 or fewer. The act also allows counties in a district agency where the combined populations of the counties is 4,000 or fewer to apportion the money to cover the costs of the district agency by agreement instead of by population of the counties.

**APPROVED** by Governor April 5, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-146** Sexually transmitted infections - reporting and confidentiality - infection control - parental consent for treatment of minors - public health procedures - testing for infection - criminal penalties - victims' rights. The act updates and modernizes the statutes related to sexually transmitted infections (STIs) to conform with current medical knowledge by applying provisions that previously only applied to HIV to all STIs. A new definition is established to include HIV and relevant types of hepatitis in the "sexually transmitted infection" definition. The act allows for all STIs to be treated uniformly under Colorado law, rather than specifically prosecuting people based on HIV status.

The act expands rights for victims of crime by allowing for testing for a sexually transmitted infection under circumstances where the victim has been exposed to blood or other bodily fluids under circumstances that pose a risk of transmission of a sexually transmitted infection. A victim of crime in such circumstances must also be provided with adequate counseling by a health care provider concerning prophylaxis and treatment of infections until cured, where possible; treatment to prevent progression of any infection; the necessity of regular medical evaluations; and measures for preventing transmission of the infection to others.

Public health orders or restrictive measures directed to a person with a sexually transmitted infection must only be used as the last resort when all other measures to protect the public health have failed, including efforts to obtain the voluntary cooperation of the

person who may be subject to the public health order or restrictive measure. Any public health order or restrictive measure that is applied must be applied serially with the least intrusive measures used first.

In cases of sexual offenses involving HIV, to find for an enhanced sentence, the court must find that the defendant had prior notice of his or her HIV infection and that the infectious agent of the HIV infection was in fact transmitted to the victim.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1034** Department of public health and environment - emergency medical responders - registration - appropriation. The act changes the name of first responders to emergency medical responders and transfers the registration program for the emergency medical responders from the department of public safety to the department of public health and environment (department). The act requires the department to administer the registration program beginning July 1, 2017, and authorizes the department to promulgate rules to administer the program.

The department is authorized to grant a provisional registration for up to 90 days prior to an applicant receiving registration. The department is also authorized to promulgate rules concerning the recognition of training programs and continued competency requirements for emergency medical responders. The department is authorized to investigate complaints against emergency medical responders and to take disciplinary action against emergency medical responders.

\$24,985 is appropriated to the department from the emergency medical services account in the highway users tax fund to implement the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1046** Hazardous substance response - designation of response authorities - costs - exemption. Under current law, each county and municipality must designate an emergency response authority that is responsible for responding to releases of hazardous substances within that jurisdiction. The act specifies that:

- The local government must annually report the designation to the hazardous materials section of the Colorado state patrol; the appropriate response is narrowed to include threats of adverse effects on human health or the environment; and emergency response authorities may provide their response capability through an agreement with a private entity (section 1 of the act);
- Private entities that are neither a responsible party nor otherwise compensated may claim reimbursement of specified response costs when they provide services under an agreement with the designated emergency response authority or fire department if the costs have been approved by the authority or department (section 3); and
- The obligation to report the presence of a hazardous substance on one's property does not apply if the substance is in typical consumer-sized

packaging or is being stored or used by a farmer or rancher at a facility used in active agricultural production (section 4).

**APPROVED** by Governor March 31, 2016

**EFFECTIVE** March 31, 2016

**H.B. 16-1141** Radioactive materials in buildings - radon education program- radon mitigation assistance program - appropriation. The act provides a number of protections to the citizens of Colorado from the hazards associated with naturally occurring radioactive materials in buildings, specifically the hazards from radon and uranium mill tailings.

The Colorado department of public health and environment (CDPHE) must develop a statewide educational program to educate the public, real estate brokers, and builders about radon gas, including health risks, testing options, and mitigation techniques. CDPHE must also establish a program to provide financial assistance to low-income individuals for radon mitigation in their homes.

The act extends by 10 years (from 2017 to 2027) the uranium mill tailings remedial action fund, which pays for a program that provides information to the public on uranium mill tailings contamination in residences and commercial buildings.

The act abolishes the uranium mill tailings remedial action oversight committee.

The act appropriates \$199,456 and 0.08 FTE from the hazardous substance response fund to the department of public health and environment to implement the act.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** August 10, 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. 16-1386** Necessary documents for establishing identity or legal status - grant program - office of health equity - appropriation. The act defines a "necessary document" as a social security card; one of the following documents or analogous documents issued by another jurisdiction: A driver's license, an identification card, or a vital statistics certificate or vital statistics report (such as a birth, death, or marriage certificate); or a document required as a condition of issuance of one of these documents. The act directs the office of health equity in the department of public health and environment to administer a necessary document program. The office will make grants to or contract with a nonprofit entity or collection of nonprofit entities that conduct a collaborative identification project to assist Colorado residents who are victims of domestic violence, impacted by a natural disaster, low-income, disabled, homeless, or elderly and who are seeking documentation of their identity, status, or citizenship by paying the fees to acquire a necessary document.

\$300,000 is appropriated to the department from the general fund to administer the program.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1401 Retail food establishments - annual license fees - regulation.** The act makes the following changes to the laws governing retail food establishments:

- Increases annual license fees for retail food establishments, phasing in the increase over the next 3 years, at minimum;
- Creates a new fee category for retail food establishments that sell a limited range of specified foods, and limits the annual license fee exemption to certain specified entities;
- Prohibits a county from spending the increased revenue from the fee increase on anything other than retail food health-related activities;
- Requires the department of public health and environment (CDPHE) to create a uniform system to communicate health inspection results to the public and sets limitations on the development of the uniform system;
- Requires CDPHE to attain certain targets, including significant statewide compliance with the federal food and drug administration's voluntary national retail food regulatory program standards. To reach these targets, the bill requires CDPHE to audit certain local public health agencies and requires local public health agencies to audit CDPHE in certain situations.
- Decreases the maximum period of suspension of a license or certificate of license from 6 months to one month, except in cases of closure due to an imminent health hazard; and
- Authorizes CDPHE and a county or district board of health to issue a cease-and-desist order if a person or licensee has been issued a civil penalty and remains in noncompliance.

**BECAME LAW** June 11, 2016

**EFFECTIVE** August 10, 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. 16-1413 Water pollution control - discharge source sectors - fees - funds - appropriation.** Currently, the water pollution control statute categorizes the various sources that pay fees pursuant to the statute within different sectors, specifies the amount of each fee that the subcategories within each sector pay, and credits all fees from all sectors to the water quality control fund. Section 1 of the act repeals this fund, creates a separate cash fund for each of the sectors (commerce and industry, construction, pesticides, municipal separate storm sewer system, public and private utilities, and water quality certifications), and allocates the fees from each sector to that sector's cash fund. If the money derived from a particular sector is inadequate to cover the direct and indirect costs of the department of public health and environment in administering that sector, the general assembly may appropriate money from any of the funds for the department's direct and indirect costs in administering that sector. The department will conduct a stakeholder process regarding the appropriate and necessary fees that each subcategory of each sector should pay to enable each sector to be adequately funded by fees collected from that sector, and the department will then submit a legislative proposal to the joint budget committee by November 1, 2016, concerning its conclusions regarding the fees. The department must annually report to the joint budget committee, accounting separately for its expenditures by fund source and revenues by fund and sector source.

\$1,208,007 is appropriated from the water quality improvement fund to the

department of public health and environment for use by the water quality control division to implement the act.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1424** Qualifications for the administration of medications - competency evaluations - appropriation. Under current law, the department of public health and environment (CDPHE) oversees the administration of medications in prisons, jails, mental health facilities, and other state facilities by unlicensed individuals. The act:

- Specifies that "facility" also includes all services in support of persons with intellectual and developmental disabilities that are funded through and regulated by the department of health care policy and financing (formerly by the department of human services);
- Eliminates the current requirement that a qualified manager successfully complete a test pertaining to the administration of medication every 4 years and substitutes a requirement to successfully complete a competency evaluation;
- Requires the department of human services, the department of health care policy and financing, and the department of corrections to develop and conduct a medication administration program;
- Authorizes CDPHE to establish the minimum requirements for course content, including competency evaluations, for medication administration and to determine compliance with the requirements for facilities; and
- On and after July 1, 2017, prohibits an unlicensed person from filling and labeling medication reminder boxes until the person has successfully completed a competency evaluation from an approved training entity or approved by an authorized agency.

The act appropriates \$30,298 from the medication administration cash fund and 0.5 FTE to the department to implement the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** July 1, 2016

## HEALTH CARE POLICY AND FINANCING

**S.B. 16-27** Medicaid - prescription medications by mail - optional. For persons receiving medical assistance (recipient), the act allows the option to receive through the mail prescribed medications used to treat chronic medical conditions. The recipient may receive up to a certain amount of the medication and shall pay the same copayment amount as recipients receiving the medication through any other method. The department of health care policy and financing (department) shall encourage recipients to use local retail pharmacies for mail delivery. The department shall also publish certain information on its website and include the information in the recipient handbook. A pharmacy providing maintenance medications to recipients must be enrolled with the department and registered with the state board of pharmacy and shall comply with state and federal law relating to the provisions of the maintenance medications.

The state board of medical services shall adopt rules relating to the option to receive medications through the mail for chronic medical conditions.

**APPROVED** by Governor June 1, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-120** Medicaid - explanation of benefits for recipients - appropriation. The act requires the department of health care policy and financing (department) to develop and implement an explanation of benefits for medicaid recipients (clients) by or before July 1, 2017. The explanation of benefits must inform a medicaid client of a claim for reimbursement made for all acute and long-term care services provided to the client or on his or her behalf for which a provider is seeking reimbursement under a fee-for-service model. The bill specifies certain information that must be included in the explanation of benefits. Specifically, the explanation of benefits must include information regarding at least one verbal and one written method for a medicaid client to report errors in the explanation of benefits.

The department shall develop the form and content of the explanation of benefits and educational materials relating to the explanation of benefits in conjunction with medicaid clients and medicaid advocates.

The explanation of benefits must be sent to clients not less frequently than once every two months, if services have been provided during that time period. The department shall determine the most cost-effective means for producing and distributing the explanation of benefits, which means may include e-mail or distribution with existing communications to clients.

The act appropriates \$38,800 to the department for use by the executive director's office to implement the act, consisting of \$33,350 from the general fund and \$3,450 from the hospital provider fee cash fund. In addition, the department anticipates receiving \$149,200 in federal funds to implement the act.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** August 10, 2016

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

effective date, see page vi of this digest.

**S.B. 16-127** Health care policy and financing - medical clean claims task force - repeal. In 2010, the general assembly passed the "Medical Clean Claims Transparency and Uniformity Act" (Act). The purpose of the Act was to require the executive director of the department of health care policy and financing to establish a task force of industry and government representatives to develop a standardized set of payment rules and claim edits to be used by payers and health care providers in Colorado. The act repeals the Act.

**APPROVED** by Governor April 5, 2016

**EFFECTIVE** April 5, 2016

**S.B. 16-192** Medicaid - eligibility for long-term care services and supports - needs assessment tool - selection and use - appropriation. On or before July 1, 2018, the act requires the department of health care policy and financing (state department), pursuant to the state department's ongoing stakeholder process relating to eligibility determination for long-term services and supports, to select a needs assessment tool for persons receiving long-term services and supports, including persons with intellectual and developmental disabilities, and, once selected, to begin using the tool as soon as practicable. The state department shall develop or select the needs assessment tool in collaboration with persons with intellectual and developmental disabilities and stakeholders. Once selected, the state department shall report to the joint budget committee, the public health care and human services committee of the house of representatives, and the health and human services committee of the senate the needs assessment tool selected and the level of stakeholder involvement in the process of selecting the tool.

The needs assessment tool must include a reasonable reassessment process that allows a reassessment to be completed within thirty days after a reassessment is requested.

The act permits the use of money in the intellectual and developmental disabilities cash fund for the development of the assessment tool.

The act appropriates \$138,787 from the intellectual and developmental disabilities cash fund to the state department's executive director's office to implement the act. In addition, the state department anticipates that it will receive \$138,786 in federal funds for the same purpose.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** June 8, 2016

**S.B. 16-199** Medicaid - program for all-inclusive care for the elderly (PACE) - upper payment limit methodology- creation of state PACE ombudsman - appropriation. The act requires that contracts between the department of health care policy and financing (department) and an organization providing a PACE program include the negotiated monthly capitated rate for services.

The department, with participation from Colorado PACE organizations, shall develop an actuarially sound upper payment limit methodology that meets conditions stated in the act. The department shall contract with an actuary that has experience with the methods described in the act, and shall provide to the actuary data relevant to computing the upper payment limit. The department shall not be required to develop an upper payment limit

methodology if the department does not receive sufficient gifts, grants, or donations to contract for actuarial services. Contingent upon any necessary federal approval, until the upper payment limit methodology is developed and adopted in medical services board rules, the percentage of the upper payment limit used to calculate the monthly capitated rate shall not be less than the percentage negotiated with the PACE organizations for the 2016-17 state fiscal year.

The act creates the state PACE ombudsman office (ombudsman) in the state long-term care ombudsman program to carry out the duties of the ombudsman. Each PACE program shall inform PACE participants of the existence of and contact information for the ombudsman. The ombudsman shall have immediate access to a PACE program or facility and to PACE participants for the purposes of carrying out the duties of the ombudsman. The act includes a civil penalty for willful interference with the ombudsman and for retaliation against a PACE participant or other person or entity contacting the ombudsman.

The act sets forth the duties of the ombudsman, including, among others, establishing statewide policies and procedures to identify, investigate, and seek the resolution or referral of complaints made by or on behalf of a PACE participant related to any action, inaction, or decision of a PACE organization or public agency that may adversely affect the health, safety, welfare, or rights of the PACE participant.

The act creates the PACE ombudsman fund and authorizes the department to seek, accept, and expend gifts, grants, and donations for purposes of establishing the ombudsman office. If the department does not receive sufficient gifts, grants, or donations to fund a state PACE ombudsman position in any of state fiscal years 2016-17 through 2020-21, the ombudsman office shall not be established.

The act requires the department to convene a stakeholder group, consisting of the ombudsmen, representatives of PACE organizations, community advocates, and other interested stakeholders to develop legislation to be introduced at during the 2017 legislative session concerning a comprehensive statewide PACE ombudsman program that includes local PACE ombudsman.

The act appropriates \$225,000 from the department's cash fund to the department for use by the executive director's office to implement the act. In addition \$81,675 is appropriated to the department of human services for use by the state ombudsman program and is based on the assumption that the department will require an additional 1.0 FTE.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1081** Statutory reporting requirements - repeal obsolete provisions. The act repeals certain requirements of the department of health care policy and financing (department) and other providers, including:

- Reporting on data relating to clinical performance to assess health outcomes;
- Reporting on the number and dollar value of medical services coding errors identified through the correct coding system;
- The collection of health data and outcomes and reporting relating to a 1998 quality assurance analysis concerning the cost-effectiveness of each managed care program that was not undertaken;
- Reporting on the implementation of the prescription drug utilization review

- process;
- Quarterly reports from personal services contractors who contract with the department for the children's basic health plan;
- An annual evaluation and reporting on the comprehensive medical plan for expanding services in the medical assistance program;
- A report relating to an actuarial study and fiscal analysis in order to implement the medicaid buy-in program; and
- Reporting related to cost savings anticipated in previous, current, and subsequent fiscal years from health care program reforms, consolidation, and streamlining in the children's basic health plan.

**APPROVED** by Governor March 18, 2016

**EFFECTIVE** August 10, 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. 16-1277** Medicaid - appeals process - notice and time for appeal - appropriation. The act requires the department of health care policy and financing (department) to give a medicaid recipient at least a 10-day advance notice if medical assistance benefits are being suspended, terminated, or modified (intended action), unless certain conditions are met.

The act extends the time for appeal to 60 days after the date of the notice. If the recipient files an appeal prior to the effective date of the intended action, the recipient's medical assistance benefits will continue unchanged until the completion of the appeal process. If authorized under federal law, the department may permit a recipient's medical benefits to continue even though the appeal is filed after the effective date of the intended action. The department shall promulgate rules, consistent with federal law, that prescribe the circumstances under which the benefits may continue.

The act permits an applicant or recipient to request the county or service delivery agency dispute resolution process either prior to appeal to the department or as part of the filing of the appeal. If the dispute is resolved, the county or service delivery agency will inform the applicant or recipient of the process for the dismissal of the state-level appeal.

Except as provided in the act, the act requires the person or persons involved in making the decision relating to the intended action to be available for cross-examination if requested by the appellant.

The act appropriates \$2,500 to the department to implement the act, which money may be used for Medicaid management information system maintenance and projects. In addition, the department anticipates receiving \$22,500 in federal funds for Medicaid management information system maintenance and projects to implement the act.

**APPROVED** by Governor June 1, 2016

**EFFECTIVE** August 10, 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. 16-1321** Medicaid - buy-in program - supported living services waiver, brain injury waiver, spinal cord injury waiver - authorization - appropriation. The act directs the

department of health care policy and financing (department), no later than January 1, 2017, to prepare and submit federal authorization for a medicaid buy-in program for persons who are eligible for home- and community-based services under the supported living services medicaid waiver, the persons with brain injury waiver, and the spinal cord injury waiver pilot program. The department shall implement the medicaid buy-in program pursuant to the act not later than three months after receiving federal approval.

The act appropriates \$13,803 from the hospital provider fee cash fund to the department to implement the act, including Medicaid management information system maintenance and projects. Additionally, the department anticipates receiving \$124,224 in federal funds for Medicaid management information system maintenance and projects.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1407** Medicaid - payment reform and innovation pilot program - extension - appropriation. The act removes the date by which the department of health care policy and financing (department) must select payment projects to be included in the medicaid payment reform and innovation pilot program (pilot program), allowing the department to continue selecting new payment projects for the pilot program. Further, the act removes the date for completion of pilot projects.

The act amends the department's ongoing reporting requirements and specifies information that must be included in the annual report. The act also includes issues relating to the department's evaluation of the pilot program's payment projects.

\$245, 639 is appropriated from the general fund to the department for implementation of the act.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** May 4, 2016

## HUMAN SERVICES - BEHAVIORAL HEALTH

**S.B. 16-77** Employment - persons with disabilities - employment first advisory partnership - creation - sunset review. The act creates the employment first advisory partnership (partnership) of existing entities, including the state rehabilitation council, established by the department of labor and employment (CDLE); the state work force development council; and the employment first state leadership mentoring program core state advisory group, established in CDLE, to develop an employment first strategic plan that increases competitive integrated employment, as defined in the act, for persons with disabilities. The state rehabilitation council serves as the lead agency to coordinate cross-departmental and interagency collaboration within CDLE and among the agency partners.

By December 30, 2016, CDLE, the department of health care policy and financing, department of education, department of higher education, and the department of human services (agency partners) shall identify the staff member or members within the agency providing input and assistance to the partnership. By January 30, 2017, the state rehabilitation council shall convene a meeting of the partnership and agency partners to develop a memorandum of understanding for the partnership relating to the duties of the partnership, including time frames for completing work. The partnership shall seek stakeholder participation, at a minimum, from advocates and persons listed in the act. The partnership may form subgroups comprised of members and stakeholders to consider specific issues relating to the strategic plan.

The partnership shall develop a strategic plan and recommendations to expand competitive integrated employment outcomes for persons with disabilities through employment first policies and practices. No later than November 1, 2017, the partnership shall prepare an initial report of the strategic plan, and the agencies shall present the initial report to the legislative committees of reference during the legislative interim prior to the 2018 legislative session. In developing the strategic plan, the partnership shall:

- Make recommendations to ensure that, in providing publicly funded services, competitive integrated employment is the primary objective for all working-age persons regardless of disability;
- Identify barriers to competitive integrated employment for persons with disabilities;
- Identify unnecessary, inefficient, or conflicting agency rules and regulations that make it more difficult for employers to hire persons with disabilities;
- Identify training and knowledge gaps among agency staff, agency vendors, and individuals with disabilities and their families that may create obstacles and perceived obstacles for persons with disabilities, including significant disabilities, from participating in competitive integrated employment;
- Identify the data available and the gaps in data collection that prohibit the measurement of Colorado's progress toward compliance with the United States Supreme Court's decision in *Olmstead v. L.C.*; and
- Make recommendations relating to pre-vocational services to ensure that, in compliance with federal law, the services are time limited and reasonably lead to competitive integrated employment.

The partnership may consider employment first issues and make recommendations on issues not described in the act and may prioritize its work on the issues described in the act.

The partnership is repealed in 2021, and the act requires a sunset review of the partnership prior to its repeal.

In addition, the act requires CDLE to review and make recommendations for amendments, if necessary, to Colorado's combined plan under the federal "Workforce Innovation and Opportunity Act" to ensure that persons with intellectual and developmental disabilities are supported in achieving employment. CDLE shall also promote youth transitions that focus on employer engagement.

The act also requires agency partners to develop practices that reflect a presumption that all persons with disabilities are capable of working in competitive integrated employment, provide agency input on the strategic plan, and present the strategic plan to the agencies' legislative committees of reference.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** July 1, 2016

**S.B. 16-147** Mental illness - suicide prevention. The act creates the Colorado suicide prevention plan (Colorado plan) within the office of suicide prevention (office) in the department of public health and environment (department). The goal and purpose of the Colorado plan is to reduce suicide rates and numbers in Colorado through system-level implementation of the Colorado plan in criminal justice and health care systems, including mental and behavioral health systems.

The suicide prevention commission, together with the office of suicide prevention, the office of behavioral health, the department, and the department of health care policy and financing, is strongly encouraged to collaborate with and behavioral health systems and organizations throughout the state, including hospitals, state crisis services and regional health systems, primary care providers, physical and mental health clinics in educational institutions, community mental health centers, advocacy groups, emergency medical services professionals and responders, public and private insurers, hospital chaplains, and faith-based organizations to develop and implement a plan to improve training to identify indicators of suicidal thoughts and behavior as well as improve training on the provisions of emergency 72-hour holds and HIPAA provisions.

