

COLORADO LAWS ENACTED AFFECTING MUNICIPAL GOVERNMENTS

2011 LEGISLATIVE SESSION



CML

COLORADO MUNICIPAL LEAGUE

The Voice of Colorado's Cities and Towns

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FOREWORD

Sine die adjournment of the first regular session of the 68th Colorado General Assembly occurred May 11, 2011.

During the 2011 session, 713 bills and resolutions were introduced, and the League actively followed 222 of these measures. CML supported 18 bills and resolutions and opposed 31. Of the support bills, 72 percent passed the legislature, while 92 percent of the non-budget balancing oppose bills were defeated. Two other bills were amended such that CML was able to drop its opposition.

One of the League's services is the analysis and distribution of information regarding laws passed by the General Assembly that affect cities and towns. Published annually, *Colorado Laws Enacted* focuses on selected acts that have a particular significance for municipal operations, services, and powers. A few of these acts are reprinted herein for easy reference. This publication is not a comprehensive listing of all new legislation enacted into law affecting municipal government.

For 2011, CML is providing this publication in an Adobe PDF format so that it may be more readily distributed among the staff of each municipality. CML staff hopes this is an improvement over the single hard copy each member previously received, and we will strive to make future publications even more user friendly.

The League recommends that each municipality have staff review this publication carefully and become familiar with these new laws. We suggest that special attention be given to effective dates and any ordinance or other policy changes that might be required. Please notify the appropriate officials in your municipality of these changes.

Municipal officials are encouraged to review the actual text of new laws rather than rely on the summaries in this publication. When reading these new laws, please read the act in the context of the existing statute or statutes being amended. We encourage you to consult with your municipal attorney when legal questions arise. Copies of any law and further information are available to municipal officials upon request to the League staff. Finally, we appreciate your comments and suggestions on ways to improve *Colorado Laws Enacted*.

Acknowledgements go to the following CML staff for contributing to this book: Mark Radtke, legislative & policy advocate, Traci Stoffel, publications specialist, and Geoff Wilson, general counsel.

Kevin Bommer
CML legislative advocacy manager
June 2011

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SB 11-206 **AFFORDABLE HOUSING**
Government mortgage licensing exemption

Exempts certain public and nonprofit personnel from federal mortgage lender licensing requirements until the Department of Housing and Urban Development issues its regulations that implement the SAFE Act, which tightens licensing requirements for mortgage lenders. Specifies that future HUD rules will take precedence over the statute. Includes exemption for employees of municipalities, quasi-government agencies such as housing authorities, community development organizations, and self-help housing organizations such as Habitat for Humanity. Effective June 5, 2011. *Reprinted.* Lobbyist: Mark Radtke, mradtke@cml.org.

HB 11-1151 **ANIMAL WELFARE**
Cruelty to service animals

Defines cruelty to a service animal and requires that, in addition to any other penalty imposed, a person who is convicted of aggravated cruelty to a service animal shall make restitution for any veterinary bills and, if necessary, replacement costs of the service animal that are a result of the cruelty incident. Includes animals working in a law enforcement capacity in the definition of service animals. Effective Aug. 10, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-060 **BEER & LIQUOR**
On-premise sales of 3.2 beer

Permits all persons licensed to sell malt, vinous, or spirituous liquors for on-premises consumption to also sell low-alcohol-content beer for consumption on the licensed premises. Effective May 13, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-066 **BEER & LIQUOR**
Special events permits

Authorizes local licensing authorities to issue special event permits to consume alcohol and raises the number of days a permit may be issued from 10 to 15 in one calendar year. Requires local licensing authority to determine the applicant's permitting activity and ensure compliance with the annual limit on permits. Contains other provisions. Effective Aug. 10, 2011. *Reprinted.* Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-273 **BEER & LIQUOR**
Common consumption area permits

Allows local governments to create entertainment districts. Allows a promotional association to create a common consumption area within a district under certain conditions. Permits a person to buy an alcohol beverage from an attached alcohol beverage licensee and consume the alcohol within common consumption areas. Prohibits consumption of alcohol within the common consumption area unless it was purchased from an attached, licensed premises. Allows the local licensing to impose procedures and fees for approval and remove the authorization for a common consumption area due to violations of the beer

and liquor code. Contains other provisions. Effective Aug. 10, 2011. *Reprinted.* Lobbyist: Kevin Bommer, kbommer@cml.org

HB 11-1199 **BUILDING PERMITS**
Solar installations – Fee limits

Extends until 2018 the state-imposed limits on fees that municipalities and counties can charge for solar device installations. Extends and expands the scope of the originally statute enacted in 2008 and set to expire in 2011. Caps solar installation building permit fees to \$500 for residential and \$1,000 for commercial. Covers not only building permits but plan review fees and any fee required for the approval of an installation; there is no fee cap on systems that produce greater than two megawatts of electricity. Effective June 10, 2011. *Reprinted.* Lobbyist: Mark Radtke, mradtke@cml.org.

HB 11-1115 **CONSTRUCTION**
Contract retainage

Sets the maximum amount of retainage that may be withheld throughout a construction contract at 5 percent (down from 10 percent for the first half of a project and 5 percent for the remainder). Requires final payment to the general contractor within 60 days of final acceptance by the owner. Effective Aug. 10, 2011. *Reprinted.* Lobbyist: Mark Radtke, mradtke@cml.org.

HB 11-1202 **CONSTRUCTION**
Change orders

Requires public construction contracts to include a change order clause that states appropriations must be available prior to the performance of the additional work. Inserts the phrase into a paragraph adopted in 2010 that requires public entities to have funds appropriated before any change order is executed. Effective Aug. 10, 2011. *Reprinted.* Lobbyist: Mark Radtke, mradtke@cml.org.

HB 11-1051 **CRIMINAL LAW**
Expungement of DNA samples

Clarifies that DNA records taken at arrest are expunged if the person is not convicted of any felony, not just a felony under title 18, Colorado Revised Statutes. Effective March 11, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-134 **CRIMINAL LAW**
Synthetic cannabinoids

Defines "synthetic cannabinoids" and adds salvia divinorum and synthetic cannabinoids to the statutory definition of controlled substances. Prohibits and creates a misdemeanor for the use or possession of any amount of salvia divinorum or synthetic cannabinoids. Prohibits and creates felony offenses for the distribution, manufacturing, dispensing, sale, or cultivation of synthetic cannabinoids or salvia divinorum. States that synthetic cannabinoids shall not be considered medical marijuana under Colorado law. Effective Aug. 10, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

Graffiti

Allows an offender to be charged with defacing property based upon the aggregate cost of the damage that he or she causes over multiple criminal episodes. Authorizes the Colorado Department of Transportation to enter into a memorandum of understanding with a municipality or county to allow it remove graffiti from a state facility at local government expense. Effective Aug. 10, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

Creative districts

Permits a municipal government to form a creative district within its boundaries and seek registration of the District with the state Office of Economic Development and International Trade (OEDIT) to make the district eligible for any OEDIT financial grants or incentives that may be available. Defines a creative district as an area with a high concentration of cultural facilities, creative businesses, or arts-related businesses. Encourages both nonprofit and for-profit creative industries to draw visitors' attention to centers of existing cultural resources as well as nurture expansion of cultural offerings as an economic development generator for the community. Effective Aug. 10, 2011. Lobbyist: Mark Radtke, mradtke@cml.org.

Regional tourism project

Increases the number of regional tourism projects the state Economic Development Commission can approve from two to four. Retains the remainder of the original statute that dedicates new state sales tax revenue within the project zone to support tax increment financing. Requires local governments to designate the boundaries of the project zone for TIF purposes and designate a financing entity that can be an established urban renewal authority, an established metropolitan district, or a new regional tourism authority. Limits the combined total impact on state sales tax funds to \$50 million for all approved tourism projects. Effective June 10, 2011. Lobbyist: Mark Radtke, mradtke@cml.org.

Disclosure of health care worker information

Allows current and former employers to disclose certain information about a health care worker in response to a request from a prospective or current employer of the health care worker. Grants full immunity from civil liability for the good faith disclosure of information on employer. Creates an exception to the current prohibitions against blacklisting for the disclosure of information. Effective July 1, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

Diesel engine idling

Creates a statewide standard for diesel engine idling times and locations. Permits municipalities to adopt the standard

as a local ordinance, but bars adopting a more stringent local ordinance. Establishes a maximum of five minutes engine idling time for commercial diesel engine vehicles over 14,000 pounds. Includes exemptions to the five minute rule, such as traffic conditions, truck stops, inspections, air temperatures, distances from residential areas, etc. Allows municipalities and counties above 6,000 feet in elevation that have existing ordinances to enforce those ordinances in the future. Applies only to commercial trucks. Does not cover state and local government vehicles. Effective July 1, 2011. *Reprinted.* Lobbyist: Mark Radtke, mradtke@cml.org.

Intergovernmental agreements for wildland fire mitigation

Extends from July 1, 2011, to July 1, 2012 the statutory deadline for entering into intergovernmental agreement for the purpose of mitigating forest land or wildland fires affecting the contiguous land areas of the local government and county. Applies to each county or municipality that owns any land area that is located either entirely or partially outside its own territorial boundaries and inside the territorial boundaries of a county and that contains at least 50 percent forest land or land that constitutes a wildland area. Effective May 27, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

Employee reimbursement

Allows a small employer to reimburse an employee through wage adjustments or health reimbursement arrangements for any portion of a premium for a health coverage plan if the small employer does not have, and in the previous 12 months has not had, a small group health benefit plan for its employees. Effective March 29, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

Capitol dome restoration

Extends the time allowed for fundraising efforts undertaken by a nonprofit statewide historic preservation organization and marketing firm for the restoration of the state capitol dome. Transfers up to \$5 million from the State Historical Fund, subject to dollar-for-dollar matching. Contains other provisions. Effective Aug. 10, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

Charters – Deadlines

Clarifies that the first meeting of the charter commission is to be held not more than 20 days after the date on which the election on the formation of the commission is certified; extends from 120 to 185 days the period within which the charter commission is required to submit to the governing body a proposed charter; and extends from 120 to 185 days the maximum period after publication of the notice within which the election must be held. Effective Sept. 1, 2011. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 11-1113 LAND DEVELOPMENT CHARGES

Accounting information – Publication

Requires a county or municipal government that imposes a land development charge or fee to publish, at least once annually, on its official website (if any) in a clear, concise, and user-friendly format information detailing the allocation by dollar amount of each land development charge collected to an account or among accounts maintained by the local government, the average annual interest rate on each account, and the total amount disbursed from each account, during the local government’s most recent fiscal year. Effective Dec. 31, 2011. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 11-1278 LAW ENFORCEMENT

Sex offender registration

Caps a local law enforcement agency’s initial sex offender registration fee at \$75 and subsequent renewals at \$25 for annual and quarterly registration. Prohibits charges when an offender updates his or her registration or contact information. Allows the local law enforcement agency to waive the fee for an indigent person. Authorizes a local law enforcement agency in all other circumstances to pursue fee collection through civil collections. Requires a local law enforcement agency to accept a timely registration regardless of the offender’s ability to pay. Contains numerous other provisions. Effective May 27, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-227 LAW ENFORCEMENT

Child seat belt restraints

Tightens the state’s passenger vehicle child restraint law to match federal requirements. Eliminates exemption for children up to the age of eight weighing more than 40 pounds. Effective June 7, 2011. *Reprinted*. Lobbyist: Mark Radtke, mradtke@cml.org.

SB 11-260 LAW ENFORCEMENT

Tow truck safety

Creates a Class 3 misdemeanor for motorists who remove a warning sign placed on the driver’s side of a vehicle by a tow truck operator whose truck is within 50 feet of the stationary vehicle or the vehicle is in-tow to prohibit motorists from attempting to drive away in a vehicle that is being readied for towing. Extends the protections for stationary emergency vehicles displaying flashing lights. Requires traffic to slow and move over one-lane when a stationary tow truck has activated its flashing lights. Effective date: July 1, 2011. Lobbyist: Mark Radtke mradtke@cml.org.

SB 11-239 LOCAL GOVERNMENT

Reporting requirement – Repeal

Repeals a requirement that the Division of Local Government in the Department of Local Affairs send a letter to the clerk of each incorporated municipality within the state whose population is less than 1,000 people requiring a report that lists the names of the mayor, mayor pro tem, treasurer, and clerk of the municipality; specifies the date

of the last municipal election; and includes a certificate that the municipality is continuing to operate under its incorporation. Effective Aug. 10, 2011. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 11-1043 MEDICAL MARIJUANA

Cleanup legislation

Extends the moratorium on new businesses applying for licenses until July 1, 2012. Narrows the application of the residency requirements to owners only, as defined by rule of the department of revenue. Allows the medical marijuana licensing authority may deny a license for good cause. Creates provisions for the seizure of medical marijuana in the event that a licensee has its license revoked or otherwise stops operating a medical marijuana business and exempts the seizing agency from any obligation to care for the medical marijuana. Limits medical marijuana infused-products manufacturers to no more than 500 marijuana plants on site, unless the manufacturer is granted a waiver. Allows medical marijuana center licensees or medical marijuana infused-product manufacturers with multiple center or manufacturing licenses to grow all of its medical marijuana at one combined cultivation site. Requires primary caregivers who cultivate medical marijuana for his or her patients to register the cultivation site and all patient identification numbers with the medical marijuana state licensing authority and comply with all zoning and building codes. Makes caregiver information confidential, and allows a local government or law enforcement agency to verify a caregiver’s registered status through an address-specific request. Repeals the provisions that made the location of optional premises cultivation operations confidential. States that the labeling of medical marijuana-infused products is a matter of statewide concern. Contains numerous other provisions. Effective July 1, 2011. *Reprinted*. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 11-1250 MEDICAL MARIJUANA

Medical marijuana infused products packaging

Permits the medical marijuana licensing authority to adopt rules that prohibit the sale of medical marijuana-infused products unless the product is packaged so that it is difficult for a child to open or it contains a label that it is a medicinal product. Effective June 2, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-085 MUNICIPAL COURTS

Prostitution offender programs

Allows municipal and county courts – either individually or collectively – to create and administer a program for certain persons charged with soliciting for prostitution, patronizing a prostitute, or any corresponding municipal code or ordinance. Contains numerous requirements on the courts administering the program; including reporting requirements, participant criteria, fines levels for not completing the program, and reports to the General Assembly. Creates a grant program consisting of gifts, grants, and donations to support offender programs and establishes eligibility criteria. Contains numerous related provisions. Effective Aug 10, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-090 PUBLIC RECREATION FACILITIES

Concussion training

Requires each public recreation facility (among others) to require all volunteer, employee, and contract coaches to complete an annual concussion recognition course. Requires coaches to take certain actions if they suspect that a concussion has occurred. Provides that nothing in the act abrogates or limits the protections of the Colorado Governmental Immunity Act. Contains other provisions. Effective Jan. 1, 2012. Lobbyist: Geoff Wilson, gwilson@cml.org .

HB 11-1036 PUBLIC SAFETY

Blue alerts

The bill creates the blue alert program within the Colorado bureau of investigation to facilitate immediate apprehension of persons who kill or seriously injure peace officers. Establishes circumstances for which the bureau shall issue an alert to designated broadcasters and requires broadcasters to issue the alert at designated intervals as specified by rule. Effective March 17, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-173 PUBLIC SAFETY

Interoperability for schools

Adds additional public safety agencies and entities to the community partners defined in the school response framework and clarifies that interoperable communications is included in a school district's school safety, readiness, and incident management plan. Contains numerous provisions. Effective June 10, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-251 PUBLIC SAFETY

Division of Fire Safety duties

Requires fireworks to be stored in accordance with the fire code adopted by the director of the Colorado Division of Fire Safety if a local government has not adopted a fire code. Authorizes a local government to reimburse the state for the expenses of the division incurred in providing technical assistance in circumstances where the local government collects a fee for the technical assistance. Combines boards for voluntary firefighter and first responder certification and hazardous materials responder certification. Authorizes division director to establish standards for and certify rescuers. Effective June 30, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-234 REAL ESTATE

Private transfer fees

Prohibits new transfer fee covenants asserted against residential real property or any lien recorded after May 23, 2011, related to transfer fee covenants. Prohibits any covenant or lien from being binding on or enforceable against any subsequent owner, purchaser, or holder of any mortgage, deed of trust, or other security interest encumbering the affected real property. Creates requirements on payees for existing residential transfer fee covenants. Exempts from its provisions prohibiting new

covenants and liens and imposing recording obligations as to existing covenants a nonprofit organization formed prior to the effective date of the bill that is a payee under a covenant recorded prior to the effective date of the bill. Contains other provisions. Effective May 23, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 11-1218 SEVERANCE TAX/ FEDERAL MINERAL LEASE

Federal mineral lease districts

Allows a county to create a federal mineral lease district for purposes of receiving moneys distributed to the county by the Department of Local Affairs from the local government mineral impact fund. Specifies requirements for the creation of the district, minimum requirements for establishment of the board of directors of the district, how the district's service plan is to be approved, and the powers and duties of the board of directors of the district. Effective May 9, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-238 SEVERANCE TAX/ FEDERAL MINERAL LEASE

Transfers to Wildlife Preparedness Fund

Extends for two fiscal years the annual \$3.25 million transfer of federal mineral lease revenues to the wildfire preparedness fund. Requires the Colorado State Forest Service to report annually on the use of these revenues to the Department of Local Affairs, the Office of State Planning and Budgeting, and the General Assembly. Effective June 8, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-159 STATE BUDGET

Limited Gaming Fund distribution

Changes the distribution of 50 percent of the balance remaining in the limited gaming fund that is allocated to the state general fund and others funds. Limits the amount available to eligible local governments from the Local Government Gaming Impact Fund. Contains numerous other provisions. Effective March 25, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-164 STATE BUDGET

Cash fund transfers for FY 10-11

Transfers various cash funds to backfill the state general fund, including \$4,800,000 from the local government permanent fund; \$15,000,000 from the local government mineral impact fund; \$5,000,000 from the perpetual base account of the severance tax trust fund; and \$60,000,000 from the local government severance tax fund. Effective March 18, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-221 STATE BUDGET

Fire and Police Pension Association "Old Hire" unfunded liability

Changes the state's annual contribution required to amortize the unfunded accrued liability of old hire pension plans affiliated with the fire and police pension association by reducing the state contribution for the 2011-12 fiscal

year by \$20,000,000. Reduces the state contribution for the 2012-13 fiscal year by \$15,321,079. Delays the state's final contribution by four fiscal years. Adjusts payment required during the 2018-19 fiscal year to include any additional amounts that are caused by the reductions in the 2011-12 and 2012-13 fiscal years. Adjusts the calculation for determining a local government's contribution to be based on eliminating unfunded liabilities no later than June 30, 2019. Effective May 6, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-226 STATE BUDGET
Cash fund transfers for FY 11-12

Transfers various cash funds to backfill the state general fund, including \$30,000,000 from the local government mineral impact fund; \$48,100,000 from the perpetual base account of the severance tax trust fund; \$3,950,000 from the operational account of the severance tax trust fund; and \$41,000,000 from the local government severance tax fund. Effective May 19, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 11-1297 STATE GOVERNMENT
State Internet Portal Authority

Adds state agencies and local governments to the interests to be served by the Statewide Internet Portal Authority. Contains other related provisions. Effective June 2, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 11-1005 TAXATION
Sales and use tax – Agricultural exemption

Repeals HB 10-1195, which suspended an exemption from the state sales and use taxes imposed on certain items used in agricultural production, specifically, agricultural compounds used in caring for livestock, semen used for agricultural or ranching purposes, and pesticides used in the production of agricultural and livestock products. Effective July 1, 2011. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 11-1042 TAXATION
Property loss due to natural causes

Specifies that when residential improvements that would have qualified the land upon which the improvements were located as residential land for the following property tax year are destroyed, demolished, or relocated as a result of a natural cause on or after Jan. 1, 2010, the residential land classification is to remain in place for the year of destruction, demolition, or relocation and the two subsequent property tax years or additional subsequent property tax years, not to exceed a total of five subsequent property tax years, if the assessor determines there is evidence the owner intends to rebuild or locate a residential improvement on the land, state exemptions contains other provisions. Effective May 4, 2011. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 11-1091 TAXATION
Sales and use tax – Medical equipment exemption

Specifies that the following medical equipment sales are exempt from sales tax: all oxygen delivery equipment and

disposable medical supplies related to oxygen delivery dispensed pursuant to a prescription; medical, feeding, and disposable supplies, including any related accessories, for the incontinence, infusion, enteral nutrition, ostomy, urology, diabetic care, and wound care dispensed pursuant to a prescription; and durable medical equipment and mobility enhancing equipment dispensed pursuant to a prescription. Defines "durable medical equipment" and "mobility enhancing equipment". Effective Aug. 10, 2011. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 11-1109 TAXATION
Sales and use tax – Telecommunications equipment exemption option

Grants a town, city, or county the authority to exempt from local sales tax sales of equipment used directly in the provision of telephone and telegraph service, cable television service, broadband communications service, or mobile telecommunications service. Any exemption must apply in a uniform and nondiscriminatory manner to such services. Equipment would remain subject to the state sales tax. Effective Aug. 10, 2011. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 11-1265 TAXATION
Sales and use tax – State tax claims for refund

Increases the period during which a taxpayer may claim a refund of a disputed sales tax from 60 days to three years following payment to be in conformity with other sales tax appeal periods and allows a vendor to submit a claim on behalf of a purchaser. Contains other provisions. Effective May 27, 2011. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 11-1293 TAXATION
Sales and use tax – Software exemption

Repeals HB 10-1192 regarding the state sales and use tax of standardized software enacted by the General Assembly. Repeals any related rules promulgated by the Department of Revenue. Codifies into statute the Department of Revenue's prior special regulation. Effective July 1, 2012. Lobbyist: Geoff Wilson, gwilson@cml.org.

