

# 2015 COLORADO LAWS ENACTED AFFECTING MUNICIPAL GOVERNMENTS



*The Voice of Colorado's Cities and Towns*

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# FOREWORD

During the 2015 session of the Colorado General Assembly, CML tracked 255 of the 682 bills and resolutions introduced. Of the 34 bills that CML supported, 65 percent passed. Of the 31 bills that CML opposed, 90 percent were defeated or were amended such that the League dropped its opposition.

Each year, CML analyzes the laws passed by the General Assembly that affect cities and towns. *2015 Colorado Laws Enacted Affecting Municipal Governments* focuses on selected acts that have a particular significance for municipal operations, services, and powers — it is not a comprehensive listing of all new legislation enacted into law affecting municipal government. For information or assistance on any legislative questions, contact CML at 303-831-6411 or 866-578-0936.

CML is continuing its commitment to its members by providing the information they need as inexpensively and easily as possible. *2015 Colorado Laws Enacted Affecting Municipalities* will be available to all for free — along with several past years' editions — online at [www.cml.org](http://www.cml.org) under Information > Publications.

Kevin Bommer  
CML deputy director  
June 2015

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**HB 15-1192****BEER & LIQUOR****Allowed licensed premises in entertainment districts**

Expands the types of licensed premises that may be included in an entertainment district, allowing beer and wine licensees, manufacturers, or beer wholesalers that operate sales rooms, and limited wineries. Allows, with local approval, licensed premises to attach to a common consumption area within an entertainment district. Effective Aug. 5, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 15-1204****BEER & LIQUOR****Distillery pub license**

Creates a new license under the Colorado Liquor Code allowing spirituous liquor producer to operate a pub that serves alcohol beverages, including spirits the producer ferments and distills, for consumption on licensed premises. Requires licensee to serve meals and gross at least 15 percent of on-premises food and drink income from sale of food. Creates limitations on wholesale sales and production. Effective April 24, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 15-1202****BEER & LIQUOR****Reissuance of expired license**

Allows an alcohol beverage licensee whose license has been expired for more than 90 days but less than 180 days to apply for a reissued license. State and local licensing authority each has sole discretion to allow a licensee to apply for reissued license. Requires licensee to submit late application fee and appropriate fine. State and local licensing authority each has the sole discretion to determine whether to approve or deny the application. Requires local licensing authority to forward application to the state licensing authority if approved. State licensing authority may approve or deny the application. Requires licensee to apply for a new license if the application is denied by either licensing authority. If licensee has only a state license, then local licensing approval does not apply. Effective Aug. 5, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**HB 15-1217****BEER & LIQUOR****Local input on sales room location**

Requires a licensed winery, limited winery, distillery, or beer wholesaler that applies to the state licensing authority for approval to operate a sales room to send a copy of application to the local licensing authority. Allows local licensing authority 45 days to provide input on the sales room application and establishes scope of input to whether approval of sales room will impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances or that the applicant cannot sufficiently mitigate the identified potential impacts. Requires state licensing authority to consider local input, if any. May deny the proposed sales room application. Prohibits state licensing authority from approving sales room location unless applicant affirms it has complied with

local zoning restrictions. Requires state licensing authority to deem application as approved and without local objection if local licensing authority does not respond to the application within 45 days. Allows state licensing authority to take action authorized under liquor code, upon request of a local government, against a licensee operating a sales room if local authority demonstrates that licensee has committed an act defined as unlawful under the liquor code or shows good cause for the enforcement action. Requires licensees with existing sales rooms to notify the state licensing authority of all of their sales rooms. Requires state authority to maintain a list of all sales rooms in the state and make list available on its website. Excludes application of act to any licensed winery, limited winery, distillery, or beer wholesaler not selling and serving alcohol beverages for consumption on its licensed premises or in approved sales room. Effective Aug. 5, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**HB 15-1244****BEER & LIQUOR****Removal of partially consumed wine from a club**

Authorizes a member of a liquor-licensed club to recork and remove from the club a bottle of wine purchased and partially consumed at the club. Effective Aug. 5, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 15-1353****BUILDING CODES****Continue regulation of elevator conveyances**

Extends the Elevator and Escalator Certification Act, which regulates conveyances and conveyance mechanics, contractors, and inspectors, to July 1, 2022. Effective Aug. 5, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 15-202****BUILDING CODES****Water conditioner appliances in plumbing code**

Creates three new categories of registered water conditioners, water conditioning contractors, water conditioning installers, and water conditioning principals. Directs the Division of Professions and Occupations (DPO) in the Department of Regulatory Agencies to promulgate rules and gives the State Plumbing Board disciplinary authority over these registrations. Specifies that no individual may advertise water conditioning services if not registered with the DPO. Effective June 5, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 15-1219****ECONOMIC DEVELOPMENT****Enterprise zone renewable energy credits**

Allows a taxpayer who places a renewable energy project in an enterprise zone an option to receive a refund of the credit equal to 80 cents for every one dollar of credit capped at \$750,000 per tax year and taxpayer. Limits a taxpayer to one refund from one new renewable investment at a time. Requires the Office of Economic Development to post on its website the level of renewable energy investment and other information resulting from the refund. Effective June 5, 2015. Lobbyist: Mark Radtke mradtke@cml.org.

**SB 15-282****ECONOMIC DEVELOPMENT****Rural Jump Start Zones**

Creates state income tax credits for qualified businesses that locate in select economically distressed counties. Specifies qualifications of a business to be new to the state, hire at least five employees, not directly compete with an existing business, and form an association with a state institution of higher education or vocational school. Allows municipal governing body approval to refund local sales and use taxes and business personal property taxes. Effective May 13, 2015. Lobbyist: Mark Radtke, mradtke@cml.org. *Reprinted.*

**HB 15-1130****ELECTIONS****Overseas and military voters**

Requires the municipal clerk to send a mail ballot to voters on the list of overseas military voters maintained by the county clerk in any election conducted by the municipal clerk. Requires that this be done by the 45th day out from the municipal election; makes various conforming amendments in the election codes to accommodate this requirement. Effective Aug. 5, 2015. Lobbyist: Geoff Wilson, gwilson@cml.org. *Reprinted.*

**SB 15-119****ENVIRONMENT****Regulation of pesticide applicators**

Implements various recommendations of sunset review and report on regulation of pesticide applicators by the Department of Agriculture. Extends repeal date of program until 2023. Requires training for public applicators and limited commercial applicators in use of general-use pesticides specified by the Commissioner of Agriculture. Contains numerous other provisions. Applies to activity on or after July 1, 2015. Effective May 19, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 15-244****FEDERAL MINERAL LEASE****Transfers related to recoupment of payments**

Protects local government distributions from being reduced by refunds to the U.S. Bureau of Land Management for refunds related to settlement of Roan Plateau leasing lawsuit. Requires general fund reimbursement to affected local governments during three-year period of state reimbursement from state mineral lease payments. Specifies amounts and timing of transfers. Effective May 1, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 15-1225****FEDERAL PUBLIC LANDS****Cooperation in federal land management**

Requires the governor and specified state agencies to make technical support to aid interested local governments available for expanding relationships between local governments and federal land management agencies. Identifies specific activities and provides \$1 million for three years from local government severance tax revenues to fund technical assistance. Allows governor to establish an

advisory committee to provide technical assistance for one or more federal land management decision-making processes if governor determines that advisory committee would provide effective and efficient technical support for collaborative engagement. Contains other provisions. Effective May 13, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 15-213****GOVERNMENTAL IMMUNITY****Waiver - Schools**

Creates a waiver of governmental immunity for injuries arising from an "incident of school violence" at a public school. Defines "incident of school violence" and associated terms. Contains numerous other provisions. Effective June 3, 2015. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 15-1029****HEALTH CARE****Telehealth**

Precludes a health benefit plan from requiring in-person care delivery when telehealth is appropriate. Creates exceptions. Establishes specific requirements on carriers for reimbursement, coverage, and payment parameters. Defines telehealth and excludes delivery of health care services via telephone, facsimile machine, or email. Effective Jan. 1, 2017. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 15-1307****HISTORIC PRESERVATION****Preserve Historic Structures Tax Credit**

Changes the definition of a qualified commercial structure for purposes of the historic preservation tax credit. Matches the definition for a qualified residential structure. Requires that structures be listed on the state register of historic places or be designated as a historic structure by a local government. Effective Aug. 5, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 15-1057****INITIATIVE PROCESS****Fiscal impact statements**

Requires legislative council staff to prepare a fiscal impact statement for each citizen ballot initiative submitted to the Title Board, making fiscal impact information available before petitions are circulated. Requires an abstract of the fiscal impact statement to be printed on petitions circulated for signatures. Effective March 26, 2016. Lobbyist: Mark Radtke, mradtke@cml.org.