The office shall include a summary of the activities of the Colorado plan in the report submitted annually to the general assembly pursuant to the SMART Act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**S.B. 16-169** Emergency mental health procedures - designated facilities - emergency medical services facilities - law enforcement facilities - reporting requirements. The act clarifies the difference between a "designated facility", an "emergency medical services facility", and a "law enforcement facility", as those terms are used in connection with a 72-hour emergency mental health procedure (72-hour emergency procedure) for an individual experiencing a behavioral health crisis. In current law, a person who is being detained under a 72-hour emergency procedure must be taken to a facility that was previously designated or approved by the executive director of the department of human services (designated facility). The act expands this to allow individuals to be admitted to an emergency medical services facility if space is not available at a designated facility or to a law enforcement facility if space is not available in a designated facility or an emergency

medical services facility. The act requires that certain conditions are met, including that the person cannot be held for longer than 24 hours in the law enforcement facility without a court order granting a one-time extension, not to exceed 24 additional hours.

Current law allows for the facility in which the person is receiving treatment and evaluation to hold the person for a period not to exceed 72 hours from the time of his or her admission to the facility providing treatment and evaluation, excluding Saturdays, Sundays, and holidays, if treatment and evaluation is not available on those days. The act further excludes from the 72-hour calculation any time required for non-psychiatric medical stabilization. The act requires that a person who is taken into custody through a 72-hour emergency procedure must receive an evaluation as soon as possible and receive appropriate treatment for his or her condition for the full period that he or she is in emergency custody.

If at any time during the 72-hour emergency procedure a mental health or medical professional determines the person can be properly cared for without being detained any longer, the person must be discharged as soon as possible.

Each emergency medical services facility or law enforcement facility that has taken custody of a person or treated a person in connection with a 72-hour emergency procedure shall provide an aggregate report with nonidentifying information on December 31, 2016, and on each July 1 thereafter. The report must contain the names and counties of the facilities, the total number of persons taken into custody, a summary of the reasons for taking the individuals into custody, and a summary of the disposition of persons, whether released from custody or transferred for additional treatment and evaluation.

An emergency medical services facility that assumes emergency custody of a person shall provide an assessment as soon as possible, as well as any treatment that is necessary and within the facility's capabilities. The emergency medical services facility may retain the person for up to 36 hours to determine whether he or she requires a transfer for 72-hour treatment and evaluation. The 36-hour period excludes any time required for non-psychiatric medical stabilization and completing the transfer to the accepting designated facility.

On or before September 1, 2016, the unit that administers behavioral health programs and services shall convene a series of stakeholder sessions to address emergency mental health treatment needs in Colorado. The group, together with the department of human services (department) shall develop a needs analysis, recommendations, and a budget request for emergency mental health services. The department shall report the findings on or before January 31, 2017, to the joint judiciary committee and the joint health and human services committee as part of its "SMART" hearing report.

**VETOED** by Governor June, 9, 2016

**S.B. 16-202** Substance use disorders - treatment and services - regional managed service organizations - community action plans - appropriation. The act requires each designated regional managed service organization (MSO) throughout the state to assess the sufficiency of effective substance use disorder services in its geographic region for adolescents ages 17 and younger, young adults ages 18 through 25, pregnant women, women who are postpartum and parenting, and other adults who are in need of such services. Each MSO will provide the department of human services (department) and the department of health care policy and financing with a community action plan to increase access to effective substance use disorder services in its geographic region based on the results of the community

assessment. An MSO may periodically update its community action plan to reflect changes in community needs and priorities. Any such updated plan must also be submitted to the department and department of health care policy and financing. The department shall post the results of the MSO community action plans, including updated plans, on its website, as well as provide a summary report of the community action plans to the joint budget committee, the health and human services committee of the senate, and the public health care and human services committee of the house of representatives, or any successor committees.

On July 1, 2016, the department shall disburse to each MSO 60% of the MSO's allocation from the marijuana tax cash fund. The department shall disburse to each MSO the remaining 40% of the MSO's allocation after submission of the MSO's community action plan. Each MSO may use up to 15% of its state fiscal year 2016-17 allocation from the marijuana tax cash fund for the community assessment and related community action plan and the remainder for what is not otherwise covered by public or private insurance. Each MSO may utilize money allocated to it from the marijuana tax cash fund to implement its community action plan and increase access to effective substance use disorder services. On July 1, 2017, and on July 1 each year thereafter, the department shall disburse to each MSO 100% of the MSO's allocation from the marijuana tax cash fund.

For state fiscal year 2016-17, and each state fiscal year thereafter, the department shall allocate money that is annually appropriated from the marijuana tax cash fund to MSOs based on the department's allocation of the federal substance abuse prevention and treatment block grant for specific geographic areas. The department shall modify the allocation methodology as necessary in subsequent fiscal years.

Each MSO shall submit mid-year and annual reports to the department on its activities, use of money, and the impact of its community action plan to increase access to effective substance use disorder services. On or before November 1, 2020, the department, in collaboration with the MSOs, shall submit a report to the joint budget committee and joint health and human services committee summarizing expenditures of the program, the impact of those expenditures, and any recommendations for changes.

The department is directed to contract with an evaluation contractor and to work collaboratively with that entity and the department of health care policy and financing to study the overall effectiveness of intensive residential treatment in the state. Prior to entering into a contract for the evaluation of intensive residential treatment, the department shall seek input from MSOs and residential substance use disorder treatment providers concerning relevant outcome measures.

The act makes a \$6,000,000 appropriation for the 2016-17 state fiscal year to the department of human services from the marijuana tax cash fund as follows:

- \$5,828,632 for distribution to MSOs;
- \$65,715 for personal services related to community behavioral health administration;
- \$5,653 for operating expenses related to community behavioral health administration; and
- \$105,000 for an evaluation of the effectiveness of intensive residential substance use disorder treatment.

**APPROVED** by Governor June 1, 2016

**EFFECTIVE** June 1, 2016

**H.B. 16-1103** Mental health professionals - licensing requirements - database of registered psychotherapists. The act clarifies that licensed psychologists, licensed clinical social workers, licensed marriage and family therapists, and licensed professional counselors (occupations collectively referred to as "mental health professions"); candidates for licensure in a mental health profession, including licensed social workers; and individuals enrolled in an appropriate professional program of study for a mental health profession at an approved school or college may, but are not required to, register with the database of registered psychotherapists. The act also clarifies that an applicant in a mental health profession, including a licensed social worker, need only have completed his or her degree to satisfy the educational component of the licensing process.

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** January 1, 2017

**H.B. 16-1168** Behavioral health - alcohol and substance abuse prevention and treatment - rural program - continuation under sunset law. The act extends the rural alcohol and substance abuse prevention and treatment program through September 1, 2025.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** April 14, 2016

**H.B. 16-1410** Competency evaluations - location - default outpatient basis - circumstances when CMHIP appropriate - appropriation. Under current law, the court determines the location of a competency evaluation. The act specifies the evaluation must be done on an outpatient basis or where the defendant is held in custody. The act allows a defendant to be placed in the custody of the Colorado mental health institute at Pueblo (CMHIP) for purposes of the examination if:

- The court finds the defendant may be a danger to self or others;
- The court finds that an inadequate competency evaluation and report has been completed or two or more conflicting competency evaluations and reports have been completed;
- The court finds that an observation period is necessary to determine if the defendant is competent to stand trial;
- The court receives a recommendation from the CMHIP court services evaluator that conducting the examination at the CMHIP is appropriate because the evaluator conducting the evaluation for the CMHIP determines that the defendant has been uncooperative or the defendant has clinical needs that warrant transfer to the CMHIP; or
- The court receives written approval for the evaluation to be conducted at the CMHIP from the executive director of the department of human services, or his or her designee.

The court is prohibited from considering whether the defendant is going to have a competency evaluation when deciding whether to grant bond to the defendant. If a defendant needs to return to the county jail after completing the evaluation, the act directs the county sheriff to make all reasonable efforts to return the defendant to the jail as soon as possible after the defendant's evaluation is completed. The act repeals the provision that CMHIP must bill the court for the costs associated with the evaluation.

The act makes adjustments to the 2016 general appropriation act (House Bill 16-1405) for the implementation of this act.

\$107,076 is appropriated to the department of human services from the general fund for the implementation of the act.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** July 1, 2016

## HUMAN SERVICES - SOCIAL SERVICES

**S.B. 16-22** Colorado child care assistance program - pilot program to mitigate cliff effect for low income families - expand county participation. Currently, participation in the pilot program to mitigate the cliff effect for low-income families who are working and receiving child care assistance is limited to up to 10 counties. The act removes that restriction and allows the executive director of the department of human services (executive director), subject to available money in the pilot program fund, to select additional counties to participate in the pilot program. Counties are encouraged to design a pilot program so that it is revenue neutral to individual families. In addition, the act removes the deadline for applications to participate in the pilot program and allows the executive director to approve pilot programs of less than 2 years if a shorter pilot program will contribute relevant data.

**APPROVED** by Governor March 18, 2016

**EFFECTIVE** March 18, 2016

**S.B. 16-178** Grand Junction regional center campus - vacating campus and listing for sale - advisory group - campus transition cash fund. The act requires the department of human services (department), within the parameters of certain guiding principles, to vacate the Grand Junction regional center campus and list the campus for sale no later than July 1, 2018, or earlier, if the department can transition each person receiving services at the Grand Junction regional center campus to nonregional center campus residences before that date.

The act specifies that if the department cannot vacate the Grand Junction regional center campus or list the campus for sale by July 1, 2018, the department must provide quarterly updates in writing to the joint budget committee and the capital development committee that set forth the projected timeline for vacating the campus and listing the campus for sale.

The act requires the department, no later than December 10, 2016, to:

- Submit to the capital development committee a plan for the disposition of the Grand Junction regional center campus, including a plan to spend the proceeds of the sale; and
- Make any associated capital construction budget requests for capital construction, capital renewal, or controlled maintenance needs related to the transitioning of persons receiving services at the Grand Junction regional center campus, based on such person's choice, to nonregional center campus residences. Any new facility that is constructed must be a home-like setting that serves no more than six persons with intellectual and developmental disabilities.

In order to formulate the plan and the budget requests, the department must create an advisory group that includes direct care staff of the campus, families of persons receiving services at the campus, and other stakeholders.

The act creates the Grand Junction regional center campus transition cash fund for the department to use, subject to appropriation, for future costs related to adequate housing for each person receiving services, including transition and moving costs, on the Grand Junction regional center campus.

An existing statutory section prohibits the department from closing or selling, prior

to May 16, 2016, any state-operated beds licensed pursuant to the home- and community-based services for persons with developmental disabilities waiver. The act extends this date to May 30, 2017, in order to ensure that such closures or sales do not occur before the persons receiving services at the Grand Junction regional center campus are transitioned as required in the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**S.B. 16-190** Public assistance - county administration - performance measures - monetary incentives and sanctions - data collection and analysis - appropriation. The act requires the department of human services (department) and county departments of human or social services (county departments) to endeavor to exceed federal performance measures for administering the supplemental nutrition assistance program. If the department receives federal performance bonus money as a result of meeting those measures, the department shall pass the bonus money through to the county departments whose performance contributed to the bonus money. The department may also award state-funded administration performance bonuses to county departments. If the department receives federal monetary sanctions for failing to meet the federal performance measures, the department shall pass the monetary sanction through to the county departments who contributed to the performance that led to the sanction. The state department, county departments, and additional parties as identified by the state department and the county departments, shall mutually agree upon a method and formula for distributing state and federal monetary bonuses and federal monetary sanctions to the county departments.

The act also requires the department to contract with an external vendor to collect and analyze data relating to county department costs and performance associated with administering public assistance programs listed in the act that are administered by the department or the department of health care policy and financing. The act outlines the areas for data collection and analysis. Prior to awarding the contract, the department shall consult with an external vendor to work with administrators, fiscal agents, and program stakeholders to identify the scope of the data collection and analysis contract.

In collaboration with county departments, the department shall design a continuous quality improvement program and shall provide a description of the program to the joint budget committee. The department shall provide a description of the program to the joint budget committee by February 1, 2017.

The act decreases the appropriation to the department of human services in the annual general appropriation act for the 2016-17 fiscal year for the division of child welfare for child welfare services by \$550,000. In addition, the act appropriates \$1,100,000 to the department of human services consisting of general fund and federal funds from the temporary assistance for needy families block grant to implement the act. If the department receives additional federal funds for implementation of the act, the department shall expend those funds in lieu of general fund, and any unspent general fund shall be transferred to the Colorado long-term works reserve.

**APPROVED** by Governor June 1, 2016

**EFFECTIVE** June 1, 2016

**S.B. 16-195** Central fund for veterans services - indirect costs - annually appropriated - cap - reporting required in budget request. Beginning July 1, 2017, the money in the central

fund for veterans centers is subject to annual appropriation by the general assembly for the indirect costs of the operation and administration of the veterans centers. The amount expended for indirect costs is capped at 5% of the total expenditures from the fund for the fiscal year.

As part of its annual budget requests, the state department shall provide a detailed report of the anticipated direct and indirect costs for the operation and administration of each veterans center for the upcoming fiscal year, including amounts for personal services, operating expenses, indirect costs, centrally appropriated costs, and FTE.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-201** Child welfare services - funding - allocations model. The act instructs the department of human services (department) to work in conjunction with directors of county departments of human or social services, providers of residential treatment programs, and the joint budget committee to develop a rate-setting process consistent with medicaid requirements. The department, in conjunction with directors of county departments of human or social services and providers of residential treatment programs, shall provide annual reports to the joint budget committee and review the rate-setting process every 2 years and submit any changes to the joint budget committee.

The act directs the child welfare allocations committee (committee) to consider, on or before August 1, 2016, whether a restructuring of child welfare funding policy would be advisable. The committee shall solicit and include input in its consideration from any interested county commissioners, directors of county departments of human or social services, county child welfare directors, county financial officers, the department, and the joint budget committee. The committee shall complete the consideration process on or before December 15, 2016, and provide the joint budget committee with its findings and any recommendations for restructuring child welfare funding. The committee may also develop an evaluation process for child welfare funding.

The act also directs the committee to consider developing a revised allocations model on or before June 15, 2017, based on the committee's recommendations.

As part of its review of the methodology by which counties set rates, services, and outcomes with licensed providers, the department shall convene a group of representatives from the department, counties, provider community, and the joint budget committee to review the rate-setting process for provider compensation. The group shall, on or before December 15, 2016, provide the committee and the joint budget committee with a report including recommendations for improving or maintaining the current rate-setting process.

**APPROVED** by Governor May 18, 2016

**EFFECTIVE** May 18, 2016

**S.B. 16-212** Colorado child care assistance program - requirements. The act aligns state statute with changes in federal law related to the Colorado child care assistance program (CCCAP). The state law is modified to specify that a child receiving CCCAP supports continues to be eligible for those supports for an entire 12-month period before eligibility

is redetermined, as long as the child's family income remains below 85% of the state median income for that family size, as required by federal law.

**APPROVED** by Governor June 1, 2016

**EFFECTIVE** June 1, 2016

**H.B. 16-1224** Child abuse or neglect - child abuse involving human trafficking of minors. The act amends the statutory definition of "child abuse or neglect" to include any case in which a child is subjected to human trafficking of a minor for sexual servitude.

If a county department of human or social services (county department) assessment concludes that a child has been a victim of abuse or neglect involving human trafficking of a minor for sexual servitude, it shall, when necessary and appropriate, immediately offer social services to the child and to his or her family, and the county department may file a petition in court on behalf of the child. If a county department has reasonable cause to suspect that a child is a victim of human trafficking, the county department shall notify a local law enforcement agency. In instances of third-party abuse or neglect as it relates to human trafficking, a county department may, but is not required to, interview the person alleged to be the perpetrator or prepare an investigative report. If the county department elects to interview the alleged perpetrator, it shall first confer with the local law enforcement agency.

The department of human services and each county department shall implement a uniform screening tool that includes questions that are intended to identify children who are victims of human trafficking for sexual servitude or commercial sexual exploitation of a child, or who are at risk of being such victims.

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** April 15, 2016

**H.B. 16-1227** Colorado child care assistance program - compliance with child support establishment - exceptions for teen parents and domestic violence survivors - appropriation. Under current law, a county may impose as a condition of receiving low-income child care assistance under the Colorado child care assistance program (CCCAP) that an applicant who is not a Colorado works participant apply for and cooperate with child support establishment and enforcement, unless the applicant shows good cause to the county for an exemption from this requirement.

The act exempts an applicant who is a teen parent, as defined by rule of the state board, from child support cooperation requirements as a condition of receiving child care assistance until the teen parent has graduated from high school or successfully completed a high school equivalency examination. After the teen parent has been determined eligible for child care assistance and his or her chosen child care provider is receiving subsidy payments, a county may require the teen parent to regularly attend, at no cost and at a location and time most convenient to the teen parent, information sessions focused on understanding the benefits of child support to the child, the family as a whole, and the benefits of two-parent engagement in a child's life. Once a person who receives child care assistance no longer meets the definition of a teen parent or has either graduated from high school or successfully completed a high school equivalency examination, the county may require that person to cooperate with child support establishment and enforcement as a

condition of continued receipt of child care assistance. Nothing in the act prevents a teen parent from establishing child support.

The act exempts an applicant who is a victim of domestic violence, a sexual offense, harassment, or stalking from child support cooperation requirements or from establishing good cause for not cooperating as a condition of receiving child care assistance. The act sets forth the requirements that a victim of domestic violence, a sexual offense, harassment, or stalking must establish to qualify for this exception.

A county may provide information about the importance of establishing child support to a teen parent or a victim of domestic violence, a sexual offense, harassment, or stalking who chooses not to engage in child support establishment and enforcement.

The state board is required to revise its rules on CCCAP to implement the exceptions from child support cooperation for teen parents and victims of domestic violence, sexual offense, harassment, or stalking.

On July 1, 2017, and every July 1 thereafter through July 1, 2025, each county department shall report to the state department information related to teen parents in CCCAP. The state board shall establish, by rule, criteria to be reported annually by each county, including but not limited to:

- The total number of cases in each county that are receiving services from a county child support services office that involve custodial parties who are 19 years of age or younger and the number of children being served;
- The total number of teen parents in each county that are receiving child care assistance;
- For each teen parent receiving child care assistance in the county, longitudinal data indicating whether paternity has been established and whether child support has been established for the child and reported for the child from birth to age 4;
- For each teen parent receiving child care assistance in the county, longitudinal data indicating whether the teen parent achieved economic self-sufficiency and avoided becoming a Colorado works participant while in school and reported for the child from the child's birth to age 4;
- For each teen parent receiving child care assistance in the county, longitudinal data indicating the total amount and the percentage of child support collected for the benefit of the child and reported for the child from birth to age 4.

The reports filed with the state department are public records.

Upon notification that the relevant human services case management systems are capable of accommodating the exceptions from child support cooperation, the state department is required to start tracking counties' compliance. The state department shall notify counties when the human services case management systems are functional and when the tracking of compliance will begin.

The act appropriates \$268,562 to the department of human services from federal child care development funds to purchase information technology services.

**APPROVED** by Governor May 19, 2016

**EFFECTIVE** May 19, 2016

**H.B. 16-1394** At-risk persons - standardize definitions - mandatory reporters. The act implements the following recommendations of the at-risk adults with intellectual and developmental disabilities mandatory reporting implementation task force:

- Standardizing statutory definitions among the "Colorado Criminal Code", the adult protective services in the department of human services, and the office of community living in the department of health care policy and financing;
- Specifying that enhanced penalties for crimes against an at-risk person apply to all persons 70 years of age or older and to all persons with a disability; and
- Clarifying and expanding the definitions of persons who are required to report instances of mistreatment of at-risk elders or at-risk adults with an intellectual and developmental disability (adults with IDD).

The act also:

- Specifies that a county department of human or social services is responsible for ensuring that an investigation of allegations of mistreatment of an at-risk adult is conducted; and
- Clarifies that the human rights committee is responsible for reviewing investigations of mistreatment of an adult with IDD occurred.

**APPROVED** by Governor May 18, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1398** Request for proposal - respite care services - implementation of task force recommendations - report - appropriation. The act requires the department of human services (department) to use a competitive request-for-proposal process to select an entity to contract with to implement recommendations of the respite care task force. In order to be eligible for the contract to implement the recommendations, the entity must serve individuals affected by a disability or a chronic condition across the life span by providing and coordinating respite care and must currently have a physical presence in Colorado. The selected entity is required to:

- Ensure that a study is conducted to demonstrate the economic impact of respite care and its benefits for those served;
- Create an up-to-date, online inventory of existing training opportunities for providing respite care along with information on how to become a respite care provider;
- Develop a more robust statewide training system for individuals wishing to provide respite care;
- Ensure that a designated website is available to provide comprehensive information about respite care;
- Develop a centralized community outreach and education program about respite care services;
- Work with the department of health care policy and financing to standardize the full continuum of respite care options across all medicaid waivers; and
- Work with the department, the department of health care policy and financing, and the department of public health and environment to streamline the regulatory requirements for facility-based, short-term, overnight respite care.