SB 11-086 TAXATION
Sales and use tax – Tax appeals

Modifies various statutory requirements governing the process by which a taxpayer may appeal a deficiency notice or refund claim denial issued by a county or municipality (local government) in connection with the imposition of sales or use tax by such government. Clarifies the enumeration of particular events that need to occur before the taxpayer can be said to have exhausted local remedies and, therefore, be authorized to request a hearing before the executive director of the department of revenue or the district court on the deficiency notice or refund claim denial. Specifies that the deadline by which the local government is required to render a decision on an appeal of a deficiency notice following a hearing may be extended beyond the current statutory deadline with the agreement of the taxpayer and the local government. Specifies that a taxpayer has

exhausted local remedies as a condition precedent to filing an appeal if, among other things: a) the taxpayer and local government agree in writing that no hearing will be held or no final decision will issue from the local government; or b) the local government notifies the taxpayer in writing that it does not intend to conduct a hearing 180 days or more after the date of the taxpayer's request for a hearing. Provides that in the event the taxpayer has timely requested in writing a hearing before the local government and none of the events that established exhaustion of local remedies on the part of the local government have occurred, the taxpayer may request a hearing at any time after the period specified in the statute. Effective July 1, 2011. *Reprinted.* Lobbyist: Geoff Wilson, gwilson@cml.org.

SB 11-178 **TAXATION**

Sales and use tax – Local exemption process

Repeals a requirement for an election for the exemption of certain sales taxes in statutory towns. Effective Aug. 10, 2011. Lobbyist: Geoff Wilson, gwilson@cml.org.

SB 11-263 **TAXATION**

Sales and use tax – Medical prescription drugs and products

Expands the sales tax exemption for sales of medical products to include by a "licensed provider" rather than physicians only. Defines "licensed provider" to mean any person authorized to prescribe drugs pursuant to the state laws regulating professions and occupations. Effective July 1, 2011. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 11-1026 **WATER/WASTEWATER**

Storm Water Management System Administrators

To facilitate compliance with the federal national pollutant discharge elimination system (NPDES) by construction project owners and contractors, requires the Colorado Department of Public Health and Environment (CDPHE), upon application, to designate one or more storm water management system administrators. Establishes criteria for designation and revocation as storm water management administrator. Specifies that CDPHE may consider a department-approved storm water management system administrator's self-audit part of a municipal separate storm sewer systems (MS4) regulator's compliance oversight program conducted in the course of the MS4 meeting permit requirements of the department, if the MS4 formally participates in the storm water management system administrator that conducted the audit. Makes participation in a storm water management system administrator's program strictly voluntary. Specifies that the bill does not limit the authority of an MS4 to implement an MS4's permit or otherwise supersede the MS4's requirements. Contains several other provisions. Effective Aug. 10, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

HJR 11-1025

WATER/WASTEWATER

Nutrient regulations

Resolves that, prior to further Water Quality Control Commission hearings on proposed nutrient control regulations, the Water Quality Control Division is encouraged to present its strategy to address nutrient regulations to a joint meeting of the Senate Agriculture, Natural Resources, and Energy Committee and the House Agriculture, Livestock, and Natural Resources Committee no later than Jan. 31, 2012. Resolves that, at a minimum, such presentation should address how the proposal complies with Gov. John Hickenlooper's "no unfunded mandates" executive order, reflects active stakeholder participation, fully considers cost/benefit study conclusions, is structured to avoid unnecessary regulation and minimize the fiscal impact to state agencies and local governments, and is designed to address basin-specific conditions. Further resolves that the Colorado Legislative Council staff is encouraged to prepare a summary of current and proposed nutrient regulations in Montana, North Dakota, South Dakota, Utah, New Mexico, Kansas, Arizona, Minnesota, Wisconsin, and Wyoming by Aug. 15, 2011. Adopted May 11, 2011. *Reprinted.* Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-021

WATER/WASTEWATER

Facility Operators Certification Board

Removes the term limits currently in place for members of the Water and Wastewater Facility Operators Certification Board. Effective July 21, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 11-199

WORKERS COMPENSATION

Various changes

Requires an employer to admit liability for reasonable and necessary medical benefits in claims in which an authorized treating physician recommends medical benefits after maximum medical improvement if there is no contrary medical opinion in the record. Repeals the condition that the represented parties all agree to engage in discovery, with the result that if all parties are represented, discovery is available. Requires employers or insurers to pay in advance the claimant's costs of attending an examination requested by the employer or insurer at least three business days in advance of the examination, if requested by a claimant. States that the requirement that lump-sum compensation not be conditioned on a claimant waiving the right to pursue permanent total disability payments applies to all requests for lump-sum payments, regardless of the date of a claimant's injury. Effective May 23, 2011. Lobbyist: Kevin Bommer, kbommer@cml.org.

An Act

HOUSE BILL 11-1043

BY REPRESENTATIVE(S) Massey, Labuda, Looper;
also SENATOR(S) Steadman and Spence.

CONCERNING MEDICAL MARIJUANA, AND MAKING AN APPROPRIATION
THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-43.3-103 (2) (c), Colorado Revised Statutes, is amended, and the said 12-43.3-103 (2) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

12-43.3-103. Applicability. (2) (c) On and after July 1, 2011, all businesses for the purpose of cultivation, manufacture, or sale of medical marijuana or medical marijuana-infused products, as defined in this article, shall be subject to the terms and conditions of this article and any rules promulgated pursuant to this article; EXCEPT THAT A PERSON THAT HAS MET THE DEADLINES SET FORTH IN PARAGRAPHS (a) AND (b) OF SUBSECTION (1) OF THIS SECTION THAT HAS NOT HAD ITS APPLICATION ACTED UPON BY THE STATE LICENSING AUTHORITY MAY CONTINUE TO OPERATE UNTIL ACTION IS TAKEN ON THE APPLICATION, UNLESS THE PERSON IS OPERATING IN A JURISDICTION THAT HAS IMPOSED A PROHIBITION ON LICENSURE. WHILE CONTINUING TO OPERATE PRIOR TO THE LICENSING AUTHORITY ACTING ON

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THE APPLICATION, THE PERSON SHALL OTHERWISE BE SUBJECT TO THE TERMS AND CONDITIONS OF THIS ARTICLE AND ALL RULES PROMULGATED PURSUANT TO THIS ARTICLE.

(d) (I) ON AND AFTER JULY 1, 2012, PERSONS WHO DID NOT MEET ALL REQUIREMENTS OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AS OF JULY 1, 2010, MAY BEGIN TO APPLY FOR A LICENSE PURSUANT TO THIS ARTICLE. A BUSINESS OR OPERATION THAT APPLIES AND IS APPROVED FOR ITS LICENSE AFTER JULY 1, 2012, SHALL CERTIFY TO THE STATE LICENSING AUTHORITY THAT IT IS CULTIVATING AT LEAST SEVENTY PERCENT OF THE MEDICAL MARIJUANA NECESSARY FOR ITS OPERATION WITHIN NINETY DAYS AFTER BEING LICENSED.

(II) FOR THOSE PERSONS THAT ARE LICENSED PRIOR TO JULY 1, 2012, THE PERSON MAY APPLY TO THE LOCAL AND STATE LICENSING AUTHORITIES REGARDING CHANGES TO ITS LICENSE AND MAY APPLY FOR A NEW LICENSE IF THE LICENSE IS FOR A BUSINESS THAT HAS BEEN LICENSED AND THE PERSON IS PURCHASING THAT BUSINESS OR IF THE BUSINESS IS CHANGING LICENSE TYPE.

(III) FOR A PERSON WHO HAS MET THE DEADLINES SET FORTH IN PARAGRAPHS (a) AND (b) OF SUBSECTION (1) OF THIS SECTION AND WHO HAS LOST HIS OR HER LOCATION BECAUSE A CITY OR COUNTY HAS VOTED PURSUANT TO SECTION 12-43.3-106 TO BAN HIS OR HER OPERATION, THE PERSON MAY APPLY FOR A NEW LICENSE WITH A LOCAL LICENSING AUTHORITY AND TRANSFER THE LOCATION OF ITS PENDING APPLICATION WITH THE STATE LICENSING AUTHORITY.

(e) THIS ARTICLE SETS FORTH THE EXCLUSIVE MEANS BY WHICH MANUFACTURE, SALE, DISTRIBUTION, AND DISPENSING OF MEDICAL MARIJUANA MAY OCCUR IN THE STATE OF COLORADO. LICENSEES SHALL NOT BE SUBJECT TO THE TERMS OF SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION, EXCEPT WHERE SPECIFICALLY REFERENCED IN THIS ARTICLE.

SECTION 2. 12-43.3-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-43.3-104. Definitions. As used in this article, unless the context otherwise requires:

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(1.5) "IMMATURE PLANT" MEANS A NONFLOWERING MEDICAL MARIJUANA PLANT THAT IS NO TALLER THAN EIGHT INCHES AND NO WIDER THAN EIGHT INCHES PRODUCED FROM A CUTTING, CLIPPING, OR SEEDLING AND THAT IS IN A GROWING CONTAINER THAT IS NO LARGER THAN TWO INCHES WIDE AND TWO INCHES TALL THAT IS SEALED ON THE SIDES AND BOTTOM.

SECTION 3. 12-43.3-104 (5) and (7), Colorado Revised Statutes, are amended to read:

12-43.3-104. Definitions. As used in this article, unless the context otherwise requires:

(5) "Local licensing authority" means an authority designated by municipal or county charter, municipal ordinance, or county resolution, OR THE GOVERNING BODY OF A MUNICIPALITY, CITY AND COUNTY, OR THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY IF NO SUCH AUTHORITY IS DESIGNATED.

(7) "Medical marijuana" means marijuana that is grown and sold pursuant to the provisions of this article and for a purpose authorized by section 14 of article XVIII of the state constitution BUT SHALL NOT BE CONSIDERED A NONPRESCRIPTION DRUG FOR PURPOSES OF SECTION 12-22-102 (20) OR SECTION 39-26-717, C.R.S., OR AN OVER-THE-COUNTER MEDICATION FOR PURPOSES OF SECTION 25.5-5-322, C.R.S.

SECTION 4. 12-43.3-202 (1) (b) (I), (1) (c), (1) (d), and (2) (a) (IV), Colorado Revised Statutes, are amended to read:

12-43.3-202. Powers and duties of state licensing authority - repeal. (1) The state licensing authority shall:

(b) (I) Promulgate such rules and such special rulings and findings as necessary for the proper regulation and control of the cultivation, manufacture, distribution, and sale of medical marijuana and for the enforcement of this article. A county, municipality, or city and county that has adopted a temporary moratorium regarding the subject matter of this article shall be specifically authorized to extend the moratorium until ~~the effective date of the rules adopted by the department of revenue in accordance with this article~~ JUNE 30, 2012.

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(c) Hear and determine at a public hearing any ~~appeals of a~~ CONTESTED state license denial and any complaints against a licensee and administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing so held, all in accordance with article 4 of title 24, C.R.S. The state licensing authority may, at its discretion, delegate to the department of revenue hearing officers the authority to conduct licensing, disciplinary, and rule-making hearings under section 24-4-105, C.R.S. When conducting such hearings, the hearing officers shall be employees of the state licensing authority under the direction and supervision of the executive director and the state licensing authority.

(d) Maintain the confidentiality of reports OR OTHER INFORMATION obtained from a licensee showing the sales volume or quantity of medical marijuana sold, OR REVEALING ANY PATIENT INFORMATION, or any other records that are exempt from public inspection pursuant to state law. SUCH REPORTS OR OTHER INFORMATION MAY BE USED ONLY FOR A PURPOSE AUTHORIZED BY THIS ARTICLE OR FOR ANY OTHER STATE OR LOCAL LAW ENFORCEMENT PURPOSE. ANY INFORMATION RELEASED RELATED TO PATIENTS MAY BE USED ONLY FOR A PURPOSE AUTHORIZED BY THIS ARTICLE OR TO VERIFY THAT A PERSON WHO PRESENTED A REGISTRY IDENTIFICATION CARD TO A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL IS LAWFULLY IN POSSESSION OF SUCH CARD.

(2) (a) Rules promulgated pursuant to paragraph (b) of subsection (1) of this section may include, but need not be limited to, the following subjects:

(IV) Requirements for inspections, investigations, searches, seizures, FORFEITURES, and such additional activities as may become necessary from time to time;

SECTION 5. 12-43.3-301 (2) (a), Colorado Revised Statutes, is amended to read:

12-43.3-301. Local licensing authority - applications - licenses.
(2) (a) A local licensing authority shall not issue a local license within a municipality, city and county, or the unincorporated portion of a county unless the governing body of the municipality or city and county has adopted an ordinance, or the governing body of the county has adopted a

resolution, containing specific standards for license issuance, or if no such ordinance or resolution is adopted prior to July 1, 2012, then a local licensing authority shall consider the minimum licensing requirements of this part 3 when issuing a license.

SECTION 6. 12-43.3-302 (1) and (4), Colorado Revised Statutes, are amended to read:

12-43.3-302. Public hearing notice - posting and publication.

(1) Upon receipt of an application for a local license, except an application for renewal or for transfer of ownership, a local licensing authority may schedule a public hearing upon the application to be held not less than thirty days after the date of the application. If the local licensing authority schedules a hearing for a ~~medical marijuana center~~ LICENSE application, it shall post and publish public notice thereof not less than ten days prior to the hearing. The local licensing authority shall give public notice by the posting of a sign in a conspicuous place on the ~~medical marijuana center~~ LICENSE APPLICANT'S premises for which LICENSE application has been made and by publication in a newspaper of general circulation in the county in which the ~~medical marijuana center~~ APPLICANT'S premises are located.

(4) If the building in which medical marijuana is to be sold CULTIVATED, MANUFACTURED, OR DISTRIBUTED is in existence at the time of the application, a sign posted as required in subsections (1) and (2) of this section shall be placed so as to be conspicuous and plainly visible to the general public. If the building is not constructed at the time of the application, the applicant shall post a sign at the premises upon which the building is to be constructed in such a manner that the notice shall be conspicuous and plainly visible to the general public.

SECTION 7. 12-43.3-303 (2), Colorado Revised Statutes, is amended to read:

12-43.3-303. Results of investigation - decision of authorities.

(2) Before entering a decision approving or denying the application for a local license, the local licensing authority may consider, except where this article specifically provides otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts pertinent to the type of license for which application has been made, including the number, type, and availability of medical marijuana ~~outlets~~ CENTERS, OPTIONAL PREMISES

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CULTIVATION OPERATIONS, OR MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS located in or near the premises under consideration, and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.

SECTION 8. 12-43.3-306, Colorado Revised Statutes, is amended to read:

12-43.3-306. Denial of application. (1) The state licensing authority shall deny a state license if the premises on which the applicant proposes to conduct its business do not meet the requirements of this article or for reasons set forth in section 12-43.3-104 (1) (c) or 12-43.3-305, AND THE STATE LICENSING AUTHORITY MAY DENY A LICENSE FOR GOOD CAUSE AS DEFINED BY SECTION 12-43.3-104 (1) (a) OR (1) (b).

(2) If the state licensing authority denies a state license pursuant to subsection (1) of this section, the applicant shall be entitled to a hearing pursuant to ~~article 4 of title 24, C.R.S.~~ SECTION 24-4-104 (9), C.R.S., AND JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106, C.R.S. The state licensing authority shall provide written notice of the grounds for denial of the state license to the applicant and to the local licensing authority at least fifteen days prior to the hearing.

SECTION 9. 12-43.3-307 (1) (h), (1) (m), (2) (a), and (2) (c), Colorado Revised Statutes, are amended to read:

12-43.3-307. Persons prohibited as licensees - repeal. (1) A license provided by this article shall not be issued to or held by:

(h) A person who has discharged a sentence in the five years immediately preceding the application date for a conviction of a felony or a person who at any time has been convicted of a felony pursuant to any state or federal law regarding the possession, distribution, MANUFACTURING, CULTIVATION, or use of a controlled substance; EXCEPT THAT THE LICENSING AUTHORITY MAY GRANT A LICENSE TO AN EMPLOYEE IF THE EMPLOYEE HAS A STATE FELONY CONVICTION BASED ON POSSESSION OR USE OF A CONTROLLED SUBSTANCE THAT WOULD NOT BE A FELONY IF THE PERSON WERE CONVICTED OF THE OFFENSE ON THE DATE HE OR SHE APPLIED FOR LICENSURE;

(m) ~~A person~~ AN OWNER, AS DEFINED BY RULE OF THE STATE LICENSING AUTHORITY, who has not been a resident of Colorado for at least two years prior to the date of the ~~person's~~ OWNER'S application; except that:

(I) (A) For ~~a person~~ AN OWNER who submits an application for licensure pursuant to this article by December 15, 2010, this requirement shall not apply to that ~~person~~ OWNER if the ~~person~~ HE OR SHE was a resident of the state of Colorado on December 15, 2009.