**HB 15-1367****MARIJUANA****Marijuana taxation**

Refers a ballot issue to the Nov. 3, 2015 statewide election to allow state to retain and spend state revenues collected pursuant to Proposition AA. Specifies the manner that refunds will occur if voters reject question. Also specifies distribution different than existing statute if voters approve question, including a local government retail marijuana impact grant program. Reduces special sales tax rate to



0 percent on Sept. 16, 2015, as required Taxpayers Bill of Rights (TABOR). Rates increased back to 10 percent on Sept. 17, 2015. Changes special sales tax rate from 10 percent to 8 percent effective July 1, 2017. Also contains provisions to capture local government shareback with future tax revenue if refunds are required. Authorizes counties, statutory municipalities, and certain metropolitan districts to have an excise tax on retail marijuana retroactive to Jan. 1, 2014. Contains additional provisions related to local excise tax. Prohibits local regulation of pesticides used in marijuana cultivation. Effective June 3, 2015 except sections relevant to ballot question passage or failure, which are effective on the date of the official declaration of the vote by the governor or Jan. 1, 2016, whichever is later. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**HB 15-1379** **MARIJUANA**  
**Permitted economic interest**

Creates a permitted economic interest in both regulated medical marijuana and retail marijuana systems. Creates definition of permitted economic interest. Allows state licensing authority to adopt related rules including background check process, divestiture, and other legal instruments that qualify as permitted economic interests. Effective Aug. 5, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 15-1387** **MARIJUANA**  
**Transfer of product from medical to retail**

Prohibits an applicant from transferring medical marijuana plants and inventory from medical marijuana center or from medical marijuana-infused products manufacturer to any retail marijuana establishment as of July 1, 2016. Afterwards, allows only transfer of medical marijuana from a medical marijuana cultivation facility to a retail marijuana cultivation facility. Effective June 5, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 15-014** **MARIJUANA**  
**Medical marijuana**

Requires the Colorado Medical Board to establish guidelines for physicians who make medical marijuana recommendations. Creates four different types of primary caregiver relationships and definition of “significant responsibility for managing the well-being of a patient” for purposes a patient–primary caregiver relationship. Allows cultivating or transporting marijuana and the act of advising a patient on which medical marijuana products to use and how to dose them to be considered “significant responsibility.” Requires all transporting and cultivating primary caregivers to register with state health agency and state licensing authority. Mandates cultivating primary caregiver file registration of cultivation operation location, registration number of each patient, and any extended plant count numbers with corresponding patient registry numbers. Mandates transporting primary caregiver to register the registration number of each homebound patient, total

number of plants and ounces that the caregiver is authorized to transport, if applicable, and location of each patient’s registered medical marijuana center or cultivating primary caregiver. Allows state licensing authority to verify patient registration numbers and extended plant count numbers with state health agency. Prohibits medical or retail marijuana centers from registering as primary caregiver. Encourages patients cultivating more than six medical marijuana plants for their own medical use to register with the state licensing authority and creates registration criteria. Requires state licensing authority verify location of a patient medical marijuana cultivation site to a local government or law enforcement agency upon receiving request for verification. Requires all cultivation operations to comply with all applicable local laws, rules, or regulations. Prohibits patients and primary caregivers from cultivating more than 99 plants and requires any cultivating primary caregiver growing more than 36 plants to register with state licensing authority with specified information. Mandates state licensing authority verify location of extended plant counts for primary caregiver cultivation operations and homebound patient registration for transporting caregivers to local government or law enforcement agency upon receiving a request for verification. Sunsets medical marijuana program on Sept. 1, 2019. Effective May 18, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 15-115** **MARIJUANA**  
**Sunset medical marijuana code**

Extends medical marijuana code to Sept. 1, 2019. Harmonizes specific medical marijuana code provisions with corresponding retail marijuana code provisions. Allows a medical marijuana center to sell and deliver allowed inventory to another center from its optional premise cultivation location. Makes technical changes to the medical marijuana code. Contains other provisions. Effective June 5, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 15-1197** **MUNICIPAL FINANCE**  
**Indemnity in public construction contracts**

Limits public entities from requiring certain contractors from duty to defend obligations in construction contracts. Applies to architectural, engineering, surveying, or other design services. Allows the public entity to recover any costs of defense attributable to the contractor after the liability or fault has been determined by adjudication, alternative dispute resolution, or mutual agreement. Effective Sept. 1, 2015. Lobbyist: Mark Radtke, mradtke@cml.org. *Reprinted.*

**HB 15-1262** **MUNICIPAL FINANCE**  
**Joint government entity bonding authority**

Grants authority to entities created by two or more governments through an intergovernmental agreement (IGA) to issue tax-exempt debt. Permits the IGA creating the separate legal entity to grant that entity any power of a special district except condemnation. Defines such an entity

created by IGA as a political subdivision of the state. Effective May 20, 2015. Lobbyist: Mark Radtke, [mrادتke@cml.org](mailto:mrادتke@cml.org). *Reprinted*.

**SB 15-024** **MUNICIPAL FINANCE**  
**Local government audit law updates**

Changes the maximum fiscal year revenue or expenditure amount for an exemption from the statutory requirement that local governments have their financial statements audited. Increases the maximum fiscal year revenue or expenditure threshold to \$750,000. Updates certain terminology to be consistent with accounting standards adopted by the Governmental Accounting Standards Board. Effective Aug. 5, 2015. Lobbyist: Meghan Dollar, [mdollar@cml.org](mailto:mdollar@cml.org).

**SB 15-025** **PENSIONS/RETIREMENT**  
**Fire and police -**  
**Transfer of pension plan funds to FPPA**

Creates new process for members of the Fire & Police Pension Association (FPPA) to roll over distributions from an eligible pension plan to the statewide defined benefit plan administered by the FPPA for other employment not covered by the statewide defined benefit plan. Contains provisions related to purchase and award of service credit. Effective Aug. 5, 2015. Lobbyist: Kevin Bommer, [kbommer@cml.org](mailto:kbommer@cml.org).

**SB 15-026** **PENSIONS/RETIREMENT**  
**Fire and police -**  
**FPPA beginning member contribution rate**

Specifies the contribution rate for an active, eligible employee of a municipality, fire protection district, fire authority, or fire improvement district who becomes a participant in the statewide defined benefit plan administered by the Fire & Police Pension Association (FPPA) as the result of merger, consolidation, or exclusion or dissolution proceeding among one or more employers. Sets contribution rate as the continuing uniform rate of contribution established by the FPPA board. Effective Aug. 5, 2014. Lobbyist: Kevin Bommer, [kbommer@cml.org](mailto:kbommer@cml.org).

**SB 15-027** **PENSIONS/RETIREMENT**  
**Fire and police -**  
**Assessment of administrative charges**

Authorizes the Fire & Police Pension Association (FPPA) board to promulgate rules for assessment of interest on unpaid contributions to statewide plans. Allows board to waive interest for good cause. Sets rate at 0.05 percent per month. Also contains provisions allowing assessment of reasonable actuarial, audit, and operational costs to individual plans and attributable to each plan incurred by FPPA in complying with regulatory requirements. Effective Aug. 5, 2015. Lobbyist: Kevin Bommer, [kbommer@cml.org](mailto:kbommer@cml.org).

**SB 15-028** **PENSIONS/RETIREMENT**  
**Fire and police -**  
**Employee participation requirements**

Creates options for department chiefs opting out of statewide defined benefit plan (SWDB) administered by the Fire & Police Pension Association (FPPA) to comply with federal requirement for participation in social security or social security replacement plan. Requires a department chief who elects exemption from SWDB to participate in statewide money purchase plan, statewide hybrid plan, or local money purchase plan with contribution rate of at least 16 percent if chief wants to maintain coverage in statewide death and disability (D&D) plan. Requires, effective Jan. 1, 2017, any employer participating in social security supplemental plan that elects coverage under statewide D&D plan must also participate in the social security supplemental retirement plan. Effective Aug. 5, 2015. Lobbyist: Kevin Bommer, [kbommer@cml.org](mailto:kbommer@cml.org).

**SB 15-029** **PENSIONS/RETIREMENT**  
**Fire and police - Volunteer plans**

Requires state auditor to study specified issues regarding the legal status of volunteer firefighter pension plans in the state. Requires state auditor, Fire & Police Pension Association, and Department of Local Affairs to develop recommendations for changes to volunteer firefighter pension plan system. Requires consideration of several specified issues. Requires stakeholder involvement. Effective June 5, 2015. Lobbyist: Kevin Bommer, [kbommer@cml.org](mailto:kbommer@cml.org).

**HB 15-1015** **PUBLIC SAFETY**  
**Interstate compact for EMS providers**

Authorizes the governor to enter into an interstate compact with other states or jurisdictions to recognize and allow emergency medical services (EMS) providers licensed in a compact member state to provide EMS in Colorado. Specifies EMS providers to include emergency medical technicians, advanced emergency medical technicians, and paramedics. Creates the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act (REPLICA). Defines the REPLICA Commission as the national administrative body of which all states that have enacted the compact are members. Creates standards for REPLICA to go into effect. Contains numerous other provisions. Effective Aug. 5, 2015. Lobbyist: Meghan Dollar, [mdollar@cml.org](mailto:mdollar@cml.org).

**HB 15-1017** **PUBLIC SAFETY**  
**Private volunteer fire departments**

Creates the "Volunteer Fire Department Organization Act," setting standards for volunteer fire departments recognized by the state to assist areas that lack full-time fire protection services. Allows a private entity to provide fire protection services. Allows grants for technical and funding assistance from Firefighter Safety Grant Program. Effective March 11, 2015. Lobbyist: Kevin Bommer, [kbommer@cml.org](mailto:kbommer@cml.org).