The act appropriates \$900,000 to implement the recommendations of the respite care

task force. The department is required to report its progress to the legislature during the SMART act hearings.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1425** Child care - immunization requirements. The act specifies that a licensed child care center (center) that is located at a ski area is not required to obtain immunization records for any child who enrolls and attends the center for up to 15 days or less in a 15-consecutive-day period, no more than twice in a calendar year, with each 15-consecutive-day period separated by 60 days (short-term enrollees). A center that accepts short-term enrollees may do so only if it provides notification to all parents who have children in the center that the center allows short-term enrollees without obtaining proof of immunization.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

## INSURANCE

**S.B. 16-6** Health insurance - health benefit exchange - consumer assistance. The act requires the Colorado health benefit exchange (exchange) to assist consumers enrolling in the exchange by informing the consumers they have the option of selecting coverage online, with the assistance of a navigator, or with the assistance of an insurance broker. The act requires the exchange to maintain web-based tools that allow the brokers to develop and maintain client relationships.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**S.B. 16-29** Colorado insurance company holding systems law - compliance. In 2014, Colorado's insurance company holding systems law was amended to comply with the National Association of Insurance Commissioners' (NAIC) model law. The act adds authority in this law from the NAIC model for the insurance commissioner to compel production of information because this authority was inadvertently omitted from the 2014 amendments.

The act also adopts the NAIC "own risk and solvency assessment" (ORSA) model law. This law requires the filing with the insurance commissioner of annual ORSA summary reports by insurers and requires insurers to maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing, and reporting on its material and relevant risks.

**APPROVED** by Governor March 18, 2016

**EFFECTIVE** March 18, 2016

**S.B. 16-135** Pharmacy services coverage - collaborative pharmacy practice agreements - statewide protocols. The act allows a health benefit plan to provide coverage for health care services provided by a pharmacist if the pharmacist meets specified requirements. The act also allows a pharmacist to enter into a collaborative pharmacy practice agreement with one or more physicians if the pharmacist holds a current license to practice in Colorado; the pharmacist is engaged in the practice of pharmacy; the pharmacist has earned a doctorate of pharmacy degree or completed at least 5 years of experience as a licensed pharmacist; the pharmacist carries adequate malpractice insurance as determined by the state board of pharmacy; the pharmacist agrees to devote a portion of his or her practice to collaborative pharmacy practice; and there is a mechanism in place to document changes to medical records.

Unless a statewide protocol is in place, the act prohibits a pharmacist from entering into a collaborative practice agreement if the physician or advanced practice nurse does not have an established relationship with the patient.

In order to provide services under a statewide protocol, the act requires there to be a process in place to communicate and document changes to the patient's medical record.

The act grants rule-making authority to the state board of pharmacy, the Colorado medical board, and the state board of nursing.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 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. 16-1025** Property and casualty insurance - definitions - renewal - inclusion of affiliated company as party to renewed policy. In the property and casualty insurance laws, the act adds the term "admitted company within the same insurance group" to the definitions of "renewal" or "to renew" in order to acknowledge that an insurance policy may be subject to renewal by an insurer or an admitted company within the same insurance group as the insurer when a policy is renewed.

**APPROVED** by Governor March 16, 2016

**EFFECTIVE** March 16, 2016

**H.B. 16-1095** Health insurance - health benefit plans - required coverage for early refills of prescription eye drops. The act requires health benefit plans, except for supplemental policies, to provide coverage for the renewal of prescription eye drops if the renewal is requested within a specified amount of time, depending on how many days the prescription is for, and the original prescription states that additional quantities are needed and the renewal does not exceed the number of quantities needed.

The act also requires coverage for an additional bottle of prescription eye drops if the bottle is requested at the time of the original prescription and the bottle is needed for use in a day care center, school, or adult day program.

**APPROVED** by Governor March 9, 2016

**EFFECTIVE** January 1, 2017

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

**H.B. 16-1148** Health insurance exchange oversight committee - technical and advisory groups - public input. The act requires the health insurance exchange oversight committee to operate technical and advisory groups on an ongoing basis to provide guidance at the direction of the board of directors of the exchange on issues that affect consumers. The groups are required to meet at least quarterly throughout the year for the first two years. The act requires public input regarding the issues discussed.

**APPROVED** by Governor March 22, 2016

**EFFECTIVE** June 1, 2016

**H.B. 16-1336** Health benefit plans - premium rates - study creation of single geographic rating area for individual plans - reporting requirements - repeal. Under current law, health insurers are permitted to consider the geographic location of the policyholder when establishing health insurance rates for individual and group insurance plans.

The act directs the commissioner of insurance to study the impacts and viability of creating a single geographic rating area, consisting of the entire state, for purposes of determining premium rates for individual health benefit plans. The commissioner is to include in the study an examination of factors that affect differentiations in premium rates, including differing health care costs throughout various geographic areas of the state. By August 1, 2016, the commissioner is to report and present the findings and recommendations to the joint budget committee of the general assembly and send the report to the health

committees of the general assembly. Additionally, the commissioner is to present the report to the health committees during their hearings held prior to the 2017 regular legislative session under the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act".

The requirements under the act repeal on December 31, 2016.

**APPROVED** by Governor May 17, 2016

**EFFECTIVE** May 17, 2016

**H.B. 16-1387** Health insurance - newborn children - protein allergic conditions. The act requires health benefit plans, except for supplemental policies, to provide coverage for severe protein allergic conditions including immunoglobulin E and nonimmunoglobulin E-mediated allergies to multiple food proteins; severe food protein induced enterocolitis syndrome; eosinophilic disorders as evidenced by the results of a biopsy; and impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract. This includes coverage for amino acid-based elemental formulas.

**APPROVED** by Governor June 1, 2016

**EFFECTIVE** August 10, 2016

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

## LABOR AND INDUSTRY

**S.B. 16-93** Department of labor and employment - independent living services oversight. Currently, the department of human services has oversight over independent living services for persons with disabilities. The act transfers the oversight to the department of labor and employment as of July 1, 2016, and creates an office of independent living services to oversee the duties.

**APPROVED** by Governor March 23, 2016

**EFFECTIVE** March 23, 2016

**S.B. 16-179** Unemployment insurance - classification of individuals - audit process - appropriation. Under current law, the department of labor and employment (CDLE) determines whether an individual is classified as an employee or an independent contractor for purposes of unemployment insurance eligibility. The CDLE has the authority to audit businesses to gather information to assist in making the determination. As it relates to the audit process, the act requires the CDLE to:

- Develop guidance for employers on the statutory factors specified that determine the classification;
- Clarify the process by which an employer or individual may submit further information in response to a determination by the department and prior to an appeal;
- Establish an individual to serve as a resource for employers on certain classification and audit matters;
- Establish internal methods to improve consistency between auditors; and
- Establish an independent review of a portion of audit and appeal results at least twice a year to monitor trends and make improvements to the audit process.

The act appropriates \$36,750 from the general fund and 0.5 FTE to the department of labor and employment for use by the division of unemployment insurance to implement the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-182** Vocational rehabilitation - programs - statutory cleanup - conformity with federal law. The act deletes obsolete provisions and makes conforming changes to reflect current terminology used in relevant federal law and rules pertaining to vocational rehabilitation programs. Recent legislation (SB 15-239) moved these programs from the department of human services to the department of labor and employment and relocated the statutes as of July 1, 2016; the act amends the legislative declaration of SB 15-239 and the substantive provisions of the relocated statutes as they will become effective on that date.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** July 1, 2016

**S.B. 16-198** Workers' compensation - standard policy forms - filing with commissioner of insurance - submission by advisory and rating organizations on behalf of insurers. Under current law, a workers' compensation insurer must annually submit sample forms of policies, riders, letters, notices, and other documents used in its business to the commissioner of insurance along with a certification by an officer of the insurer that the documents comply with Colorado law. The act extends these requirements to advisory organizations and rating organizations within the industry. It also relieves a carrier of the obligation to file such documents and certifications if it uses, without modification, the documents supplied by an advisory organization or rating organization.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** June 8, 2016

**S.B. 16-217** Workers' compensation - claims - expedited litigation. The act requires that any admission of liability in a workers' compensation case that purports to reduce the amount of compensation normally provided by law must include a statement by a representative of the employer listing the specific facts on which the reduction is based and permitting a party to request an expedited hearing on the issue of whether the reduction may be taken.

The act extends the time in which an expedited hearing must be held from 40 to 60 days and permits a party to request an expedited hearing on the issue of whether a compliant designated medical provider list was provided. The act provides for the creation of forms by the division of workers' compensation regarding a request for a change of physician and clarifies when, following a change of physician, an injured worker's treatment relationship with a previously authorized treating physician is terminated.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1044** Petroleum storage tank fund - surcharge - uses. Current law provides that, beginning July 1, 2018, if the available balance of the petroleum storage tank fund exceeds \$8,000,000, no environmental response surcharge is imposed. Section 1 of the act extends that date to September 1, 2023. Current law authorizing the use of the petroleum storage tank fund for petroleum storage tank facility inspections and meter calibrations repeals on July 1, 2018. Section 2 extends this date to September 1, 2023.

**APPROVED** by Governor March 2, 2016

**EFFECTIVE** August 10, 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. 16-1048** Vocational rehabilitation - services for the blind - business enterprise program - expansion of businesses operated by blind vendors - working group to study additional opportunities for businesses owned by blind persons. The business enterprise program, which will be administered by the department of labor and employment (department) starting July 1, 2016, provides training, assistance, and priority to persons who are blind and who wish to operate vending facilities on state property. The act expands the program to allow persons who are blind and are found to be qualified to operate other types of businesses on state property. The act also changes the criteria for determining when a vending facility or other business cannot be operated by a blind vendor to more closely follow the standard under federal law.

Additionally, the act directs the department to convene a working group to examine avenues to:

- Expand job and business opportunities for persons who are blind on state properties that are currently exempt from the program, as well as properties that do not currently utilize blind vendors;
- Leverage revenues from businesses operated by blind vendors at these state properties to increase and modify the allocation of federal matching funds available under the program; and
- Expand the scope of the program to train blind vendors in a variety of business opportunities beyond food service and vending facilities.

The working group comprises members from the blind community, higher education institutions, departments of corrections and natural resources, Colorado state fair, and other interested parties and state agencies. By January 1, 2017, the working group is to develop and submit a final report, which may include legislative and administrative recommendations, to the business committees of the general assembly.

The act contains a clause specifying that additional appropriations are not necessary to implement the act. The section of the act that directs the department to convene a working group takes effect May 4, 2016, and all other portions of the act take effect on July 1, 2016.

**APPROVED** by Governor May 4, 2016

**PORTIONS EFFECTIVE** May 4, 2016  
**PORTIONS EFFECTIVE** July 1, 2016

**H.B. 16-1053** Division of oil and public safety - retail hydrogen fuel - rules establishing minimum standards. On or before January 1, 2017, the director of the division of oil and public safety (director) is required to promulgate rules concerning retail hydrogen fuel for vehicles, including rules relating to inspections, measurement, and specifications. The director's rules must establish minimum design, construction, location, installation, and operation standards, and these standards must conform to the minimum standards prescribed in the National Fire Protection Association's national fire code, as revised by the Association from time to time. The division of oil and public safety is required to begin enforcing the rules on July 1, 2017. The director may promulgate rules to establish fees to offset the administrative costs incurred by the division of oil and public safety.

The act amends the definition of "fuel products" to include hydrogen.

**APPROVED** by Governor March 9, 2016

**EFFECTIVE** March 9, 2016

**H.B. 16-1114** Employment - verification standards. The act eliminates the requirement that each employer in Colorado attest that the employer has verified the legal work status of each employee, has not altered or falsified the employee's identification documents, and has not knowingly hired an unauthorized alien. The act also eliminates the fine imposed on an employer who either fails to provide documentation or provides fraudulent documentation.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** August 10, 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. 16-1267** Employment - veterans' service-to-career pilot program - creation - administration - appropriation. The act creates the Colorado veterans' service-to-career pilot program (program) for the purpose of enhancing workforce center services that are not available under federal law. The department of labor and employment will select one or more workforce centers to contract with a nonprofit agency to administer the program. A selected workforce center shall develop and expand programs to provide workforce development-related services specifically tailored to the unique needs and talents of veterans, spouses, and other eligible participants. The services provided by the program may include:

- Skills training;
- Opportunities for apprenticeship placements;
- Opportunities for internship placements;
- Opportunities for work placements with businesses or other organizations; and
- Support services.

The department is required to develop a grant program so that workforce centers may apply for money to administer the program. Money for the internships and apprenticeships may come from the employer, federal money, and grant money through the general fund. The bill outlines specific requirements that workforce centers must meet in order to participate in the grant program.

\$500,000 is appropriated from the marijuana tax cash fund to the department for use by the division of employment and training to implement the program.

**APPROVED** by Governor May 20, 2016

**EFFECTIVE** August 10, 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. 16-1287** Apprenticeship and pre-apprenticeship study - report. The act requires the department of labor and employment to study whether there are barriers to the use of pre-apprenticeship and apprenticeship programs by Colorado businesses and make a report and recommendations based on the study.

The report and recommendations must be provided to the state work force development council for inclusion in the annual Colorado talent report, to the Senate business, labor, and technology committee, and to the House business affairs and labor committee.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 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. 16-1288** State work force development council - industry infrastructure grant program - eligibility and requirements. The act creates the industry infrastructure grant program (program) within the state work force development council (council). The council is required

to partner with eligible nonprofit entities to develop and maintain industry competency standardization to support businesses in their implementation of work site training programs.

The act creates the industry infrastructure fund to pay for the program. The fund consists of \$900,000 transferred over 3 years from the general fund and any other gifts, grants, or donations that the council receives. Use of grant moneys is subject to certain restrictions.

The council must prepare a report by January 1 of each year through 2020 that includes information about any eligible nonprofit entity, identified industry sectors, a list of competencies in each sector, uses of an eligible nonprofit entity's committed private funding, the number of industry apprentices that utilized the industry-defined competencies, and any other measurable outcomes the council deems appropriate. The report must be included in the Colorado talent report.

**APPROVED** by Governor May 20, 2016

**EFFECTIVE** August 10, 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. 16-1290** Transitional jobs program - extension - appropriation. Current law provides money to employers to hire eligible persons for transitional jobs through June 30, 2017, with no new jobs offered after December 31, 2016. The act extends these dates to June 30, 2019, and December 31, 2018.

The act appropriates \$1,151,628 to the department of human services office of self sufficiency to pay for the extended program in fiscal year 2016-17.

**APPROVED** by Governor May 20, 2016

**EFFECTIVE** August 10, 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. 16-1302** Workforce innovation and opportunity act. The act changes the title of the "Colorado Work Force Investment Act" to the "Colorado Workforce Innovation and Opportunity Act" and aligns the current state statute with the federal "Workforce Innovation and Opportunity Act" (federal act).

The act updates the language of the "Colorado Work Force Investment Act" to comport with the federal act. It also clarifies the roles that specific entities within Colorado play in workforce development programs. It removes inconsistencies and requirements that existed in state law but can no longer apply due to the changes in federal law.

**APPROVED** by Governor May 19, 2016

**EFFECTIVE** May 19, 2016

**H.B. 16-1323** Division of labor - name change. The act renames the division of labor within the department of labor and employment; the division will now be known as the of

labor standards and statistics.

**APPROVED** by Governor April 22, 2016

**EFFECTIVE** August 10, 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. 16-1432** Personnel files - private-sector employees - right to inspect. The act allows a private-sector employee at least annually to request that his or her employer permit the employee to inspect or request copies of the employee's personnel file at the employer's office and at a time convenient to both the employer and the employee. The act allows a former private-sector employee to make one inspection of his or her personnel file after termination of employment. Employees or former employees are required to pay reasonable costs of duplication of documents. The act provides that it does not:

- Create or authorize a private cause of action by a person aggrieved by a violation of the act;
- Require an employer to create, maintain, or retain a personnel file on an employee or former employee; or
- Require an employer to retain any documents that are or were contained in an employee's or former employee's personnel file for any specified period of time.

The act specifies it does not apply to financial institutions chartered and supervised under state or federal law including banks, trust companies, savings institutions, and credit unions.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** January 1, 2017

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

**H.B. 16-1438** Discriminatory and unfair labor practices - conditions related to pregnancy - employer requirements. The act makes it an unfair employment practice if an employer fails to provide reasonable accommodations for an applicant for employment or an employee for conditions related to pregnancy or childbirth.

The act requires an employer to:

- Provide an applicant for employment or an employee with reasonable accommodations to perform essential job functions for health conditions related to pregnancy;
- Not take adverse action against an employee who requests or uses a reasonable accommodation;
- Not deny employment opportunities based on the need to make a reasonable accommodation;
- Not require the acceptance of an accommodation that has not been requested or is unnecessary; and
- Not require leave if the employer can provide an alternative accommodation.

The employer may require a note from a health care provider prior to providing a reasonable accommodation.

The act requires the employer to provide new and existing employees with written notice of the right to be free from discriminatory or unfair employment practices related to pregnancy.

**APPROVED** by Governor June 1, 2016

**EFFECTIVE** August 10, 2016

**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. 16-134** Professional licensing - notification of professional licensing standards to discharging members - commercial driver's licenses. The act requires the Colorado department of revenue (DOR) to consider crediting a military veteran's training, education, and experience toward the qualifications for a commercial driver's license.

The act also requires the division of veterans affairs to make reasonable efforts to notify a discharged member of the obligations of DOR under the act and of the duties and functions of a professional licensing authority that is regulated by the department of regulatory agencies, as it relates to the professional licensing of military veterans.

**APPROVED** by Governor May 27, 2016

**EFFECTIVE** May 27, 2016

**H.B. 16-1112** Mental health issues - service animals for veterans - training pilot program - appropriation. The act creates the training veterans to train their own service dogs pilot program (program) and the training veterans to train their own service dogs pilot program fund (fund). The purpose of the program is to identify a group of up to 10 eligible veterans, as defined by federal law and who have been referred by a qualified mental health professional, to participate in the program and to pair with dogs. The dogs will be identified by qualified canine trainers in conjunction with the veterans. The participants will foster, train, and ultimately utilize the dog he or she has been paired with as a service or companion animal. The program will further offer those veterans who graduate from the program with a trained dog the opportunity and necessary follow-along services to expand the program, if willing, through identifying, fostering, and training a subsequent dog for another eligible veteran who is unable to complete one or more parts of the process due to physical or other limitations.

The executive director of the department of human services (director) shall establish and post criteria, including eligibility criteria, for the program. The director shall establish guidelines and timelines for a request for proposals process to select two nonprofit agencies that represent different counties (nonprofits) to facilitate operations for the program. The chosen nonprofits shall record and report measurable outcomes to the director.

The fund consists of any money appropriated by the general assembly or any gifts, grants, or donations received by the department for the program.

For the 2016-17 state fiscal year, \$100,000 is appropriated to the fund from the general fund.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1125** Veterans - definition of "veteran". The act creates a Colorado statutory reference to conform with the federal definition of "veteran".

**APPROVED** by Governor March 22, 2016

**EFFECTIVE** August 10, 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. 16-1397** Housing - Fitzsimons project development. The act authorizes and establishes, subject to available appropriations, a state veterans community living center on the site of the former Fitzsimons Army medical center. It is the intent of the general assembly that the Fitzsimons property be for the exclusive use of veterans and qualifying family members of veterans.

The act directs the department of human services (department) to work to expeditiously develop the vacant parcels of land to the north and south of the Fitzsimons community living center that exists as of January 1, 2016. The vacant land must be used to construct and operate facilities that provide a continuum of residential care options exclusively for veterans or qualifying family members of veterans. The department must work in compliance with the 1999 memorandum of agreement between the Fitzsimons Redevelopment Authority, the city of Aurora, and the department, as well as seek input, as appropriate, from the board of commissioners of veterans community living centers, the state board of veterans affairs, and a statewide coalition of veterans organizations.

The department shall include progress updates on the Fitzsimons project in its annual report and shall provide quarterly progress updates to the state, veterans, and military affairs committees of the house of representatives and the senate, or any successor committees, on or before September 30, 2016; December 31, 2016; March 31, 2017; and June 30, 2017.

**APPROVED** by Governor June 1, 2016

**EFFECTIVE** June 1, 2016

**H.B. 16-1444** Qualifying disabled veteran - property tax exemption purposes. The act aligns the statutory definition of "qualifying disabled veteran", as it relates to a property tax exemption for qualifying seniors and disabled veterans, with the language established in section 3.5 of article X of the Colorado constitution.

**APPROVED** by Governor May 27, 2016

**EFFECTIVE** July 1, 2016

## MOTOR VEHICLES AND TRAFFIC REGULATION

**S.B. 16-10** Certificates of title - off-highway vehicles - dealers. Current law requires an owner to obtain a certificate of title before selling an off-highway vehicle. The act exempts off-highway vehicles that have never been titled and were sold either in a jurisdiction that does not issue titles to off-highway vehicles or in Colorado before off-highway vehicles were titled. If a dealer purchases an off-highway vehicle without a certificate of title, the dealer must obtain from the seller a signed affidavit that the seller owns the off-highway vehicle and whether the vehicle is subject to a lien.

The act requires a law enforcement agency, if contacted by a powersports vehicle dealer, to check the Colorado crime information center computer to determine if an off-highway vehicle has been stolen and to facilitate the return of a stolen off-highway vehicle to its rightful owner.

To obtain a certificate of title, the dealer must present the affidavit to the department of revenue. Current law allows an off-highway vehicle registration to serve as proof of ownership. The act limits this to vehicles purchased before July 1, 2014, that have been registered for at least one year.

**APPROVED** by Governor April 7, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-30** Vehicle size and weight - regulation - penalties and procedures - weight limits - uniform surcharge on penalties - appropriation. The act repeals the statutory surcharges for violating motor vehicle weight limits and substitutes a uniform surcharge of 16% of the base amount of the penalty for each violation.