(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2012.

(2) (a) In investigating the qualifications of an applicant or a licensee, the state AND LOCAL licensing authority AUTHORITIES may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the state OR LOCAL licensing authority considers the applicant's criminal history record, the state OR LOCAL licensing authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a state license.

(c) At the time of filing an application for issuance or renewal of a state medical marijuana center license, medical marijuana-infused product manufacturer license, or optional premises cultivation license, an applicant shall submit a set of his or her fingerprints and file personal history information concerning the applicant's qualifications for a state license on forms prepared by the state licensing authority. The state OR LOCAL licensing authority shall submit the fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The state OR LOCAL licensing authority may acquire a name-based criminal history record check for an applicant or a license holder who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable. An applicant who has previously submitted fingerprints for state licensing purposes may request that the fingerprints on file be used. The state OR LOCAL licensing authority shall use the information resulting

from the fingerprint-based criminal history record check to investigate and determine whether an applicant is qualified to hold a state license pursuant to this article. The state OR LOCAL licensing authority may verify any of the information an applicant is required to submit.

SECTION 10. 12-43.3-310 (6), Colorado Revised Statutes, is amended to read:

12-43.3-310. Licensing in general. (6) All owners, officers, managers, and employees of a medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer shall be residents of Colorado UPON THE DATE OF THEIR LICENSE APPLICATION. AN OWNER SHALL MEET THE RESIDENCY REQUIREMENTS IN SECTION 12-43.3-307 (1) (m). A local licensing authority shall not issue a license provided for in this article until that share of the license application fee due to the state has been received by the department of revenue. All licenses granted pursuant to this article shall be valid for a period not to exceed two years from the date of issuance unless revoked or suspended pursuant to this article or the rules promulgated pursuant to this article.

SECTION 11. Repeal. 12-43.3-310 (14), Colorado Revised Statutes, is repealed as follows:

~~12-43.3-310. Licensing in general. (14) The location of an optional premises cultivation operation as described in section 12-43.3-403 shall be a confidential record and shall be exempt from the "Colorado Open Records Act". State and local licensing authorities shall keep the location of an optional premises cultivation operation confidential and shall redact the location from all public records. Notwithstanding any provision of law to the contrary, a state or local licensing agency may share information regarding the location of an optional premises cultivation operation with a peace officer or a law enforcement agency.~~

SECTION 12. 12-43.3-402 (3), (4), (5), and (6), Colorado Revised Statutes, are amended, and the said 12-43.3-402 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

12-43.3-402. Medical marijuana center license. (3) Every person selling medical marijuana as provided for in this article shall sell only medical marijuana grown in its medical marijuana optional premises

licensed pursuant to this article. IN ADDITION TO MEDICAL MARIJUANA, A MEDICAL MARIJUANA CENTER MAY SELL NO MORE THAN SIX IMMATURE PLANTS TO A PATIENT; EXCEPT THAT A MEDICAL MARIJUANA CENTER MAY SELL MORE THAN SIX IMMATURE PLANTS, BUT MAY NOT EXCEED HALF THE RECOMMENDED PLANT COUNT, TO A PATIENT WHO HAS BEEN RECOMMENDED AN EXPANDED PLANT COUNT BY HIS OR HER RECOMMENDING PHYSICIAN. A MEDICAL MARIJUANA CENTER MAY SELL IMMATURE PLANTS TO A PRIMARY CAREGIVER, ANOTHER MEDICAL MARIJUANA CENTER, OR A MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURER PURSUANT TO RULES PROMULGATED BY THE STATE LICENSING AUTHORITY. The provisions of this subsection (3) shall not apply to medical marijuana-infused products.

(4) Notwithstanding the requirements of subsection (3) of this section to the contrary, a medical marijuana licensee may purchase not more than thirty percent of its total on-hand inventory of medical marijuana from another licensed medical marijuana center in Colorado. A medical marijuana center may sell no more than thirty percent of its total on-hand inventory to another Colorado licensed medical marijuana licensee; EXCEPT THAT THE DIRECTOR OF THE DIVISION THAT REGULATES MEDICAL MARIJUANA MAY GRANT A TEMPORARY WAIVER:

(a) TO A MEDICAL MARIJUANA CENTER OR APPLICANT IF THE MEDICAL MARIJUANA CENTER OR APPLICANT SUFFERS A CATASTROPHIC EVENT RELATED TO ITS INVENTORY; OR

(b) TO A NEW MEDICAL MARIJUANA CENTER LICENSEE FOR A PERIOD NOT TO EXCEED NINETY DAYS SO THE NEW LICENSEE CAN CULTIVATE THE NECESSARY MEDICAL MARIJUANA TO COMPLY WITH THIS SUBSECTION (4).

(5) Prior to initiating a sale, the employee of the medical marijuana center making the sale shall verify that the purchaser has a valid registration card issued pursuant to section 25-1.5-106, C.R.S., OR A COPY OF A CURRENT AND COMPLETE NEW APPLICATION FOR THE MEDICAL MARIJUANA REGISTRY ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT THAT IS DOCUMENTED BY A CERTIFIED MAIL RETURN RECEIPT AS HAVING BEEN SUBMITTED TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT WITHIN THE PRECEDING THIRTY-FIVE DAYS, and a valid picture identification card that matches the name on the registration card. A PURCHASER MAY NOT PROVIDE A COPY OF A RENEWAL APPLICATION IN ORDER TO MAKE A PURCHASE AT A MEDICAL MARIJUANA CENTER. A

PURCHASER MAY ONLY MAKE A PURCHASE USING A COPY OF HIS OR HER APPLICATION FROM 8 A.M. TO 5 P.M., MONDAY THROUGH FRIDAY. IF THE PURCHASER PRESENTS A COPY OF HIS OR HER APPLICATION AT THE TIME OF PURCHASE, THE EMPLOYEE MUST CONTACT THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO DETERMINE WHETHER THE PURCHASER'S APPLICATION HAS BEEN DENIED. THE EMPLOYEE SHALL NOT COMPLETE THE TRANSACTION IF THE PURCHASER'S APPLICATION HAS BEEN DENIED. IF THE PURCHASER'S APPLICATION HAS BEEN DENIED, THE EMPLOYEE SHALL BE AUTHORIZED TO CONFISCATE THE PURCHASER'S COPY OF THE APPLICATION AND THE DOCUMENTATION OF THE CERTIFIED MAIL RETURN RECEIPT, IF POSSIBLE, AND SHALL, WITHIN SEVENTY-TWO HOURS AFTER THE CONFISCATION, TURN IT OVER TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR LOCAL LAW ENFORCEMENT AGENCY. THE FAILURE TO CONFISCATE THE COPY OF THE APPLICATION AND DOCUMENT OF THE CERTIFIED MAIL RETURN RECEIPT OR TO TURN IT OVER TO THE STATE HEALTH DEPARTMENT OR A STATE OR LOCAL LAW ENFORCEMENT AGENCY WITHIN SEVENTY-TWO HOURS AFTER THE CONFISCATION SHALL NOT CONSTITUTE A CRIMINAL OFFENSE.

(5.5) TRANSACTIONS FOR THE SALE OF MEDICAL MARIJUANA OR A MEDICAL MARIJUANA-INFUSED PRODUCT AT A MEDICAL MARIJUANA CENTER MAY BE COMPLETED BY USING AN AUTOMATED MACHINE THAT IS IN A RESTRICTED ACCESS AREA OF THE CENTER IF THE MACHINE COMPLIES WITH THE RULES PROMULGATED BY THE STATE LICENSING AUTHORITY REGARDING THE TRANSACTION OF SALE OF PRODUCT AT A MEDICAL MARIJUANA CENTER AND THE TRANSACTION COMPLIES WITH SUBSECTION (5) OF THIS SECTION.

~~(6) A licensed medical marijuana center may provide a small amount of its medical marijuana for testing to a laboratory that is licensed pursuant to the occupational licensing rules promulgated pursuant to section 12-43.3-202 (2) (a) (IV)~~ A MEDICAL MARIJUANA CENTER MAY PROVIDE A SAMPLE OF ITS PRODUCTS TO A LABORATORY THAT HAS AN OCCUPATIONAL LICENSE FROM THE STATE LICENSING AUTHORITY FOR TESTING AND RESEARCH PURPOSES. THE LABORATORY MAY DEVELOP, TEST, AND PRODUCE MEDICAL MARIJUANA-BASED PRODUCTS. THE LABORATORY MAY CONTRACT METHOD OR PRODUCT DEVELOPMENT WITH A LICENSED MEDICAL MARIJUANA CENTER OR LICENSED MEDICAL MARIJUANA INFUSED-PRODUCT MANUFACTURER. THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES PURSUANT TO ITS AUTHORITY IN SECTION 12-43.3-202 (1) (b), C.R.S., RELATED TO ACCEPTABLE TESTING AND RESEARCH PRACTICES; INCLUDING

BUT NOT LIMITED TO TESTING, STANDARDS, QUALITY CONTROL ANALYSIS, EQUIPMENT CERTIFICATION AND CALIBRATION, AND CHEMICAL IDENTIFICATION AND OTHER SUBSTANCES USED IN BONA-FIDE RESEARCH METHODS. A LABORATORY THAT HAS AN OCCUPATIONAL LICENSE FROM THE STATE LICENSING AUTHORITY FOR TESTING PURPOSES SHALL NOT HAVE ANY INTEREST IN A LICENSED MEDICAL MARIJUANA CENTER OR A LICENSED MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER.

(9) NOTWITHSTANDING THE PROVISIONS OF SECTION 12-43.3-901 (4) (m), A MEDICAL MARIJUANA CENTER MAY SELL BELOW COST OR DONATE TO A PATIENT WHO HAS BEEN DESIGNATED INDIGENT BY THE STATE HEALTH AGENCY OR WHO IS IN HOSPICE CARE:

(a) MEDICAL MARIJUANA; OR

(b) NO MORE THAN SIX IMMATURE PLANTS; EXCEPT THAT A MEDICAL MARIJUANA CENTER MAY SELL OR DONATE MORE THAN SIX IMMATURE PLANTS, BUT MAY NOT EXCEED HALF THE RECOMMENDED PLANT COUNT, TO A PATIENT WHO HAS BEEN RECOMMENDED AN EXPANDED PLANT COUNT BY HIS OR HER RECOMMENDING PHYSICIAN; OR

(c) MEDICAL MARIJUANA-INFUSED PRODUCTS TO PATIENTS.

SECTION 13. 12-43.3-403, Colorado Revised Statutes, is amended to read:

12-43.3-403. Optional premises cultivation license. (1) An optional premises cultivation license may be issued only to a person licensed pursuant to section 12-43.3-402 (1) or 12-43.3-404 (1) who grows and cultivates medical marijuana at an additional Colorado licensed premises contiguous or not contiguous with the licensed premises of the person's medical marijuana center license or the person's medical marijuana-infused products manufacturing license.

(2) OPTIONAL PREMISES CULTIVATION LICENSES MAY BE COMBINED IN A COMMON AREA SOLELY FOR THE PURPOSES OF GROWING AND CULTIVATING MEDICAL MARIJUANA AND USED TO PROVIDE MEDICAL MARIJUANA TO MORE THAN ONE LICENSED MEDICAL MARIJUANA CENTER OR LICENSED MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURER SO LONG AS THE HOLDER OF THE OPTIONAL PREMISE CULTIVATION LICENSE IS ALSO A

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COMMON OWNER OF EACH LICENSED MEDICAL MARIJUANA CENTER OR LICENSED MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURER TO WHICH MEDICAL MARIJUANA IS PROVIDED. IN ACCORDANCE WITH PROMULGATED RULES RELATING TO PLANT AND PRODUCT TRACKING REQUIREMENTS, EACH OPTIONAL PREMISES CULTIVATION LICENSEE SHALL SUPPLY MEDICAL MARIJUANA ONLY TO ITS ASSOCIATED LICENSED MEDICAL MARIJUANA CENTERS OR LICENSED MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURERS.

SECTION 14. 12-43.3-404 (5) and (8), Colorado Revised Statutes, are amended, and the said 12-43.3-404 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

12-43.3-404. Medical marijuana-infused products manufacturing license. (5) The medical marijuana-infused product shall be sealed and conspicuously labeled in compliance with this article and any rules promulgated pursuant to this article. THE LABELING OF MEDICAL MARIJUANA-INFUSED PRODUCTS IS A MATTER OF STATEWIDE CONCERN.

(8) A medical marijuana-infused products licensee that has an optional premises cultivation license shall not sell any of the medical marijuana that it cultivates EXCEPT FOR THE MEDICAL MARIJUANA THAT IS CONTAINED IN MEDICAL MARIJUANA-INFUSED PRODUCTS.

(9) (a) A MEDICAL MARIJUANA-INFUSED PRODUCTS LICENSEE MAY NOT HAVE MORE THAN FIVE HUNDRED MEDICAL MARIJUANA PLANTS ON ITS PREMISES OR AT ITS OPTIONAL PREMISES CULTIVATION OPERATION; EXCEPT THAT THE DIRECTOR OF THE DIVISION THAT REGULATES MEDICAL MARIJUANA MAY GRANT A WAIVER IN EXCESS OF FIVE HUNDRED MARIJUANA PLANTS BASED ON THE CONSIDERATION OF THE FACTORS IN PARAGRAPH (b) OF THIS SUBSECTION (9).

(b) THE DIRECTOR OF THE DIVISION THAT REGULATES MEDICAL MARIJUANA SHALL CONSIDER THE FOLLOWING FACTORS IN DETERMINING WHETHER TO GRANT THE WAIVER DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9):

(I) THE NATURE OF THE PRODUCTS MANUFACTURED;

(II) THE BUSINESS NEED;

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(III) EXISTING BUSINESS CONTRACTS WITH LICENSED MEDICAL MARIJUANA CENTERS FOR THE PRODUCTION OF MEDICAL MARIJUANA-INFUSED PRODUCTS; AND

(IV) THE ABILITY TO CONTRACT WITH LICENSED MEDICAL MARIJUANA CENTERS FOR THE PRODUCTION OF MEDICAL MARIJUANA-INFUSED PRODUCTS.

(10) A MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER MAY PROVIDE A SAMPLE OF ITS PRODUCTS TO A LABORATORY THAT HAS A OCCUPATIONAL LICENSE FROM THE STATE LICENSING AUTHORITY FOR TESTING AND RESEARCH PURPOSES. THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES PURSUANT TO ITS AUTHORITY IN SECTION 12-43.3-202 (1) (b), C.R.S., RELATED TO ACCEPTABLE TESTING AND RESEARCH PRACTICES. A LABORATORY THAT HAS AN OCCUPATIONAL LICENSE FROM THE STATE LICENSING AUTHORITY FOR TESTING PURPOSES SHALL NOT HAVE ANY INTEREST IN A LICENSED MEDICAL MARIJUANA CENTER OR A LICENSED MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER.

SECTION 15. Part 6 of article 43.3 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-43.3-602. Disposition of unauthorized marijuana or marijuana-infused products and related materials. (1) THE PROVISIONS OF THIS SECTION SHALL APPLY IN ADDITION TO ANY CRIMINAL, CIVIL, OR ADMINISTRATIVE PENALTIES AND IN ADDITION TO ANY OTHER PENALTIES PRESCRIBED BY THIS ARTICLE OR ANY RULES PROMULGATED PURSUANT TO THIS ARTICLE. ANY PROVISIONS IN THIS ARTICLE RELATED TO LAW ENFORCEMENT SHALL BE CONSIDERED A CUMULATIVE RIGHT OF THE PEOPLE IN THE ENFORCEMENT OF THE CRIMINAL LAWS.

(2) EVERY LICENSEE LICENSED UNDER THIS ARTICLE SHALL BE DEEMED, BY VIRTUE OF APPLYING FOR, HOLDING, OR RENEWING SUCH PERSON'S LICENSE, TO HAVE EXPRESSLY CONSENTED TO THE PROCEDURES SET FORTH IN THIS SECTION.

(3) A STATE OR LOCAL AGENCY SHALL NOT BE REQUIRED TO CULTIVATE OR CARE FOR ANY MARIJUANA OR MARIJUANA-INFUSED PRODUCT BELONGING TO OR SEIZED FROM A LICENSEE. A STATE OR LOCAL AGENCY SHALL NOT BE AUTHORIZED TO SELL MARIJUANA, MEDICAL OR OTHERWISE.

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(4) IF THE STATE OR LOCAL LICENSING AUTHORITY ISSUES A FINAL AGENCY ORDER IMPOSING A DISCIPLINARY ACTION AGAINST A LICENSEE PURSUANT TO SECTION 12-43.3-601, THEN, IN ADDITION TO ANY OTHER REMEDIES, THE LICENSING AUTHORITY'S FINAL AGENCY ORDER MAY SPECIFY THAT SOME OR ALL OF THE LICENSEE'S MARIJUANA OR MARIJUANA-INFUSED PRODUCT IS NOT MEDICAL MARIJUANA OR A MEDICAL MARIJUANA-INFUSED PRODUCT AND IS AN ILLEGAL CONTROLLED SUBSTANCE. THE ORDER MAY FURTHER SPECIFY THAT THE LICENSEE SHALL LOSE ANY INTEREST IN ANY OF THE MARIJUANA OR MARIJUANA-INFUSED PRODUCT EVEN IF THE MARIJUANA OR MARIJUANA-INFUSED PRODUCT PREVIOUSLY QUALIFIED AS MEDICAL MARIJUANA OR A MEDICAL MARIJUANA-INFUSED PRODUCT. THE FINAL AGENCY ORDER MAY DIRECT THE DESTRUCTION OF ANY SUCH MARIJUANA AND MARIJUANA-INFUSED PRODUCTS, EXCEPT AS PROVIDED IN SUBSECTIONS (5) AND (6) OF THIS SECTION. THE AUTHORIZED DESTRUCTION MAY INCLUDE THE INCIDENTAL DESTRUCTION OF ANY CONTAINERS, EQUIPMENT, SUPPLIES, AND OTHER PROPERTY ASSOCIATED WITH THE MARIJUANA OR MARIJUANA-INFUSED PRODUCT.