**HB 15-1019** **PUBLIC SAFETY**  
**Victims of human trafficking and prostitution**

Establishes areas of study for the Human Trafficking Council in the Department of Public Safety. Requires the Human Trafficking Council to make recommendations to the General Assembly by Jan. 1, 2016. Effective Aug. 5, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 15-1022** **PUBLIC SAFETY**  
**Juvenile petty offense contracts**

Creates a new type of pre-diversion program for juveniles committing minor offenses. Allows law enforcement officers to issue petty offense tickets to juveniles age 10 and older who commit delinquent acts that would be considered a petty offense if committed by an adult or a municipal ordinance violation. Requires the juvenile to go through an assessment process with a screening entity as designated by the municipal, county, or district court. Specifies that all petty offense contracts must be in writing and include provisions relating to restitution, community services, school attendance, restorative justice practices, when applicable, and require that the juvenile not commit a delinquent offense during the term of the contract. Contains numerous other provisions. Effective Sept. 1, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 15-1031** **PUBLIC SAFETY**  
**Regulation of powdered alcohol**

Adds powdered alcohol under the state definition of spirituous liquors. Regulates powdered alcohol like other liquor within the Division of Liquor Enforcement. Clarifies how excise tax would be levied on powdered alcohol. Effective March 30, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 15-1043** **PUBLIC SAFETY**  
**Felony DUI**

Increases the penalty to a class 4 felony after three or more prior convictions of a DUI, DUI per se, or DWAI. Includes vehicular homicide and vehicular assault. Clarifies that convictions from other U.S. states and territories are deemed to apply if they would constitute the same offense in Colorado. Contains other provisions. Effective Aug. 5, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 15-1047** **PUBLIC SAFETY**  
**Internet sweepstakes cafes, simulated gambling**

Defines an Internet sweepstakes café as an electronic machine, computer terminal, or similar device. Creates the new class 3 misdemeanor crime of unlawful offering of a simulated gambling device. Empowers district attorneys and the Attorney General's Office to prosecute cases and obtain injunctive relief. Provides a private right of action, including treble damages as relief, if the property interest of a gaming licensee has been injured as a result of unlawful offering of a simulated gambling device. Effective March 13, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 15-1129** **PUBLIC SAFETY**  
**Colorado Disaster Prediction & Decision Support Systems**

Requires the Division of Fire Prevention and Control (DFPC) to contract for the development of the Colorado Wildland Fire Prediction and Decision Support System. Specifies that the capabilities of this system must include prediction of wildland fire conditions and aviation weather hazards that affect the state aerial firefighting operations. Requires that DFPC must contract with a nonprofit or tax-exempt Colorado-based research organization with expertise in atmospheric science and certain related qualifications. Contains numerous other provisions. Effective May 20, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 15-1174** **PUBLIC SAFETY**  
**Information protections for domestic violence victims**

Prohibits state and local government officials from knowingly disclosing the actual address or other personal information about a participant in the Address Confidentiality Program (ACP). Expands the definition of "actual address" for participants in the ACP to include unique identifying information about their residential, school, or work addresses. Effective March 20, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 15-1229** **PUBLIC SAFETY**  
**Retaliation against a prosecutor**

Creates a new class 4 felony offense for the crime of retaliation against a prosecutor. Defines retaliation as knowingly making a credible threat or committing an act of harm or injury to a person or property in retaliation or retribution against a prosecutor acting in his or her professional capacity. Specifies the crime may be charged for threats or acts committed against the prosecutor, or other persons with a close relationship to, residing in the same household as, or related to the prosecutor. Includes municipal prosecutors. Effective May 29, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 15-1267** **PUBLIC SAFETY**  
**Use of medical marijuana during probation**

Creates an exemption to probation conditions to allow a person on probation to possess and use medical marijuana. Makes exceptions when the person is convicted of an offense related to medical marijuana or the court determines such a prohibition is necessary and appropriate. Effective May 8, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 15-1273** **PUBLIC SAFETY**  
**Comprehensive school discipline reporting**

Adds sexual assaults and the unlawful use, possession, or sale of marijuana on school grounds, in a school vehicle, or

at a school activity or sanctioned event to the list of items that must be included in the existing safe school report. Requires law enforcement agencies to report to the Division of Criminal Justice (DCJ) within the Department of Public Safety about student tickets, summons, and arrests on school property. Requires district attorneys to report to the DCJ information about students who were granted pre-file juvenile or adult diversion for arrests that occurred on school property. Directs DCJ to compile, analyze, and report data concerning arrests, summons, tickets, and case dispositions for reported incidents. Effective June 5, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 15-1290 PUBLIC SAFETY**  
**Incident recordings**

Specifies that a person has the right to lawfully record any incident involving a peace officer. Creates remedies for situations when a peace officer unlawfully destroys or seizes a recording or recording device. Allows a property owner to file an affidavit with the law enforcement agency including facts of the incident and a verifiable estimate of the damage. Specifies that upon receipt of a denial of payment, an aggrieved property owner may file a civil action against the peace officer's employer for actual damages, including the replacement value of the device, \$500 for any damaged or destroyed recording, and any costs or fees associated with the filing of the civil action. Includes provisions that a law enforcement agency may be required to pay attorney's fees if the court finds it acted in bad faith. Effective May 20, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

**HB 15-1303 PUBLIC SAFETY**  
**Sentencing for certain 2nd degree assaults**

Specifies that assault against a peace officer, firefighter, or EMS provider is still a crime of violence. Clarifies that the court is not required to sentence the defendant to the Department of Corrections for a mandatory term of incarceration. Makes second-degree assault a crime of violence if the defendant caused serious bodily injury to any person with intent to prevent one whom he or she knows, or should know, to be a peace officer, firefighter, or emergency medical service provider from performing a lawful duty. Effective May 20, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 15-1305 PUBLIC SAFETY**  
**Unlawful marijuana concentrate production**

Creates a level 2 drug felony for unlicensed person to manufacture marijuana concentrate or permit marijuana concentrate manufacturing on any premises using an inherently hazardous substance. Excludes anyone licensed for marijuana concentrate manufacturing under retail or medical marijuana code. Effective July 1, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 15-002 PUBLIC SAFETY**  
**Extend report date for statewide radio communications**

Extends the date by which the Department of Public Safety must report its findings regarding statewide radio communications to the Joint Budget Committee from Dec. 1, 2014, to June 30, 2015. Effective April 3, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 15-013 PUBLIC SAFETY**  
**Extend deadline for Dog Protection Act**

Changes the existing deadline to the Dog Protection Act to require officers to complete training no later than June 30, 2015. Specifies that officers hired on or after this date must complete training within their first year of employment. Effective April 3, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 15-022 PUBLIC SAFETY**  
**Wildfire Risk Reduction Grant Program**

Transfers \$1 million from the Severance Tax Operational Fund to the Wildfire Risk Reduction Cash Fund in the Department of Natural Resources (DNR) during FY 2015-16. Changes terminology to expand references to hazardous fuels and specifies treatments for the removal or reduction of vegetative fuel. Requires DNR to encourage a grant applicant to use veterans participating in an accredited Colorado Corps Program in wildfire mitigation activities. Effective May 12, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 15-030 PUBLIC SAFETY**  
**Prostitution defense for human trafficking victim**

Addresses culpability for the crime of prostitution when the person is a victim of human trafficking. Creates an affirmative defense for state or municipal offenses committed on or after July 1, 2015, if the act is found to have been, based on a preponderance of the evidence, committed as a direct result of the person being a victim of human trafficking. Establishes a procedure to petition the court, on or after Jan. 1, 2016, to seal for adults, or expunge juvenile convictions for state or municipal offenses committed prior to July 1, 2015. Effective April 16, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 15-058 PUBLIC SAFETY**  
**Eyewitness identification policies and procedures**

Requires all Colorado agencies that enforce criminal laws to adopt written policies and procedures regarding eyewitness identifications that meet specific criteria by July 1, 2016. Requires a law enforcement agency that has not adopted their own policy to adopt and use model policies developed by the Attorney General's Office and the Colorado District Attorneys' Council. Requires policies to be made available to the public upon request at no cost, and be reviewed, at a minimum, every five years. Allows a law enforcement

agency to create, conduct, or facilitate professional training to law enforcement personnel on methods and technical aspects of eyewitness identification policies and procedures. Clarifies that while the curriculum must be approved by the Peace Officers Standards and Training (POST) Board, the actual training may be conducted by any POST-approved training entity. Clarifies that both compliance and failure to comply with the requirements of the bill is considered relevant evidence in any case involving eyewitness identification, provided the evidence is otherwise admissible. Effective July 1, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

**SB 15-067**

**PUBLIC SAFETY**

**2nd degree assault for injury to emergency responders**

Raises the classification from assault in the third degree to assault in the second degree in certain criminal actions. Includes intentionally causing bodily injury to an emergency medical care provider in order to prevent that provider from performing a lawful duty. Adds causing a peace officer, firefighter, emergency medical care or service provider, while engaged in his or her professional duties, to come into contact with bodily fluids with the intent to infect, injure, or harm. Effective Sept. 1, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 15-116**

**PUBLIC SAFETY**

**Needle-stick prevention**

Creates an exception to arrest, filing charges, or citation for the crime of possession of drug paraphernalia if the person prior to being searched by a peace officer or prior to assessment or treatment by an emergency medical technician or other first responder informs the peace officer, emergency medical technician, or other first responder that he or she has a needle or syringe or other sharp object on his or her person or in his or her vehicle or home that is subject to a search. Applies exception to the crime of possession of a controlled substance as it relates to any minuscule, residual controlled substance that may be found in a used needle or syringe. Directs clean syringe exchange programs to develop an education program regarding the legal rights under that program and the immunity provisions created in this bill. Effective April 3, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 15-122**

**PUBLIC SAFETY**

**Sunset massage parlor regulation**

Repeals the ability of some local governments to license massage parlors through the sunset of the Colorado Massage Parlor Code. Effective July 1, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 15-185**

**PUBLIC SAFETY**

**Police data collection and community policing**

Creates the Community Law Enforcement Action Reporting (CLEAR) Act. Requires the Division of Criminal Justice

(DCJ) in the Department of Public Safety to compile and report data to the Judiciary Committees of the General Assembly and the Colorado Commission on Criminal and Juvenile Justice. Includes data already reported to the Colorado Bureau of Investigation by law enforcement agencies for the purposes of compiling uniform crime statistics. Adds charging, disposition, sentencing, and defendant demographic data from the Judicial Department. Includes parole hearing, offender demographic, and parole outcome data from the Department of Corrections. Requires law enforcement agencies, the Judicial Department, and the Department of Corrections to provide the prior calendar year's information to the DCJ by March 31 of each year. Effective Aug. 5, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 15-217**

**PUBLIC SAFETY**

**Police shooting data collection**

Creates a process for public reporting of specified data concerning officer-involved shootings that occur within certain law enforcement agencies, including the Colorado Bureau of Investigation, Colorado State Patrol, county sheriffs' offices, municipal police departments, the Division of Parks and Wildlife within the Department of Natural Resources, and town marshals' offices. Specifies for incidents that occurred between Jan. 1, 2010, and June 30, 2015, each named law enforcement agency is required to submit its data to the Division of Criminal Justice within the Department of Public Safety by Sept. 1, 2015. Requires the data from this historical review is to be compiled into a report by March 1, 2016. Adds that the covered law enforcement agencies are required to report their information for each successive fiscal year through Fiscal Year 2019-20 by September 1 of the following fiscal year. Provides that all reports be given to the judiciary committees of the General Assembly and posted on the Division of Criminal Justice's website. Effective May 20, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 15-218**