\$12,566 is appropriated to the department of revenue to implement the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-132** Driving under the influence - confidentiality of results of tests of persons' breath alcohol content. The database compiled by the department of public health and environment (department) containing personal identifying information relating to the results of tests of persons' breath alcohol content, and all personal identifying information thereof, are not public information. The department shall disclose such information only to:

- The individual who is the subject of the test, or to his or her legal representative;
- A named interested party in a civil or criminal action in which the test results are directly related, or to his or her legal representative;
- Any prosecuting attorney, law enforcement officer, state agency, or state or local public official legally authorized to utilize such information to carry out his or her official duties; or

- Any party who obtains an order in a pending civil or criminal case if the court finds the party has shown good cause to have the information. In determining whether there is good cause, the court shall consider certain factors.

The department may release nonpersonal identifying information from the database in accordance existing law relating to public records.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-138** Department of revenue - county clerks delegation of functions - kiosk pilot program - selection of private provider - certificates of title - registration - driver's licenses. The act authorizes a kiosk pilot program whereby a county clerk may contract with a private vendor to provide motor vehicle services, such as issuing certificates of title, registering motor vehicles, and issuing driver's licenses. The act authorizes a convenience fee of \$3 for the service.

**APPROVED** by Governor May 16, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-140** Certificates of title - motor vehicle dealers - discipline - deadlines. Under current law, a motor vehicle dealer has 30 days to facilitate the delivery of the certificate of title to a vehicle sold by the dealer. Until the certificate of title is delivered, the dealer issues a temporary registration number plate so that the purchaser may legally drive the vehicle. The act makes it an affirmative defense in a disciplinary hearing that the dealer took every reasonable action necessary to deliver the title within 30 days.

The dealer may issue a second temporary registration number plate if the dealer has taken every reasonable action necessary to facilitate the delivery of the certificate of title.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-173** Use of state highways - powers of local authorities - golf cars - operation at grade crossings. The act allows a local authority to authorize the use of a golf car to cross a state highway at an at-grade crossing to continue to use the local road.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1008** Transit vehicles - exclusive use of designated areas of roadway. The department of transportation (CDOT) is authorized to designate an area on a roadway not otherwise laned for traffic for use by commercial vehicles that are designed to transport 16 passengers or more, including the driver, and that are operated by a governmental entity or a government-owned business that transports the general public or by a contractor on behalf of such an entity or government-owned business. Only a vehicle authorized by CDOT and operating under conditions of use established by CDOT may travel on such a designated area but, subject to the conditions of use, the driver of an authorized vehicle has sole discretion to decide whether or not to drive on such an area based on the driver's assessment of the safety of doing so.

CDOT must consult with the Colorado state patrol before making such a designation and establishing conditions of use for the designated area and must work with local governmental agencies in implementing such a designation and associated conditions of use. CDOT must impose and each authorized user must acknowledge the conditions of use for the designated area by written agreement.

**APPROVED** by Governor March 9, 2016

**EFFECTIVE** March 9, 2016

**H.B. 16-1017** DUI penalties - victim impact panel - fees. For a person convicted of a traffic offense involving alcohol or drugs, current law allows the court to require the person to attend and pay up to \$25 for one appearance before a victim impact panel. The act specifies that the person must attend in person, increases the \$25 appearance fee cap to \$50 as of July 1, 2016, and specifies that the fee is adjusted every July 1 thereafter based on the consumer price index.

**APPROVED** by Governor March 22, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1021** Driver's license - application race or ethnicity information - race or ethnicity information on magnetic strip. The act requires that an application for a driver's license or state identification card include the opportunity for the applicant to self-identify his or her race or ethnicity. The race or ethnicity information will not be printed on the driver's license or identification card but will be included in the information on the stored information magnetic strip on the card. A law enforcement officer will be able to access the information when he or she swipes the driver's license or identification card.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1051** Certificates of title - arrangements for transfer of title upon death - beneficiary designation forms. On and after the effective date of the act, the department of revenue (department) shall make available a beneficiary designation form (form) that allows the owner or joint owners of a vehicle to arrange to transfer ownership of the vehicle to a named beneficiary upon the death of the owner or upon the death of all joint owners of the vehicle. Upon the death of the owner or of the last surviving joint owner, the beneficiary may present the form to the department and request a new title of ownership of the vehicle in the beneficiary's name. The request must be accompanied by:

- Proof of the death of the vehicle's owner or proof of the death of the last

- surviving joint owner of the vehicle; and
- The statutory fee for an application for a certificate of title.

Upon the presentation of a properly executed and notarized form and the accompanying documents and fee, the department, subject to any security interest, shall issue a new certificate of title to the beneficiary.

The transfer of ownership of a vehicle via a form is not considered testamentary and is not subject to the provisions of the "Colorado Probate Code".

**APPROVED** by Governor March 23, 2016

**EFFECTIVE** August 10, 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. 16-1056** Abandoned vehicles - notifications - title searches - databases - appropriation. Currently, when an abandoned motor vehicle has been towed, the responsible law enforcement agency and tow operator notify the department of revenue, which searches its records to determine who owns the vehicle and if there is a lienholder. This information is used to return stolen vehicles and to notify the owner and any lienholder that the vehicle will be sold at an auction if it is not claimed. The act broadens the records used in the search to include those that can be obtained through a national title search.

The act also extends the period for a tow operator to notify the owner and any lienholder from 3 days to 5 days.

\$21,929 is appropriated to the department of revenue to implement the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1231** Automated vehicle identification systems - red light cameras - prohibition. Current law allows the use of automated vehicle identification systems designed to detect disobedience to a traffic signal on all traffic signals.

Prior to December 31, 2016, the act prohibits the use of automated vehicle identification systems designed to detect disobedience to a traffic signal on collector roads and local streets, but allows the use of the systems within a school zone, within a highway or road construction or repair zone, or on arterial roads. On or after December 31, 2016, the systems may not be used anywhere in the state.

The act requires that fines assessed through the use of these systems be used for traffic safety improvements, traffic enforcement, or related purposes.

**VETOED** by Governor June 2, 2016

**H.B. 16-1269** Identification cards - electronic and mail application. Beginning March 1, 2017, the act allows anyone who holds a valid Colorado driver's license or whose Colorado driver's license has been expired for less than one year to apply by mail or electronically to the department of revenue for an identification card. Upon issuance of the identification card, the person's driver's license is cancelled.

**APPROVED** by Governor April 12, 2016

**EFFECTIVE** August 10, 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. 16-1317** Repairs - service contracts - products and services. The act authorizes the following products or services to be offered in connection with a motor vehicle service contract:

- Repair or replacement of wheels or tires damaged by road hazards;
- Paintless dent repair;
- Repair or replacement of a windshield damaged by road hazards;
- Replacement of a key or key fob that is broken, lost, or stolen; and
- Other similar services.

The act also clarifies that, for the purposes of a service contract or warranty, distributors and affiliates of manufacturers are also considered manufacturers.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** August 10, 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. 16-1378** DUI offenders - judgment for costs and fines - court to collect costs to reimburse law enforcement agencies for cost of performing chemical tests. Upon a motion by a prosecuting attorney and at the discretion of the court, a convicted DUI defendant may be required to reimburse a law enforcement agency for any costs resulting from the collection and analysis of any chemical test upon the defendant. The act requires the court to collect such costs from the defendant and transfer them to the law enforcement agency if the law enforcement agency is not the Colorado state patrol.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

## NATURAL RESOURCES

**S.B. 16-3** Wildfires - broadcast burning - wildfire matters review committee. Section 1 of the act adds broadcast burning, the method by which fire is applied generally to most or all of an area within well-defined boundaries with well-defined conditions, as an optional method for which the department of natural resources may award grants from the wildfire risk reduction fund to reduce wildfire risk in the wildland-urban interface.

Section 2 transfers \$1 million to the wildfire risk reduction fund from the general fund.

Section 3 amends the wildfire matters review committee's organic statute by:

- Directing the committee to review ways to cooperate with federal agencies and local governments;
- Authorizing up to two field trips during each interim;
- Directing the committee to review specific issues during the 2016 interim; and
- Authorizing the president of the senate to appoint the committee's chair during even-numbered years and authorizing the speaker of the house to appoint the chair during odd-numbered years.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** June 6, 2016

**S.B. 16-8** Recreation - operation of off-highway vehicles - crossing state highways - regulation by municipalities. Currently, a person may cross a state highway with an off-highway vehicle except within the jurisdiction of a municipality. The act authorizes people to cross a state highway within a municipality but requires the municipality to get approval from the Colorado department of transportation.

**APPROVED** by Governor March 16, 2016

**EFFECTIVE** March 16, 2016

**S.B. 16-68** Wildlife - hunting - safety requirements - high-visibility garments - fluorescent pink. A hunter is required to wear fluorescent orange to hunt elk, deer, pronghorn, moose, or black bear. The act adds the option to wear fluorescent pink.

**APPROVED** by Governor April 12, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-137** Wildlife - hunting and fishing - licenses - agreements under the landowner preference program. The act clarifies that the landowner preference program does not limit the authority of the Colorado parks and wildlife commission to enter into an agreement with a private landowner for public hunting and fishing areas or to include the issuance of a hunting license in such an agreement. The game damage prevention program does not prevent the waiver of game damage eligibility in such agreements.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** August 10, 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. 16-1019** State forest service - grant programs - broadcast burning. The act adds broadcast burning, the method by which fire is applied generally to most or all of an area within well-defined boundaries, to the types of projects and methods for which the state forest service may award grants from the healthy forests and vibrant communities fund and the forest restoration program cash fund to help restore community watersheds.

**APPROVED** by Governor March 22, 2016

**EFFECTIVE** March 22, 2016

**H.B. 16-1030** Parks and wildlife - outdoor recreation - off-highway vehicles - crossing state highways - regulation by local authorities. The act clarifies that local authorities may require drivers of off-highway vehicles to have driver's licenses and insurance. The act also authorizes people to cross a state highway within a municipality and requires the municipality to get approval from the Colorado department of transportation.

**APPROVED** by Governor April 12, 2016

**EFFECTIVE** April 12, 2016

**H.B. 16-1173** Parks and recreation - water vessels - registration - continuation under sunset law. Currently, machine- or sail-powered vessels are required to be annually registered with the department of natural resources.

The automatic termination date of the registration and regulation of vessels by the department of natural resources is extended until September 1, 2026, pursuant to the provisions of the sunset law.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** August 10, 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. 16-1255** Forest management - water supply - compilation of studies - forest health advisory council - subject to sunset review. Section 1 of the act directs the Colorado state forest service to conduct, or contract with one or more entities to conduct, demonstration projects that utilize Colorado's good neighbor authority with the United States forest service to implement forest management treatments that improve forest health and resilience and supply forest products to Colorado businesses and that target a Colorado watershed. Of the \$1 million that is currently annually allocated to the state forest service for community watershed restoration, the act allocates at least \$200,000 to implement the projects. Section 1 also directs the state forest service, in conjunction with the Colorado water conservation board, to compile and summarize findings from existing studies to quantify and document the relationship between the state water plan and the importance of forest management in protecting and managing Colorado's water resources. The report containing the results of the compilation must be submitted to the general assembly's committees with jurisdiction over natural resources by July 1, 2017.

Section 2 creates within the state forest service the forest health advisory council to provide a collaborative forum to advise the state forester on a broad range of issues,

opportunities, and threats with regard to Colorado's forests. The council will be appointed by the governor and legislative leadership and is subject to sunset review in 2021.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** April 21, 2016

**H.B. 16-1276** Abandoned mines - emergency response cash fund - use for emergency responses. Current law authorizes the division of reclamation, mining, and safety in the department of natural resources to use the emergency response cash fund for hazardous conditions at a mining site only if the site is subject to the division's regulatory authority. The act authorizes use of the fund to conduct emergency responses when circumstances exist at a legacy hard rock mine site that create a danger to public health or welfare or the environment.

**APPROVED** by Governor May 17, 2016

**EFFECTIVE** May 17, 2016

**H.B. 16-1458** Wildlife - threatened and endangered species - conservation programs - funding - annual allocation from species conservation trust fund. The act allocates \$3 million from the species conservation 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 that are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** June 6, 2016

## PROBATE, TRUSTS, AND FIDUCIARIES

**S.B. 16-85** Colorado probate code - trust administration - trust decanting. "Decanting" is a term used to describe the distribution of assets from one trust into a second trust. The act creates the "Colorado Uniform Trust Decanting Act", which allows a trustee to reform an irrevocable trust document within reasonable limits that ensure the trust will achieve the settlor's original intent. The act prevents decanting when it would defeat a charitable or tax-related purpose of the settlor.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-88** Revised Uniform Fiduciary Access to Digital Assets Act. The general assembly enacted the "Revised Uniform Fiduciary Access to Digital Assets Act", as amended, as Colorado law. The act sets forth the conditions under which certain fiduciaries may access:

- The content of an electronic communication of a principal or decedent;
- A catalog of electronic communications sent or received by a principal or decedent; and
- Any other digital asset in which a principal has a right or interest or in which a decedent had a right or interest at death.

As to tangible personal property capable of receiving, storing, processing, or sending a digital asset, a fiduciary with authority over the property of a decedent, protected person, principal, or settlor may access the property and any digital asset stored in it and is an authorized user for purposes of computer fraud and unauthorized computer access laws.

A custodian and its officers, employees, and agents are immune from liability for an act or omission done in good-faith compliance with the provisions of the act.

**APPROVED** by Governor April 7, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-131** Colorado probate code - oversight of fiduciaries. The act clarifies statutory language concerning the removal of a fiduciary to ensure that a fiduciary's authority is suspended as soon as a petition to remove the fiduciary is filed.

The act adds a provision to the conservatorship statutes stating that an adult ward or protected person has a right to be represented by a lawyer of their choosing unless the trial court finds the person lacks sufficient capacity to provide informed consent for representation by a lawyer.

The act states that after a fiduciary receives notice of proceedings for his, her, or its removal, the fiduciary shall not pay compensation or attorney fees and costs from the estate

without an order of the court.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-133** Colorado probate code - determination of property interests. A certificate of death, a verification of death document, or a certified copy thereof, of a person who is a joint tenant may be placed of record with the county clerk and recorder of the county in which the real property affected by the joint tenancy is located, together with a supplementary affidavit. The act removes the requirement that the person who swears to and affirms the supplementary affidavit has no record interest in the real property, and it requires that person to be the same person who is named in a specific recorded deed or similar instrument creating the joint tenancy.

The act amends provisions concerning determination-of-heirship proceedings, as follows:

- Clarifies the definition of "interested person" so that anyone affected by the ownership of property may commence a proceeding;
- Describes when an unprobated will may be used as part of a proceeding;
- Clarifies notice requirements; and
- Ensures that a judgment and decree will convey legal title as opposed to equitable title.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** August 10, 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. 16-1101** Declarations regarding future medical treatment - proxy decision-makers authorized. An attending physician may designate another willing physician to make health care treatment decisions as a patient's proxy decision-maker if:

- After making reasonable efforts, the physician cannot locate any interested persons, or none of the interested persons are willing and able to serve as proxy decision-maker;
- The attending physician has obtained an independent assessment of the patient's lack of decisional capacity by another health care provider;
- The physician has consulted with and obtained a consensus on the proxy designation with the medical ethics committee of the health care facility where the patient is receiving care; and
- The identity of the physician designated as proxy decision-maker is documented in the medical record.

The authority of the proxy decision-maker terminates in the event that an interested person is willing to serve as proxy decision-maker, a guardian is appointed, the patient regains decisional capacity, the proxy decision-maker decides to no longer serve as the patient's proxy decision-maker, or the patient is transferred or discharged from the facility,

if any, where the patient is receiving care (unless the proxy decision-maker expresses his or her intention to continue to serve as proxy decision-maker).

The act establishes guidelines to which an attending physician and proxy decision-maker shall adhere for proxy decision-making.

When acting in good faith as a proxy decision-maker, a physician is not subject to civil or criminal liability or regulatory sanction.

**APPROVED** by Governor May 18, 2016

**EFFECTIVE** August 10, 2016

**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. 16-9** Dentists and dental hygienists - fee-sharing. Current law prohibits dentists and dental hygienists from sharing fees in a way that could be interpreted to make fee-sharing within a dental service organization grounds for disciplinary action. The act creates an exception for fee-sharing in connection with a contract for business management services or a franchise agreement if the contract or agreement does not affect a dentist's or dental hygienist's professional judgment.

**APPROVED** by Governor March 9, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-14** Mortgage loan originators - required disclosures - fees and costs - harmonization with federal law and rules. The act repeals selected provisions of the Colorado "Mortgage Loan Originator Licensing and Mortgage Company Registration Act" governing and setting deadlines for disclosures of certain fees and costs and replaces those provisions with cross references to applicable requirements in the federal "Truth in Lending Act", the federal "Real Estate Settlement Procedures Act of 1974", and other statutes and rules governing the activities of mortgage loan originators.

**APPROVED** by Governor March 16, 2016

**EFFECTIVE** March 16, 2016

**S.B. 16-40** Medical and retail marijuana - direct and indirect ownership forms - out-of-state ownership - repeal state residency requirement. The act repeals the current definition of "owner" in the retail and medical marijuana codes and replaces it with definitions of "direct beneficial interest owner" and "indirect beneficial interest owner".

"Direct beneficial interest owner" is defined as a person or closely held business entity that owns a share or shares of stock in a licensed medical marijuana business, including the officers, directors, managing members, or partners of the licensed medical marijuana business or closely held business entity, or a qualified limited passive investor. A direct beneficial interest owner must have been a resident of Colorado for at least one year prior to applying for licensure or be a U.S. citizen prior to applying. A retail or medical marijuana business may be comprised of an unlimited number of direct beneficial interest owners who were Colorado residents for at least one year prior to application. A retail or medical marijuana business that includes a direct beneficial interest owner who was not a Colorado resident for one year prior to the application is limited to 15 direct beneficial interest owners and must include one officer who was a Colorado resident for one year prior to the application. All officers with day-to-day control over the business must have been Colorado residents for at least one year prior to the application. The state licensing authority can review the 15-person limit and increase it. A direct beneficial interest owner that is a closely held business entity must consist entirely of natural persons who are U.S. citizens prior to the date of the application, including all parent and subsidiary entities. A person who wants to be approved as direct beneficial interest owner must first submit a request for suitability to the state licensing authority and must receive a finding of suitability prior to applying as a direct beneficial interest owner.

"Indirect beneficial interest owner" is defined as a holder of a permitted economic

interest, a recipient of a commercially reasonable royalty associated with the use of intellectual property by a licensee, a licensed employee who receives a share of the profits from an employee benefit plan, a qualified institutional investor, or another similarly situated person or entity as determined by the state licensing authority.

The act allows qualified institutional investors to own up to 30% of a medical or retail marijuana business.

The act prohibits a publicly traded company from being an owner in a medical or retail marijuana business.

The act gives the state licensing authority rulemaking authority regarding the parameters and qualifications of an indirect beneficial interest owner and a qualified limited passive investor.

Under current law, an owner of a medical or retail marijuana business must have been a Colorado resident for at least 2 years prior to applying for licensure. The act repeals this requirement.

This act applies to applications made on or after January 1, 2017.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**S.B. 16-62** Board of pharmacy - regulation of veterinary pharmaceuticals - creation of veterinary pharmaceutical advisory committee - applicability - repeal. The act creates a 3-person veterinary pharmaceutical advisory committee (advisory committee) to which the board of pharmacy (board) refers matters concerning veterinary pharmaceuticals. The advisory committee makes recommendations to the board on matters referred, and the board is required to adopt a recommendation of the advisory committee unless the board determines that there exists material and substantial evidence or information on the matter warranting a different resolution of the matter. The state veterinarian appoints the members of the advisory committee, including a veterinarian appointee; a pharmaceutical wholesaler or veterinarian appointee; and an appointee with a background in agriculture who is not a pharmacist, veterinarian, or pharmaceutical wholesaler.

The act provides an automatic termination date of September 1, 2026, for the advisory committee, subject to the department of regulatory agencies' review pursuant to the sunset review process.

The act removes the sale of disposable veterinary devices from the board's regulatory purview and authorizes the board to exempt veterinary devices that are regulated by the federal food and drug administration or for which the board determines regulation is unnecessary.

The act also reduces the civil penalty a registrant faces for unlawfully distributing a veterinary drug to a civil penalty of \$50 to \$500 for a single violation and a maximum of \$5,000 for multiple violations; except that the board may impose a greater fine if it determines that the registrant has committed one or more egregious violations. The act further authorizes the board, when setting a fine, to consider the registrant's ability to pay.

The act takes effect July 1, 2016, and applies to offenses committed on or after said date.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** July 1, 2016

**S.B. 16-80** Medical marijuana - grows in an enclosed and locked space. The act requires that a medical marijuana grow site must be in an enclosed and locked space.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** June 8, 2016

**S.B. 16-143** Alcohol beverages - license fees - reduction in annual state fees for wholesalers and distillers - 2-year phase-in. The act reduces annual state liquor license fees for:

- Manufacturers licensed as distillers or rectifiers from \$1,050 to \$675 between August 10, 2016, and August 9, 2017, and to \$300 starting August 10, 2017; and
- Licensed wholesalers from \$1,050 to \$800 between August 10, 2016, and August 9, 2017, and to \$550 starting August 10, 2017.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-158** Physician assistants - delegated authority clarification. The act clarifies the duties that a physician may delegate to a physician assistant (PA) within his or her scope of practice, including:

- In several areas of law where a statement from a physician is required to verify a medical condition, allowing a PA to issue the statement;
- In workers' compensation matters, permitting a licensed PA to obtain level I accreditation and to perform level I medical services if delegated to the level I accredited PA by a level I accredited physician;
- Under health care coverage laws requiring direct access to certain health care providers, adding PAs to the list of providers of reproductive health care and gynecological care, treatment for intractable pain, and pediatric health care to whom a covered person is entitled to have direct access under a health benefit plan;
- Allowing up to 4 PAs to work under the direction and supervision of a licensed podiatrist;
- Applying the requirement that a prescription issued by a PA be imprinted with the name of the supervising physician or podiatrist, as applicable, only to prescriptions for controlled substances and, for all other prescriptions, requiring the name and address of the facility and, if applicable, the specialty clinic where the PA practices to be imprinted on the prescription; and
- Adding PAs to the list of health care providers who may serve as the public health director for a county or district board of health or who may issue a

certificate of immunization for a college student or a certification that a student should be exempted from immunization for medical reasons.