(5) FOLLOWING THE ISSUANCE OF A FINAL AGENCY ORDER BY THE LICENSING AUTHORITY IMPOSING A DISCIPLINARY ACTION AGAINST A LICENSEE AND ORDERING DESTRUCTION AUTHORIZED BY SUBSECTION (4) OF THIS SECTION, A LICENSEE SHALL HAVE FIFTEEN DAYS WITHIN WHICH TO FILE A PETITION FOR STAY OF AGENCY ACTION WITH THE DISTRICT COURT. THE ACTION SHALL BE FILED IN THE CITY AND COUNTY OF DENVER, WHICH SHALL BE DEEMED TO BE THE RESIDENCE OF THE STATE LICENSING AUTHORITY FOR PURPOSES OF THIS SECTION. THE LICENSEE SHALL SERVE THE PETITION IN ACCORDANCE WITH THE RULES OF CIVIL PROCEDURE. THE DISTRICT COURT SHALL PROMPTLY RULE UPON THE PETITION AND SHALL DETERMINE WHETHER THE LICENSEE HAS A SUBSTANTIAL LIKELIHOOD OF SUCCESS ON JUDICIAL REVIEW SO AS TO WARRANT DELAY OF THE DESTRUCTION AUTHORIZED BY SUBSECTION (4) OF THIS SECTION OR WHETHER OTHER CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO THE NEED FOR PRESERVATION OF EVIDENCE, WARRANT DELAY OF SUCH DESTRUCTION. IF DESTRUCTION IS SO DELAYED PURSUANT TO JUDICIAL ORDER, THE COURT SHALL ISSUE AN ORDER SETTING FORTH TERMS AND CONDITIONS PURSUANT TO WHICH THE LICENSEE MAY MAINTAIN THE MARIJUANA AND MARIJUANA-INFUSED PRODUCT PENDING JUDICIAL REVIEW, AND PROHIBITING THE LICENSEE FROM USING OR DISTRIBUTING THE MARIJUANA OR MARIJUANA-INFUSED PRODUCT PENDING THE REVIEW. THE LICENSING AUTHORITY SHALL NOT CARRY OUT THE DESTRUCTION AUTHORIZED BY

SUBSECTION (4) OF THIS SECTION UNTIL FIFTEEN DAYS HAVE PASSED WITHOUT THE FILING OF A PETITION FOR STAY OF AGENCY ACTION, OR UNTIL THE COURT HAS ISSUED AN ORDER DENYING STAY OF AGENCY ACTION PURSUANT TO THIS SUBSECTION (5).

(6) THE LICENSING AUTHORITY SHALL NOT CARRY OUT THE DESTRUCTION AUTHORIZED BY SUBSECTION (4) OF THIS SECTION UNTIL IT HAS NOTIFIED THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE MARIJUANA IS LOCATED TO DETERMINE WHETHER THE MARIJUANA OR PRODUCT CONSTITUTES EVIDENCE IN A CRIMINAL PROCEEDING SUCH THAT IT SHOULD NOT BE DESTROYED, AND UNTIL FIFTEEN DAYS HAVE PASSED FROM THE DATE OF THE ISSUANCE OF SUCH NOTICE.

(7) ON OR BEFORE JANUARY 1, 2012, THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES GOVERNING THE IMPLEMENTATION OF THIS SECTION.

SECTION 16. 12-43.3-901 (1) (c), (1) (d), (4) (d) (I), (4) (I), and (7), Colorado Revised Statutes, are amended, and the said 12-43.3-901 (4) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

12-43.3-901. Unlawful acts - exceptions. (1) Except as otherwise provided in this article, it is unlawful for a person:

~~(c) To continue operating a business for the purpose of cultivation, manufacture, or sale of medical marijuana or medical marijuana-infused products without filing the forms and paying the fee as described in section 12-43.3-103 (1) (b); or~~

~~(d) To continue operating a business for the purpose of cultivation, manufacture, or sale of medical marijuana or medical marijuana-infused products without satisfying the conditions of section 12-43.3-103 (2) (b).~~

(4) It is unlawful for any person licensed to sell medical marijuana pursuant to this article:

(d) (I) To sell medical marijuana to a person not licensed pursuant to this article or to a person not able to produce a valid patient registry identification card, UNLESS THE PERSON HAS A COPY OF A CURRENT AND

COMPLETE NEW APPLICATION FOR THE MEDICAL MARIJUANA REGISTRY ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT THAT IS DOCUMENTED BY A CERTIFIED MAIL RETURN RECEIPT AS HAVING BEEN SUBMITTED TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT WITHIN THE PRECEDING THIRTY-FIVE DAYS AND THE EMPLOYEE ASSISTING THE PERSON HAS CONTACTED THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND, AS A RESULT, DETERMINED THE PERSON'S APPLICATION HAS NOT BEEN DENIED. Notwithstanding any provision in this subparagraph (I) to the contrary, a person under twenty-one years of age shall not be employed to sell or dispense medical marijuana at a medical marijuana center or grow or cultivate medical marijuana at an optional premises cultivation operation.

(l) To sell, serve, or distribute medical marijuana at any time other than between the hours of 8 a.m. and 7 p.m. Monday through Sunday; or

(n) TO BURN OR OTHERWISE DESTROY MARIJUANA OR ANY SUBSTANCE CONTAINING MARIJUANA FOR THE PURPOSE OF EVADING AN INVESTIGATION OR PREVENTING SEIZURE; OR

(o) TO ABANDON A LICENSED PREMISES OR OTHERWISE CEASE OPERATION WITHOUT NOTIFYING THE STATE AND LOCAL LICENSING AUTHORITIES AT LEAST FORTY-EIGHT HOURS IN ADVANCE AND WITHOUT ACCOUNTING FOR AND FORFEITING TO THE STATE LICENSING AUTHORITY FOR DESTRUCTION ALL MARIJUANA OR PRODUCTS CONTAINING MARIJUANA.

(7) A person who commits any acts that are unlawful pursuant to this section ARTICLE OR THE RULES AUTHORIZED AND ADOPTED PURSUANT TO THIS ARTICLE commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., except for violations that would also constitute a violation of title 18, C.R.S., which violation shall be charged and prosecuted pursuant to title 18, C.R.S.

SECTION 17. 12-43.3-901, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-43.3-901. Unlawful acts - exceptions. (6.5) A PEACE OFFICER OR A LAW ENFORCEMENT AGENCY SHALL NOT USE ANY PATIENT INFORMATION TO MAKE TRAFFIC STOPS PURSUANT TO SECTION 42-4-1302, C.R.S.

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SECTION 18. 24-72-202 (6) (b) (XIII), Colorado Revised Statutes, is amended to read:

24-72-202. Definitions. As used in this part 2, unless the context otherwise requires:

(6) (b) "Public records" does not include:

~~(XIII) State and local applications and licenses for an optional premises cultivation operation as described in section 12-43.3-403, C.R.S.; and the location of the optional premises cultivation operation.~~ THE INFORMATION PROVIDED TO THE STATE MEDICAL MARIJUANA LICENSING AUTHORITY PURSUANT TO SECTION 25-1.5-106 (7) (e), C.R.S.

SECTION 19. 25-1.5-106 (2) (c) (II), Colorado Revised Statutes, is amended to read:

25-1.5-106. Medical marijuana program - powers and duties of the state health agency - medical review board - medical marijuana program cash fund - created - repeal. (2) **Definitions.** In addition to the definitions set forth in section 14 (1) of article XVIII of the state constitution, as used in this section, unless the context otherwise requires:

(c) "In good standing", with respect to a physician's license, means:

(II) The physician holds a valid ~~unrestricted and unconditioned~~ license to practice medicine in Colorado THAT DOES NOT CONTAIN A RESTRICTION OR CONDITION THAT PROHIBITS THE RECOMMENDATION OF MEDICAL MARIJUANA OR FOR A LICENSE ISSUED PRIOR TO JULY 1, 2011, A VALID, UNRESTRICTED AND UNCONDITIONED LICENSE; and

SECTION 20. 25-1.5-106 (5) (a), Colorado Revised Statutes, is amended to read:

25-1.5-106. Medical marijuana program - powers and duties of the state health agency - medical review board - medical marijuana program cash fund - created - repeal. (5) **Physicians.** A physician who certifies a debilitating medical condition for an applicant to the medical marijuana program shall comply with all of the following requirements:

(a) The physician shall have a valid ~~unrestricted~~ AND ACTIVE license to practice medicine, which license is in good standing.

SECTION 21. 25-1.5-106 (7), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-1.5-106. Medical marijuana program - powers and duties of the state health agency - medical review board - medical marijuana program cash fund - created - repeal. (7) **Primary caregivers.** (e) A PRIMARY CAREGIVER WHO CULTIVATES MEDICAL MARIJUANA FOR HIS OR HER PATIENTS SHALL REGISTER THE LOCATION OF HIS OR HER CULTIVATION OPERATION WITH THE STATE MEDICAL MARIJUANA LICENSING AUTHORITY AND PROVIDE THE REGISTRATION IDENTIFICATION NUMBER OF EACH PATIENT TO THE STATE LICENSING AUTHORITY. THE INFORMATION PROVIDED TO THE STATE MEDICAL MARIJUANA LICENSING AUTHORITY PURSUANT TO THIS PARAGRAPH (e) SHALL NOT BE PROVIDED TO THE PUBLIC AND SHALL BE CONFIDENTIAL. THE STATE LICENSING AUTHORITY SHALL VERIFY THE LOCATION OF A PRIMARY CAREGIVER CULTIVATION OPERATION TO A LOCAL GOVERNMENT OR LAW ENFORCEMENT AGENCY UPON RECEIVING AN ADDRESS-SPECIFIC REQUEST FOR VERIFICATION. THE LOCATION OF THE CULTIVATION OPERATION SHALL COMPLY WITH ALL APPLICABLE LOCAL LAWS, RULES, OR REGULATIONS.

SECTION 22. 25-1.5-106 (16) (a), Colorado Revised Statutes, is amended to read:

25-1.5-106. Medical marijuana program - powers and duties of the state health agency - medical review board - medical marijuana program cash fund - created - repeal. (16) **Fees - repeal.** (a) The state health agency may collect fees from patients who, pursuant to section 14 of article XVIII of the state constitution, apply to the medical marijuana program for a registry identification card for the purpose of offsetting the state health agency's direct and indirect costs of administering the program. The amount of the fees shall be set by rule of the state health agency. The amount of the fees set pursuant to this section shall reflect the actual direct and indirect costs of the state licensing authority in the administration and enforcement of this article so that the fees avoid exceeding the statutory limit on uncommitted reserves in administrative agency cash funds as set forth in section 24-75-402 (3), C.R.S. ~~The state health agency shall also promulgate rules that allow a patient to claim indigence as it relates to~~

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~~paying the fee approved pursuant to this subsection (16). The rules shall establish the standard for indigence, the process the state health agency shall use to determine whether a patient who claims indigence meets the standard for indigence, and the process for granting a waiver if the state health agency determines that the patient meets the standard for indigence. THE STATE HEALTH AGENCY SHALL NOT ASSESS A MEDICAL MARIJUANA REGISTRY APPLICATION FEE TO AN APPLICANT WHO DEMONSTRATES, PURSUANT TO A COPY OF THE APPLICANT'S STATE TAX RETURN CERTIFIED BY THE DEPARTMENT OF REVENUE, THAT THE APPLICANT'S INCOME DOES NOT EXCEED ONE HUNDRED EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY LINE, ADJUSTED FOR FAMILY SIZE. All fees collected by the state health agency through the medical marijuana program shall be transferred to the state treasurer who shall credit the same to the medical marijuana program cash fund, which fund is hereby created.~~

SECTION 23. 39-1-102 (1.6), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-1-102. Definitions. As used in articles 1 to 13 of this title, unless the context otherwise requires:

(1.6) (d) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, PROPERTY THAT IS USED SOLELY FOR THE CULTIVATION OF MEDICAL MARIJUANA SHALL NOT BE CLASSIFIED AS AGRICULTURAL LAND.

SECTION 24. 39-26-123 (1) (a.5), (6) (a), and (6) (b) (I), Colorado Revised Statutes, are amended to read:

39-26-123. Receipts - disposition - transfers of general fund surplus - sales tax holding fund - creation - definitions. (1) As used in this section, unless the context otherwise requires:

(a.5) ~~"Sales taxes attributable to sales of medical marijuana" means the net revenue raised from the state sales taxes imposed pursuant to this article on the sales of medical marijuana.~~

(6) (a) For any state fiscal year commencing on or after July 1, 2010, the general assembly shall annually appropriate the first two million dollars of sales taxes attributable to sales of ~~medical marijuana or equally appropriate the sales taxes attributable to sales of medical marijuana if two~~

~~million dollars is not generated~~ TAXES REMITTED, PURSUANT TO THIS ARTICLE, BY PERSONS OR ENTITIES LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., OR EQUALLY APPROPRIATE THE SALES TAXES ATTRIBUTABLE TO SALES TAXES REMITTED, PURSUANT TO THIS ARTICLE, BY PERSONS OR ENTITIES LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., IF LESS THAN TWO MILLION DOLLARS IS GENERATED.

~~(b) (I) One half of the moneys described in paragraph (a) of this subsection (6) shall be appropriated to the department of human services to be used to provide integrated behavioral health services for juveniles and adults with substance use disorders and mental health treatment needs who are involved with, or at risk of involvement with, the criminal justice system. The moneys described in paragraph (a) of this subsection (6) shall be appropriated to the department of human services to be used to provide integrated behavioral health services for juveniles and adults with substance use disorders or with substance use disorders and mental health treatment needs who are involved with, or at risk of involvement with, the criminal justice system. The department shall ensure that appropriations in this line item are distributed through the department's designated managed service organizations and community mental health centers. The appropriations shall be based on, including but not limited to substance use and mental health prevalence data that is developed working collaboratively with the managed services organizations and community mental health centers TO BE USED FOR THE CIRCLE PROGRAM THAT PROVIDES INTENSIVE INPATIENT TREATMENT FOR ADULTS WHO SUFFER FROM CO-OCCURRING DISORDERS AT THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO.~~

SECTION 25. 12-36-118, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-36-118. Disciplinary action by board - immunity - rules.
(19) IF A PHYSICIAN HAS A RESTRICTION PLACED ON HIS OR HER LICENSE, THE RESTRICTION SHALL, IF PRACTICABLE, STATE WHETHER THE RESTRICTION PROHIBITS THE PHYSICIAN FROM MAKING A MEDICAL MARIJUANA RECOMMENDATION.

SECTION 26. 12-43.3-202 (2) (a) (I), Colorado Revised Statutes, is amended to read:

12-43.3-202. Powers and duties of state licensing authority -

repeal. (2) (a) Rules promulgated pursuant to paragraph (b) of subsection (1) of this section may include, but need not be limited to, the following subjects:

(I) Compliance with, enforcement of, or violation of any provision of this article, SECTION 18-18-406.3 (6), C.R.S., or any rule issued pursuant to this article, including procedures and grounds for denying, suspending, fining, restricting, or revoking a state license issued pursuant to this article;

SECTION 27. 18-4-412 (2) (a), Colorado Revised Statutes, is amended to read:

18-4-412. Theft of medical records or medical information - penalty. (2) As used in this section:

(a) "Medical record" means the written or graphic documentation, sound recording, or computer record pertaining to medical, mental health, and health care services, INCLUDING MEDICAL MARIJUANA SERVICES, which are performed at the direction of a physician or other licensed health care provider on behalf of a patient by physicians, dentists, nurses, technicians, emergency medical technicians, mental health professionals, prehospital providers, or other health care personnel. "Medical record" includes such diagnostic documentation as X rays, electrocardiograms, electroencephalograms, and other test results.

SECTION 28. 18-18-406.3, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-18-406.3. Medical use of marijuana by persons diagnosed with debilitating medical conditions - unlawful acts - penalty - medical marijuana program cash fund. (6) AN OWNER, OFFICER, OR EMPLOYEE OF A BUSINESS LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., OR AN EMPLOYEE OF THE STATE MEDICAL MARIJUANA LICENSING AUTHORITY, A LOCAL MEDICAL MARIJUANA LICENSING AUTHORITY, OR THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, WHO RELEASES OR MAKES PUBLIC A PATIENT'S MEDICAL RECORD OR ANY CONFIDENTIAL INFORMATION CONTAINED IN ANY SUCH RECORD THAT IS PROVIDED TO OR BY THE BUSINESS LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., WITHOUT THE WRITTEN AUTHORIZATION OF THE PATIENT COMMITS A CLASS 1 MISDEMEANOR; EXCEPT THAT THE OWNER, OFFICER, OR EMPLOYEE SHALL

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RELEASE THE RECORDS OR INFORMATION UPON REQUEST BY THE STATE OR LOCAL MEDICAL MARIJUANA LICENSING AUTHORITY. THE RECORDS OR INFORMATION PRODUCED FOR REVIEW BY THE STATE OR LOCAL LICENSING AUTHORITY SHALL NOT BECOME PUBLIC RECORDS BY VIRTUE OF THE DISCLOSURE AND MAY BE USED ONLY FOR A PURPOSE AUTHORIZED BY ARTICLE 43.3 OF TITLE 12, C.R.S., OR FOR ANOTHER STATE OR LOCAL LAW ENFORCEMENT PURPOSE. THE RECORDS OR INFORMATION SHALL CONSTITUTE MEDICAL DATA AS DEFINED BY SECTION 24-72-204 (3) (a) (I), C.R.S. THE STATE OR LOCAL MEDICAL MARIJUANA LICENSING AUTHORITY MAY DISCLOSE ANY RECORDS OR INFORMATION SO OBTAINED ONLY TO THOSE PERSONS DIRECTLY INVOLVED WITH ANY INVESTIGATION OR PROCEEDING AUTHORIZED BY ARTICLE 43.3 OF TITLE 12, C.R.S., OR FOR ANY STATE OR LOCAL LAW ENFORCEMENT PURPOSE.

SECTION 29. 25-1-1202 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-1-1202. Index of statutory sections regarding medical record confidentiality and health information. (1) Statutory provisions concerning policies, procedures, and references to the release, sharing, and use of medical records and health information include the following:

(ee.5) SECTION 18-18-406.3, C.R.S., CONCERNING MEDICAL MARIJUANA PATIENT RECORDS;

SECTION 30. Appropriation - adjustments in 2011 long bill. For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2011, shall be adjusted as follows:

(1) The general fund appropriation to the department of human services, division of mental health and alcohol and drug abuse services, for mental health institutes, for mental health institute - Pueblo, is increased by one million dollars (\$1,000,000) and 14.5 FTE, for the circle program.

(2) The general fund appropriation to the department of human services, division of mental health and alcohol and drug abuse services, for co-occurring behavioral health services, for behavioral health services for juveniles and adults at risk or involved in the criminal justice system, is decreased by one million dollars (\$1,000,000).

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(3) The cash funds appropriation to the department of revenue, enforcement business group, medical marijuana enforcement division, is decreased by seven thousand six hundred ninety-six dollars (\$7,696) cash funds. Said sum shall be from the medical marijuana license cash fund created in section 12-43.3-501 (1), Colorado Revised Statutes.

SECTION 31. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the medical marijuana license cash fund created in section 12-43.3-501 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of seven thousand six hundred ninety-six dollars (\$7,696) cash funds, or so much thereof as may be necessary, for the implementation of this act.