**PUBLIC SAFETY**

**Disclose misrepresentations by peace officers**

Requires that a state or local law enforcement agency in Colorado report any incidence of knowing misrepresentation in any affidavits, testimony, or internal investigations by a peace officer within its employ to the district attorney within seven days. Specifies that information must also be provided within seven days to a named Colorado law enforcement agency when the applicant officer provides a signed waiver specifically authorizing the disclosure. Clarifies that the information must only be provided if available and applies to information for employees hired, employed, or deputized on or after Jan. 1, 2010. Adds that a law enforcement agency is not liable as a result of complying with these requirements and cannot be required to provide information if a nondisclosure agreement is in place. Defines a state or local law enforcement agency as the Colorado State Patrol, the Colorado Bureau of Investigation, a county sheriff's office, a municipal police

department, the Division of Parks and Wildlife within the Department of Natural Resources, or a town marshal's office. Effective Aug. 5, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 15-219 PUBLIC SAFETY**

**Peace officer shooting transparency measures**

Requires each Colorado police department, sheriff's office, and district attorney to develop and electronically post or make available upon request its protocols concerning the involvement of other law enforcement agencies, including the Colorado Bureau of Investigation (CBI), when investigating a peace officer-involved shooting. Requires that multi-agency teams include at least one other police, sheriff's department, or CBI. Requires protocols to be in place by Dec. 31, 2015. Effective May 20, 2015. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 15-255 SEVERANCE TAX**

**Backfill state budget for TABOR refund**

Transfers \$20 million of the severance tax receipts received from May 1, 2015, until the end of the current fiscal year to be deposited in the general fund for the purposes of state refund required by the Taxpayers Bill of Rights (TABOR), instead of being split equally between state severance tax trust fund and local government severance tax fund. Effective May 1, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 15-1012 TAXATION**

**Sales and use - Dyed diesel**

Creates a state and local sales and use tax exemption for dyed diesel. Effective March 26, 2015. Lobbyist: Geoff Wilson, gwilson@cml.org.

**SB 15-041 TELECOMMUNICATIONS**

**Amateur radio antennas**

Codifies federal law into the Colorado statutes with respect to local regulation of amateur radio antennae. Effective Aug. 5, 2015. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 15-1348 URBAN RENEWAL**

**Modification of statutory provisions governing urban renewal authorities**

Modifies the number of commissioners of an urban renewal authority (URA). Deletes requirement that a URA have odd number of commissioners and allows a URA to have up to 13 commissioners. Requires one commissioner to be appointed by agreement of the boards of county commissioners of any or all affected counties, except for a city and county. Requires one commissioner to be a board member of an affected special district. Requires one commissioner to be an elected member of a school board. Creates additional provisions related to timing and vacancies. Creates a separate provision for governance when the governing body of a municipality is designated as

authority or transfers existing authority to governing body. Requires authority to consist of same number of commissioners as governing body and to add county, special district, and school board representatives in same manner as above. Allows mayor to appoint additional commissioner if necessary to maintain odd-numbered commission. Requires that all funds remaining in the special fund — established to collect revenues from certain taxes allocated to URA upon payment of indebtedness that have not previously been rebated and that originated as property tax increment — to be repaid to each taxing body based on specific requirements. Requires notification to other taxing entities prior to approval of any plan using property tax revenue. Requires representatives of all affected entities to meet and attempt negotiation of agreement on type and limit of tax each entity would be required to allocate. Mandates agreement address impacts on county or district service costs associated solely with plan. Allows agreement to be joint or separate with any affected entity. Allows sales tax of counties to be included in allocation of revenues utilized in plan. Requires parties to submit to mediation after 120 days, or other agreed upon timeframe, in the absence of agreement. Mandates mediator consider nature of project; relative size of revenue and other benefits expected to accrue to all entities; legal limitations on use of revenues; and capital or operating costs expected to result from project. Requires mediator to issue findings of fact on appropriate allocation of costs. Allows municipality to agree to findings by inclusion of cost allocation findings in plan or enter into intergovernmental agreement with alternative cost allocation. Prohibits any increment revenue transfer to special fund until agreement is in place. Effective Jan. 1, 2016 for any new plans or plan amendments or modifications including addition of an urban renewal project; alteration in the boundaries of an urban renewal area; change in the mill levy or the sales tax component of any plan, excluding refinancing any outstanding bonded indebtedness; or extension of an urban renewal plan or the duration of specific urban renewal project under certain conditions. Lobbyists: Mark Radtke, Kevin Bommer. *Reprinted.*

**HB 15-1284 UTILITIES**

**Solar energy - Solar gardens**

Amends the solar garden statute to clarify that a subscriber may attribute his or her subscription to a location in one county and adjacent counties within the same service provider's territory. Effective May 8, 2015. Lobbyist: Geoff Wilson, gwilson@cml.org.

**SB 15-254 UTILITIES**

**Municipal utilities - Solar credits**

Extends the period within which qualifying municipal utilities may apply for renewable energy credits for certain solar equipment installations. Effective May 1, 2015. Lobbyist: Geoff Wilson, gwilson@cml.org.

**SB 15-271****UTILITIES****Office of Consumer Counsel**

Continues the Office of Consumer Counsel, but eliminates telephone service from its jurisdiction. Reconstitutes the utility consumers' board. Contains other provisions. Effective June 5, 2015. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 15-1008****WATER & WASTEWATER****Invasive Phreatophyte Grant Program**

Creates grant program administered by Colorado Water Conservation Board (CWCB) for management of invasive phreatophytes (deep-rooted plants that consume water from water table or layer of soil just above water table). Creates qualification criteria. Funded in fiscal years 2015-16 and 2016-17 with \$2 million from severance tax operational fund. Effective Aug. 5, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 15-1178****WATER & WASTEWATER****Emergency pumping of damaging groundwater**

Creates a two-year emergency dewatering grant program in the Colorado Water Conservation Board (CWCB) and emergency dewatering grant account in CWCB construction fund. Allows CWCB to award grants for emergency pumping of wells permitted for dewatering and located within or near Gilcrest or Sterling. Requires grant recipients must to collect real-time data. Contains other provisions. Effective June 5, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 15-1247****WATER & WASTEWATER****Dam safety review fees**

Increases fee collected by state engineer for dam project design review. Specifies fee collected for examination and filing of each set of plans and specifications required to be filed with the state engineer for a proposed dam project increased from \$3 per each \$1,000 of estimated cost of proposed project to \$6 per each \$1,000 of estimated cost of the proposed project. Increases maximum design review fee from \$3,000 to \$30,000. Effective Sept. 1, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 15-1249****WATER & WASTEWATER****Recodify wastewater permit fees**

Repeals and reenacts with changes the statutory fee schedule used for Water Quality Control Division charges for the discharge of pollutants into state waters. Recodifies existing fee structure but does not change amounts of existing fees. Reorganizes existing fees into five new sectors. Creates three new fees for regulated activities associated with the application of pesticides and costs associated with reviewing requests for certifications under Clean Water Act Section 401. Creates an application fee for new permits, which will be credited toward annual permit fee. Effective July 1, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 15-008****WATER & WASTEWATER****Water efficiency plans and training**

Requires mandated water efficiency plans to evaluate best management practices for water demand management, water efficiency, and water conservation that may be implemented through land use planning efforts. Requires the Colorado Water Conservation Board and Department of Local Affairs to develop and provide free training programs with specified criteria. Requires same agencies to make recommendations on how improved integration of water demand management and conservation planning into land use planning. Effective Aug. 5, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 15-183****WATER & WASTEWATER****Quantification of historical consumptive use**

For changes in water rights decreed by water judges, requires quantification of actual historical consumptive use of water right be based on a representative study period meeting specific statutory conditions. Applies to applications pending before the water judges or referees or filed on or after the effective date. Effective May 4, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 15-212****WATER & WASTEWATER****Stormwater facilities**

Creates definition of "storm water detention and infiltration facility," which must operate passively and cannot actively treat storm water. Defines "post-wildland fire facility." Specifies that post-wildland fire facilities and existing storm water detention and infiltration do not materially injure water rights. Allows water rights owners to rebut presumption of noninjury. Requires owners of facilities to provide notice of location and size of facility to subscribers to applicable substitute water supply notification list. Prohibits water from facilities from being put to beneficial use or form basis for any claim to or for use of water. Excludes applicability to Fountain Creek and its tributaries, except for facilities required by or operated in compliance with a Colorado discharge permit system municipal separate storm sewer system (MS4) permit. Effective Aug. 5, 2015. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

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# An Act

HOUSE BILL 14-1130

BY REPRESENTATIVE(S) McCann, Fields, Lebsock, Lee, Moreno, Salazar, Schafer, Singer, Exum, Hullinghorst, Labuda, Pettersen, Rosenthal, Ryden, Scott, Vigil, Williams, Young, Ferrandino, Duran, Tyler;  
also SENATOR(S) Ulibarri, Aguilar, Heath, Hodge, Kefalas, Kerr, Newell, Nicholson, Schwartz, Todd, Zenzinger, Carroll.

CONCERNING THE DISPOSITION OF MONEYS CHARGED TO BORROWERS FOR COSTS TO BE PAID IN CONNECTION WITH FORECLOSURE.