**APPROVED** by Governor June 1, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-161** Athletic trainers - restore regulation by division of professions and occupations - exceptions to registration requirements - sunset in 2021 - appropriation. Prior to July 1, 2015, athletic trainers practicing in Colorado were regulated by the director of the division of professions and occupations (director) in the department of regulatory agencies. The regulation of athletic trainers was not continued in the 2015 legislative session, resulting in the repeal of the director's authority on July 1, 2015.

The act reinstates the director's authority to regulate athletic trainers, requiring athletic trainers to obtain a registration from the director in order to practice athletic training in Colorado. The act restores the "Athletic Trainer Practice Act" as it existed on June 30, 2015, with the following substantive changes:

- Deletes from the definition of what constitutes the practice of athletic training, and moves to a provision specifying the requirements for engaging in the practice of athletic training in this state, the requirement that an athletic trainer practice under the direction of a physician, dentist, or other licensed health care professional;
- Adds title protection for the abbreviation "A.T.C.", limiting its use to registered athletic trainers;
- Requires an applicant for an athletic trainer registration to provide evidence of current certification by the national certifying agency;
- Requires a registrant applying to renew his or her registration to submit, if requested by the director, evidence of current certification by the national certifying agency;
- Changes the term "student athletic trainer" to "athletic training student";
- Clarifies that youth sports programs are not required to employ registered athletic trainers;
- Exempts from the registration requirements K-12 school coaches, athletic directors, and other school employees or contractors while engaged in certain activities in the course of regularly scheduled school duties; and
- Adds as grounds for discipline the failure of an athletic trainer to practice pursuant to the direction of a Colorado-licensed or otherwise lawfully practicing physician, dentist, or health care professional and the failure to practice in a manner that meets generally accepted standards of athletic training practice.

The act repeals the regulation of athletic trainers on September 1, 2021, and requires the department of regulatory agencies, prior to the repeal, to conduct a sunset review of the regulation of athletic trainers.

The act appropriates \$25,134 from the division of professions and occupations cash fund to the department of regulatory agencies to implement the act, which appropriation is allocated as follows:

- \$14,778 to the division of professions and occupations for personal services, including 0.3 FTE;
- \$285 to the division for operating expenses; and
- \$10,071 to purchase legal services, which amount is reappropriated to the department of law to provide legal services, including 0.1 FTE.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** July 1, 2016

**S.B. 16-163** Recodification of title 12 - study. The act directs the office of legislative legal services, overseen by the committee on legal services, to conduct a study of an organizational recodification of title 12 of the Colorado Revised Statutes. In conducting the study, the office must solicit input, including regarding the potential fiscal impacts of a recodification, from the judicial department, state agencies, local governments, and other entities with regulation and enforcement responsibilities established by provisions of the title as well as from representatives of the regulated professions and occupations and the public. The office must periodically report to the committee about the status of the study.

The act requires the committee to determine by December 31, 2017, whether to direct the office to present proposed legislation to the committee for an organizational recodification. The proposed recodification should be largely organizational and nonsubstantive, including only those substantive provisions necessary to promote the public purposes of an organizational recodification, such as changes that will make similar but repetitive provisions uniform and capable of consolidation and changes that will eliminate archaic or obsolete provisions.

\$26,111 and 0.4 FTE is appropriated from the general fund to the legislative department for use by the office of legislative legal services to implement the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**S.B. 16-197** Alcohol beverages - retail sales for off-premises consumption - restrictions on new licenses within specified radius of existing licenses - ability to obtain multiple retail licenses - removal of alcohol content limits on fermented malt beverages - fees - age of employees at retail establishments - appropriations. Starting July 1, 2016, the act prohibits the state and local licensing authorities from issuing a new license under the "Colorado Liquor Code" authorizing the sale at retail of malt, vinous, or spirituous liquors in sealed containers for consumption off the licensed premises if the premises for which a license is sought is located within 1,500 feet of another premises licensed to sell any of those alcohol beverage products at retail in sealed containers for off-premises consumption or, if located in a municipality with a population of 10,000 or fewer, located within 3,000 feet of an off-premises retailer.

On or after January 1, 2017, the act allows a liquor-licensed drugstore to obtain additional liquor-licensed drugstore licenses, under which drugstores are permitted to sell malt, vinous, and spirituous liquors in sealed containers for consumption off the licensed premises, if the liquor-licensed drugstore licensee:

- Applies to the state and local licensing authorities, as part of a single application, to transfer ownership of at least 2 retail liquor stores that were licensed or for which a license application was pending as of May 1, 2016,

- change the location of one of the retail liquor stores, and merge and convert the retail liquor store licenses into a single liquor-licensed drugstore license;
- Applies to transfer retail liquor stores located within the same local licensing jurisdiction as the drugstore premises for which a license is sought, or if there are no retail liquor stores or only one retail liquor store within the same jurisdiction, applies to transfer ownership of one or 2 retail liquor store licenses, as necessary, that are located in the local licensing jurisdiction nearest to the jurisdiction in which the drugstore premises is located; and
- If any retail liquor stores are located within 1,500 feet of the drugstore premises for which a license is sought or, in municipalities with a population of 10,000 or fewer, within 3,000 feet of the drugstore premises, transfers ownership of all retail liquor stores within that radius.

In making its determination on the application, the local licensing authority must consider the reasonable requirements of the neighborhood. Additionally, new liquor-licensed drugstores must be open to the public and must demonstrate that at least 20% of their total annual gross revenues is derived from the sale of food items.

If a liquor-licensed drugstore complies with these requirements, the business may obtain additional liquor-licensed drugstore licenses as follows:

- On or after January 1, 2017, and before January 1, 2022, 4 additional liquor-licensed drugstore licenses for a maximum of 5 total liquor-licensed drugstore licenses;
- On or after January 1, 2022, and before January 1, 2027, 7 additional liquor-licensed drugstore licenses for a maximum of 8 total liquor-licensed drugstore licenses;
- On or after January 1, 2027, and before January 1, 2032, 12 additional liquor-licensed drugstore licenses for a maximum of 13 total liquor-licensed drugstore licenses;
- On or after January 1, 2032, and before January 1, 2037, 19 additional liquor-licensed drugstore licenses for a maximum of 20 total liquor-licensed drugstore licenses; and
- On or after January 1, 2037, an unlimited number of additional liquor-licensed drugstore licenses.

A liquor-licensed drugstore shall:

- Not sell alcohol beverages at a price that is lower than the drugstore's cost to purchase the products;
- Ensure that an employee completes alcohol beverage transactions with customers directly rather than through a self-checkout register;
- Maintain certification as a responsible alcohol beverage vendor;
- Not sell clothing or accessories imprinted with advertising, logos, or slogans related to alcohol beverages;
- Not store alcohol products off the licensed premises;
- Designate a manager who has been permitted by the state licensing authority to conduct the store's alcohol beverage purchases with licensed wholesalers; and
- If licensed on or after January 1, 2017, must effect payment upon delivery of alcohol beverage products it purchases and cannot purchase alcohol beverages on credit.

A liquor-licensed drugstore must pay an application fee to both the state licensing authority and the local licensing authority and, if the application is granted, is subject to applicable annual liquor-licensed drugstore licensing fees.

Effective January 1, 2019, the act removes the maximum alcohol content of fermented malt beverages, thereby allowing licensed fermented malt beverage retailers to sell beer with an alcohol content in excess of 3.2% by weight or 4% by volume. The state licensing authority is to convene a working group of industry and state and local government representatives to develop an implementation process for transitioning to the sale of malt liquor by fermented malt beverage retailers.

The act removes restrictions on the sale of nonalcohol products by a licensed retail liquor store but caps the annual gross revenue from the sale of nonalcohol products at 20% of the retail liquor store's total annual gross revenue.

The act permits a retail liquor store owner who is a Colorado resident and who obtained a retail liquor store license on or before January 1, 2016, to have an interest in additional retail liquor store licenses as follows, if the premises for which the additional license is sought satisfies the radius requirements:

- On or after January 1, 2017, and before January 1, 2022, one additional retail liquor store license, for a maximum of 2 total retail liquor store licenses;
- On or after January 1, 2022, and before January 1, 2027, 2 additional retail liquor store licenses, for a maximum of 3 total retail liquor store licenses; and
- On or after January 1, 2027, 3 additional retail liquor store licenses, for a maximum of 4 total retail liquor store licenses.

All licensed retailers must verify that each customer attempting to purchase alcohol beverages is at least 21 years of age by requiring the customer to present a valid, government-issued document approved by the state licensing authority by rule. Additionally, liquor-licensed drugstore and retail liquor store licensees are prohibited from allowing an employee under 21 years of age to sell, deliver, or otherwise have contact with malt, vinous, or spirituous liquors offered for sale on, or sold and removed from, the licensed premises.

\$398,682 is appropriated from the liquor enforcement division and state licensing authority cash fund to the department of revenue to implement the act, which appropriation is allocated as follows:

- \$153,195 for personal services, including 2.4 FTE;
- \$17,463 for operating expenses; and
- \$228,024 to purchase legal services from the department of law, which amount is reappropriated to the department of law to provide legal services and includes 1.3 FTE.

The act also appropriates \$2,135 from the Colorado bureau of investigation identification unit fund to the department of public safety for use by the Colorado bureau of investigation for personal services and operating expenses related to identification.

The act takes effect on July 1, 2016; except that sections 3 and 4 of the act, section 12-47-103 (19), Colorado Revised Statutes, as amended in section 6 of the act, section 12-47-202 (2) (a) (I) (S), Colorado Revised Statutes, as repealed in section 7 of the act, and section 12-47-901 (8), Colorado Revised Statutes, as repealed in section 16 of the act, all of

which relate to the repeal of the cap on the alcohol content of fermented malt beverages, take effect January 1, 2019.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** July 1, 2016

**H.B. 16-1041** Marijuana licensing - bonding requirement - repeal. The act:

- Declares that, because bonds for medical marijuana businesses and retail marijuana establishments are unavailable in the current marketplace, the requirement to post a bond for the issuance or renewal of a state-issued license makes the operation of medical marijuana businesses and retail marijuana establishments unreasonably impracticable, a result prohibited by Colorado's constitution (section 1 of the act);
- Repeals the requirement that medical marijuana businesses (sections 2 and 3) and retail marijuana establishments (sections 4 and 5) post a bond to be eligible for the issuance or renewal of a license; and
- Repeals the requirement that retail marijuana cultivation facilities file a state tax surety bond (section 6).

**APPROVED** by Governor March 11, 2016

**EFFECTIVE** March 11, 2016

**H.B. 16-1042** Liquor license exemption - higher education brewing program. State institutions of higher education that engage in manufacturing and tasting of fermented malt beverages, also referred to as "3.2% beer", and malt liquor, also referred to as "full-strength beer", for teaching or research purposes are afforded an exemption from licensing requirements under the "Colorado Beer Code" and the "Colorado Liquor Code". The exemption applies only if the higher education institution:

- Does not offer its manufactured beer for sale; and
- Allows only students enrolled in a brewing class or program, employees engaged in manufacturing and tasting for teaching or research purposes, or expert tasters, all of whom must be at least 21 years of age, to taste the beer.

Additionally, any unused 3.2% beer or full-strength beer produced by a state higher education institution that remains after the conclusion of an event that is held at a licensed premises located off campus must be removed from the licensed premises.

**APPROVED** by Governor March 18, 2016

**EFFECTIVE** August 10, 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. 16-1047** Medical licensure - interstate compact - expedited licensing of physicians practicing across state lines - appropriations. The act enacts the "Interstate Medical Licensure Compact Act", which authorizes the governor to enter into an interstate compact with other states to recognize and allow physicians licensed in a compact member state to obtain an expedited license, enabling them to practice medicine in Colorado or another member state.

The act authorizes the Colorado medical board to obtain fingerprints from persons applying for a license under the compact for purposes of obtaining a fingerprint-based criminal history record check on the applicant and designates the medical board as the authorized agency to receive the criminal history record check results. Physicians applying for a new license, or to renew or reinstate a license, under the compact are subject to the requirements of the "Michael Skolnik Medical Transparency Act of 2010".

For the 2016-17 state fiscal year, \$332,019 is appropriated from the division of professions and occupations cash fund to the department of regulatory agencies to implement the act as follows:

- \$104,973 for personal services, including 0.3 FTE;
- \$65,241 for operating expenses, \$31,6000 of which is reappropriated to the Colorado bureau of investigation in the department of public safety for personal services and operating expenses;
- \$113,300 to purchase information technology services, which is reappropriated to the office of information technology in the governor's office; and
- \$47,505 to purchase legal services, which is reappropriated to the department of law.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** June 8, 2016

**H.B. 16-1063** Mental health professionals - disclosure of confidential communications - exception when school safety at risk - limitations - contingent on federal approval. Except under limited circumstances, current law prohibits a licensed, registered, or certified mental health professional from disclosing, without the client's consent, confidential communications made by, or advice given to, the client in the course of the professional relationship.

The act grants an exception to the prohibition against disclosure when the mental health professional's client either:

- Makes an articulable and significant threat against a school or its occupants; or
- Exhibits behavior that, in the mental health professional's reasonable judgment, creates an articulable and significant threat to the health or safety of students, teachers, administrators, or other school personnel.

The mental health professional must:

- Limit the disclosure to appropriate school or school district personnel and law enforcement agencies; and
- Maintain confidentiality of the disclosed information consistent with the requirements of the federal "Family Educational Rights and Privacy Act" (FERPA), but may disclose information in accordance with FERPA in order to protect the health or safety of students or others.

A mental health professional is not liable for disclosing or failing to disclose a confidential communication, except to the extent the mental health professional has a duty under current law to warn and protect.

The act defines "school" to include any public or private preschool, elementary, middle, junior high, or high school, or higher education institution.

The department of human services is required to apply to the secretary of the United States department of health and human services for an exception to the privacy rule under the federal "Health Insurance Portability and Accountability Act of 1996", and the exception to the prohibition against disclosure of confidential communications is contingent on federal approval of the requested exception.

**APPROVED** by Governor May 18, 2016

**EFFECTIVE** May 18, 2016

**H.B. 16-1064** Medical marijuana - testing facilities - local licensing. During the 2015 session, the general assembly authorized a medical marijuana testing facility license. The act clarifies that local licensing authorities may issue such license.

**APPROVED** by Governor March 23, 2016

**EFFECTIVE** March 23, 2016

**H.B. 16-1073** Electricians - state electrical board - licensing - continuing education requirements - inspections. Under current law, an applicant seeking renewal of a license to be a journeyman electrician, a master electrician, or a residential wireman must demonstrate competency through an assessment performed by a private company in compliance with state electrical board (board) rules.

Section 1 of the act modifies the competency requirement by requiring an applicant seeking renewal or reinstatement of his or her license to complete 24 hours of continuing education during each cycle of his or her license in compliance with board rules. The continuing education requirements established by the board must include course work related to the National Electrical Code, including core competencies as determined by the board.

Section 2 requires inspections performed by the state, an incorporated town or city, a county, a city and county, or a qualified state institution of higher education to include a contemporaneous review to ensure that a project is in compliance with electrician licensure and inspection requirements; however, a contemporaneous review is not required for each inspection of the project. Each incorporated town or city, county, city and county, or qualified state institution of higher education conducting inspections is required to develop standard procedures to advise its inspectors how to conduct a contemporaneous review and to post its current procedures on its website.

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** April 15, 2016

**H.B. 16-1076** Architects - classification as retired architect - limitations. The act permits an architect who is over 65 years of age to be classified as a retired architect. A retired architect may hold himself or herself out as a retired architect but is prohibited from practicing architecture without first applying for reinstatement.

**APPROVED** by Governor March 16, 2016

**EFFECTIVE** August 10, 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. 16-1084** Home brewing - exception to license requirements - adults allowed to brew beer for personal use. For purposes of the exemption from licensing requirements under the "Colorado Liquor Code" for home brewing, the act deletes the terminology "head of a family" and "family use" and replaces it with "adult" and "personal use", thereby allowing any adult occupant of a residence to brew beer for personal use without obtaining a license.

**APPROVED** by Governor March 18, 2016

**EFFECTIVE** March 18, 2016

**H.B. 16-1151** Alcohol beverages - recognition and designation of responsible vendors - penalty mitigation. The act requires state and local liquor licensing authorities to consider aggravating and mitigating factors to be considered when assessing penalties for violation of liquor laws, not only when persons under 21 years of age are used to investigate the sale of liquor to underage persons but also when licensees' employees violate certain provisions. The act also requires state and local liquor licensing authorities to consider it a mitigating factor for certain violations, including sales to minors, sales to visibly intoxicated patrons, and other violations approved by rule of the state licensing authority, if a licensee meets the requirements of a "responsible vendor" as defined by law.

**APPROVED** by Governor March 31, 2016

**EFFECTIVE** August 10, 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. 16-1152** Pharmacies - distribution of prepackaged medications - authority of the department of corrections to distribute. The act authorizes the department of corrections (department) to distribute compounded and prepackaged medications to pharmacies affiliated with the department.

**APPROVED** by Governor April 7, 2016

**EFFECTIVE** April 7, 2016

**H.B. 16-1157** Health care professions - public access to disciplinary history - "Michael Skolnik Medical Transparency Act" - review under sunset law. In accordance with a recommendation by the department of regulatory agencies, the act establishes a separate, periodic sunset review for the health care professions profile program, established in the "Michael Skolnik Medical Transparency Act of 2010". The initial sunset review will occur in 2020, with a termination date of September 1, 2021, if the program is not extended.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** August 10, 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. 16-1160** Surgical assistants - surgical technologists - registration - criminal history record checks - drug tests - continuation under sunset law - appropriation. The act requires each applicant for surgical technician or surgical assistant registration to submit to a criminal

history record check. An employer shall forward any confirmed positive drug tests for controlled substances to the director of the division of professions and occupations in the department of regulatory agencies (director).

The automatic termination date of the requirement that surgical technicians and surgical assistants register with the director is extended until September 1, 2021, pursuant to the provisions of the sunset law.

\$114,188 is appropriated from the Colorado bureau of investigation identification unit fund to the department of public safety and \$32,342 from the division of professions and occupations cash fund to the department of regulatory agencies for implementation of the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1170** Pari-mutuel racing - division of racing events - Colorado racing commission - continuation under sunset law. The act implements the first recommendation contained in the department of regulatory agencies' sunset report on the division of racing events and the Colorado racing commission within the department of revenue by continuing the division and the Colorado racing commission to 2023.

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** April 15, 2016

**H.B. 16-1176** Liquor wholesalers - authority to create employee purchase program. The act authorizes a wholesaler licensed to sell vinous or spirituous liquors to establish a program to allow its employees to purchase directly from the wholesaler vinous or spirituous liquors that the wholesaler sells to licensed retailers.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** April 14, 2016

**H.B. 16-1189** Bingo and raffles - licensing administration. Currently, an applicant for a bingo-raffle license may request administrative review when a license application is denied. The act requires this request to take place within 60 days after the denial. The act clarifies that license discipline includes, after a hearing, refusing to grant or renew a license.

The act also repeals a prohibition on acting as games manager for more than 5 bingo-raffle licensees simultaneously and allows the licensing authority to establish the circumstances when a person may act as games manager for more than 3 licensees simultaneously.

The act specifies that, in addition to leasing bingo-raffle equipment from a landlord licensee, a bingo-raffle licensee may lease bingo-raffle equipment from a manufacturer licensee or a supplier licensee on premises that are the bingo-raffle licensee's principal place of business and limited to members only.

Currently, a licensee that fails to report net proceeds is automatically required to show cause for why the license should not be suspended. The act authorizes the secretary of state to promulgate rules setting the conditions under which a licensee is required to show cause.

Current law allows a licensee to award a consolation prize in a game of progressive bingo only when a progressive prize is not won. The act authorizes a licensee to also award a consolation prize when the progressive prize is won.

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** August 10, 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. 16-1197** Regulation - state agencies - veterans - military training - credit towards license, registration, or certification - appropriation. The act requires each state agency that regulates a profession or occupation to evaluate and provide appropriate credit toward licensing and certification for military experience. Specifically, each agency must:

- Evaluate the extent to which military training meets state requirements;
- Identify reciprocity mechanisms with other states;
- Determine if an occupational exam is available to authorize a veteran to practice an occupation;
- Document the results and publish a summary of pathways available to a veteran to obtain authorization to practice an occupation;
- Identify, where appropriate, those professions or occupations whose licensing and credentials are based on passing an exam;
- Consult with community colleges and other post-secondary educational institutions with regard to bridge programs to cover educational gaps and refresher courses for lapsed credentials; and
- Consider adopting a national credentialing exam.

Each state agency may consult with any military official, state agency, or post-secondary educational institution.

\$73,551 is appropriated to the department of regulatory agencies from the division of professions and occupations cash fund to implement the act.

**APPROVED** by Governor May 20, 2016

**EFFECTIVE** August 10, 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. 16-1211** Marijuana - transporter license - appropriation. The act creates a retail marijuana transporter license and a medical marijuana transporter license. The license is valid for 2 years. A licensed marijuana transporter (transporter) provides logistics, distribution, and storage of marijuana and marijuana products. A transporter may contract with multiple businesses. A transporter must be licensed by July 1, 2017, in order to continue to operate. The state licensing authority shall begin taking applications on January

1, 2017. The act gives the state licensing authority rule-making authority for transporter licensed businesses, including requirements for drivers, including obtaining and maintaining a valid Colorado driver's license; insurance requirements; acceptable time frames for transport, storage, and delivery; requirements for transport vehicles; and requirements for licensed premises.