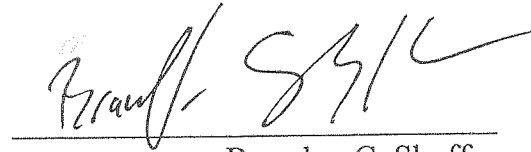
(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, sum of seven thousand six hundred ninety-six dollars (\$7,696), or so much thereof as may be necessary, for the provision of programming services to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section.

SECTION 32. Effective date. This act shall take effect July 1, 2011.


SECTION 33. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



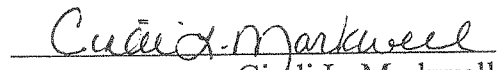
Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Brandon C. Shaffer
PRESIDENT OF
THE SENATE

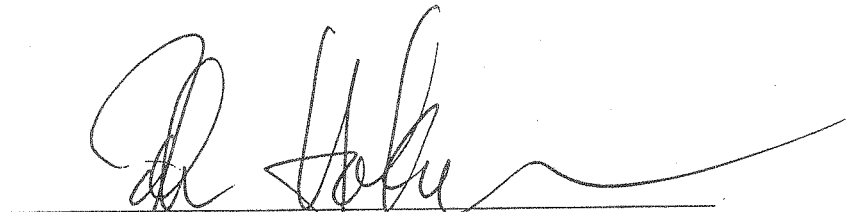


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED 5:11 PM 6/2/11



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 11-1115

BY REPRESENTATIVE(S) Priola and Soper, Brown, Casso, Gardner B., Kerr A., Liston, Looper, Peniston, Ramirez, Riesberg, Scott, Solano, Swalm, Swerdfeger, Szabo, Wilson, Barker, Conti, Fischer, Kefalas, Kerr J., Lee, Tyler, Vaad, Waller, Williams A., Gerou, Labuda, Todd; also SENATOR(S) Tochtrop, Cadman, Jahn, Kopp, Renfroe, Aguilar, Guzman, Heath, Johnston, Newell, Nicholson, Williams S.

CONCERNING THE PAYMENT OF RETAINAGE IN CONSTRUCTION CONTRACTS INVOLVING PUBLIC ENTITIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The construction industry is a significant component of the state's economy;

(b) Cash flow is vital to the stability of the construction industry and its ability to create new jobs; and

(c) Public entities must ensure construction projects are completed in a timely manner, while releasing retained progress payments

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

expeditiously to sustain contractor cash flow.

SECTION 2. 24-91-103 (1) and (3), Colorado Revised Statutes, are amended to read:

24-91-103. Public entity - contracts - partial payments. (1)(a) A public entity awarding a contract exceeding one hundred fifty thousand dollars for the construction, alteration, or repair of any highway, public building, public work, or public improvement, structure, or system shall authorize partial payments of the amount due under such contract at the end of each calendar month, or as soon thereafter as practicable, to the contractor, if the contractor is satisfactorily performing the contract. THE PUBLIC ENTITY SHALL PAY at least ninety NINETY-FIVE percent of the calculated value of any COMPLETED work. ~~completed shall be paid until fifty percent of the work required by the contract has been performed.~~ Thereafter, ~~the public entity shall pay any of the remaining installments without retaining additional funds if, in the opinion of the public entity, satisfactory progress is being made in the work.~~ The withheld percentage of the contract price of any such CONTRACTED work, improvement, or construction shall MAY be retained until the contract is completed satisfactorily and finally accepted by the public entity.

(b) THE PUBLIC ENTITY SHALL MAKE A FINAL SETTLEMENT IN ACCORDANCE WITH SECTION 38-26-107, C.R.S., WITHIN SIXTY DAYS AFTER THE CONTRACT IS COMPLETED SATISFACTORILY AND FINALLY ACCEPTED BY THE PUBLIC ENTITY.

(c) If the public entity finds that satisfactory progress is being made in ~~all phases~~ ANY PHASE of the contract, it may, upon written request by the contractor, authorize final payment from the withheld percentage to the contractor or subcontractors who have completed their work in a manner finally acceptable to the public entity. Before such THE payment is made, the public entity shall determine that satisfactory and substantial reasons exist for the payment and shall require written approval from any surety furnishing bonds for the contract work.

(3) ~~The provisions of this section shall apply to contracts between contractors and subcontractors entered into on or after July 1, 1991.~~

SECTION 3. Act subject to petition - effective date -

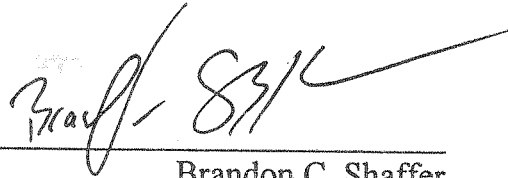
PAGE 2-HOUSE BILL 11-1115

applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

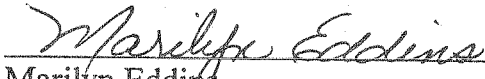
(2) The provisions of this act shall apply to contracts created on or after the applicable effective date of this act.



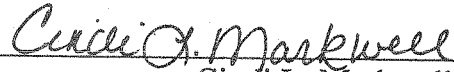
Frank McNulty
SPEAKER OF THE HOUSE
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Brandon C. Shaffer
PRESIDENT OF
THE SENATE

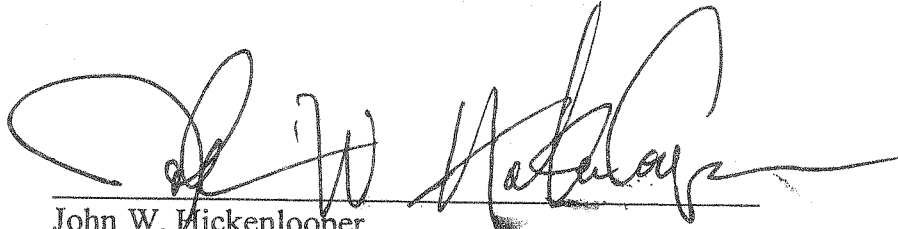


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED 2:21 PM May 26, 2001 TH



John W. Mickenlooper
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 11-1199

BY REPRESENTATIVE(S) Gardner B., Barker, Hamner, Hullinghorst, Miklosi, Nikkel, Pabon, Priola, Schafer S., Todd;
also SENATOR(S) Bacon, Lundberg, Williams S.

CONCERNING LIMITS ON FEES FOR THE APPROVAL OF THE INSTALLATION OF SOLAR ENERGY DEVICES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Short title. This act shall be known and may be cited as the "Fair Permit Act".

SECTION 2. 30-28-113 (1) (b) (II), Colorado Revised Statutes, is amended to read:

30-28-113. Regulation of size and use - districts - repeal.
(1) (b) (II) A county ~~may~~ **SHALL** not charge permit, PLAN REVIEW, OR OTHER fees to install an active solar energy ELECTRIC OR SOLAR THERMAL device or system that, in aggregate, ~~are in excess of~~ **EXCEED** the lesser of the county's actual costs in issuing the permit or five hundred dollars for a residential application or one thousand dollars for a nonresidential application **IF THE DEVICE OR SYSTEM PRODUCES FEWER THAN TWO MEGAWATTS OF DIRECT CURRENT ELECTRICITY OR AN EQUIVALENT-SIZED**

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THERMAL ENERGY SYSTEM, OR THAT EXCEED THE COUNTY'S ACTUAL COSTS IN ISSUING THE PERMIT IF THE DEVICE OR SYSTEM PRODUCES AT LEAST TWO MEGAWATTS OF DIRECT CURRENT ELECTRICITY OR AN EQUIVALENT-SIZED THERMAL ENERGY SYSTEM. THE COUNTY SHALL CLEARLY AND INDIVIDUALLY IDENTIFY ALL FEES AND TAXES ASSESSED ON AN APPLICATION SUBJECT TO THIS SUBPARAGRAPH (II) ON THE INVOICE. The general assembly hereby finds that there is a statewide need for certainty regarding the fees that can be assessed for permitting ~~an active solar energy device or system~~ SUCH DEVICES OR SYSTEMS, and therefore declares that this subparagraph (II) is a matter of statewide concern. This subparagraph (II) is repealed, effective July 1, ~~2011~~ 2018.

SECTION 3. 31-15-602 (4) (b), Colorado Revised Statutes, is amended to read:

31-15-602. Energy-efficient building codes - legislative declaration - definitions - repeal. (4) (b) (I) A municipality ~~may~~ SHALL not charge permit, PLAN REVIEW, OR OTHER fees to install an active solar energy ELECTRIC OR SOLAR THERMAL device or system that, in aggregate, ~~are in excess of~~ EXCEED the lesser of the municipality's actual costs in issuing the permit or five hundred dollars for a residential application or one thousand dollars for a nonresidential application IF THE DEVICE OR SYSTEM PRODUCES FEWER THAN TWO MEGAWATTS OF DIRECT CURRENT ELECTRICITY OR AN EQUIVALENT-SIZED THERMAL ENERGY SYSTEM, OR THAT EXCEED THE MUNICIPALITY'S ACTUAL COSTS IN ISSUING THE PERMIT IF THE DEVICE OR SYSTEM PRODUCES AT LEAST TWO MEGAWATTS OF DIRECT CURRENT ELECTRICITY OR AN EQUIVALENT-SIZED THERMAL ENERGY SYSTEM. THE MUNICIPALITY SHALL CLEARLY AND INDIVIDUALLY IDENTIFY ALL FEES AND TAXES ASSESSED ON AN APPLICATION SUBJECT TO THIS SUBPARAGRAPH (I) ON THE INVOICE. The general assembly hereby finds that there is a statewide need for certainty regarding the fees that can be assessed for permitting ~~an active solar energy device or system~~ SUCH DEVICES OR SYSTEMS, and therefore declares that this paragraph (b) is a matter of statewide concern.

(II) This paragraph (b) is repealed, effective July 1, ~~2011~~ 2018.

SECTION 4. Part 1 of article 48.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-48.5-113. Limit on solar device fees - repeal. (1) AN AGENCY, INSTITUTION, AUTHORITY, OR POLITICAL SUBDIVISION OF THE STATE SHALL:

(a) NOT CHARGE PERMIT, APPLICATION REVIEW, OR OTHER FEES TO INSTALL AN ACTIVE SOLAR ELECTRIC OR SOLAR THERMAL DEVICE OR SYSTEM THAT, IN AGGREGATE, EXCEED:

(I) THE LESSER OF THE ACTUAL COSTS IN ISSUING THE PERMIT OR REVIEWING THE APPLICATION OR FIVE HUNDRED DOLLARS FOR A RESIDENTIAL APPLICATION OR TWO THOUSAND DOLLARS FOR A NONRESIDENTIAL APPLICATION IF THE DEVICE OR SYSTEM PRODUCES FEWER THAN TWO MEGAWATTS OF DIRECT CURRENT ELECTRICITY OR AN EQUIVALENT-SIZED THERMAL ENERGY SYSTEM; OR

(II) THE ACTUAL COSTS IN ISSUING THE PERMIT IF THE DEVICE OR SYSTEM PRODUCES AT LEAST TWO MEGAWATTS OF DIRECT CURRENT ELECTRICITY OR AN EQUIVALENT-SIZED THERMAL ENERGY SYSTEM.

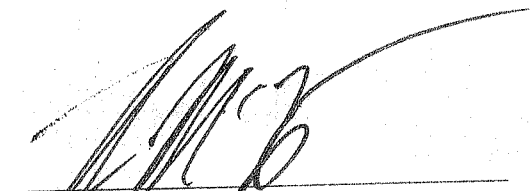
(b) CLEARLY AND INDIVIDUALLY IDENTIFY ALL FEES AND TAXES ASSESSED ON AN APPLICATION SUBJECT TO THIS SUBSECTION (1) ON THE INVOICE.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018.

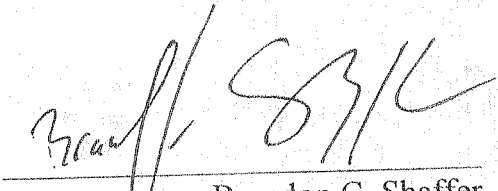
SECTION 5. Applicability. This act shall apply to fees assessed on or after the effective date of this act.

SECTION 6. Safety clause. The general assembly hereby finds,

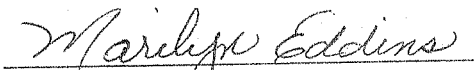
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



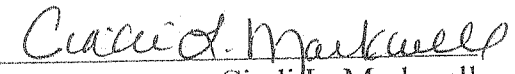
Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Brandon C. Shaffer
PRESIDENT OF
THE SENATE

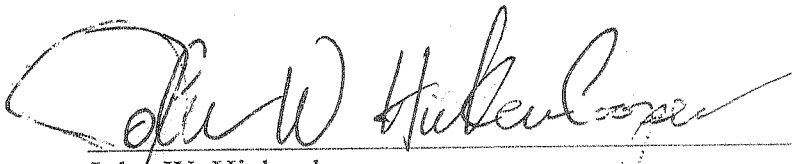


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED 12:13 pm June 10, 2011



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 11-1202

BY REPRESENTATIVE(S) Labuda, Casso, Soper, Brown, Fields, Fischer,
Schafer S., Wilson;
also SENATOR(S) Tochtrop.

CONCERNING A REQUIREMENT THAT A PUBLIC ENTITY HAVE
APPROPRIATIONS AVAILABLE TO IT PRIOR TO THE PERFORMANCE OF
ANY WORK CONDUCTED BY A CONTRACTOR PURSUANT TO A CHANGE
ORDER.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly
hereby finds and declares that:

(a) The timely payment for properly completed work under public
construction agreements in Colorado is a matter of statewide concern;

(b) The construction industry is a significant component of the
state's economy;

(c) There is a substantial statewide interest in fostering the growth
and stability of the construction industry and ensuring that it remains
economically viable; and

(d) Timely payment for all work, including work directed by a change order, will assist parties to construction agreements in managing their respective operations.

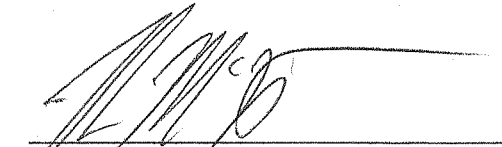
SECTION 2. 24-91-103.6 (2) (b), Colorado Revised Statutes, is amended to read:


24-91-103.6. Public entity - contracts - appropriations - change orders - severability. (2) Every public works contract, as defined in section 24-91-103.5 (1) (b), shall contain the following:


(b) A clause that prohibits the issuance of any change order, AS DEFINED IN SECTION 24-101-301 (2), or other form of order or directive by the public entity requiring additional compensable work to be performed, which work causes the aggregate amount payable under the contract to exceed the amount appropriated for the original contract, unless the contractor is given written assurance by the public entity that lawful appropriations to cover the costs of the additional work have been made AND THE APPROPRIATIONS ARE AVAILABLE PRIOR TO PERFORMANCE OF THE ADDITIONAL WORK or unless such work is covered under a remedy-granting provision in the contract; and

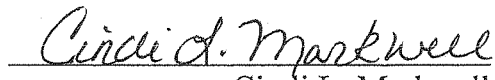
SECTION 3. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act shall apply to contracts entered into on or after January 1, 2012.

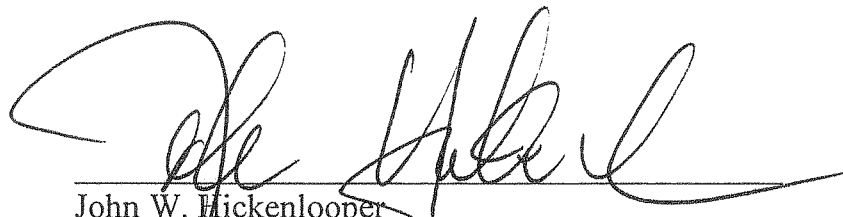

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Brandon C. Shaffer
PRESIDENT OF
THE SENATE


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED 1:50 pm 3/21/11


John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 11-1275

BY REPRESENTATIVE(S) Priola, Barker, Casso, Coram;
also SENATOR(S) Williams S. and Spence, Guzman, Hodge, Tochtrop.

CONCERNING THE CREATION OF AN ENGINE IDLING STANDARD FOR CERTAIN
COMMERCIAL DIESEL VEHICLES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 42-4-111 (1), Colorado Revised Statutes, is amended
BY THE ADDITION OF A NEW PARAGRAPH to read:

42-4-111. Powers of local authorities. (1) This article shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, except those streets and highways that are parts of the state highway system that are subject to section 43-2-135, C.R.S., from:

(ee) ENACTING THE IDLING STANDARDS IN CONFORMITY WITH SECTION 42-14-103.

SECTION 2. Title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ARTICLE 14
State Idling Standard

42-14-101. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT THE OPERATION OF A MOTOR VEHICLE IN COMMERCE HAS IMPORTANT STATEWIDE RAMIFICATIONS FOR COMMERCIAL DIESEL VEHICLE OPERATORS BECAUSE THE TRANSPORTATION OF PEOPLE AND PROPERTY IS NOT CONFINED TO ONE JURISDICTION. THEREFORE, THE GENERAL ASSEMBLY HEREBY DECLARES THAT IDLING STANDARDS ARE A MATTER OF STATEWIDE CONCERN.

42-14-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COVERED VEHICLE" MEANS A VEHICLE TO WHICH THIS ARTICLE APPLIES UNDER SECTION 42-3-104.

(2) "IDLING" MEANS WHEN THE PRIMARY PROPULSION ENGINE OF A COVERED VEHICLE IS RUNNING BUT THE VEHICLE IS NOT IN MOTION.

(3) "LOADING LOCATION" MEANS A PLACE WHERE A COVERED VEHICLE LOADS OR UNLOADS PEOPLE OR PROPERTY.

42-14-103. Uniform standard - local governments. A LOCAL AUTHORITY SHALL NOT ADOPT OR ENACT A RESOLUTION, ORDINANCE, OR OTHER LAW CONCERNING IDLING OF A COVERED VEHICLE THAT IS MORE STRINGENT THAN THIS ARTICLE.

42-14-104. Applicability. (1) THIS ARTICLE APPLIES TO:

(a) COMMERCIAL DIESEL VEHICLES WITH A GROSS VEHICLE WEIGHT RATING OF GREATER THAN FOURTEEN THOUSAND POUNDS THAT ARE DESIGNED TO OPERATE ON HIGHWAYS; AND

(b) LOCATIONS WHERE COMMERCIAL DIESEL VEHICLES LOAD OR UNLOAD IF A LOCAL AUTHORITY HAS ADOPTED OR ENACTED A RESOLUTION, ORDINANCE, OR OTHER LAW CONSISTENT WITH THIS ARTICLE.

(2) THIS ARTICLE DOES NOT SUPERSEDE AN ORDINANCE OF A LOCAL AUTHORITY IF THE AUTHORITY HAS AN AVERAGE ELEVATION OF OVER SIX

PAGE 2-HOUSE BILL 11-1275

THOUSAND FEET AND IF THE ORDINANCE WAS IN EFFECT ON JANUARY 1, 2011.