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

**SECTION 1.** In Colorado Revised Statutes, 38-38-100.3, amend (10) introductory portion as follows:

**38-38-100.3. Definitions.** As used in articles 37 to 39 of this title, unless the context otherwise requires:

(10) "Holder of an evidence of debt" OR "HOLDER" means the person in actual possession of or person entitled to enforce an evidence of debt; except that ~~"holder of an evidence of debt"~~ THE TERM does not include a person acting as a nominee solely for the purpose of holding the evidence of debt or deed of trust as an electronic registry without any

authority to enforce the evidence of debt or deed of trust. For the purposes of articles 37 to 40 of this title, the following persons are presumed to be the holder of an evidence of debt:

**SECTION 2.** In Colorado Revised Statutes, 38-38-101, amend (10) as follows:

**38-38-101. Holder of evidence of debt may elect to foreclose.** (10) **Deposit.** (a) The public trustee may require THE HOLDER OR SERVICER TO MAKE a deposit of up to six hundred fifty dollars or the amount of the fee permitted pursuant to section 38-37-104 (1) (b) (I), whichever is greater, at the time the notice of election and demand is filed, to be applied against the fees and costs of the public trustee.

(b) The public trustee may allow the attorney for the holder of the ~~evidence of debt~~ OR SERVICER OR THE HOLDER OR SERVICER, IF NOT REPRESENTED BY AN ATTORNEY, to establish ~~one or more accounts~~ with the public trustee ONE OR MORE ACCOUNTS, FROM which the public trustee may ~~use to~~ pay the fees and costs of the public trustee in any foreclosure filed by the holder or the attorney for the holder or AND through which the public trustee may transmit refunds or cures, overbids, or redemption proceeds.

**SECTION 3.** In Colorado Revised Statutes, 38-38-104, amend (2) (a) (I) and (2) (d); and add (2) (a) (III), (2) (a) (IV), (2) (a) (V), and (2) (a) (VI) as follows:

**38-38-104. Right to cure when default is nonpayment - right to cure for certain technical defaults.** (2) (a) (I) Promptly upon receipt of a notice of intent to cure by the officer, but no less than twelve calendar days prior to the date of sale, the officer shall transmit by mail, facsimile, or electronic means to the person executing the notice of election and demand a request for a statement of all sums necessary to cure the default. ~~The cure statement shall be filed with the officer by~~ The attorney for the holder OR SERVICER or, if none, by the holder of the ~~evidence of debt~~ OR SERVICER, SHALL FILE THE CURE STATEMENT WITH THE OFFICER, and shall THE CURE STATEMENT MUST set forth the amounts necessary to cure. ~~as identified in the cure statement.~~ Upon receipt of the statement of the amounts needed to cure, the officer shall transmit the ~~cure statement~~ in writing to the person filing the notice of intent to cure the default:

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(A) THE CURE STATEMENT; AND

(B) A STATEMENT THAT THE PERSON FILING THE NOTICE OF INTENT TO CURE IS ENTITLED TO RECEIVE FROM THE ATTORNEY FOR THE HOLDER OR SERVICER OR, IF NOT REPRESENTED, FROM THE HOLDER OR SERVICER, UPON WRITTEN REQUEST MAILED TO THE ATTORNEY FOR THE HOLDER OR SERVICER OR, IF NOT REPRESENTED, TO THE HOLDER OF SERVICER AT THE ADDRESS STATED ON THE CURE STATEMENT, COPIES OF RECEIPTS OR OTHER CREDIBLE EVIDENCE TO SUPPORT THE COSTS CLAIMED ON THE CURE STATEMENT. THIS REQUEST MAY BE SENT ONLY AFTER PAYMENT TO THE OFFICER OF THE AMOUNT SHOWN ON THE CURE STATEMENT AND MUST BE SENT WITHIN NINETY DAYS AFTER PAYMENT OF THE CURE AMOUNT.

(III) THE CURE STATEMENT IS A REPRESENTATION OF FACT, MADE UPON THE CURRENT INFORMATION AND BELIEF OF THE PERSON SIGNING IT. IF THE HOLDER OR SERVICER DETERMINES THAT THERE IS AN INACCURATE AMOUNT CONTAINED IN THE CURE STATEMENT, THE HOLDER OR SERVICER, OR THE ATTORNEY FOR THE HOLDER OR SERVICER, SHALL INFORM THE OFFICER IMMEDIATELY AND PROVIDE A CURE STATEMENT WITH UPDATED FIGURES; EXCEPT THAT ANY ADDITIONAL OR INCREASED AMOUNTS MUST BE ADDED AT LEAST TEN CALENDAR DAYS BEFORE THE EFFECTIVE DATE OF THE ORIGINAL CURE STATEMENT. IF AN INACCURATE AMOUNT IS REPORTED AND A CORRECTED CURE STATEMENT IS NOT PROVIDED WITHIN THE TIME SPECIFIED IN THIS SUBPARAGRAPH (III), THE OFFICER MAY CONTINUE THE SALE FOR ONE WEEK IN ACCORDANCE WITH SECTION 38-38-109 (1). AN ESTIMATE AS ALLOWED UNDER SUBSECTION (5) OF THIS SECTION IS NOT AN INACCURATE AMOUNT FOR PURPOSES OF THIS SUBPARAGRAPH (III).

(IV) WITHIN SEVEN BUSINESS DAYS AFTER THE OFFICER'S NOTIFICATION TO THE HOLDER OR SERVICER, OR TO THE ATTORNEY FOR THE HOLDER OR SERVICER, THAT THE OFFICER HAS RECEIVED THE FUNDS NECESSARY TO CURE THE DEFAULT AS REFLECTED ON THE INITIAL OR UPDATED CURE STATEMENT, THE HOLDER OR SERVICER OR THE ATTORNEY FOR THE HOLDER OR SERVICER SHALL DELIVER TO THE OFFICER A FINAL STATEMENT, RECONCILED FOR ESTIMATED AMOUNTS THAT WERE NOT OR WOULD NOT BE INCURRED AS OF THE DATE THE CURE PROCEEDS WERE RECEIVED BY THE OFFICER, ALONG WITH RECEIPTS OR INVOICES FOR ALL RULE 120 DOCKET COSTS AND ALL STATUTORILY MANDATED POSTING COSTS CLAIMED ON THE CURE STATEMENT. ALL AMOUNTS OF CURE PROCEEDS RECEIVED BY THE OFFICER IN EXCESS OF THE AMOUNTS REFLECTED ON THE

FINAL STATEMENT SHALL BE REMITTED BY THE OFFICER TO THE PERSON WHO PAID THE CURE AMOUNT.

(V) (A) THE HOLDER OR SERVICER SHALL REMIT TO THE PERSON WHO PAID THE CURE AMOUNT ANY PORTION OF THE CURE AMOUNT THAT REPRESENTS A FEE OR COST LISTED ON THE CURE STATEMENT THAT EXCEEDS THE AMOUNT ACTUALLY INCURRED AND THAT WAS NOT REMITTED BY THE OFFICER IN ACCORDANCE WITH SUBPARAGRAPH (I) OF PARAGRAPH (d) OF THIS SUBSECTION (2).

(B) THE OFFICER SHALL REMIT TO THE PERSON WHO PAID THE CURE AMOUNT ANY PORTION OF THE CURE AMOUNT THAT REPRESENTS A FEE OR COST OF THE OFFICER THAT EXCEEDS THE AMOUNT ACTUALLY INCURRED BY THE OFFICER.

(VI) THE HOLDER OR SERVICER IS RESPONSIBLE FOR RETAINING RECEIPTS OR OTHER CREDIBLE EVIDENCE TO SUPPORT ALL COSTS CLAIMED ON THE CURE STATEMENT, INCLUDING RULE 120 DOCKET FEES AND POSTING COSTS, AND THE PERSON WHO PAID THE CURE AMOUNT IS ENTITLED TO RECEIVE COPIES UPON WRITTEN REQUEST MAILED TO THE ATTORNEY FOR THE HOLDER OR SERVICER OR, IF NOT REPRESENTED, TO THE HOLDER OR SERVICER AT THE ADDRESS STATED ON THE CURE STATEMENT. THE REQUEST MAY BE MADE AT ANY TIME AFTER PAYMENT TO THE OFFICER OF THE AMOUNT SHOWN ON THE CURE STATEMENT, BUT MUST BE MADE WITHIN NINETY DAYS AFTER PAYMENT OF THE CURE AMOUNT. THE ATTORNEY FOR THE HOLDER OR SERVICER OR, IF NOT REPRESENTED, THE HOLDER OR SERVICER SHALL PROVIDE COPIES OF ALL RECEIPTS OR OTHER CREDIBLE EVIDENCE WITHIN THIRTY DAYS AFTER RECEIVING THE REQUEST, AND MAY PROVIDE THE COPIES ELECTRONICALLY.

(d) (I) Upon receipt of the cure amount, and a ~~CONDITIONED UPON THE withdrawal or dismissal of the foreclosure from the holder of the evidence of debt~~ OR SERVICER or the attorney for the holder OR SERVICER, the officer shall:

(A) Deliver the cure amount, less the fees and costs of the officer AND ANY ADJUSTMENTS REQUIRED UNDER SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (2), to the attorney for the holder OR SERVICER or, if none, to the holder OR SERVICER; ~~the foreclosure shall be withdrawn or dismissed as provided by law; and~~

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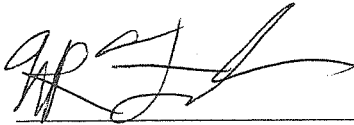
(B) OBTAIN AND RETAIN, IN THE OFFICER'S RECORDS, THE NAME AND MAILING ADDRESS OF THE PERSON WHO PAID THE CURE AMOUNT.

(II) FOLLOWING THE WITHDRAWAL OR DISMISSAL, the evidence of debt shall be returned uncanceled to the attorney for the holder of the ~~evidence of debt~~ OR SERVICER or, if none, to the holder OR SERVICER by the public trustee or to the court by the sheriff.

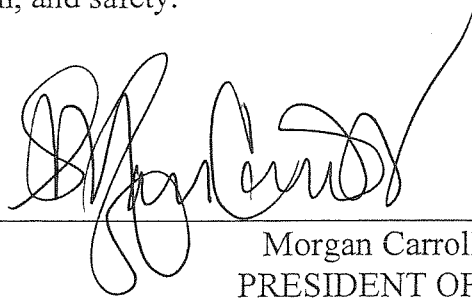
**SECTION 4. Applicability.** This act applies to foreclosure proceedings in which the notice of election and demand is filed on or after the effective date of this act.