The act repeals the retail marijuana transport license created in HB 16-1261, concerning continuation of the Colorado retail marijuana code, to avoid a conflict with this act.

\$76,284 is appropriated from the marijuana cash fund to the department of revenue for the implementation of this act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1261** Retail marijuana - continuation under the sunset law - labeling, packaging, and testing statewide concern - operator license - conforming changes with medical marijuana - escorted tradespeople - county ballot measure signature threshold - remediate failed test - labeling requirements - performance pay - resident and out-of-state purchase amount equity - prohibit sham marijuana transactions - appropriation. The act implements the following recommendations from the sunset report for the retail marijuana program:

- Extending the retail marijuana code until September 1, 2019;
- Stating that regulation of labeling, packaging, and testing is a matter of statewide concern; and
- Repealing the following provisions from the retail marijuana code:
  - The requirement that the executive director deny a license based on a previous denial at the same location;
  - The proscription on the placement and sale of marijuana-themed magazines; and
  - The authority to promulgate rules prohibiting misrepresentation and unfair practices.

The act creates 2 new retail marijuana licenses--a retail marijuana transport license and a retail marijuana operator license--and gives the state licensing authority rule-making authority over those licenses. However, House Bill 16-1211, concerning licensing marijuana transporters, repealed the retail marijuana transport license in this act and replaced it with the retail marijuana transporter license.

The act conforms language in the retail marijuana code to language in the medical marijuana code related to mandatory testing, the confidentiality of licensee information, and limited access areas.

The act defines "escorted" so that a tradesperson can work in a limited access area without full-time supervision and gives the rule-making authority to further define the criteria.

The act imposes a signature threshold of 15% of the electorate for a county who acts by initiative on retail marijuana.

The act allows a cultivator the opportunity to remediate a product that tests positive for microbial contaminants before destruction.

The act removes most of the specific statutory requirements that must be included on a label, but still requires warning labels, a universal symbol that the package contains marijuana, and the potency of the marijuana highlighted on the package. The state licensing authority can use rule-making to determine what else should be on a label.

The act allows retail cultivation and product manufactures to use performance pay bonuses.

In current law, out-of-state residents purchases are limited to a quarter ounce, but a state resident can purchase up to one ounce. The act eliminates the difference in the amount that can be sold between in-state residents and out-of-state residents. The act exempts nonpsychoactive topicals from the purchase limit. A display case containing marijuana concentrate must include the potency of the marijuana concentrate next to the name of the product.

The act prohibits sham transactions in which a person receives free marijuana as a result of purchasing another service or product.

\$132,251 is appropriated from the marijuana cash fund to the department of revenue for the implementation of this act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1271** Alcohol beverages - delivery of vinous liquors - ability of limited winery to deliver directly to consumers. Current law requires a limited winery that holds a winery direct shipper's permit to use a common carrier to deliver its vinous liquors to a personal consumer.

The act permits a limited winery to deliver its vinous liquors directly to personal consumers without the use of a common carrier.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** August 10, 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. 16-1306** Mortgage loan originators - regulatory standards - harmonization of state and federal law. The act amends, relocates, and repeals provisions of Colorado's mortgage loan originator licensing statutes that either:

- Conflict with or have been rendered superfluous by recent changes to federal law and rules; or

- No longer reflect current national standards of practice in the mortgage lending industry.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** August 10, 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. 16-1320 Massage therapists - regulation.** The act removes specific exemptions from the practice of massage therapy and clarifies that other licensed health care professionals may practice massage therapy without a massage therapist license as long as the therapy is within the health care professional's scope of practice. The act also requires a licensed massage therapist to be at least 18 years of age.

The act adds the crime of human trafficking to the list of existing offenses for which a license may be denied or revoked and includes a plea of nolo contendere or a receipt of a deferred sentence as reasons the director may deny a license or take disciplinary action against a licensee. The act also allows the director to take disciplinary action against a licensee for fraudulent, coercive, or dishonest practices; incompetence or untrustworthiness; or indecent exposure. The director is also permitted to fine a person who violates the massage therapy laws. The act makes it a misdemeanor for a person to aid or abet the unlicensed practice of massage therapy.

The act allows a city, county, city and county, or other political subdivision to inspect massage businesses.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** June 8, 2016

**H.B. 16-1324 Pharmacies - compounded drugs - veterinary pharmaceuticals - distribution to veterinarians for office stock - appropriation.** The act authorizes a pharmacy to distribute compounded drugs, which are drugs that are combined, mixed, or otherwise altered to create a specific drug or formulation, to a veterinarian to maintain as part of the veterinarian's office stock for later distribution. The act specifically authorizes:

- A compounding pharmacy to compound and distribute a drug to a veterinarian without a specific patient indicated to receive the compounded drug;
- A veterinarian to administer to an animal patient a compounded drug that was maintained for office use;
- A veterinarian to dispense to a human client for later administration to an animal patient a compounded drug, maintained as part of the veterinarian's office stock, in an amount not to exceed 5 days' worth of doses, if a patient has an emergency condition that the compounded drug is necessary to treat and the veterinarian cannot access, in a timely manner, the compounded drug through a compounding pharmacy.

The Colorado board of pharmacy (board) may authorize a pharmacy outlet located outside of Colorado to provide compounded veterinary drugs for office use or office stock if the pharmacy outlet provides the board with a copy of the most recent inspection the pharmacy outlet received from its state of residence and a copy of an inspection from a

board-approved third party, and the board approves of the inspection reports as satisfactorily demonstrating proof of compliance with the board's own inspection procedure and standards.

\$12,941 is appropriated from the division of professions and occupations cash fund to the department of regulatory agencies (department), \$3,440 of which is for the division of professions and occupations to use for operating expenses and \$9,501 of which is for the department to purchase legal services.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1327** Dental hygienists - financial responsibility requirements - reduction in specified circumstances - rules. The act extends the authority of the board of dentistry by rule to allow for lesser financial responsibility standards for dental hygienists who perform dental services as employees of the United States government; render limited, or occasional, or no dental services; perform less than full-time active dental services because of administrative or other nonclinical duties or partial or complete retirement; or provide uncompensated dental care to patients but do not otherwise provide any compensated dental care to patients.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** August 10, 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. 16-1360** Direct-entry midwives - continuation of regulation under sunset law - authority to suture perineal tears - exception to practice of medicine - reporting requirements task force - risk management working group. The act implements the recommendations of the department of regulatory agencies (department) contained in the sunset review of direct-entry midwives, with some modifications, as follows:

- Continues the regulation of direct-entry midwives by the director of the division of professions and occupations (division) in the department for 5 years, through September 1, 2021;
- Authorizes direct-entry midwives to perform sutures of first- and second-degree perineal tears and to obtain and administer local anesthetics in connection with the sutures procedure after demonstrating to the director that the registrant has received approved education and training in suturing within the previous year;
- Requires direct-entry midwives to inform parents of the importance of and to perform, if appropriately trained and equipped, or refer to another provider to perform, newborn pulse oximetry screenings to detect critical congenital heart disease in newborns under their care;
- Repeals the requirement that the director of the division send letters of admonition to direct-entry midwives via certified mail;
- Establishes failure to properly address a physical or mental illness or condition

that affects one's ability to practice direct-entry midwifery with reasonable skill and safety to clients as a grounds for disciplining a direct-entry midwife and authorizes the director to enter into a confidential agreement with the direct-entry midwife to limit his or her practice;

- Requires a direct-entry midwife to sign a disclosure statement acknowledging his or her lack of coverage under a liability insurance policy and also include in the disclosure a statement indicating that, by signing the disclosure, the client is not waiving any rights against the direct-entry midwife for negligent acts;
- Restores an exception to the definition of the "practice of medicine" in the "Colorado Medical Practice Act" for registered direct-entry midwives practicing in accordance with the laws governing the practice of direct-entry midwifery;
- Requires the executive director of the department to convene a working group to investigate ways to manage risks in the practice of midwifery and report its findings to the executive director by October 1, 2016; and
- Requires the director of the division to convene a task force to review direct-entry midwives' data reporting requirements and report its findings to specified legislative committees by January 31, 2017.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1363** Medical marijuana - rule-making - advertising to underage persons. Under the current retail marijuana code, the state licensing authority must promulgate rules related to advertising that is likely to reach underage persons. The act provides similar rule-making authority for medical marijuana.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1379** Psychologists - continuing professional development - credit hours - criteria and documentation requirements. The act clarifies and amends portions of the continuing professional development program for licensed psychologists, enacted in 2015. The substantive amendments are as follows:

- Credit hours awarded for teaching or giving presentations may be awarded more than once for the same material, but only once during the same licensure cycle;
- Credit hours awarded for writing, editing, or reviewing a psychology publication are not limited to the first year of its publication or distribution; and
- Credit hours awarded for review of a journal article are limited to review of an article in a professional psychological or scientific journal, at the request

of the editorial staff.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** August 10, 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. 16-1402** Racing - racing replay and wagering devices - prohibition. The act:

- Defines a "racing replay and wagering device" as a mechanical, electronic, or computerized piece of equipment that can display a previously run sporting event and gives a player who places a wager on the outcome of the previously run sporting event an opportunity to win a thing of value, whether due to the skill of the player, chance, or both;
- Prohibits state and local governments from permitting the use of racing replay and wagering devices and prohibits racing licensees from using racing replay and wagering devices or allowing any person to use a racing replay and wagering device to place a wager on a previously run sporting event; and
- Excludes simulcast races from the prohibition.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1404** Fantasy contests - operator licensure and registration - sunset review - appropriation. The act defines a "fantasy contest" as a game or contest in which:

- The value of all prizes offered to winning participants is made known to the participants in advance of the contest; and
- Winning outcomes:
  - Reflect the relative knowledge and skill of the participants;
  - Are determined predominantly by accumulated statistical results of the performance of athletes in fully completed sporting events; and
  - Are not based on randomized or historical events or on the score, point spread, or any performance of any single actual sports team or combination of such teams or solely on any single performance of an individual athlete in any single actual sporting event.

University, college, high school, and youth sporting events are excluded from fantasy contests.

Effective July 1, 2017, a person must be licensed by the director of the division of professions and occupations in the department of regulatory agencies to be able to offer to conduct a fantasy contest; except that an operator with no more than 7,500 players need only be registered with the director. Fantasy contests may be conducted by a fantasy contest operator at licensed gaming establishments, class B horse racing tracks, and at a licensed facility at which pari-mutuel wagering may occur.

A fantasy contest operator must:

- Submit to a fingerprint-based criminal history record check in connection with initial licensure;
- Not use a device that replicates or qualifies as limited gaming;
- If the operator is licensed, contract with a third party to annually perform an independent audit to ensure compliance and submit the results of the audit to the director; and
- Keep daily records of its operations and maintain the records for at least 3 years.

A fantasy contest operator who violates the act is subject to a civil penalty of not more than \$1,000 for each violation. The director may discipline operators for violation of the act, including issuance of a cease-and-desist order.

The regulation of fantasy contests is subject to periodic review by the department of regulatory agencies under the sunset law, with the first sunset review scheduled for 2020.

\$77,546 and 0.9 FTE is appropriated to the division from the division of professions and occupations cash fund to implement the act, of which amount \$9,501 is reappropriated to the department of law and \$527 is reappropriated to the department of public safety for implementation of the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1426** Service and assistance animals - determination by health care professional - intentional misrepresentation - public education. Federal law requires that reasonable accommodations be provided under some circumstances to individuals with a disability. An "assistance animal", sometimes referred to as an "emotional support animal", can assist individuals with a disability with their condition but is not necessarily trained to provide a specific task as "service animals" are. Certain providers of housing must allow an individual with a disability to reside with his or her assistance animal without charging any fees or imposing conditions that would otherwise apply if the animal were merely a pet. Providers of public accommodations must allow an individual with a disability to use the public accommodation with his or her service animal.

The act requires the following medical professionals, when approached by a patient seeking an assistance animal, to make a written finding regarding whether the patient has a disability and whether the need for the animal is related to that disability, or that there is insufficient evidence to make a disability determination:

- Physicians, physician assistants, and anesthesiologist assistants (section 2 of the act);
- Nurses (section 3); and
- Psychologists, social workers, clinical social workers, marriage and family therapists, licensed professional counselors, and addiction counselors (section 4).

Section 5 creates a class 2 petty offense for intentional misrepresentation of entitlement to an assistance animal and a class 2 petty offense for intentional misrepresentation of a service animal. Section 6 authorizes the Colorado civil rights division in the department of regulatory agencies to implement a public education program regarding the rights that accompany people with a disability who use assistance and service animals.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** January 1, 2017

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

**H.B. 16-1427** Retail marijuana - standard symbol requirement exception - unmarkable products - package requirements. The act exempts a multi-serving liquid retail marijuana product from the standard symbol requirements if the product is impracticable to mark with a symbol and complies with all statutory and rule requirements regarding packaging and:

- It is packaged in a structure that uses a single mechanism to achieve both child-resistance and accurate pouring dosing of each liquid serving in increments equal to or less than 10 milligrams of active THC per serving with no more than 100 milligrams of active THC total per package; and
- The dosing component is within the child-resistant cap or closure of the bottle and not a separate component.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1439** Alcohol beverage - regulation - lodging and entertainment license - creation - qualifications - fees. The act creates a new alcohol beverage license under the "Colorado Liquor Code", referred to as a "lodging and entertainment license", for a lodging and entertainment facility that, as its primary business, provides lodging, sports, or entertainment activities to the public and, incidental to that business, sells and serves alcohol beverages for consumption on the premises.

A lodging and entertainment license would operate similarly to a tavern license in that the licensee:

- Is authorized to sell alcohol beverages only by the drink to customers for on-premises consumption;
- Must make sandwiches and light snacks available to its customers during business hours;
- Must purchase its alcohol beverage products only from a licensed wholesaler, with limited exceptions;
- Cannot have an interest in a business licensed under the "Colorado Liquor Code" as a manufacturer, wholesaler, or retail establishment that only sells alcohol beverages for off-premises consumption; and
- Must have a registered manager for each licensed premises who is responsible for purchasing alcohol beverages for the licensed premises he or she manages.

The act allows a current tavern licensee that qualifies as a lodging and entertainment facility or qualifies for a different type of license to apply to convert the tavern license to the appropriate license type.

A lodging and entertainment facility licensee is subject to the same state and local annual licensing fees as a tavern, \$75 and \$500, respectively. Employees of a lodging and entertainment facility who sell alcohol beverages must be at least 21 years of age. A lodging and entertainment facility licensee must post a sign on its licensed premises warning patrons that it is illegal to leave the premises with an alcohol beverage.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

## PROPERTY

**S.B. 16-166** Liens - types of liens authorized - transportation fuel distributor's tax lien. The act creates a transportation fuel distributor's tax lien for distributors of transportation fuel. Under current law, the state collects tax on gasoline and special fuel from each licensed fuel distributor prior to delivery of the fuel to a retailer or other commercial user and the ultimate sale of the fuel to a vehicle owner. The act authorizes licensed fuel distributors to record a lien for the amount of gasoline and special fuel tax against the retailer or other commercial user of the fuel if the retailer or other commercial user fails to reimburse the distributor for the amount of the tax on fuel delivered. The act establishes the priority of transportation fuel distributors' tax liens and the requirements for recording and enforcing the lien.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1145** Residential real property - conveyance - documentary fee. The act changes the determination of the documentary fee for filing a real property conveyance document with a county clerk and recorder as follows:

- Eliminates any reduction for separate consideration paid for personal property from the total sales price;
- Generally requires the consideration amount listed on the grant or conveyance document to be used to determine the documentary fee; and
- If there is no consideration amount or the amount listed on the grant or conveyance document is \$500 or less, and there is a related declaration filed, then the total sales price listed on the declaration is used to determine the documentary fee.

The act also specifies that, unless a deed or other instrument includes a conspicuous statement or notation that the property is not to be regarded as residential, a grant or conveyance is regarded as residential real property for the purpose of determining the documentary fee.

The act applies to fees imposed on documents recorded on or after July 1, 2016.

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** April 15, 2016

**H.B. 16-1149** Common interest communities - unit owners' associations - budget reporting requirements - maximum common expense fees for small cooperatives. Common interest communities created before the July 1, 1992, enactment of the "Colorado Common Interest Ownership Act" (Act) are exempt from many of the Act's provisions, including a provision that requires a common interest community's executive board to give notice to all unit owners of, and hold a meeting about, the executive board's adoption of a new proposed budget and that allows a majority of the unit owners to veto the board's proposed budget. Commencing July 1, 2018, common interest communities that predate the Act must comply with the budget reporting provision, but remain exempted from the majority veto provision.

Cooperatives created on or after July 1, 1992, but before July 1, 1998, that have no more

than ten units and are not subject to development rights may impose annual average common expense fees on unit owners in an amount not to exceed \$400, which amount will be adjusted annually according to the consumer price index for the Denver-Boulder metropolitan area.

**APPROVED** by Governor April 15, 2016

**EFFECTIVE** July 1, 2018

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

**H.B. 16-1339** Foreclosures - agricultural property - determination. Current law establishes the initial date of sale of foreclosed property based on who is selling the property and whether the property is agricultural or nonagricultural. The act clarifies that the determination of whether property is agricultural for foreclosure purposes is independent of the determination of whether property is agricultural for tax purposes.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

## PUBLIC UTILITIES

**S.B. 16-55** Cooperative electric associations - executive board elections - procedures - validity of ballots - inspection by candidates. Under current law, a cooperative electric association may hire an independent third party, such as an accounting firm, to collect and count the ballots for executive board elections. Candidates have the right to observe the counting process, and mailed ballots must include an inner envelope to preserve secrecy.

The act specifies that a mailed ballot that is received without an inner envelope or secrecy sleeve is not invalid for that reason, and that if the association contracts with an independent third party that will count ballots, the ballots must be made available to the candidates for inspection after the election.

**APPROVED** by Governor March 23, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-87** Highway-rail crossing signalization fund - funding - appropriation. Through the 2015-2016 fiscal year, 3% of the fees collected from public utilities by the department of revenue were required to be credited to the general fund. Beginning with the 2017-18 fiscal year, after the lesser of all of \$150,000 of the 3% of the fees are credited to the public utilities commission fixed utility fund in accordance with new legal requirements enacted by House Bill 16-1186, the act requires all or a portion of the remainder of the 3% of the fees to instead be credited to the highway-rail crossing signalization fund. Specifically, for the 2017-18 fiscal year and for each fiscal year thereafter, the lesser of all of the remainder of the fees or an amount of the remainder of the fees equal to \$240,000 plus a cumulative inflation adjustment of 2% for each fiscal year beginning with the 2017-18 fiscal year must be credited to the highway-rail crossing signalization fund and any remaining fees must be credited to the general fund.

In addition, the act appropriates \$240,000 from the highway users tax fund to the highway-rail crossing signalization fund for the 2016-17 fiscal year. The funding required by the act replaces an existing statutory requirement that \$240,000 be paid annually, subject to annual appropriation, from the general fund to the highway-rail crossing signalization fund.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** June 6, 2016

**S.B. 16-183** Telecommunications - task force - study of 911 services - reporting - repeal - appropriation. The act creates a task force to study the deployment of 911 services in Colorado, including a review of other states' regulations concerning 911 oversight, outage reporting, and reliability and a review of existing funding sources for the transition to next-generation 911 service. The task force consists of 6 members of the Colorado general assembly. On or before January 31, 2017, the task force shall report its findings to the legislative committees with jurisdiction over energy. The act is repealed, effective July 1, 2017.

\$19,698 is appropriated from the general fund to the legislative department to implement the act.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1035** Service and equipment - financing - issuance of securities - prior approval by public utilities commission - scope of requirement - limitation to electric and gas utilities. The act specifies that the statute requiring advance approval by the public utilities commission for the issuance of securities to fund property acquisitions, facilities, repairs, service improvement or maintenance, and other expenditures applies only to electric and gas utilities.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** April 21, 2016

**H.B. 16-1091** Electric utilities - plans for acquisition and expansion of infrastructure - transmission facilities - biennial reviews - reports to public utilities commission - due dates - action by commission. Legislation adopted in 2007 required rate-regulated electric utilities to conduct biennial reviews, on or before October 31 of each odd-numbered year, in which the utilities developed plans for transmitting electricity from geographic areas in which energy resources were likely to be available to where the electricity would be needed. The act preserves the requirement for biennial review but changes the due date for those reviews from October 31 to another date determined by the public utilities commission. The act also deletes existing requirements that:

- Plans for acquisition and applications for certificates of public convenience and necessity be reviewed simultaneously by the commission; and
- The commission issue an order approving or rejecting an application for a certificate of public convenience and necessity for construction or expansion of transmission facilities within 180 days.

**APPROVED** by Governor March 23, 2016

**EFFECTIVE** August 10, 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. 16-1097** Nonemergent medicaid transportation providers - limited regulation permit -appropriation. The act creates a new category of limited regulation carriers that allows providers of nonemergency transportation to medicaid clients to operate under a limited regulation permit from the public utilities commission (commission) rather than a certificate of public convenience and necessity. The commission may issue a limited regulation permit if the provider satisfies the financial responsibility requirements for permit holders, provides satisfactory proof of an agreement with the department of health care policy and financing or its agent, and provides such additional information as the commission may require. The act also establishes that a limited regulation permit is valid for one year after issuance.

The act authorizes the department of health care policy and financing to forward medicaid money to the commission to offset some of the costs of issuing permits.

The act adjusts appropriations to the department of health care policy and financing,

the commission, and the Colorado bureau of investigation to implement the limited regulation permits.