42-14-105. Idling. (1) Standard. THE OWNER OR OPERATOR OF A COVERED VEHICLE SHALL NOT CAUSE OR PERMIT THE VEHICLE TO IDLE FOR MORE THAN FIVE MINUTES WITHIN ANY SIXTY-MINUTE PERIOD EXCEPT AS AUTHORIZED BY SUBSECTION (2) OF THIS SECTION.

(2) Exemptions. SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO AN IDLING, COVERED VEHICLE:

(a) WHEN IT REMAINS MOTIONLESS BECAUSE OF HIGHWAY TRAFFIC, AN OFFICIAL TRAFFIC CONTROL DEVICE OR SIGNAL, OR AT THE DIRECTION OF A LAW ENFORCEMENT OFFICER;

(b) WHEN THE DRIVER IS OPERATING DEFROSTERS, HEATERS, OR AIR CONDITIONERS OR IS INSTALLING EQUIPMENT ONLY TO PREVENT A SAFETY OR HEALTH EMERGENCY, AND NOT FOR REST PERIODS;

(c) IN THE CASE OF A LAW ENFORCEMENT, EMERGENCY, PUBLIC SAFETY, OR MILITARY VEHICLE, OR ANY OTHER VEHICLE USED TO RESPOND TO AN EMERGENCY, WHEN IT IS RESPONDING TO AN EMERGENCY OR BEING USED FOR TRAINING FOR AN EMERGENCY, AND NOT FOR THE CONVENIENCE OF THE VEHICLE OPERATOR;

(d) WHEN NECESSARY FOR REQUIRED MAINTENANCE, SERVICING, OR REPAIR OF THE VEHICLE;

(e) DURING A LOCAL, STATE, OR FEDERAL INSPECTION VERIFYING THAT THE EQUIPMENT IS IN GOOD WORKING ORDER IF REQUIRED FOR THE INSPECTION;

(f) DURING THE OPERATION OF POWER TAKE-OFF EQUIPMENT IF NECESSARY FOR OPERATING WORK-RELATED MECHANICAL OR ELECTRICAL EQUIPMENT;

(g) IN THE CASE OF AN ARMORED VEHICLE, WHEN A PERSON IS INSIDE THE VEHICLE TO GUARD ITS CONTENTS OR DURING THE LOADING OR UNLOADING OF THE VEHICLE;

(h) IN THE CASE OF A PASSENGER BUS, WHEN IDLING FOR UP TO FIVE MINUTES IN ANY SIXTY-MINUTE PERIOD TO MAINTAIN PASSENGER COMFORT WHILE NONDRIVER PASSENGERS ARE ONBOARD;

(i) WHEN USED TO HEAT OR COOL A SLEEPER BERTH COMPARTMENT DURING A REST OR SLEEP PERIOD AT A SAFETY REST AREA AS DEFINED UNDER 23 CFR 752.3, FLEET TRUCKING TERMINAL, COMMERCIAL TRUCK STOP, OR STATE-DESIGNATED LOCATION DESIGNED TO BE A DRIVER'S REST AREA;

(j) WHEN USED TO HEAT OR COOL A SLEEPER BERTH COMPARTMENT DURING A REST OR SLEEP PERIOD AT A LOCATION WHERE THE VEHICLE IS LEGALLY PERMITTED TO PARK AND THAT IS AT LEAST ONE THOUSAND FEET FROM RESIDENTIAL HOUSING, A SCHOOL, A DAYCARE FACILITY, A HOSPITAL, A SENIOR CITIZEN CENTER, OR A MEDICAL OUTPATIENT FACILITY PROVIDING PRIMARY, SPECIALTY, OR RESPIRATORY CARE; OR

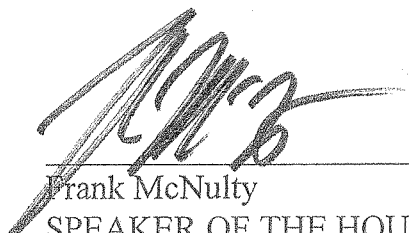
(k) WHEN IDLING FOR UP TO TWENTY MINUTES IN ANY SIXTY-MINUTE PERIOD IF THE AMBIENT TEMPERATURE IS LESS THEN TEN DEGREES.

42-14-106. Penalties. THE OWNER OR OPERATOR OF A VEHICLE OR THE OWNER OF A LOADING LOCATION THAT VIOLATES THIS ARTICLE COMMITS A CLASS B TRAFFIC INFRACTION, PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED FIFTY DOLLARS FOR THE FIRST OFFENSE OR A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR A SECOND OR SUBSEQUENT OFFENSE AND BY A SURCHARGE OF TWENTY DOLLARS IN ACCORDANCE WITH SECTION 24-4.1-119, C.R.S.

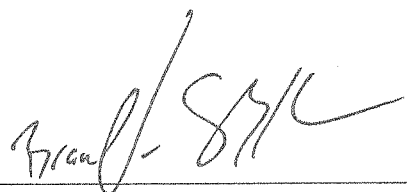
SECTION 3. Effective date - applicability. This act shall take effect July 1, 2011, and shall apply to offenses committed on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds,


determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



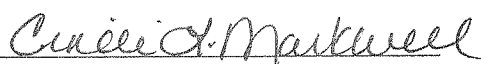
Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Brandon C. Shaffer
PRESIDENT OF
THE SENATE

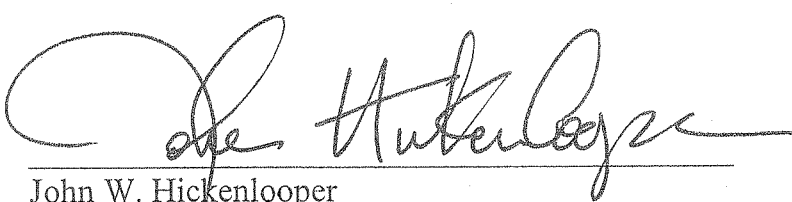


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED 2:47 PM 5/27/11



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO



HOUSE JOINT RESOLUTION 11-1025

**BY REPRESENTATIVE(S) Looper, Bradford, Brown, Fields, Labuda, Nikkel, Priola, Schafer S., Sonnenberg, Soper, Stephens, Todd, Barker, Kerr J., Wilson;
also SENATOR(S) King K.,**

CONCERNING THE PROMULGATION OF COST-EFFECTIVE RULES FOR THE CONTROL OF NUTRIENTS IN COLORADO WATERS BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO AUTHORITY UNDER THE "FEDERAL WATER POLLUTION CONTROL ACT", AND, IN CONNECTION THEREWITH, ENCOURAGING LEGISLATIVE REVIEW OF COLORADO'S IMPLEMENTATION STRATEGY FOR COST-EFFECTIVE NITROGEN AND PHOSPHORUS REGULATIONS IN A MANNER THAT ACTIVELY INVOLVES STAKEHOLDERS, INTEGRATES ONGOING STUDIES, CONSIDERS BASIN-SPECIFIC CONDITIONS, AND COMPLIES WITH EXECUTIVE ORDERS.

WHEREAS, The state of Colorado is authorized to develop and implement water quality standards under the "Federal Water Pollution Control Act", commonly known as the "Clean Water Act", 33 U.S.C. sec. 1251 et seq., to protect classified uses of state waters; and

WHEREAS, The Environmental Protection Agency (EPA) is encouraging many states to adopt generally applicable numeric nutrient standards regulating both nitrogen and phosphorus in all state waters; and

WHEREAS, Colorado desires safe, clean water that is ensured by cost-effective regulations based on sound science and tailored to Colorado's unique and varied environments; and

WHEREAS, Nitrogen and phosphorus (nutrients) are widely present in the environment from both natural and anthropogenic sources; and

WHEREAS, Colorado has historically established nutrient reduction requirements where necessary to protect uses, water resources, and aquatic life from excessive plant growth; and

WHEREAS, In response to EPA requirements, the Colorado Water Quality Control Division (Division) has proposed nutrient control regulations and the Colorado Water Quality Control Commission (Commission) has scheduled a rule-making hearing in March 2012 to consider changes to its nutrient regulations; and

WHEREAS, Controlling nutrients as recommended by the EPA and proposed by the Division will impose a widespread economic burden on those entities responsible for meeting numeric standards that may affect the viability of urban and rural communities; and

WHEREAS, Implementing nutrient regulations may have a significant fiscal impact on Division operations; and

WHEREAS, Implementing nutrient regulations may also have environmental benefits, including protection of drinking water supplies, that need to be better understood; and

WHEREAS, Governor Hickenlooper established a policy by Executive Order D 2011-005, dated January 11, 2011, stating that no state agency shall promulgate any regulation unless it is specifically mandated by law, and only then in consultation with local governments, and funding is provided to comply with the mandate; and

WHEREAS, The Division and Colorado Water Resources and Power Development Authority are sponsoring a \$400,000 Cost/Benefit Study of the Impacts of Potential Nutrient Controls for Colorado Point Source Discharges (Cost/Benefit Study) to evaluate the costs and benefits of the Division's draft nutrient regulations; and

WHEREAS, It is in Colorado's interests to minimize nutrient reduction costs by developing a program that is flexible, effectively protects drinking water supplies, and allows consideration of basin-specific concerns; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-eighth General Assembly of the State of Colorado, the Senate concurring herein:

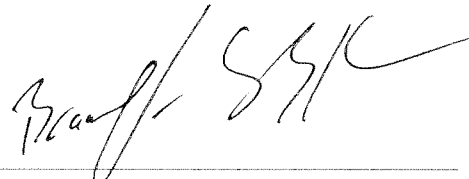
(1) That, prior to further Commission hearings on the proposed nutrient control regulations, the Division is encouraged to present its strategy to address nutrient regulations to a joint meeting of the Senate Agriculture, Natural Resources, and Energy Committee and the House Agriculture, Livestock, and Natural Resources Committee no later than January 31, 2012. At a minimum, such presentation should address how the Division's proposal:

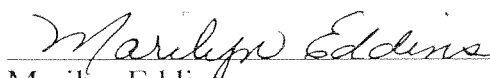
- (a) Complies with Executive Order D 2011-005;
- (b) Reflects active stakeholder participation;
- (c) Fully considers the Cost/Benefit Study conclusions;
- (d) Is structured to avoid unnecessary regulation and minimize the fiscal impact to state agencies and local governments; and
- (e) Is designed to address basin-specific conditions.

(2) That the Colorado Legislative Council staff is encouraged to prepare a summary of current and proposed nutrient regulations in Montana, North Dakota, South Dakota, Utah, New Mexico, Kansas, Arizona, Minnesota, Wisconsin, and Wyoming by August 15, 2011.

Be It Further Resolved, That copies of this Joint Resolution be sent to United States President Barack Obama; Governor John Hickenlooper; Senator Mark Udall; Senator Michael Bennet; Congresswoman Diana DeGette; Congressman Jared Polis; Congressman Scott Tipton; Congressman Cory Gardner; Congressman Doug Lamborn; Congressman Mike Coffman; Congressman Ed Perlmutter; Lisa P. Jackson, Administrator of the United States Environmental Protection Agency; James B. Martin, Administrator for EPA Region 8; Nancy Keller, Chairwoman of the Colorado Nutrient Coalition; Richard Christian II, Chairman of Fountain Sanitation District; Jim Heckman, Manager of Fountain Sanitation District; Douglas Kemper, Colorado Water Congress; Amy Lathen, Chairwoman of El Paso Board of County Commissioners; Patrick Mulhern, President of the Special District Association; John "Chip" Taylor, Executive Director of Colorado Counties Inc.; and Jim White, President of the Colorado Municipal League.


Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Brandon C. Shaffer
PRESIDENT OF
THE SENATE


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Cindi Markwell
SECRETARY OF
THE SENATE

An Act

SENATE BILL 11-066

BY SENATOR(S) Jahn, Aguilar, Boyd, Grantham;
also REPRESENTATIVE(S) Gardner B., Coram, Gerou, Nikkel, Pace,
Todd.

CONCERNING THE ISSUANCE OF SPECIAL EVENT PERMITS TO SERVE ALCOHOL
BEVERAGES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-48-101, Colorado Revised Statutes, is amended to read:

12-48-101. Special licenses authorized. The state OR LOCAL licensing authority, as defined in articles 46 and 47 of this title, may issue a special event permit for the sale, by the drink only, of FERMENTED malt beverages, AS DEFINED IN SECTION 12-46-103, or the sale, by the drink only, of malt, spirituous, or vinous liquors, AS DEFINED IN SECTION 12-47-103, to organizations and political candidates qualifying under this article, subject to the applicable provisions of articles 46 and 47 of this title and to the limitations imposed by this article.

SECTION 2. Repeal. 12-48-103 (1), Colorado Revised Statutes, is repealed as follows:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

12-48-103. Grounds for issuance of special permits. (1) ~~A special event permit may be issued only upon a satisfactory showing by an organization or a qualified political candidate that other existing facilities are not available or are inadequate for the needs of the organization or political candidate and:~~

~~(a) Existing licensed facilities are inadequate for the purposes of serving members or guests of the organization or political candidate and that additional facilities are necessary by reason of the nature of the special event being scheduled; or~~

~~(b) The organization or political candidate is temporarily occupying premises other than the regular premises of such organization or candidate during such special events as civic celebrations or county fairs and that members of the general public will be served during such special events.~~

SECTION 3. 12-48-104 (2), Colorado Revised Statutes, is amended to read:

12-48-104. Fees for special permits. (2) All such fees are payable in advance to the department of revenue and ~~the state licensing authority may require any applicant to post a performance bond to assure compliance with the provisions of this article~~ FOR APPLICATIONS FOR SPECIAL EVENT PERMITS SUBMITTED TO THE STATE LICENSING AUTHORITY FOR APPROVAL.

SECTION 4. 12-48-105 (3), Colorado Revised Statutes, is amended to read:

12-48-105. Restrictions related to permits. (3) ~~THE STATE OR A LOCAL LICENSING AUTHORITY SHALL NOT ISSUE a special event permit may not be issued to any organization for more than ten~~ FIFTEEN days in one calendar year.

SECTION 5. 12-48-106 (1), Colorado Revised Statutes, is amended to read:

12-48-106. Grounds for denial of special permit. (1) The state OR LOCAL licensing authority may deny the issuance of a special event permit upon the grounds that ~~such~~ THE issuance would be injurious to the

public welfare by reason BECAUSE of the nature of the special event, its location within the community, or the failure of the applicant in a past special event to conduct such THE event in compliance with applicable laws. and regulations:

SECTION 6. 12-48-107 (2), Colorado Revised Statutes, is amended, and the said 12-48-107 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-48-107. Applications for special permit. (2) In addition to the fees provided in section 12-48-104, ~~applications shall be accompanied by such AN APPLICANT SHALL INCLUDE PAYMENT OF A fee as ESTABLISHED BY the local licensing authority, may fix;~~ not to exceed one hundred dollars, for both investigation and issuance of a permit. Upon approval of any application, the local licensing authority shall notify the state licensing authority of ~~such THE approval, EXCEPT AS PROVIDED BY SUBSECTION (5) OF THIS SECTION.~~ The state licensing authority shall ~~thereupon promptly act and either approve or disapprove such THE application. The state licensing authority shall not issue any permit under this article until the local licensing authority has approved such application.~~ In reviewing an application, the local licensing authority shall apply the same standards for approval and denial applicable to the state licensing authority pursuant to UNDER this article.

(5) (a) A LOCAL LICENSING AUTHORITY MAY ELECT NOT TO NOTIFY THE STATE LICENSING AUTHORITY TO OBTAIN THE STATE LICENSING AUTHORITY'S APPROVAL OR DISAPPROVAL OF AN APPLICATION FOR A SPECIAL EVENT PERMIT. THE LOCAL LICENSING AUTHORITY IS REQUIRED ONLY TO REPORT TO THE LIQUOR ENFORCEMENT DIVISION, WITHIN TEN DAYS AFTER IT ISSUES A PERMIT, THE NAME OF THE ORGANIZATION TO WHICH A PERMIT WAS ISSUED, THE ADDRESS OF THE PERMITTED LOCATION, AND THE PERMITTED DATES OF ALCOHOL BEVERAGE SERVICE.

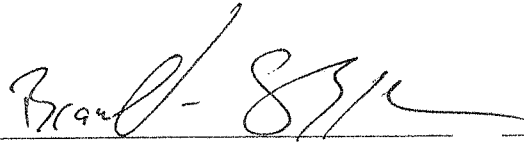
(b) A LOCAL LICENSING AUTHORITY ELECTING NOT TO NOTIFY THE STATE LICENSING AUTHORITY SHALL PROMPTLY ACT UPON EACH APPLICATION AND EITHER APPROVE OR DISAPPROVE EACH APPLICATION FOR A SPECIAL EVENT PERMIT.

(c) THE STATE LICENSING AUTHORITY SHALL ESTABLISH AND MAINTAIN A WEB SITE CONTAINING THE STATEWIDE PERMITTING ACTIVITY

OF ORGANIZATIONS THAT RECEIVE PERMITS UNDER THIS ARTICLE. IN ORDER TO ENSURE COMPLIANCE WITH SECTION 12-48-105 (3), WHICH RESTRICTS THE NUMBER OF PERMITS ISSUED TO AN ORGANIZATION IN A CALENDAR YEAR, THE LOCAL LICENSING AUTHORITY SHALL ACCESS INFORMATION MADE AVAILABLE ON THE WEB SITE OF THE STATE LICENSING AUTHORITY TO DETERMINE THE STATEWIDE PERMITTING ACTIVITY OF THE ORGANIZATION APPLYING FOR THE PERMIT. THE LOCAL LICENSING AUTHORITY SHALL CONSIDER COMPLIANCE WITH SECTION 12-47-105 (3) BEFORE APPROVING ANY APPLICATION.

SECTION 7. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

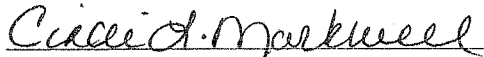
(2) The provisions of this act shall apply to applications submitted on or after the applicable effective date of this act.



Brandon C. Shaffer
PRESIDENT OF
THE SENATE



Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

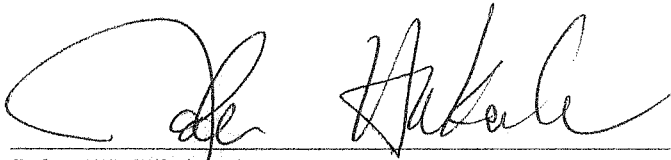


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED

1:17 PM

5/23/11



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL 11-086

BY SENATOR(S) Foster, King K., Nicholson, Aguilar;
also REPRESENTATIVE(S) Murray, Barker, Holbert, Summers.