**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.



Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Morgan Carroll  
PRESIDENT OF  
THE SENATE

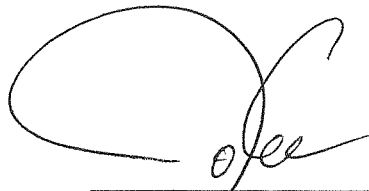


Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

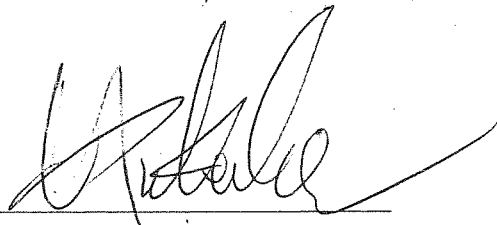


Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED 3:50 PM 5/9/14



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO



# An Act

HOUSE BILL 15-1197

BY REPRESENTATIVE(S) Tate, Conti, Dore, Brown, Fields, Kagan, Lundeen, Roupe, Salazar, Windholz, Moreno, Pettersen, Priola, Hullinghorst;  
also SENATOR(S) Jahn.

CONCERNING LIMITATIONS ON INDEMNITY OBLIGATIONS IN PUBLIC CONSTRUCTION CONTRACTS.

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

**SECTION 1.** In Colorado Revised Statutes, 13-50.5-102, amend (8) as follows:

**13-50.5-102. Right to contribution - contract or agreement provision to indemnify or hold harmless void against public policy.**  
(8) (a) ~~In the event that a~~ ANY public contract or agreement for the ARCHITECTURAL, ENGINEERING, OR SURVEYING SERVICES; DESIGN; construction; alteration; repair; or maintenance of any building, structure, highway, bridge, viaduct, water, sewer, or gas distribution system, or other works dealing with construction, or any moving, demolition, or excavation connected with such construction THAT contains any A covenant, promise, agreement, or combination thereof to DEFEND, indemnify, or hold harmless any public entity IS ENFORCEABLE ONLY TO THE EXTENT AND FOR AN

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

AMOUNT REPRESENTED BY THE DEGREE OR PERCENTAGE OF NEGLIGENCE OR FAULT ATTRIBUTABLE TO THE INDEMNITY OBLIGOR OR THE INDEMNITY OBLIGOR'S AGENTS, REPRESENTATIVES, SUBCONTRACTORS, OR SUPPLIERS. ANY SUCH COVENANT, PROMISE, AGREEMENT, OR COMBINATION THEREOF REQUIRING AN INDEMNITY OBLIGOR TO DEFEND, INDEMNIFY, OR HOLD HARMLESS ANY PUBLIC ENTITY from that public entity's own negligence ~~then such covenant, promise, agreement, or combination thereof~~ is void as against public policy and wholly unenforceable.

(b) This subsection (8) shall not apply to construction bonds, contracts of insurance, OR INSURANCE POLICIES THAT PROVIDE FOR THE DEFENSE, INDEMNIFICATION, OR HOLDING HARMLESS OF PUBLIC ENTITIES OR contract clauses regarding insurance. ~~or contract clauses regarding costs of defense of litigation arising out of the work or to any covenant, promise, agreement, or combination thereof to indemnify or hold harmless a contracting party against claims arising out of the negligent acts of the indemnitor and its subcontractors in the performance of the work under the contract. However, no contracting party shall be required to indemnify or hold harmless from any liability or damages arising from the negligent acts of the indemnified party.~~ This subsection (8) is intended only to affect the contractual relationship between the parties relating to THE DEFENSE, indemnification, OR HOLDING HARMLESS of public entities, ~~for the negligent acts of the public entity,~~ and nothing in this subsection (8) shall affect any other rights or remedies of public entities or contracting parties.

(c) IF THE INDEMNITY OBLIGOR IS A PERSON OR ENTITY PROVIDING ARCHITECTURAL, ENGINEERING, SURVEYING, OR OTHER DESIGN SERVICES, THEN THE EXTENT OF AN INDEMNITY OBLIGOR'S OBLIGATION TO DEFEND, INDEMNIFY, OR HOLD HARMLESS AN INDEMNITY OBLIGEE MAY BE DETERMINED ONLY AFTER THE INDEMNITY OBLIGOR'S LIABILITY OR FAULT HAS BEEN DETERMINED BY ADJUDICATION, ALTERNATIVE DISPUTE RESOLUTION, OR OTHERWISE RESOLVED BY MUTUAL AGREEMENT BETWEEN THE INDEMNITY OBLIGOR AND OBLIGEE.

**SECTION 2. Act subject to petition - effective date - applicability.** (1) This act takes effect September 1, 2015; 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 the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless

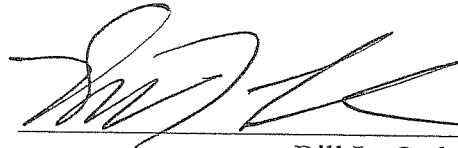


approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

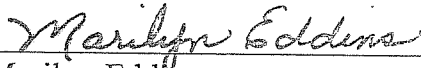
(2) This act applies to contracts or agreements entered into on or after the applicable effective date of this act.



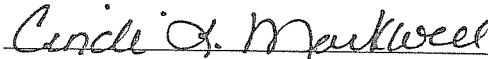
Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Bill L. Cadman  
PRESIDENT OF  
THE SENATE



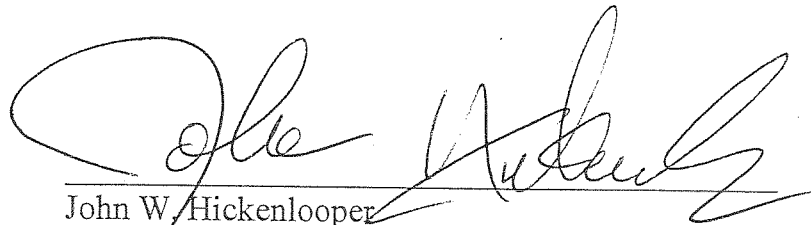
Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED 10:47 AM

4/10/15



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

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# An Act

HOUSE BILL 15-1202

BY REPRESENTATIVE(S) Singer, Arndt, Becker K., Conti, Esgar, Fields, Foote, Ginal, Hamner, Lebsock, Melton, Mitsch Bush, Williams, Young;  
also SENATOR(S) Woods, Baumgardner, Grantham, Guzman, Heath, Hill, Holbert, Jones, Kerr, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Scott, Steadman, Todd.

CONCERNING THE ABILITY OF A LICENSING AUTHORITY TO REISSUE EXPIRED ALCOHOL BEVERAGE LICENSES.

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

**SECTION 1.** In Colorado Revised Statutes, 12-47-302, **amend** (2) (b); and **add** (2) (d) as follows:

**12-47-302. License renewal.** (2) (b) ~~No~~ A state or local licensing authority shall NOT accept a late renewal application more than ninety days after the expiration of a licensee's permanent annual license. Any licensee whose permanent annual license has been expired for more than ninety days must apply for a new license pursuant to section 12-47-311 ~~and shall not sell or possess for sale any alcohol beverage until all required licenses have been obtained~~ OR A REISSUED LICENSE PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (2).

(d)(I) NOTWITHSTANDING PARAGRAPH (b) OF THIS SUBSECTION (2), WITH THE PERMISSION OF THE LICENSING AUTHORITY, A LICENSEE WHOSE PERMANENT ANNUAL LICENSE HAS BEEN EXPIRED FOR MORE THAN NINETY DAYS BUT LESS THAN ONE HUNDRED EIGHTY DAYS MAY SUBMIT TO THE LOCAL LICENSING AUTHORITY, OR TO THE STATE LICENSING AUTHORITY IN THE CASE OF A LICENSEE WHOSE ALCOHOL BEVERAGE LICENSE IS NOT SUBJECT TO ISSUANCE OR APPROVAL BY A LOCAL LICENSING AUTHORITY, AN APPLICATION FOR A REISSUED LICENSE. THE LICENSING AUTHORITY HAS THE SOLE DISCRETION TO DETERMINE WHETHER TO ALLOW A LICENSEE TO APPLY FOR A REISSUED LICENSE.

(II) IF THE LICENSING AUTHORITY DOES NOT ALLOW THE LICENSEE'S APPLICATION, THEN THE LICENSEE MUST APPLY FOR A NEW LICENSE PURSUANT TO SECTION 12-47-311. A PERSON WHO HAS APPLIED FOR A NEW LICENSE SHALL NOT SELL, OR POSSESS FOR SALE IN PUBLIC VIEW, ANY ALCOHOL BEVERAGE UNTIL ALL REQUIRED LICENSES HAVE BEEN OBTAINED.

(III) FOR LICENSEES SUBJECT TO ISSUANCE OR APPROVAL BY A LOCAL LICENSING AUTHORITY, IF THE LOCAL LICENSING AUTHORITY ALLOWS THE LICENSEE TO APPLY FOR A REISSUANCE OF THE EXPIRED LICENSE, THE LICENSEE MUST SUBMIT TO THE LOCAL LICENSING AUTHORITY:

(A) AN APPLICATION FOR A REISSUED LICENSE;

(B) PAYMENT OF A FIVE-HUNDRED-DOLLAR LATE APPLICATION FEE;  
AND

(C) PAYMENT OF A FINE OF TWENTY-FIVE DOLLARS PER DAY FOR EACH DAY THE LICENSE HAS BEEN EXPIRED BEYOND NINETY DAYS.

(IV) AFTER THE LOCAL LICENSING AUTHORITY ACCEPTS THE APPLICATION, LATE APPLICATION FEE, AND FINE, THE LICENSEE MAY CONTINUE TO OPERATE AND SELL ALCOHOL BEVERAGES UNTIL THE STATE LICENSING AUTHORITY AND LOCAL LICENSING AUTHORITY HAVE EACH TAKEN FINAL ACTION ON THE LICENSEE'S APPLICATION FOR LICENSE REISSUANCE.