**APPROVED** by Governor May 20, 2016

**EFFECTIVE** May 20, 2016

**H.B. 16-1184** Public utilities commission - telecommunications - transfers of money from the high cost support mechanism to the broadband fund - schedule of transfers. The public utilities commission provides financial assistance to telecommunications companies that provide basic telephone service or broadband service in areas that lack effective competition by assessing a surcharge on all telecommunications companies in the state and allocating those contributions to the high cost support mechanism (HCSM). A portion of the HCSM is transferred to the broadband fund, which fund is administered by the broadband deployment board (board). The board awards grants for projects aimed at deploying broadband service in unserved areas of the state. From 2016 to 2023, the HCSM surcharge is statutorily reduced by a percentage of the amount of contributions that were allocated to the broadband fund in the previous year.

The act requires that HCSM funds allocated to the broadband fund be transferred between July 1 and August 31 of each year and that HCSM money in the broadband fund be continuously appropriated. The act becomes effective on January 1, 2017.

**APPROVED** by Governor April 12, 2016

**EFFECTIVE** January 1, 2017

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

**H.B. 16-1186** Transportation - funding - rail safety under MAP-21 program - required matching grant to qualify for federal funds - appropriation. In any year in which the state is required to contribute a 20% grant match for federal grants under the federal "Moving Ahead for Progress in the 21st Century Act" for rail fixed guideway system safety oversight, the act directs the state treasurer to transfer the first \$150,000 collected from public utilities as annual fees into the Colorado public utilities commission's fixed utility fund to meet Colorado's grant match obligation.

\$150,000 is appropriated from the public utilities commission fixed utility fund to the department of regulatory agencies for use by the public utilities commission to implement the act.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** June 6, 2016

**H.B. 16-1414** Telecommunications - telecommunications relay services - surcharge - application to wireless and voice-over-internet-protocol service - applicability - appropriation. Telecommunications relay services are telecommunications services that provide 2-way communication for individuals with hearing or speech disabilities. Telecommunications relay services are funded in Colorado through the Colorado disabled telephone users fund (fund). Money in the fund is collected through a surcharge that the public utilities commission (commission) assesses on each telephone landline in Colorado. Section 5 of the act renames the fund the Colorado telephone users with disabilities fund.

Sections 3 and 4 apply the surcharge to customers of mobile wireless providers and voice-over-internet-protocol service providers in Colorado by applying the surcharge to all voice service providers, which is defined in section 3. Section 4 also establishes a maximum surcharge amount of 15 cents per month per telephone access line and exempts voice service providers and consumers of federally supported lifeline service, which assists low-income consumers in obtaining wireline or wireless telephone service. Section 1 applies a surcharge to prepaid wireless telecommunications service.

Section 6 provides that the act neither affects the commission's method of regulation over any provider nor grants the commission any additional jurisdiction over providers.

The act applies to surcharges assessed on or after September 1, 2016.

\$172,778 is appropriated on July 1, 2016, from the Colorado telephone users with disabilities fund to the Colorado commission for the deaf and hard of hearing cash fund and reappropriates the money to the department of human services for implementation of the act by the Colorado commission for the deaf and hard of hearing.

**APPROVED** by Governor May 4, 2016

**PORTIONS EFFECTIVE** July 1, 2016  
**PORTIONS EFFECTIVE** September 1, 2016

## STATUTES

**S.B. 16-4** Enactment of 2015 Statutes. This act enacts the softbound volumes of Colorado Revised Statutes 2015 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

**APPROVED** by Governor March 9, 2016

**EFFECTIVE** March 9, 2016

**S.B. 16-189** Revisor's bill. Improves the clarity and certainty of the statutes by amending, repealing, and reconstructing various statutory provisions of law that are obsolete, imperfect, or inoperative. The specific reasons for each amendment or repeal are set forth in the appendix to the act. Amendments made by the act are not intended to change the meaning or intent of the statutes, as amended.

Certain sections of the act are contingent on certain bills becoming law: House Bill 16-1401, House Bill 16-1408, and Senate Bill 16-051.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** June 6, 2016

**NOTE:** House Bill 16-1401 became law June 9, 2016, House Bill 16-1408 became law May 4, 2016, and Senate Bill 16-051 became law April 14, 2016.

## TAXATION

**S.B. 16-12** Property tax - classification of residential land if property is destroyed by natural cause - flexibility of time period to reconstruct or relocate. In 2011, legislation was enacted that specified that when residential improvements are destroyed, demolished, or relocated as a result of a natural cause on or after January 1, 2010, despite such destruction, demolition, or relocation, the residential land classification is to remain in place for the year of destruction, demolition, or relocation and up to 4 subsequent property tax years if the assessor determines there is evidence the owner intends to rebuild or relocate a residential improvement on the land. In 2015, the general assembly enacted similar legislation if the productivity of agricultural land is destroyed by a natural cause on or after January 1, 2012.

The 2015 legislation was modeled after the 2011 legislation, except there was a concern presented in the later legislation that in certain situations the 5-year period for rehabilitating the land for agricultural use would not be sufficient. In order to address that concern, the 2015 legislation allowed the owner to provide documentary evidence to the assessor that efforts were made to rehabilitate the land but more time was necessary.

The act adds the same flexibility to the time period for those situations where residential improvements are destroyed, demolished, or relocated as a result of a natural cause and the owners of such land need more documented time to reconstruct or relocate their residential improvements on their land.

**APPROVED** by Governor April 5, 2016

**EFFECTIVE** April 5, 2016

**S.B. 16-36** Appeals of tax bills - requirements and options available for taxpayer when appealing a department of revenue final determination - requirements for taxpayer when appealing a district court ruling to an appellate court. Currently, a taxpayer wishing to appeal to the district court a final determination of the executive director of the department of revenue or a final determination of a local government, within a specified time after filing a notice of appeal, is required to either:

- Set aside twice the amount of the taxes, interest, and other charges stated in the final determination by filing a surety bond in such amount with the district court;
- Set aside twice the amount of the taxes, interest, and other charges stated in the final determination by establishing a savings account, deposit account, or certificate of deposit for such amount at a state or national bank or a state or federal savings and loan association doing business in this state; or
- Deposit the disputed amount with the executive director of the department of revenue. If the taxpayer chooses this option, the interest accrual is tolled.

Additionally, home rule jurisdictions and statutory local governments are required to follow the same requirements for appeals to district courts related to the sales and use taxes they impose.

The act repeals that requirement for everything but an appeal of a final determination by the executive director for frivolous submissions but allows a taxpayer to still choose to deposit the disputed amount with the executive director of the department of revenue if the taxpayer so wishes, allowing the interest accrual to be tolled. The act then specifies that the

requirements described above apply when a taxpayer wishes to appeal a district court ruling to an appellate court.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-50** Sales tax - licensing - department assigns location for local collection requirements - retailer held harmless if assigned location incorrect. Any business owner who wants to sell retail goods in the state (retailer) must first obtain a sales tax license from the department of revenue (department). Given the complexity of the state's local sales tax system, in which rates vary depending on applicable jurisdictions such as cities, counties, and special districts, a key step in the process is the department's method of determining which local taxing jurisdictions apply to the retailer's location. The department has created a system of location codes that identifies tax liabilities for various geographic regions of the state. When a retailer registers for a sales tax license, the department assigns one of these location codes to the business site and prints it on the sales tax license to represent the retailer's liability for collecting local sales taxes.

A November 2015 performance audit of the department by the office of the state auditor reflects that the department does not sufficiently ensure it assigns location codes to business sites that accurately reflect the sales tax jurisdictions that apply to their locations.

The act specifies that if a retailer obtains a license as required by law in good faith, the retailer provides an address that correctly indicates the location of the business, the department assigns an incorrect location code to the retailer, and the retailer in good faith collects and remits sales taxes for the local jurisdictions represented by the assigned location code, then the retailer is held harmless for any tax, charge, penalty, interest, or fee payable as a result of failing to collect and remit sales taxes for a local jurisdiction as a result of the incorrect location code.

**APPROVED** by Governor March 18, 2016

**EFFECTIVE** March 18, 2016

**S.B. 16-124** Sales and use tax - machinery and machine tools - processing recovered materials. Purchases of machinery or machine tools to be used in Colorado directly and predominantly in manufacturing tangible personal property are currently exempt from state sales and use tax. The act extends the exemption to machinery or machine tools purchased by a business to process recovered materials.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** June 8, 2016

**S.B. 16-165** Insurance companies - tax on insurance premiums collected - rate reduction for maintaining home office or regional home office in the state. Insurance companies are required to pay to the division of insurance a tax on the gross amount of all premiums collected or premiums contracted for on policies or contracts of insurance covering property or risks in this state. The rate of the tax is reduced if the insurance company maintains a

home office or a regional home office in this state. The act clarifies the requirements that an insurance company must meet in order to be deemed to maintain a home office or a regional home office in this state.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** January 1, 2017

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

**S.B. 16-203** State tax expenditures - annual evaluation by state auditor. The act specifies that the state auditor is responsible for evaluating the state's tax expenditures. The evaluation must include the following:

- A summary description of the purpose, intent, or goal of the tax expenditure;
- The intended beneficiaries of the tax expenditure;
- Whether the tax expenditure is accomplishing its purpose, intent, or goal;
- An explanation of the intended economic costs and benefits of the tax expenditure, with analyses to support the evaluation if they are available or reasonably possible;
- A comparison of the tax expenditure to other similar tax expenditures in other states;
- Whether there are other tax expenditures, federal or state spending, or other government, nonprofit, commercial, volunteer, or philanthropic programs that have the same or similar purpose, intent, or goal as the tax expenditure, whether those all are appropriately coordinated, and, if not, how coordination could be improved, or whether any redundancies can be eliminated;
- If the evaluation of a particular tax expenditure's economic impact is made difficult because of data constraints, any suggestions for changes in administration or law that would facilitate such data collection; and
- An explanation of the performance measures used to determine the extent to which the tax expenditure is accomplishing its purpose, intent, or goal. The act specifies that the performance measures must be clear and relevant to the specific tax expenditure being evaluated, should be measurable and track actionable goals, and can be assessable and reportable over time.

To the extent it can be determined by the state auditor, the tax expenditure evaluation should also include the following:

- The extent to which the tax expenditure is a cost-effective use of resources compared to other options for using the same resources to address the same purpose, intent, or goal;
- An analysis of the tax expenditure's effect on competition and on business and stakeholder needs;
- Whether there are any opportunities to improve the effectiveness of the tax expenditure in meeting its purpose, intent, or goal; and
- An analysis of the effect of the state tax policies connected to local taxing jurisdictions on the overall purpose, intent, or goal of the tax expenditure.

The act specifies that the state auditor must present the results in the form of an annual evaluation report that is posted on the general assembly's website and a copy

delivered to the joint budget committee and the finance committees of the senate and the house of representatives.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-218** Severance tax - reserve - refunds - income tax revenue diversions - allocation of revenue - restriction on funds. The act establishes a reserve in which all severance tax revenues are set aside and maintained in order to make severance tax refunds prior to allocation to the severance tax trust fund and the local government severance tax fund. Until July 1, 2017, income tax revenue that would otherwise be deposited in the general fund may instead be deposited in the reserve if needed to make the severance tax refunds. The amount of the end-of-the-year general fund reserve for the fiscal year 2015-16 is decreased by an amount equal to the amount of income tax revenue that is deposited in the reserve for the year.

A repeal date related to the allocation of severance tax revenue is extended, so that severance tax revenue can continue to be distributed to the severance tax trust fund and the local government severance tax fund between January 1, 2017, and July 1, 2017.

The following amounts are restricted from being used for any purpose whatsoever until released by the joint budget committee:

- \$19.1 million dollars from the severance tax perpetual base fund;
- \$10 million dollars from the severance tax operational fund; and
- \$48.3 million dollars from the local government severance tax fund, which amount comes from money that would otherwise be distributed through grants to political subdivisions socially or economically impacted by the development, processing, or energy conversion of minerals and mineral fuels.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1026** Revenue impact of 2010 tax legislation - tracking by department of revenue - repeal of requirements. The act repeals accounting requirements that were placed on the department of revenue in 2010 for revenue applicable to a certain group of bills enacted in 2010.

**APPROVED** by Governor March 22, 2016

**EFFECTIVE** March 22, 2016

**H.B. 16-1119** Sales and use tax - exemptions - new and used aircraft - number of days allowed in the state after purchase. One of the criteria to qualify for the sales and use tax exemption on the sale of a new or used aircraft that is purchased in the state is modified. Rather than removing the aircraft from the state within 120 days after the date of the sale, the purchaser of an aircraft is required to remove the aircraft from the state within 120 days after the date of the sale or within 30 days after the completion of certain work on the

aircraft that is associated with the sale of the aircraft, whichever is longer.

The act applies to aircraft sold on or after July 1, 2016.

**APPROVED** by Governor March 23, 2016

**EFFECTIVE** March 23, 2016

**H.B. 16-1142** Income tax - credit for rural primary care preceptors training students matriculating at Colorado institutions of higher education. For income tax years commencing on or after January 1, 2017, but prior to January 1, 2020, the act offers an income tax credit in the amount of \$1,000 to a health care professional who provides a preceptorship during the applicable income tax year. A preceptorship is defined as an uncompensated mentoring experience in which a preceptor provides a program of personalized instruction, training, and supervision for a total of not less than 4 weeks per calendar year that is offered to an eligible graduate student to enable the student to obtain an eligible professional degree.

The credit is available to a taxpayer who:

- Is licensed to practice one of a number of primary health care fields of medicine; and
- Practiced his or her primary health care field of medicine in a rural or frontier area during the portion of the income tax year for which the preceptor is claiming the tax credit.

The act caps the number of preceptors that may claim the tax credit for any one income tax year at 200.

The act specifies the manner in which the taxpayer is required to apply for the credit and procedures to be followed if a preceptor fails to satisfy the requirements of the act for a particular tax year.

If the amount of the credit allowed exceeds the amount of the income tax otherwise due, the act allows the balance to be carried forward and applied against the income tax due in each of the 5 succeeding income tax years.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 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. 16-1161** Property tax exemption - seniors and disabled veterans - reimbursement to local entities. Of the amount by which the total estimated amount specified in the annual general appropriation act for the costs of providing property tax exemptions to qualifying seniors and disabled veterans exceeds the total amount of all warrants issued by the state treasurer to reimburse local governmental entities for the amount of property tax revenues lost as a result of the application of the exemption, the act requires the state treasurer to transfer:

- 95% to the senior services account within the older Coloradans cash fund; and
- 5% to the veterans assistance grant program cash fund.

**APPROVED** by Governor March 22, 2016

**EFFECTIVE** March 22, 2016

**H.B. 16-1175** Property tax exemption - qualifying seniors - administration and enforcement of eligibility requirements. During the 2015 legislative interim, the office of the state auditor published an audit of the senior and disabled veteran property tax exemption program, which exempts 50% of the first \$200,000 of actual value of the owner-occupied primary residence of a qualifying senior or disabled veteran from property taxation. Despite program limitations that allow a senior, disabled veteran, or married couple to claim an exemption for only one primary residence even if he, she, or they own multiple residences, the audit identified several statutory and administrative process deficiencies that have made it difficult for the state to prevent individual seniors and disabled veterans and married couples from claiming and being allowed multiple exemptions and from claiming and receiving exemptions for residences other than owner-occupied primary residences. The act implements the audit recommendations as follows:

- The department of revenue, after receiving from the property tax administrator (administrator) a list of individuals who are claiming the exemption, must share with the administrator certain taxpayer information pertaining to the listed individuals, including their names, social security numbers, marital and income tax filing status, and residency status, needed by the administrator to prevent exemption applicants who claim multiple exemptions or exemptions for residential real property that they do not own and occupy as their primary residence from receiving the exemption;
- The administrator must work with the state registrar of vital statistics to annually identify individuals who have received exemptions and have died so that the administrator and county assessors can terminate exemptions for which no living individual qualifies;
- The scope of the administrator's exemption application review responsibilities is expanded and the timelines and process by which the review is conducted is modified in order to enhance the ability of the administrator to prevent exemptions from being erroneously allowed. The expanded review process includes an additional review of exemptions granted by counties to ensure that exemptions denied by the administrator as a result of the initial review have been removed and that no new exemptions have been added.
- The administrator is required to annually conduct a second review of exemptions allowed in each county for the immediately preceding property tax year, to identify any exemptions that should not have been allowed, and to advise the state treasurer to reduce the amount of reimbursement paid to each county treasurer to account for any disallowed exemptions; and
- In addition, if the administrator identifies any exemption improperly allowed for a prior property tax year commencing on or after January 1, 2016, for which the state treasurer reimbursed a county treasurer or identifies any exemption properly allowed for such a prior property tax year for which the state treasurer did not reimburse a county treasurer, the administrator must advise the state treasurer to adjust the current year reimbursement to the county treasurer to correct the error.

For the 2016-17 state fiscal year, \$29,270 is appropriated from the general fund to the department of local affairs for use by the division of property taxation in implementing the act.

**APPROVED** by Governor June 10, 2016

**PORTIONS EFFECTIVE** June 10, 2016  
**PORTIONS EFFECTIVE** January 1, 2017

**H.B. 16-1187** Sales and use tax - exemption for food, food products, snacks, beverages, meals, and packaging for such food and meals provided to residents in certain retirement communities. The act creates:

- A sales and use tax exemption for the sale, storage, use, or consumption by residents of food, food products, snacks, beverages, and meals (food products) on the premises of a retirement community;
- A sales and use tax exemption for the sale, storage, use, or consumption of any container, bag, or article (packaging) used by or furnished to a consumer for the purpose of packaging, bagging, or use with food products consumed by residents on the premises of a retirement community;
- A sales tax exemption for the sale of food products to a retirement community for purposes of a sale of food products for consumption by residents on the premises of such community;
- A sales tax exemption for the sale to a retirement community of any packaging used by or furnished to a consumer for purposes of a sale of food products on the premises of such community;
- A use tax exemption for the storage, use, or consumption of food products by a retirement community for purposes of a sale of food products for consumption by residents on the premises of such community; and
- A use tax exemption for the storage, use, or consumption by a retirement community of any packaging used by or furnished to a consumer for purposes of a sale of food products for consumption by residents on the premises of such community.

The act defines "food" for purposes of this particular sales and use tax exemption to include prepared salads, salad bars, and packaged and unpackaged cold sandwiches.

**APPROVED** by Governor June 1, 2016

**EFFECTIVE** June 1, 2016

**H.B. 16-1194** Income tax - deduction for entering into a qualified lease with an eligible beginning farmer or rancher. The act allows an income tax deduction for specified income tax years if a qualified taxpayer enters into a qualified lease with an eligible beginning farmer or rancher, in an amount specified in a deduction certificate issued by the Colorado agricultural development authority that is equal to 20% of the lease payments received from the eligible beginning farmer or rancher as specified in the qualified lease, not to exceed a specified amount per income tax year, for a maximum of 3 income tax years. The act also specifies that the Colorado agricultural development authority may not issue more than 100 deduction certificates in an income tax year and that the authority must require that a copy of the schedule F that the eligible beginning farmer or rancher filed with the eligible beginning farmer's or rancher's federal income tax return be included as part of the

application for a deduction certificate.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** August 10, 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. 16-1286** Income tax - deduction for costs incurred in performing wildfire mitigation measures. The act increases the percentage of a landowner's costs incurred in performing wildfire mitigation measures from 50% to 100% that may be claimed by the landowner for purposes of the wildfire mitigation income tax deduction.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1297** Voluntary contribution program - maximum number of funds appearing on the income tax return form - immediate reestablishment of funds excluded from 2015 form - reduction of minimum monetary amount of contributions required to remain on form. The following funds in the voluntary contribution program, commonly referred to as the "check-off" program, failed to meet the requisite \$75,000 minimum in contributions over a 9-month period and were excluded from the 2015 income tax return form (form):

- The Colorado healthy rivers fund voluntary contribution;
- The Alzheimer's Association fund voluntary contribution;
- The Colorado multiple sclerosis fund voluntary contribution;
- The Colorado cancer fund voluntary contribution;
- The Make-A-Wish Foundation of Colorado fund voluntary contribution; and
- The unwanted horse fund voluntary contribution.

In order to immediately reestablish the above funds, the act expands from 15 to 20 the statutory maximum number of funds that may appear on the form at any one time. Each reestablished fund sunsets in 5 years, subject to the minimum dollar amount of contributions that all check-offs are required to receive.