CONCERNING PERIODS GOVERNING THE APPEAL BY TAXPAYERS IN TAX
DISPUTES WITH LOCAL GOVERNMENTS IN CONNECTION WITH THE
IMPOSITION OF SALES OR USE TAX BY SUCH GOVERNMENTS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 29-2-106.1 (2) (c), (3) (a), and (8), Colorado Revised Statutes, are amended, and the said 29-2-106.1 (2) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

29-2-106.1. Deficiency notice - dispute resolution. (2) (c) The taxpayer shall request the hearing pursuant to subsection (3) of this section within thirty days after the taxpayer's exhaustion of local remedies. The taxpayer shall have no right to such hearing if he has not exhausted local remedies or if he fails to request such hearing within the time period provided for in this subsection (2). For purposes of this subsection (2) (c) PARAGRAPH (c), "exhaustion of local remedies" means THAT ONE OF THE FOLLOWING EVENTS HAS OCCURRED:

(I) The taxpayer has timely requested in writing a hearing before the

local government, and such local government has held such hearing and issued a final decision thereon. ~~Such hearing shall be informal and no transcript, rules of evidence, or filing of briefs shall be required; but the taxpayer may elect to submit a brief, in which case the local government may submit a brief. Such hearing, IF ANY, shall be held and the final decision thereon issued within ninety days after the local government's receipt of the taxpayer's written request therefor, except the period may be extended if the delay in holding the hearing or issuing the decision thereon was occasioned by the taxpayer, but, in any such event, such hearing shall be held and the ANY decision thereon issued within one hundred eighty days of AFTER the taxpayer's request in writing therefor OR WITHIN SUCH FURTHER TIME AS THE TAXPAYER AND LOCAL GOVERNMENT MAY AGREE UPON IN WRITING.~~

(II) ~~The taxpayer has timely requested AND LOCAL GOVERNMENT AGREE in writing a THAT NO hearing before the local government and such local government has failed to hold such hearing or has failed to issue a final decision thereon within the time periods prescribed in subparagraph (f) above WILL BE HELD, OR THAT NO FINAL DECISION WILL ISSUE FROM THE LOCAL GOVERNMENT. SUCH WRITTEN AGREEMENT SHALL STATE THAT THE TAXPAYER EXHAUSTED LOCAL REMEDIES IN ACCORDANCE WITH THIS SECTION, SHALL IDENTIFY THE DATE OF SUCH EXHAUSTION, AND SHALL ADVISE THE TAXPAYER OF THE RIGHT TO PURSUE FURTHER REVIEW PURSUANT TO SUBSECTION (3) OR (8) OF THIS SECTION WITHIN THIRTY DAYS AFTER SUCH EXHAUSTION.~~

(III) ONE HUNDRED EIGHTY DAYS OR MORE AFTER THE DATE OF THE TAXPAYER'S REQUEST FOR A HEARING, THE LOCAL GOVERNMENT NOTIFIES THE TAXPAYER IN WRITING THAT THE LOCAL GOVERNMENT DOES NOT INTEND TO CONDUCT A HEARING. IN SUCH INSTANCE, THE WRITTEN NOTIFICATION SHALL ALSO STATE THAT THE TAXPAYER EXHAUSTED LOCAL REMEDIES IN ACCORDANCE WITH THIS SECTION, THAT SUCH EXHAUSTION OCCURRED ON THE DATE OF THE WRITTEN NOTIFICATION, AND THAT THE TAXPAYER MAY PURSUE FURTHER REVIEW PURSUANT TO SUBSECTION (3) OR (8) OF THIS SECTION WITHIN THIRTY DAYS AFTER SUCH EXHAUSTION.

(d) IN THE EVENT THE TAXPAYER HAS TIMELY REQUESTED IN WRITING A HEARING BEFORE THE LOCAL GOVERNMENT AND NONE OF THE EVENTS DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (2) HAVE OCCURRED, THE TAXPAYER MAY REQUEST A HEARING PURSUANT TO

SUBSECTION (3) OF THIS SECTION AT ANY TIME AFTER THE PERIOD PRESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (c) OF THIS SUBSECTION (2).

(e) ANY HEARING BEFORE A LOCAL GOVERNMENT SHALL BE INFORMAL AND NO TRANSCRIPT, RULES OF EVIDENCE, OR FILING OF BRIEFS SHALL BE REQUIRED; BUT THE TAXPAYER MAY ELECT TO SUBMIT A BRIEF, IN WHICH CASE THE LOCAL GOVERNMENT MAY SUBMIT A BRIEF.

(3) (a) If a taxpayer has ~~exhausted his local remedies as provided in~~ SATISFIES THE REQUIREMENTS OF paragraph (c) of subsection (2) of this section, the taxpayer may request the executive director of the department of revenue to conduct a hearing on such deficiency notice or claim for refund, and such request shall be made and such hearing shall be conducted in the same manner as set forth in section 39-21-103, C.R.S. Any local government to which the deficiency notice being appealed claims taxes are due, or, in the case of a claim for refund, the local government ~~which~~ THAT denied such claim, shall be notified by the executive director that a hearing is scheduled and shall be allowed to participate in the hearing as a party.

(8) (a) If a deficiency notice or claim for refund involves only one local government, in lieu of requesting a hearing pursuant to subsection (3) of this section, the taxpayer may appeal such deficiency or denial of a claim for refund to the district court.

(b) The taxpayer shall appeal to the district court pursuant to this subsection (8) within thirty days after the taxpayer's exhaustion of local remedies. ~~The taxpayer shall have no right to such hearing if he has not exhausted local remedies or if he fails to request such hearing within the time period provided for in this subsection (8):~~ For purposes of this subsection (8), "exhaustion of local remedies" means THAT ONE OF THE FOLLOWING EVENTS HAS OCCURRED:

(I) The taxpayer has timely requested in writing a hearing before the local government, and such local government has held such hearing and issued a final decision thereon. Such hearing shall be informal and no transcript, rules of evidence, or filing of briefs shall be required; but the taxpayer may elect to submit a brief, in which case the local government may submit a brief. Such hearing, IF ANY, shall be held and ~~the final decision thereon issued within ninety days after the local government's~~

receipt of the taxpayer's written request therefor, except the period may be extended if the delay in holding the hearing or issuing the decision thereon was occasioned by the taxpayer, but, in any such event, such hearing shall be held and the ANY decision thereon issued within one hundred eighty days of the taxpayer's request in writing therefor OR WITHIN SUCH FURTHER TIME AS THE TAXPAYER AND LOCAL GOVERNMENT MAY AGREE UPON IN WRITING.

(II) The taxpayer has timely requested AND LOCAL GOVERNMENT AGREE in writing a THAT NO hearing before the local government and such local government has failed to hold such hearing or has failed to issue a final decision thereon within the time periods prescribed in subparagraph (I) of this paragraph (b) WILL BE HELD, OR THAT NO FINAL DECISION WILL ISSUE FROM THE LOCAL GOVERNMENT. SUCH WRITTEN AGREEMENT SHALL STATE THAT THE TAXPAYER EXHAUSTED LOCAL REMEDIES IN ACCORDANCE WITH THIS SECTION, SHALL IDENTIFY THE DATE OF SUCH EXHAUSTION, AND SHALL ADVISE THE TAXPAYER OF THE RIGHT TO PURSUE FURTHER REVIEW PURSUANT TO SUBSECTION (3) OF THIS SECTION OR THIS SUBSECTION (8) WITHIN THIRTY DAYS AFTER SUCH EXHAUSTION.

(III) ONE HUNDRED EIGHTY DAYS OR MORE AFTER THE DATE OF THE TAXPAYER'S REQUEST FOR A HEARING, THE LOCAL GOVERNMENT NOTIFIES THE TAXPAYER IN WRITING THAT THE LOCAL GOVERNMENT DOES NOT INTEND TO CONDUCT A HEARING. IN SUCH INSTANCE, THE WRITTEN NOTIFICATION SHALL ALSO STATE THAT THE TAXPAYER EXHAUSTED LOCAL REMEDIES IN ACCORDANCE WITH THIS SECTION, THAT SUCH EXHAUSTION OCCURRED ON THE DATE OF THE WRITTEN NOTIFICATION, AND THAT THE TAXPAYER MAY PURSUE FURTHER REVIEW PURSUANT TO SUBSECTION (3) OF THIS SECTION OR THIS SUBSECTION (8) WITHIN THIRTY DAYS AFTER SUCH EXHAUSTION.

(c) IN THE EVENT THE TAXPAYER HAS TIMELY REQUESTED IN WRITING A HEARING BEFORE THE LOCAL GOVERNMENT AND NONE OF THE EVENTS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (8) HAVE OCCURRED, THE TAXPAYER MAY APPEAL SUCH DEFICIENCY OR DENIAL OF A CLAIM FOR REFUND TO THE DISTRICT COURT AT ANY TIME AFTER THE PERIOD PRESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (b) OF THIS SUBSECTION (8).

(c) (d) Such AN appeal PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (8) shall be conducted in the same manner as provided in

section 39-21-105, C.R.S.; except that venue shall be in the district court of the county wherein the local government whose decision is being appealed is located.

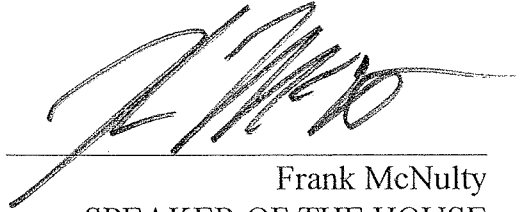
SECTION 2. Effective date - applicability. This act shall take effect July 1, 2011, and shall apply to deficiency notices and refund claim denials mailed by a local government on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds,

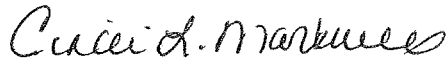
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Brandon C. Shaffer
PRESIDENT OF
THE SENATE



Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

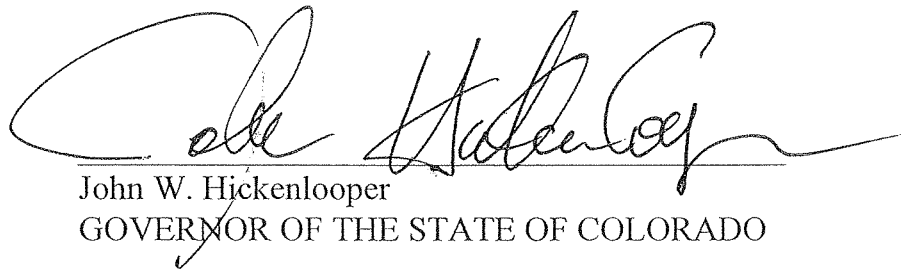


Cindi L. Markwell
SECRETARY OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED 10:31 am 3/22/11



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL 11-206

BY SENATOR(S) Boyd, Foster, Guzman, Lundberg, White;
also REPRESENTATIVE(S) Bradford, Barker, Coram, Court, Kefalas,
Schafer S., Wilson.

CONCERNING THE EXEMPTION OF CERTAIN NONCOMMERCIAL
MORTGAGE-RELATED ACTIVITIES FROM THE "MORTGAGE LOAN
ORIGINATOR LICENSING AND MORTGAGE COMPANY REGISTRATION
ACT".

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly
hereby finds that:

- (a) Colorado is currently experiencing a deep economic recession;
- (b) The housing market is vital to any economic recovery in
Colorado;
- (c) The recovery of housing markets in Colorado, much like other
states, is impeded by tight credit market conditions, the inability of
borrowers to receive the financing necessary to purchase real property and
thereby relieve the markets of excess inventory, and the inability of owners

*Capital letters indicate new material added to existing statutes; dashes through words indicate
deletions from existing statutes and such material not part of act.*

to receive the financing necessary to maintain housing in a safe and habitable condition; and

(d) In order for excess inventory to be consumed and existing inventory to be rehabilitated or maintained, and thereby the housing market to recover, real property in Colorado must have the ability to be conveyed using all available means of financing and entities and organizations must have the ability to utilize all available means of investment in real property and in housing finance tools.

SECTION 2. 12-61-902, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

12-61-902. Definitions. As used in this part 9, unless the context otherwise requires:

(1.2) "AFFORDABLE HOUSING DWELLING UNIT" MEANS AN AFFORDABLE HOUSING DWELLING UNIT AS DEFINED IN SECTION 29-26-102, C.R.S.

(1.7) "COMMUNITY DEVELOPMENT ORGANIZATION" MEANS ANY COMMUNITY HOUSING DEVELOPMENT ORGANIZATION OR COMMUNITY LAND TRUST AS DEFINED BY THE FEDERAL "CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT OF 1990" OR A COMMUNITY-BASED DEVELOPMENT ORGANIZATION AS DEFINED BY THE FEDERAL "HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974", THAT IS ALSO EITHER A PRIVATE OR PUBLIC NONPROFIT ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER SECTION 501 (a) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986" PURSUANT TO SECTION 501 (c) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", 26 U.S.C. SEC. 501 (a) AND 501 (c), AND THAT RECEIVES FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, COLORADO DIVISION OF HOUSING, COLORADO HOUSING AND FINANCE AUTHORITY, OR UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, OR THROUGH A GRANTEE OF THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, PURELY FOR THE PURPOSE OF COMMUNITY HOUSING DEVELOPMENT ACTIVITIES.

(4.6) "HUD-APPROVED HOUSING COUNSELING AGENCY" MEANS AN AGENCY THAT IS EITHER A PRIVATE OR PUBLIC NONPROFIT ORGANIZATION

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THAT IS EXEMPT FROM TAXATION UNDER SECTION 501 (a) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986" PURSUANT TO SECTION 501 (c) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", 26 U.S.C. SEC. 501 (a) AND 501 (c), AND APPROVED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, IN ACCORDANCE WITH THE HOUSING COUNSELING PROGRAM HANDBOOK SECTION 7610.1 AND 24 CFR 214.

(7.6) "QUASI-GOVERNMENT AGENCY" MEANS AN AGENCY THAT IS EITHER A PRIVATE OR PUBLIC NONPROFIT ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER SECTION 501 (a) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986" PURSUANT TO SECTION 501 (c) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", 26 U.S.C. SEC. 501 (a) AND 501 (c), AND WAS CREATED TO OPERATE IN ACCORDANCE WITH ARTICLE 4 OF TITLE 29, C.R.S., AS A PUBLIC HOUSING AUTHORITY.

(9.5) "SELF-HELP HOUSING ORGANIZATION" MEANS A PRIVATE OR PUBLIC NONPROFIT ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER SECTION 501 (a) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986" PURSUANT TO SECTION 501 (c) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", 26 U.S.C. SEC. 501 (a) AND 501 (c), AND THAT PURELY ORIGINATES RESIDENTIAL MORTGAGE LOANS WITH INTEREST RATES NO GREATER THAN ZERO PERCENT FOR BORROWERS WHO HAVE PROVIDED PART OF THE LABOR TO CONSTRUCT THE DWELLING SECURING THE LOAN OR THAT RECEIVES FUNDING FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT SECTION 502 MUTUAL SELF-HELP HOUSING PROGRAM FOR BORROWERS THAT HAVE PROVIDED PART OF THE LABOR TO CONSTRUCT THE DWELLING SECURING THE LOAN.

SECTION 3. The introductory portion to 12-61-904 (1), Colorado Revised Statutes, is amended, and the said 12-61-904 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

12-61-904. Exemptions - rules. (1) Except as otherwise provided in section 12-61-911, this part 9 shall DOES not apply to the following, UNLESS OTHERWISE DETERMINED BY THE FEDERAL BUREAU OF CONSUMER FINANCIAL PROTECTION OR THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:

(h) TO THE EXTENT THAT IT IS PROVIDING PROGRAMS BENEFITTING

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AFFORDABLE HOUSING DWELLING UNITS, AN AGENCY OF THE FEDERAL GOVERNMENT, THE COLORADO GOVERNMENT, OR ANY OF COLORADO'S POLITICAL SUBDIVISIONS OR EMPLOYEES OF AN AGENCY OF THE FEDERAL GOVERNMENT, OF THE COLORADO GOVERNMENT, OR OF ANY OF COLORADO'S POLITICAL SUBDIVISIONS;

(i) QUASI-GOVERNMENT AGENCIES, HUD-APPROVED HOUSING COUNSELING AGENCIES, OR EMPLOYEES OF QUASI-GOVERNMENT AGENCIES OR HUD-APPROVED HOUSING COUNSELING AGENCIES;

(j) COMMUNITY DEVELOPMENT ORGANIZATIONS OR EMPLOYEES OF COMMUNITY DEVELOPMENT ORGANIZATIONS;

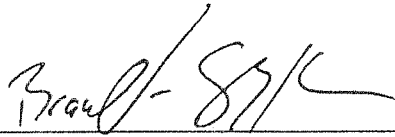
(k) SELF-HELP HOUSING ORGANIZATIONS OR EMPLOYEES OF SELF-HELP HOUSING ORGANIZATIONS OR VOLUNTEERS ACTING AS AN AGENT OF SELF-HELP HOUSING ORGANIZATIONS.

SECTION 4. 12-61-904, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

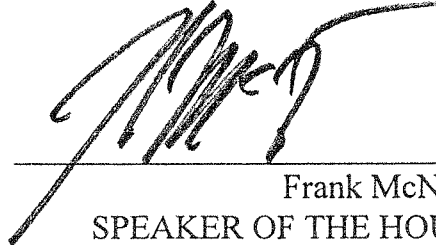
12-61-904. Exemptions - rules. (3) THE BOARD MAY ADOPT REASONABLE RULES MODIFYING THE EXEMPTIONS IN THIS SECTION IN ACCORDANCE WITH RULES ADOPTED BY THE FEDERAL BUREAU OF CONSUMER FINANCIAL PROTECTION OR THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

SECTION 5. Safety clause. The general assembly hereby finds,

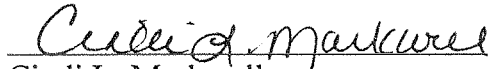
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



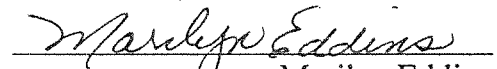
Brandon C. Shaffer
PRESIDENT OF
THE SENATE



Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

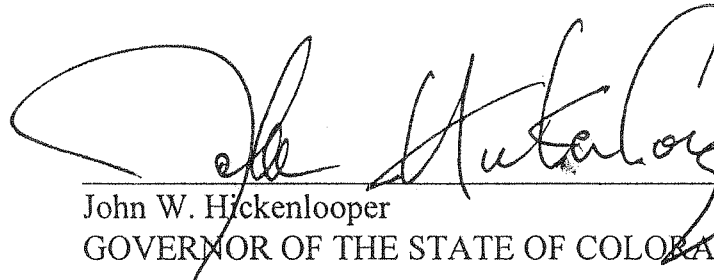


Cindi L. Markwell
SECRETARY OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED 4:55 PM 6/2/11



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL 11-227

BY SENATOR(S) Hudak, Bacon, Boyd, Heath, Williams S., Foster, Nicholson;
also REPRESENTATIVE(S) Vaad and Ryden, Hamner, Schafer S., Todd, Vigil, Williams A., Wilson.