(V) IF THE LOCAL LICENSING AUTHORITY APPROVES THE REISSUANCE OF THE LICENSEE'S LICENSE, THE LOCAL LICENSING AUTHORITY

SHALL FORWARD THE APPROVED APPLICATION TO THE STATE LICENSING AUTHORITY FOR REVIEW. IN ADDITION TO THE LATE APPLICATION FEE AND FINE IMPOSED BY THE LOCAL LICENSING AUTHORITY, THE STATE LICENSING AUTHORITY SHALL IMPOSE A FIVE-HUNDRED-DOLLAR LATE APPLICATION FEE AND A FINE OF TWENTY-FIVE DOLLARS PER DAY FOR EACH DAY THE LICENSE HAS BEEN EXPIRED BEYOND NINETY DAYS.

(VI) FOR LICENSEES WHO ARE NOT SUBJECT TO ISSUANCE OR APPROVAL BY A LOCAL LICENSING AUTHORITY, IF THE STATE LICENSING AUTHORITY ALLOWS THE LICENSEE TO APPLY FOR A REISSUANCE OF THE EXPIRED LICENSE, THE LICENSEE MUST SUBMIT TO THE STATE LICENSING AUTHORITY:

(A) AN APPLICATION FOR A REISSUED LICENSE;

(B) PAYMENT OF A FIVE-HUNDRED-DOLLAR LATE APPLICATION FEE;  
AND

(C) PAYMENT OF A FINE OF TWENTY-FIVE DOLLARS PER DAY FOR EACH DAY THE LICENSE HAS BEEN EXPIRED BEYOND NINETY DAYS.

(VII) AFTER THE STATE LICENSING AUTHORITY ACCEPTS THE APPLICATION, LATE APPLICATION FEE, AND FINE, THE LICENSEE MAY CONTINUE TO OPERATE AND SELL ALCOHOL BEVERAGES UNTIL THE STATE LICENSING AUTHORITY TAKES FINAL ACTION ON THE LICENSEE'S APPLICATION FOR LICENSE REISSUANCE.

(VIII) IF THE STATE LICENSING AUTHORITY APPROVES THE REISSUANCE, THE LICENSEE WILL MAINTAIN THE SAME LICENSE PERIOD DATES AS IF THE LICENSE HAD BEEN RENEWED PRIOR TO THE EXPIRATION DATE.

(IX) IF EITHER THE LOCAL OR STATE LICENSING AUTHORITY DENIES THE LICENSEE'S APPLICATION FOR REISSUANCE OF THE EXPIRED LICENSE, THEN THE LICENSEE MAY APPLY FOR A NEW LICENSE PURSUANT TO SECTION 12-47-311.

(X) NEITHER THE STATE NOR LOCAL LICENSING AUTHORITY MAY GRANT A LICENSEE'S APPLICATION FOR LICENSE REISSUANCE MORE THAN THREE TIMES IN ANY FIVE-YEAR PERIOD.

PAGE 3-HOUSE BILL 15-1202

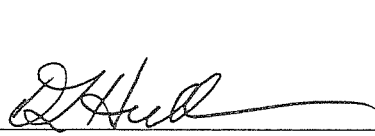
**SECTION 2.** In Colorado Revised Statutes, 12-47-501, **amend** (2) (a) (XIII) as follows:

**12-47-501. State fees.** (2) (a) The state licensing authority shall establish fees for processing the following types of applications, notices, or reports required to be submitted to the state licensing authority:

(XIII) Expired license renewal AND REISSUANCE applications pursuant to section 12-47-302;

**SECTION 3. Act subject to petition - effective date.** This act takes 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 5, 2015, if adjournment sine die is on May 6, 2015); 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 will not take effect unless approved by the people at the general election to be held in November 2016

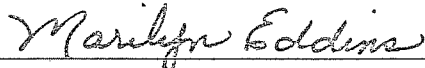
and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



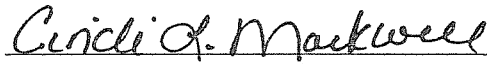
Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Bill L. Cadman  
PRESIDENT OF  
THE SENATE



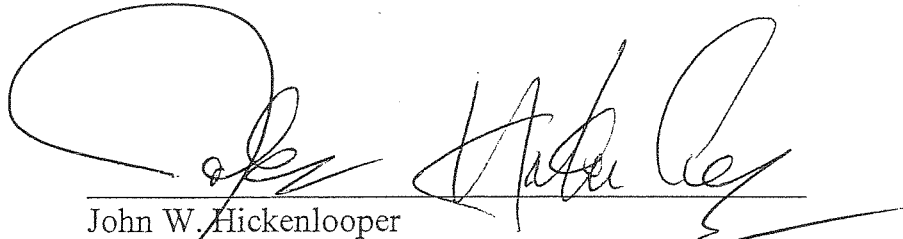
Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED 10:58 am

4/8/15



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

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# An Act

HOUSE BILL 15-1217

BY REPRESENTATIVE(S) Singer, Becker K., Conti, Fields, Foote, Ginal, Kagan, Lebsock, Mitsch Bush, Pettersen, Rosenthal, Roupe, Ryden, Williams, Winter, Hullinghorst;  
also SENATOR(S) Holbert, Baumgardner, Cooke, Grantham, Guzman, Heath, Hill, Jahn, Jones, Kefalas, Kerr, Martinez Humenik, Merrifield, Neville T., Scott, Todd, Woods, Cadman.

CONCERNING THE ABILITY OF A LOCAL LICENSING AUTHORITY TO PROVIDE INPUT TO THE STATE LICENSING AUTHORITY ON APPLICATIONS FOR APPROVAL TO OPERATE A SALES ROOM SUBMITTED BY CERTAIN PERSONS LICENSED UNDER THE "COLORADO LIQUOR CODE", AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, 12-47-103, **add** (31.5) as follows:

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

(31.5) "SALES ROOM" MEANS AN AREA IN WHICH A LICENSED WINERY, PURSUANT TO SECTION 12-47-402 (2), LIMITED WINERY, PURSUANT

TO SECTION 12-47-403 (2) (e), DISTILLERY, PURSUANT TO SECTION 12-47-402 (6), OR BEER WHOLESALER, PURSUANT TO SECTION 12-47-406 (1) (b), SELLS AND SERVES ALCOHOL BEVERAGES FOR CONSUMPTION ON THE LICENSED PREMISES, SELLS ALCOHOL BEVERAGES IN SEALED CONTAINERS FOR CONSUMPTION OFF THE LICENSED PREMISES, OR BOTH.

**SECTION 2.** In Colorado Revised Statutes, 12-47-202, **amend** (2) (a) (I) introductory portion; and **add** (2) (a) (I) (T) as follows:

**12-47-202. Duties of state licensing authority.** (2) (a) (I) Rules and regulations made pursuant to paragraph (b) of subsection (1) of this section may cover, but shall not be limited to, the following subjects:

(T) SALES ROOMS OPERATED BY LICENSED WINERIES, DISTILLERIES, LIMITED WINERIES, OR BEER WHOLESALERS, INCLUDING THE MANNER BY WHICH A LICENSEE OPERATING A SALES ROOM NOTIFIES THE STATE LICENSING AUTHORITY OF ITS SALES ROOMS, THE CONTENT OF THE NOTICE, AND ANY OTHER NECESSARY PROVISIONS RELATED TO THE NOTICE REQUIREMENT.

**SECTION 3.** In Colorado Revised Statutes, 12-47-402, **amend** (2) and (6); and **repeal** (3) as follows:

**12-47-402. Manufacturer's license.** (2) (a) ~~Any A winery that has received a license~~ LICENSED pursuant to this section ~~is authorized to~~ MAY conduct ~~tasting~~ TASTINGS and sell vinous liquors of its own manufacture, as well as other vinous liquors manufactured by other Colorado wineries licensed pursuant to this section or section 12-47-403, on the licensed premises of the winery and at one other ~~licensed~~ APPROVED sales room location at no additional cost, whether included in the license at the time of the original license issuance or by supplemental application.

(b) A WINERY LICENSED PURSUANT TO THIS SECTION MAY SERVE AND SELL FOOD, GENERAL MERCHANDISE, AND NONALCOHOL BEVERAGES FOR CONSUMER CONSUMPTION ON OR OFF THE LICENSED PREMISES.

(c) (I) (A) PRIOR TO OPERATING A SALES ROOM LOCATION, A WINERY LICENSED PURSUANT TO THIS SECTION SHALL, AT THE TIME OF APPLICATION TO THE STATE LICENSING AUTHORITY, SEND A COPY OF THE APPLICATION OR SUPPLEMENTAL APPLICATION FOR A SALES ROOM TO THE

LOCAL LICENSING AUTHORITY IN THE JURISDICTION IN WHICH THE SALES ROOM IS PROPOSED. THE LOCAL LICENSING AUTHORITY MAY SUBMIT A RESPONSE TO THE APPLICATION, INCLUDING ITS DETERMINATION SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), TO THE STATE LICENSING AUTHORITY BUT MUST SUBMIT ITS RESPONSE WITHIN FORTY-FIVE DAYS AFTER THE LICENSED WINERY SUBMITS ITS SALES ROOM APPLICATION TO THE STATE LICENSING AUTHORITY, OR, FOR PURPOSES OF AN APPLICATION TO OPERATE A TEMPORARY SALES ROOM FOR NOT MORE THAN THREE CONSECUTIVE DAYS, WITHIN THE TIME SPECIFIED BY THE STATE LICENSING AUTHORITY BY RULE.