The act lowers the minimum dollar amount that every fund must receive to \$50,000.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** April 14, 2016

**H.B. 16-1332** Income tax - tax credit for alternative fuel motor vehicles - fixes specified dollar amount for credits - allows assignment of tax credit to a financing entity - makes used motor vehicles ineligible unless the motor vehicle is being converted - improved tracking. The act makes changes to 2 income tax credits available to taxpayers who purchase alternative fuel motor vehicles and trucks. The act:

- Fixes a specified dollar amount for the income tax credits for motor vehicles and trucks instead of requiring the taxpayer to calculate the income tax credit

- using formulas based on a specified percentage of the actual cost incurred or battery size;
- Distinguishes between purchases and leases of a motor vehicle or truck in fixing the values of the income tax credits;
  - Requires a lessee to enter into a lease with a term of not less than 2 years to qualify for the income tax credit on or after January 1, 2017;
  - Removes the income tax credit for the purchase or lease of light duty passenger motor vehicle diesel-electric hybrids and light duty passenger motor vehicle, light duty, truck, and medium duty truck diesel-electric hybrid conversions;
  - Makes all used motor vehicles and trucks ineligible for the credits, unless the motor vehicle is being converted;
  - Allows a taxpayer to assign the income tax credit to a financing entity and thus forfeit the right to claim the tax credit on the taxpayer's tax return in exchange for the full nominal value of the income tax credit, minus an administrative fee not to exceed \$150;
  - Requires the taxpayer claiming an income tax credit on or after January 1, 2017, to provide the department of revenue with the motor vehicle's or truck's vehicle identification number; and
  - Requires the department of revenue to commence tracking the vehicle identification number of the motor vehicle or truck for which a credit is claimed.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** June 6, 2016

**H.B. 16-1349** Income tax - tax return form - voluntary contributions - extension of military family relief fund. The act extends, for 5 years, the period in which the state income tax return forms include a line allowing individual taxpayers to make a voluntary contribution to the military family relief fund.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** August 10, 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. 16-1457** Sales and use tax - exemption for residential use of power or fuel - codify current administrative rule. The act codifies the department of revenue's rule regarding the existing sales and use tax exemption for the sale, storage, use, or consumption, for residential use, of electricity, coal, wood, gas, fuel oil, or coke in order to clarify that the sales and use tax exemption applies to residences either acted under a single utility meter or a master utility meter and either charged at a residential, commercial, or other nonresidential utility rate, so long as the electricity, coal, wood, gas, fuel oil, or coke is used for powering lights, refrigerators, stoves, water heaters, space heaters, air conditioners, or other domestic items that require power or fuel in a residence. The act also states, consistent with current practice, that "residential use" is presumed when a utility company charges a residential utility rate.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1465** Income tax - credit for low-income housing - extension of tax credit allocation period - modifications to provisions exempting credit allocations to developments in counties impacted by a natural disaster from overall annual limitation. The act makes the following modifications to the Colorado low-income housing tax credit:

- Extends from 2 years to 5 years, through the calendar year ending December 31, 2019, the period during which the Colorado housing and finance authority may allocate low-income housing tax credits; and
- Deletes provisions added in 2014 that exempted credit allocations to developments located in counties impacted by a natural disaster from the overall aggregate annual limitation on the amount of credits that may be allocated, but clarifies that the exemption from the overall annual limitation still applies to credit allocations for such purposes allocated in 2015 and 2016.

**APPROVED** by Governor June 6, 2016

**EFFECTIVE** June 6, 2016

**H.B. 16-1467** Income tax - reduction in taxable income - first-time home buyer savings account - interest and other income earned. The act allows an individual taxpayer to claim a state income tax deduction for the interest and other income earned on contributions made to a first-time home buyer savings account (account). Beginning January 1, 2017, any individual may create a first-time home buyer savings account with a financial institution to be used to pay or reimburse a qualified beneficiary's eligible expenses for the purchase of a primary residence in Colorado. To qualify as a beneficiary, a person must never have owned a single-family, owner-occupied primary residence or, as a result of the individual's dissolution of marriage, must have been off title for at least 3 years. There are annual and total limits on the contributions to an account and on the interest and other income earned in the account that is deductible.

An individual may be the account holder of multiple accounts and may jointly own the account with another individual, if they file a joint income tax return. An account holder must designate a qualified beneficiary by April 15 of the following year and may designate himself or herself as the qualified beneficiary. An account holder may change the designated qualified beneficiary at any time, but there may not be more than one qualified beneficiary at any time. An account holder cannot have multiple accounts with the same beneficiary, but an individual may be designated as the qualified beneficiary of multiple accounts.

Money must stay in the account for at least one year before it is used. After that time, the money in the account that is used for a down payment and closing costs related to a qualified beneficiary's purchase of his or her primary residence in the state is exempt from the state income tax, as are several other uses. If the money in the account is used for any other purpose, then a pro rata share is subject to recapture in the taxable year in which it is used. In addition, the account holder is liable for a penalty that is a percentage of the amount recaptured, unless a qualified beneficiary purchases a home outside of the state or the qualified beneficiary dies and is not replaced.

The department of revenue is required to establish a form that an account holder must complete and file with his or her state income tax return.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

effective date, see page vi of this digest.

## TRANSPORTATION

**S.B. 16-122** Department of transportation - additional oversight. The act requires additional oversight of the department of transportation (CDOT) as follows:

- The state auditor must conduct a risk-based performance audit of CDOT no later than June 30, 2018.
- CDOT must:
  - Close each transportation project and release any money budgeted for the project as quickly as feasible and within one year following the substantial completion of the project unless a pending legal claim related to the project or an unusual circumstance beyond the control of CDOT unavoidably requires a longer time to close the project;
  - Report on its public website within 2 weeks of a competitively bid transportation contract award, the identity of the winning bidder, the amount of the winning bid, and whether or not the bid awarded was the low bid, and, if not, why CDOT chose the bid over a lower bid;
  - Annually report to the transportation commission regarding the percentages and total amount of money budgeted and expended during the preceding fiscal year for payments to private sector contractors for work on transportation projects and total transportation project costs for projects completed by CDOT employees, including indirect cost recoveries and employee salaries; and
  - On or after July 1, 2016, and on and after July 1 of each year thereafter, report to the transportation legislation review committee regarding all policy amendments made to the statewide transportation improvement plan that were adopted during the most recently ended fiscal year and that added or deleted a project from the plan or modified the funding priority of any project included in the plan. The report must include an explanation of the reasons for each reported policy amendment.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** April 14, 2016

**H.B. 16-1018** Statewide transportation advisory committee - provision of advice to transportation commission. The act requires the statewide transportation advisory committee to advise both the transportation commission and the department of transportation, rather than only the department as was previously the case, on the needs of the transportation systems in the state and to review and comment on all regional transportation plans submitted for the transportation planning regions of the state. The act also more precisely specifies the matters on which advice is to be provided to include budgets, transportation improvement programs, transportation plans, and state transportation policies.

**APPROVED** by Governor March 2, 2016

**EFFECTIVE** August 10, 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. 16-1031** Transportation commission - study of commission districts. Transportation commission members are appointed from 11 statutorily defined transportation commission districts (districts), and the general assembly has not modified the number or boundaries of

the districts since 1991. The act requires the legislative council staff, with the cooperation of the department of transportation, to prepare and present to the transportation legislation review committee a research study of the districts. The study must document changes since the last time the general assembly modified the number and boundaries of the commission districts, including changes in population, number of lane miles, and annual vehicle miles traveled for each of the districts and must take into account existing county and municipal boundaries, regional transportation authorities and districts, and transportation planning regions.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** June 10, 2016

**H.B. 16-1060** Colorado state patrol - roadside memorials for fallen officers. The act requires the department of transportation to erect a permanent roadside memorial for a Colorado state patrol officer who has died on a highway in the line of duty.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** April 21, 2016

**H.B. 16-1061** Statewide transportation plan - consideration of military installation needs required. The act requires the comprehensive statewide transportation plan prepared by the department of transportation to include an emphasis on coordination with federal military installations in the state to identify the transportation infrastructure needs of the installations and ensure that those needs are given full consideration during the formation of the plan.

**APPROVED** by Governor March 31, 2016

**EFFECTIVE** August 10, 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. 16-1122** Motor vehicles and traffic regulation - idling of unattended vehicles - exceptions - local authorities. Current law prohibits the idling of an unattended vehicle. The act limits the law to unlocked vehicles and makes an exception for vehicles with a remote starter system when the driver takes adequate security measures.

The act specifies that local authorities may enforce or enact ordinances or resolutions concerning time limits on the idling of motor vehicles within one year after the effective date of the act.

**APPROVED** by Governor March 31, 2016

**EFFECTIVE** August 10, 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. 16-1155** Designation of four-lane controlled-access highway as a county primary road - limitations. The act authorizes the board of county commissioners of a county with a population of 250,000 or more to designate a 4-lane controlled-access highway as a primary road of the county highway system if the highway is located within the unincorporated area of the county and intersects with an interstate highway or a United States numbered highway

and if the construction of the highway commences in 2016. If a municipality subsequently annexes any portion of such a highway, the act also specifies the respective jurisdiction, control, and duties of the county and the municipality with respect to the highway.

**APPROVED** by Governor April 22, 2016

**EFFECTIVE** August 10, 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. 16-1169** Statewide transportation advisory committee - voting rights for Southern Ute and Ute Mountain Ute tribe members. The statewide transportation advisory committee (STAC), which advises the department of transportation (CDOT) regarding the needs of transportation systems in the state and reviews and comments on the regional transportation plans submitted for the 15 state transportation planning regions (TPRs), has consisted of one representative from each TPR, and CDOT rules have also allowed the Southern Ute and Ute Mountain Ute tribes to each appoint one nonvoting representative to the STAC. The act expands the statutory membership of the STAC to include one representative from each of the tribes as a full-fledged voting member and expresses the intent of the general assembly that these representatives replace the nonvoting representatives.

**APPROVED** by Governor April 14, 2016

**EFFECTIVE** August 10, 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. 16-1172** Department of transportation - requirement to reestablish efficiency and accountability committee. The act requires the state transportation commission (commission) to reestablish the previously disbanded accountability committee (committee) and expands the membership of the committee to include 4 state legislators and representatives of counties, municipalities, and nonpartisan good governance organizations. For the 2016-17 state fiscal year, \$3,248 is appropriated from the general fund to the legislative department to pay for per diem and travel expenses for the legislators on the committee. The commission may also appoint additional representatives of other industries or groups, or individuals or representatives of informally constituted groups of individuals, as it deems appropriate. The responsibilities of the committee are clarified and expanded to ensure that the committee addresses commission and department of transportation accountability, specifically with respect to compliance with federal and state legal requirements and actions taken in response to the August 2015 performance audit titled "Collection and Usage of the FASTER Motor Vehicle Fees", as well as efficiency.

The committee is terminated, effective July 1, 2019, unless its existence is extended through the sunset process. A committee member must disclose a personal or private interest that could reasonably be expected to be affected if the commission or the department implements a proposed committee recommendation and abstain from any committee vote to adopt or reject the recommendation.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 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. 16-1298** Motor vehicles and traffic regulation - vehicle height and length requirements. The act changes the legal height of unladen and laden vehicles to 14 feet 6 inches, restricts the use of certain vehicle combinations, and increases the maximum legal gross weight of vehicles that use alternative fuel.

**APPROVED** by Governor May 4, 2016

**EFFECTIVE** August 10, 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. 16-1415** Driver's license - fee increase - county clerk and recorder's portion - licensing services cash fund - retesting surcharge - procedure for permanent lawful resident to retest - highway users tax fund - appropriation for division of motor vehicles. Beginning July 1, 2016, fees related to a driver's license are increased. These fees, which were initially set in statute and increased by the department of revenue, are further increased as follows:

- \$2.60 to \$9 for a driving record;
- \$3.20 to \$10 for a certified driving record;
- \$9 to \$12 for a duplicate permit or minor driver's license;
- \$3.60 to \$6.50 for a driver's license extension;
- \$360 to \$3,094 for licensing testing units for the initial license, and from \$120 to \$1,052 for each subsequent annual license renewal; and
- \$120 to \$148 for licensing driving testers for the initial license, and from \$60 to \$140 for each subsequent annual license renewal.

In addition, the fee for a driver's license or minor driver's license is increased from \$25 to \$26 during the fiscal year 2016-17, to \$27 for the fiscal year 2017-18, and to \$28 thereafter. Like the existing fees, the department has the authority to raise or lower all of the increased fees in the future. The portion of the revenue from these fees and others that a county clerk and recorder collects and retains is increased. The state's portion of the fees is deposited in the licensing services cash fund, and the act requires all of the money in the fund to remain there at the end of a fiscal year.

If a person fails a driver's license test, the act:

- Specifies that the current surcharge for retesting, added for issuance of a driver's or minor driver's license, applies regardless of whether an applicant retakes the examination or demonstration with the department of revenue or a vendor approved by the department;
- Establishes a procedure whereby, after qualifying for a driver's license but failing the driving test, an applicant for a driver's license who is not a permanent lawful resident may use a private vendor to readminister the driving test. The applicant must successfully complete the driver's test within 60 days after the first attempt.

For the next 3 fiscal years, the general assembly is permitted to appropriate moneys from the highway users tax fund to the department for use by the division of motor vehicles for expenses incurred in connection with the administration of driver and vehicle services. These appropriations are in addition to the existing off-the-top appropriations from the fund

for the Colorado state patrol.

**APPROVED** by Governor May 4, 2016

**PORTIONS EFFECTIVE** May 4, 2016  
**PORTIONS EFFECTIVE** July 1, 2016

## **WATER AND IRRIGATION**

**S.B. 16-145** Colorado river water conservation district - subdistrict formation - petition - alternative mechanism. The Colorado river water conservation district's (district) 1937 organic act provides a mechanism for the creation of a subdistrict within the 15-county district that requires a petition signed by 50% of the property owners of the proposed subdistrict to be presented to, and approved by, a court which may then declare the subdistrict formed.

The act provides an alternative mechanism to petition for the organization of a subdistrict of the district. Following initial approval of the board of directors, including unanimous approval of the directors representing the geographic area that would be covered by the proposed subdistrict, the petition must include the signatures of the lesser of 10% or 200 electors of the geographic area covered by the proposed subdistrict. The petition must then be presented to a court for approval at a hearing and, upon approval, is put to a vote at an election within the boundaries of the proposed subdistrict. If a majority of the votes are in favor of the formation of the proposed subdistrict, the court shall declare the subdistrict formed.

**APPROVED** by Governor June 10, 2016

**EFFECTIVE** August 10, 2016

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

**S.B. 16-174** Colorado water conservation board - construction fund - appropriations - Animas-La Plata project - transfers. The act appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund to the CWCB or the division of water resources for the following projects:

- \$380,000 for continuation of the satellite monitoring system maintenance (section 1 of the act);
- \$500,000 for continuation of the Colorado floodplain map modernization program (section 2);
- \$1,500,000 for continuation of the watershed restoration program (section 3);
- \$175,000 for continuation of the weather modification program (section 4);
- \$150,000 for the CWCB to support the Colorado Mesonet, a spatially coherent network of weather stations reporting in near real-time via major data portals (section 5);
- \$300,000 for the water forecasting partnership project (section 6);
- \$2,500,000 for a Bear Creek reservoir reallocation study (section 7);
- \$200,000 for an underground storage study (section 8);
- \$1,000,000 for continuation of the statewide water supply initiative (section 9);
- \$200,000 for continuation of the Windy Gap reservoir bypass channel project (section 10); and
- \$1,000,000 for a reservoir dredging project (section 11).

The act directs the state treasurer to transfer the following amounts from the CWCB construction fund:

- Up to \$500,000 to the flood and drought response fund (section 12); and
- \$600,000 to the litigation fund (section 13).

Current law prevents the CWCB from participating in domestic water treatment and distribution systems projects; section 14 changes this prohibition to refer simply to water treatment facilities.

Section 15 gives the CWCB a variety of powers to fully utilize the state's water allocation in the Animas-La Plata project, directs the state treasurer to credit money received pursuant to the exercise of those powers to the CWCB construction fund, and continuously appropriates this money to the CWCB for this purpose.

Section 16 transfers the following amounts from the severance tax perpetual base fund to the CWCB construction fund:

- \$200,000 for the Windy Gap reservoir bypass channel project;
- \$1,500,000 for the watershed restoration program, \$2,500,000 for the Bear Creek reservoir reallocation study, and \$1,000,000 for the statewide water supply initiative; and
- On each July 1, \$5,000,000 to fund studies, programs, or projects to implement the state water plan.

**APPROVED** by Governor May 16, 2016

**EFFECTIVE** May 16, 2016

**S.B. 16-200** Water infrastructure - administration - director of water project permitting - creation of position - duties. The act creates a position in the office of the governor, designated as the director of water project permitting, to coordinate the permitting of:

- Raw water diversion, storage, or delivery projects, including associated hydroelectric facilities and both consumptive and nonconsumptive uses of water; and
- Water projects that are either assessed a water quality certification fee or are eligible for financing from the Colorado water conservation board construction fund.

The director will annually update the general assembly's committees with jurisdiction over natural resources regarding implementation of the act. The act is repealed, effective September 1, 2019.

**APPROVED** by Governor June 8, 2016

**EFFECTIVE** August 10, 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. 16-1005** Water rights - precipitation collection - collection from residential rooftops allowed - curtailment - reporting. Section 1 of the act allows the collection of precipitation from a residential rooftop if:

- A maximum of 2 rain barrels with a combined storage capacity of 110 gallons or less are used;
- Precipitation is collected from the rooftop of a building that is used primarily as a single-family residence or a multi-family residence with 4 or fewer units;
- The collected precipitation is used on the residential property on which the precipitation is collected; and
- The collected precipitation is applied to outdoor purposes such as lawn irrigation and gardening.

Section 1 also requires the state engineer, to the extent practicable within existing resources, to provide information on the permitted use of rain barrels on the state engineer's website. Section 1 further sets forth the procedure by which the state engineer could curtail the use of rain barrels based on a determination of material injury. Finally, section 1 requires the state engineer to report to the agriculture committees in the general assembly in 2019 and 2022 on whether residential precipitation collection has caused any discernible injury to downstream water rights.

Section 2 requires the department of public health and environment, to the extent practicable within existing resources, to develop best practices for nonpotable usage of collected precipitation and vector control and to post any best practices developed on the department's website.

Section 3 prevents a homeowners' association from prohibiting a unit owner from using rain barrels for precipitation collection, with certain exceptions for leased or attached units or common elements. Section 3 allows a homeowners' association to impose reasonable aesthetic requirements on the placement or appearance of a rain barrel.

**APPROVED** by Governor May 12, 2016

**EFFECTIVE** August 10, 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. 16-1109** Water rights - state engineer's office - restrictions placed on the alienability of water rights as a condition of federal land use nonenforcement. The act states basic tenets of Colorado water law concerning water as a transferable property right and prohibits the state and division engineers from enforcing or administering any United States forest service or federal bureau of land management effort that:

- Requires a full or partial transfer of title to a water right to the United States forest service or the federal bureau of land management;
- Restricts the use or alienability of the water right as a condition to a right-of-way, special use permit, or other authorization to use federally owned land; or
- Requires a third party that supplies water to a federal special use permit holder to supply the water for a set period of time or in a set amount.

The act specifies that it does not impact the state engineer's or a division engineer's authority to enforce and administer the terms and conditions of a water court decree or other judicial decree and that it does not grant, confirm, deny, or impact any legal authority of the federal government to impose bypass flow requirements in connection with a special use

permit or other authorization.

**APPROVED** by Governor April 21, 2016

**EFFECTIVE** August 10, 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. 16-1228** Water rights - changes of use - agricultural water protection water right - substitute water supply plan - renewable one-year transfers. The act authorizes an owner of an absolute decreed irrigation water right in water division 1 or 2 that is used for agricultural purposes to seek a change-in-use decree in water court to obtain an agricultural water protection water right.

Under the changed water right available in water division 1 or 2, the water right owner may apply for a renewable one-year substitute water supply plan through which the water right owner may lease, loan, or trade up to 50% of the historical consumptive use portion of the water subject to the water right without designating the specific beneficial use for the leased, loaned, or traded water. The one-year substitute water supply plan authorizing the lease, loan, or trade of water may be renewed twice without reapplying if the terms and conditions of the plan remain unchanged. A new application is required every 3 years to maintain the substitute water supply plan.

Pursuant to rules developed by the state engineer and reviewed by the water judge for water division 1, the state engineer may approve a one-year renewable substitute water supply plan authorizing the lease, loan, or trade of water subject to an agricultural water protection water right in water division 1 or 2 if the following conditions are met:

- The remaining portion of the water subject to the water right must continue to be used for agricultural purposes;
- The water right must be protected by the owner's participation in an agricultural water protection water program, for which the Colorado water conservation board will establish minimum criteria and guidelines;
- The owner shall not lease, loan, or trade water subject to the water right outside of the water division with jurisdiction over the location of historical consumptive use; and
- The transferable portion of the water subject to the water right must be delivered to a point of diversion that is subject to an existing water court decree.

**APPROVED** by Governor May 18, 2016

**EFFECTIVE** August 10, 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. 16-1256** Colorado water conservation board - South Platte river basin storage study - appropriation - repeal. The act requires the Colorado water conservation board (board), in collaboration with the South Platte basin and metro roundtables, to consider whether to award a grant under the water supply reserve fund to conduct or commission, in collaboration with the state engineer, a storage study of the South Platte river basin.

The purpose of the storage study is to determine, for each of the previous 20 years, the amount of water that has been delivered to Nebraska from the river in excess of the amount required under the South Platte river compact. The study must also include a list of locations that have been identified as possible sites for the construction of a reservoir, enlargement of an existing reservoir, or implementation of an alternative storage mechanism along the mainstem and tributaries of the South Platte river between Greeley, Colorado, and Julesburg, Colorado. For each listed location, the study must include information on the amount of water that could have been stored in a reservoir at the site, based on measured flow existing at the time of the study, a preliminary estimate of the cost to construct a reservoir at the site, and a cost-benefit analysis for any such project. If a grant is awarded for the commission of the storage study, the board, in collaboration with the state engineer, is required to provide a report summarizing the study to the committees of reference in the house of representatives and the senate that have jurisdiction over natural resources matters.

The act is repealed, effective July 1, 2018.

On July 1, 2016, \$211,168 is transferred from the severance tax perpetual base fund to the Colorado water conservation board construction fund.

\$211,168 is appropriated for the 2016-17 state fiscal year from the Colorado water conservation board construction fund to the department of natural resources for use by the board for implementation of the storage study.

**APPROVED** by Governor June 9, 2016

**EFFECTIVE** June 9, 2016

## CONCURRENT RESOLUTIONS

**S.C.R. 16-2** Property tax - exemption for de minimis possessory interests. For property tax years commencing on or after January 1, 2018, the concurrent resolution creates an exemption from property taxation for possessory interests in real property if the actual value of the possessory interest is less than or equal to \$6,000 or such amount adjusted for inflation.

**S.C.R. 16-6** Slavery and involuntary servitude - exception when imposed as punishment for a crime - repeal. Currently, the Colorado constitution prohibits slavery and involuntary servitude, except as punishment for a crime of which a person has been duly convicted. If approved at the 2016 general election, the concurrent resolution removes this exception to the prohibition.

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