CONCERNING A REPEAL OF THE EXCEPTION TO THE CHILD RESTRAINT SYSTEM LAW FOR CHILDREN WEIGHING MORE THAN FORTY POUNDS WHO ARE BEING TRANSPORTED IN A MOTOR VEHICLE WITH A REAR SEAT THAT WAS NOT EQUIPPED WITH COMBINATION BELTS AT THE TIME OF MANUFACTURE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. The introductory portion to 42-4-236 (3) and 42-4-236 (3) (e), Colorado Revised Statutes, are amended to read:

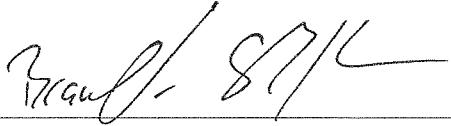
42-4-236. Child restraint systems required - definitions - exemptions - repeal. (3) Except as provided in section 42-2-105.5 (4), the requirements of subsection (2) of this section shall DO not apply to a child who:

(e) ~~Weighs more than forty pounds and is being transported in a motor vehicle in which the rear seat of the vehicle was not equipped at the~~

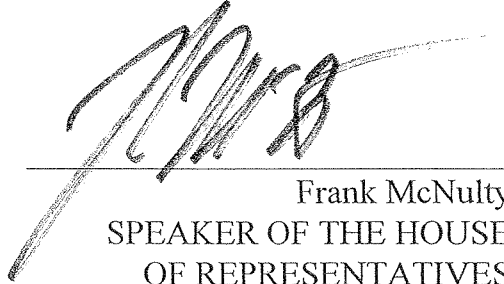
Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

time of manufacture with combination lap and shoulder belts; or

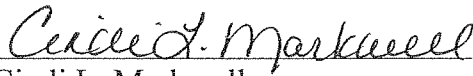
SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Brandon C. Shaffer
PRESIDENT OF
THE SENATE



Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

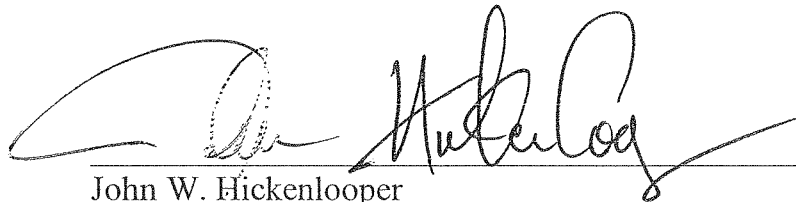


Cindi L. Markwell
SECRETARY OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED 2:19 pm June 7, 2011



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL 11-273

BY SENATOR(S) Steadman, Giron;
also REPRESENTATIVE(S) Massey, Fischer, Holbert, Kerr J., Murray,
Pace, Schafer S., Todd, Wilson.

CONCERNING AUTHORIZATION TO CONSUME ALCOHOL BEVERAGES WITHIN
A COMMON CONSUMPTION AREA.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-47-103, Colorado Revised Statutes, is amended
BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
read:

12-47-103. Definitions. As used in this article and article 46 of this
title, unless the context otherwise requires:

(6.6) "COMMON CONSUMPTION AREA" MEANS AN AREA DESIGNED AS
A COMMON AREA IN AN ENTERTAINMENT DISTRICT APPROVED BY THE LOCAL
LICENSING AUTHORITY THAT USES PHYSICAL BARRIERS TO CLOSE THE AREA
TO MOTOR VEHICLE TRAFFIC AND LIMIT PEDESTRIAN ACCESS.

(7.5) "ENTERTAINMENT DISTRICT" MEANS AN AREA LOCATED WITHIN
A MUNICIPALITY THAT IS DESIGNATED AS ITS ENTERTAINMENT DISTRICT OF

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

NO MORE THAN ONE HUNDRED ACRES CONTAINING AT LEAST TWENTY THOUSAND SQUARE FEET OF PREMISES LICENSED AS A TAVERN, HOTEL AND RESTAURANT, BREW PUB, RETAIL GAMING TAVERN, OR VINTNER'S RESTAURANT WHEN THE DISTRICT IS CREATED.

(24.5) "PROMOTIONAL ASSOCIATION" MEANS AN ASSOCIATION THAT IS INCORPORATED WITHIN COLORADO, ORGANIZES AND PROMOTES ENTERTAINMENT ACTIVITIES WITHIN A COMMON CONSUMPTION AREA, AND IS ORGANIZED OR AUTHORIZED BY TWO OR MORE PEOPLE WHO OWN OR LEASE PROPERTY WITHIN AN ENTERTAINMENT DISTRICT.

SECTION 2. 12-47-301, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-47-301. Licensing in general. (11) (a) THIS SUBSECTION (11) APPLIES ONLY WITHIN AN ENTERTAINMENT DISTRICT THAT A GOVERNING BODY OF A LOCAL LICENSING AUTHORITY HAS CREATED BY ORDINANCE OR RESOLUTION. THIS SUBSECTION (11) DOES NOT APPLY TO A SPECIAL EVENT PERMIT ISSUED UNDER ARTICLE 48 OF THIS TITLE OR THE HOLDER THEREOF UNLESS THE PERMIT HOLDER DESIRES TO USE AN EXISTING COMMON CONSUMPTION AREA AND AGREES IN WRITING TO THE REQUIREMENTS OF THIS ARTICLE AND THE LOCAL LICENSING AUTHORITY CONCERNING THE COMMON CONSUMPTION AREA.

(b) A GOVERNING BODY OF A LOCAL LICENSING AUTHORITY MAY CREATE AN ENTERTAINMENT DISTRICT BY ADOPTING AN ORDINANCE OR RESOLUTION. AN ENTERTAINMENT DISTRICT SHALL NOT EXCEED ONE HUNDRED ACRES. THE ORDINANCE OR RESOLUTION MAY IMPOSE STRICTER LIMITS THAN REQUIRED BY THIS SUBSECTION (11) ON THE SIZE, SECURITY, OR HOURS OF OPERATION OF ANY COMMON CONSUMPTION AREA CREATED WITHIN THE ENTERTAINMENT DISTRICT.

(c) (I) A CERTIFIED PROMOTIONAL ASSOCIATION MAY OPERATE A COMMON CONSUMPTION AREA WITHIN AN ENTERTAINMENT DISTRICT AND AUTHORIZE THE ATTACHMENT OF A LICENSED PREMISES TO THE COMMON CONSUMPTION AREA.

(II) AN ASSOCIATION OR TAVERN, HOTEL AND RESTAURANT, BREW PUB, RETAIL GAMING TAVERN, OR VINTNER'S RESTAURANT LICENSEE WHO WISHES TO CREATE A PROMOTIONAL ASSOCIATION MAY SUBMIT AN

PAGE 2-SENATE BILL 11-273

APPLICATION TO THE LOCAL LICENSING AUTHORITY. TO QUALIFY FOR CERTIFICATION, THE PROMOTIONAL ASSOCIATION MUST:

(A) HAVE A BOARD OF DIRECTORS;

(B) HAVE AT LEAST ONE DIRECTOR FROM EACH LICENSED PREMISES ATTACHED TO THE COMMON CONSUMPTION AREA ON THE BOARD OF DIRECTORS; AND

(C) AGREE TO SUBMIT ANNUAL REPORTS BY JANUARY 31 OF EACH YEAR TO THE LOCAL LICENSING AUTHORITY SHOWING A DETAILED MAP OF THE BOUNDARIES OF THE COMMON CONSUMPTION AREA, THE COMMON CONSUMPTION AREA'S HOURS OF OPERATION, A LIST OF ATTACHED LICENSED PREMISES, A LIST OF THE DIRECTORS AND OFFICERS OF THE PROMOTIONAL ASSOCIATION, SECURITY ARRANGEMENTS WITHIN THE COMMON CONSUMPTION AREA, AND ANY VIOLATION OF THIS ARTICLE COMMITTED BY AN ATTACHED LICENSED PREMISES.

(III) THE LOCAL LICENSING AUTHORITY MAY REFUSE TO CERTIFY OR MAY DECERTIFY A PROMOTIONAL ASSOCIATION OF A COMMON CONSUMPTION AREA IF THE PROMOTIONAL ASSOCIATION:

(A) FAILS TO SUBMIT THE REPORT REQUIRED BY SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c) BY JANUARY 31 OF EACH YEAR;

(B) FAILS TO ESTABLISH THAT THE LICENSED PREMISES AND COMMON CONSUMPTION AREA CAN BE OPERATED WITHOUT VIOLATING THIS ARTICLE OR CREATING A SAFETY RISK TO THE NEIGHBORHOOD;

(C) FAILS TO HAVE AT LEAST TWO LICENSED PREMISES ATTACHED TO THE COMMON CONSUMPTION AREA;

(D) FAILS TO OBTAIN OR MAINTAIN A PROPERLY ENDORSED GENERAL LIABILITY AND LIQUOR LIABILITY INSURANCE POLICY THAT IS REASONABLY ACCEPTABLE TO THE LOCAL LICENSING AUTHORITY AND NAMES THE LOCAL LICENSING AUTHORITY AS AN ADDITIONAL INSURED;

(E) THE USE IS NOT COMPATIBLE WITH THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD OR THE DESIRES OF THE ADULT

INHABITANTS; OR

(F) VIOLATES SECTION 12-47-909.

(d) A PERSON SHALL NOT ATTACH A PREMISES LICENSED UNDER THIS ARTICLE TO A COMMON CONSUMPTION AREA UNLESS AUTHORIZED BY THE LOCAL LICENSING AUTHORITY.

(e) (I) A TAVERN, HOTEL AND RESTAURANT, BREW PUB, RETAIL GAMING TAVERN, OR VINTNER'S RESTAURANT LICENSEE WHO WISHES TO ATTACH TO A COMMON CONSUMPTION AREA MAY SUBMIT AN APPLICATION TO THE LOCAL LICENSING AUTHORITY. TO QUALIFY, THE LICENSEE MUST INCLUDE A REQUEST FOR AUTHORITY TO ATTACH TO THE COMMON CONSUMPTION AREA FROM THE CERTIFIED PROMOTIONAL ASSOCIATION OF THE COMMON CONSUMPTION AREA UNLESS THE PROMOTIONAL ASSOCIATION DOES NOT EXIST WHEN THE APPLICATION IS SUBMITTED; IF SO, THE APPLICANT SHALL REQUEST THE AUTHORITY WHEN A PROMOTIONAL ASSOCIATION IS CERTIFIED AND SHALL DEMONSTRATE TO THE LOCAL LICENSING AUTHORITY THAT THE AUTHORITY HAS BEEN OBTAINED BY THE TIME THE APPLICANT'S LICENSE ISSUED UNDER THIS ARTICLE IS RENEWED.

(II) THE LOCAL LICENSING AUTHORITY MAY DEAUTHORIZE OR REFUSE TO AUTHORIZE OR REAUTHORIZE A LICENSEE'S ATTACHMENT TO A COMMON CONSUMPTION AREA IF THE LICENSED PREMISES IS NOT WITHIN OR ON THE PERIMETER OF THE COMMON CONSUMPTION AREA AND IF THE LICENSEE:

(A) FAILS TO OBTAIN OR RETAIN AUTHORITY TO ATTACH TO THE COMMON CONSUMPTION AREA FROM THE CERTIFIED PROMOTIONAL ASSOCIATION;

(B) FAILS TO ESTABLISH THAT THE LICENSED PREMISES AND COMMON CONSUMPTION AREA CAN BE OPERATED WITHOUT VIOLATING THIS ARTICLE OR CREATING A SAFETY RISK TO THE NEIGHBORHOOD; OR

(C) VIOLATES SECTION 12-47-909.

(f) A LOCAL LICENSING AUTHORITY MAY ESTABLISH APPLICATION PROCEDURES AND A FEE FOR CERTIFYING A PROMOTIONAL AUTHORITY OR AUTHORIZING ATTACHMENT TO A COMMON CONSUMPTION AREA. THE

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AUTHORITY SHALL ESTABLISH THE FEE IN AN AMOUNT DESIGNED TO REASONABLY OFFSET THE COST OF IMPLEMENTING THIS SUBSECTION (11). NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A LOCAL AUTHORITY MAY SET THE HOURS DURING WHICH A COMMON CONSUMPTION AREA AND ATTACHED LICENSED PREMISES MAY SERVE ALCOHOL AND THE CUSTOMERS MAY CONSUME ALCOHOL. BEFORE CERTIFYING A PROMOTIONAL ASSOCIATION, THE LOCAL LICENSING AUTHORITY SHALL CONSIDER THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD, THE DESIRES OF THE ADULT INHABITANTS AS EVIDENCED BY PETITIONS, REMONSTRANCES, OR OTHERWISE, AND ALL OTHER REASONABLE RESTRICTIONS THAT ARE OR MAY BE PLACED UPON THE NEIGHBORHOOD BY THE LOCAL LICENSING AUTHORITY.

SECTION 3. 12-47-901 (1) (h), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

12-47-901. Unlawful acts - exceptions. (1) Except as provided in section 18-13-122, C.R.S., it is unlawful for any person:

(h) (VI) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH (h), IT IS NOT UNLAWFUL FOR ADULT PATRONS OF A LICENSED PREMISES THAT IS ATTACHED TO A COMMON CONSUMPTION AREA TO CONSUME ALCOHOL BEVERAGES UPON UNLICENSED AREAS WITHIN A COMMON CONSUMPTION AREA, BUT THIS SUBPARAGRAPH (VI) DOES NOT AUTHORIZE A PATRON TO REMOVE AN ALCOHOL BEVERAGE FROM THE COMMON CONSUMPTION AREA.

SECTION 4. 12-47-908, Colorado Revised Statutes, is amended to read:

12-47-908. Colorado state fair or common consumption area - consumption on premises. Notwithstanding any other provision of this article, a person who purchases an alcohol beverage for consumption from a vendor licensed pursuant to UNDER this article at THAT IS EITHER ATTACHED TO A COMMON CONSUMPTION AREA OR LICENSED FOR the fairgrounds of the Colorado state fair authority may leave the licensed premises with the beverage and possess and consume the beverage at any place within the COMMON CONSUMPTION AREA OR fairgrounds if the person does not remove the beverage from the COMMON CONSUMPTION AREA OR fairgrounds. This section does not authorize a person to bring into the COMMON CONSUMPTION AREA OR fairgrounds an alcohol beverage

purchased outside of the COMMON CONSUMPTION AREA OR fairgrounds.

SECTION 5. Part 9 of article 47 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-47-909. Common consumption areas. (1) A PROMOTIONAL ASSOCIATION OR ATTACHED LICENSED PREMISES SHALL NOT:

(a) EMPLOY A PERSON TO SERVE ALCOHOL BEVERAGES OR PROVIDE SECURITY WITHIN THE COMMON CONSUMPTION AREA UNLESS THE SERVER HAS COMPLETED THE SERVER AND SELLER TRAINING PROGRAM ESTABLISHED BY THE DIRECTOR OF THE LIQUOR ENFORCEMENT DIVISION OF THE DEPARTMENT OF REVENUE;

(b) SELL OR PROVIDE AN ALCOHOL BEVERAGE TO A CUSTOMER FOR CONSUMPTION WITHIN THE COMMON CONSUMPTION AREA BUT NOT WITHIN THE LICENSED PREMISES IN A CONTAINER THAT IS LARGER THAN SIXTEEN OUNCES;

(c) SELL OR PROVIDE AN ALCOHOL BEVERAGE TO A CUSTOMER FOR CONSUMPTION WITHIN THE COMMON CONSUMPTION AREA BUT NOT WITHIN THE LICENSED PREMISES UNLESS THE CONTAINER IS DISPOSABLE AND CONTAINS THE NAME OF THE VENDOR IN AT LEAST TWENTY-FOUR-POINT FONT;

(d) PERMIT CUSTOMERS TO LEAVE THE LICENSED PREMISES WITH AN ALCOHOL BEVERAGE UNLESS THE BEVERAGE CONTAINER COMPLIES WITH PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (1);

(e) OPERATE THE COMMON CONSUMPTION AREA DURING HOURS THE LICENSED PREMISES CANNOT SELL ALCOHOL UNDER THIS ARTICLE OR THE LIMITATIONS IMPOSED BY THE LOCAL LICENSING AUTHORITY;

(f) OPERATE THE COMMON CONSUMPTION AREA IN AN AREA THAT EXCEEDS THE MAXIMUM AUTHORIZED BY THIS ARTICLE OR BY THE LOCAL LICENSING AUTHORITY;

(g) SELL, SERVE, DISPOSE OF, EXCHANGE, OR DELIVER, OR PERMIT THE SALE, SERVING, GIVING, OR PROCURING OF, AN ALCOHOL BEVERAGE TO A VISIBLY INTOXICATED PERSON OR TO A KNOWN HABITUAL DRUNKARD;

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(h) SELL, SERVE, DISPOSE OF, EXCHANGE, OR DELIVER OR PERMIT THE SALE, SERVING, OR GIVING OF AN ALCOHOL BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE; OR

(i) PERMIT A VISIBLY INTOXICATED PERSON TO LOITER WITHIN THE COMMON CONSUMPTION AREA.

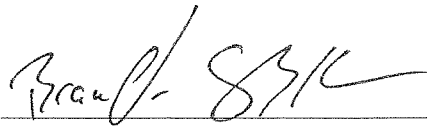
(2) THE PROMOTIONAL ASSOCIATION SHALL PROMPTLY REMOVE ALL ALCOHOL BEVERAGES FROM THE COMMON CONSUMPTION AREA AT THE END OF THE HOURS OF OPERATION.

(3) A PERSON SHALL NOT CONSUME ALCOHOL WITHIN THE COMMON CONSUMPTION AREA UNLESS IT WAS PURCHASED FROM AN ATTACHED, LICENSED PREMISES.

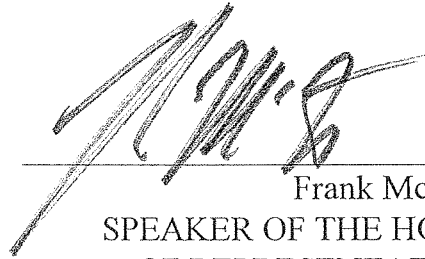
(4) THIS SECTION DOES NOT APPLY TO A SPECIAL EVENT PERMIT ISSUED UNDER ARTICLE 48 OF THIS TITLE OR THE HOLDER THEREOF UNLESS THE PERMIT HOLDER DESIRES TO USE AN EXISTING COMMON CONSUMPTION AREA AND AGREES IN WRITING TO THE REQUIREMENTS OF THIS ARTICLE AND THE LOCAL LICENSING AUTHORITY CONCERNING THE COMMON CONSUMPTION AREA.

SECTION 6. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

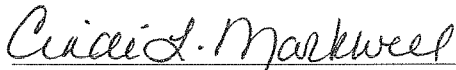
(2) The provisions of this act shall apply to acts committed on or after the applicable effective date of this act.



Brandon C. Shaffer
PRESIDENT OF
THE SENATE



Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

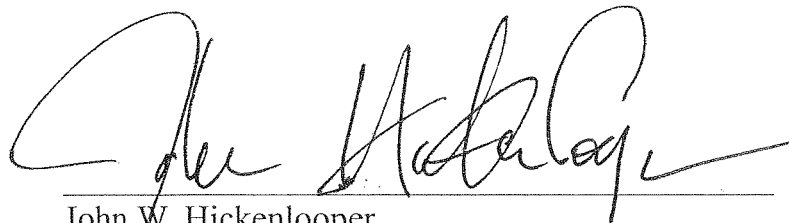


Cindi L. Markwell
SECRETARY OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED 3:44 PM 5/27/11



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

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