(B) IF THE LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN THE TIME SPECIFIED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), THE STATE LICENSING AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING AUTHORITY HAS DETERMINED THAT THE PROPOSED SALES ROOM WILL NOT IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES OR THAT THE APPLICANT WILL SUFFICIENTLY MITIGATE ANY IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(II) THE STATE LICENSING AUTHORITY MUST CONSIDER THE RESPONSE FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY DENY THE PROPOSED SALES ROOM APPLICATION IF THE LOCAL LICENSING AUTHORITY DETERMINES THAT APPROVAL OF THE PROPOSED SALES ROOM WILL IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES, WHICH MAY BE DETERMINED BY THE LOCAL LICENSING AUTHORITY WITHOUT REQUIRING A PUBLIC HEARING, OR THAT THE APPLICANT CANNOT SUFFICIENTLY MITIGATE ANY POTENTIAL IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(III) THE STATE LICENSING AUTHORITY SHALL NOT GRANT APPROVAL OF AN ADDITIONAL SALES ROOM UNLESS THE APPLICANT AFFIRMS TO THE STATE LICENSING AUTHORITY THAT THE APPLICANT HAS COMPLIED WITH LOCAL ZONING RESTRICTIONS.

(IV) A LICENSED WINERY THAT IS OPERATING A SALES ROOM AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (c), OR THAT IS GRANTED APPROVAL PURSUANT TO THIS PARAGRAPH (c) TO OPERATE A SALES ROOM

ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (c), SHALL NOTIFY THE STATE LICENSING AUTHORITY OF ALL SALES ROOMS IT OPERATES. THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL LICENSED WINERY SALES ROOMS IN THE STATE AND MAKE THE LIST AVAILABLE ON ITS WEB SITE.

(V) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH SECTION 12-47-601 AGAINST A LICENSED WINERY APPROVED TO OPERATE A SALES ROOM IF THE LOCAL LICENSING AUTHORITY:

(A) DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT THE LICENSEE HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART 9 OF THIS ARTICLE; OR

(B) SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9) (a), (9) (b), OR (9) (d).

(VI) THIS PARAGRAPH (c) DOES NOT APPLY IF THE LICENSED WINERY DOES NOT SELL AND SERVE VINOUS LIQUORS FOR CONSUMPTION ON THE LICENSED PREMISES OR IN AN APPROVED SALES ROOM.

~~(3) Any winery that has received a license pursuant to this section is authorized to serve and sell food, general merchandise, and nonalcohol beverages for consumption on the premises of any licensed premises or to be taken by the consumer.~~

~~(6) (a) Any A manufacturer of spirituous liquors that has received a license~~ LICENSED pursuant to this section ~~is authorized to~~ MAY conduct tastings and sell to customers spirituous liquors of its own manufacture on its licensed premises and at one other ~~licensed~~ APPROVED sales room location at no additional cost. ~~Such additional~~ A sales room location may be included in the license at the time of the original license issuance or by supplemental application.

~~(b) Any A manufacturer of spirituous liquors that has received a license~~ LICENSED pursuant to this section ~~is authorized to~~ MAY serve and sell food, general merchandise, and nonalcohol beverages for CONSUMER consumption on OR OFF the LICENSED premises. ~~or to be taken off the premises by the consumer.~~

(c) (I) (A) Prior to operating ~~an additional~~ A sales room location, a manufacturer of spirituous liquors ~~that has received a license~~ LICENSED pursuant to this section shall, AT THE TIME OF APPLICATION TO THE STATE LICENSING AUTHORITY, send a copy of the application or supplemental application for ~~an additional~~ A sales room to the local licensing authority in the jurisdiction in which ~~such~~ THE sales room is proposed. The local licensing authority ~~may request that the proposed sales room location license be denied by~~ MAY SUBMIT A RESPONSE TO THE APPLICATION, INCLUDING ITS DETERMINATION SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), TO THE STATE LICENSING AUTHORITY BUT MUST SUBMIT ITS RESPONSE WITHIN FORTY-FIVE DAYS AFTER THE LICENSEE SUBMITS ITS SALES ROOM APPLICATION TO THE STATE LICENSING AUTHORITY, OR, FOR PURPOSES OF AN APPLICATION TO OPERATE A TEMPORARY SALES ROOM FOR NOT MORE THAN THREE CONSECUTIVE DAYS, WITHIN THE TIME SPECIFIED BY THE STATE LICENSING AUTHORITY BY RULE.

(B) IF THE LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN THE TIME SPECIFIED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), THE STATE LICENSING AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING AUTHORITY HAS DETERMINED THAT THE PROPOSED SALES ROOM WILL NOT IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES OR THAT THE APPLICANT WILL SUFFICIENTLY MITIGATE ANY IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(II) The state licensing authority MUST CONSIDER THE RESPONSE FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY DENY THE PROPOSED SALES ROOM APPLICATION if the local licensing authority determines that ~~issuance~~ APPROVAL of the proposed sales room ~~license would be in conflict with the reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise~~ WILL IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES, WHICH MAY BE DETERMINED BY THE LOCAL LICENSING AUTHORITY WITHOUT REQUIRING A PUBLIC HEARING, OR THAT THE APPLICANT CANNOT SUFFICIENTLY MITIGATE ANY POTENTIAL IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

~~(d)~~ (III) The state licensing ~~agency~~ AUTHORITY shall not grant a

~~license for~~ APPROVAL OF an additional sales room unless THE APPLICANT AFFIRMS TO THE STATE LICENSING AUTHORITY THAT the applicant has complied with local zoning restrictions. ~~and the provisions of section 12-47-301(2)(a).~~

(IV) A LICENSED SPIRITUOUS LIQUORS MANUFACTURER THAT IS OPERATING A SALES ROOM AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (c), AS AMENDED, OR THAT IS GRANTED APPROVAL PURSUANT TO THIS PARAGRAPH (c) TO OPERATE A SALES ROOM ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (c), AS AMENDED, SHALL NOTIFY THE STATE LICENSING AUTHORITY OF ALL SALES ROOMS IT OPERATES. THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL LICENSED SPIRITUOUS LIQUOR MANUFACTURER SALES ROOMS IN THE STATE AND MAKE THE LIST AVAILABLE ON ITS WEB SITE.

(V) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH SECTION 12-47-601 AGAINST A LICENSED SPIRITUOUS LIQUORS MANUFACTURER APPROVED TO OPERATE A SALES ROOM IF THE LOCAL LICENSING AUTHORITY:

(A) DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT THE LICENSEE HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART 9 OF THIS ARTICLE; OR

(B) SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9) (a), (9) (b), OR (9) (d).

(VI) THIS PARAGRAPH (c) DOES NOT APPLY IF THE LICENSED SPIRITUOUS LIQUORS MANUFACTURER DOES NOT SELL AND SERVE ITS SPIRITUOUS LIQUORS FOR CONSUMPTION ON THE LICENSED PREMISES OR IN AN APPROVED SALES ROOM.

**SECTION 4.** In Colorado Revised Statutes, 12-47-403, **amend** (2) (e) as follows:

**12-47-403. Limited winery license.** (2) A limited winery licensee is authorized:

(e) (I) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I) AND SUBJECT TO SUBPARAGRAPH (II) OF THIS

PARAGRAPH (e), to conduct tastings and sell vinous liquors of its own manufacture, as well as vinous liquors manufactured by other Colorado wineries, on the licensed premises of the limited winery and up to five other ~~licensed premises~~ APPROVED SALES ROOM LOCATIONS, whether included in the license at the time of the original license or by supplemental application. ~~except that no~~

(B) A LIMITED WINERY LICENSEE SHALL NOT CONDUCT retail sales ~~shall be conducted~~ from an area licensed or defined as an alternating proprietor licensed premises.

(II) (A) PRIOR TO OPERATING A SALES ROOM LOCATION, A LIMITED WINERY LICENSEE PURSUANT TO THIS SECTION SHALL, AT THE TIME OF APPLICATION TO THE STATE LICENSING AUTHORITY, SEND A COPY OF THE APPLICATION OR SUPPLEMENTAL APPLICATION FOR A SALES ROOM TO THE LOCAL LICENSING AUTHORITY IN THE JURISDICTION IN WHICH THE SALES ROOM IS PROPOSED. THE LOCAL LICENSING AUTHORITY MAY SUBMIT A RESPONSE TO THE APPLICATION, INCLUDING ITS DETERMINATION SPECIFIED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), TO THE STATE LICENSING AUTHORITY BUT MUST SUBMIT ITS RESPONSE WITHIN FORTY-FIVE DAYS AFTER THE LICENSED LIMITED WINERY SUBMITS ITS SALES ROOM APPLICATION TO THE STATE LICENSING AUTHORITY, OR, FOR PURPOSES OF AN APPLICATION TO OPERATE A TEMPORARY SALES ROOM FOR NOT MORE THAN THREE CONSECUTIVE DAYS, WITHIN THE TIME SPECIFIED BY THE STATE LICENSING AUTHORITY BY RULE. IF THE LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN THE TIME SPECIFIED IN THIS SUB-SUBPARAGRAPH (A), THE STATE LICENSING AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING AUTHORITY HAS DETERMINED THAT THE PROPOSED SALES ROOM WILL NOT IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES OR THAT THE APPLICANT WILL SUFFICIENTLY MITIGATE ANY IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(B) THE STATE LICENSING AUTHORITY MUST CONSIDER THE RESPONSE FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY DENY THE PROPOSED SALES ROOM APPLICATION IF THE LOCAL LICENSING AUTHORITY DETERMINES THAT APPROVAL OF THE PROPOSED SALES ROOM WILL IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR

ORDINANCES, WHICH MAY BE DETERMINED BY THE LOCAL LICENSING AUTHORITY WITHOUT REQUIRING A PUBLIC HEARING, OR THAT THE APPLICANT CANNOT SUFFICIENTLY MITIGATE ANY POTENTIAL IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(C) THE STATE LICENSING AUTHORITY SHALL NOT GRANT APPROVAL OF AN ADDITIONAL SALES ROOM UNLESS THE APPLICANT AFFIRMS TO THE STATE LICENSING AUTHORITY THAT THE LIMITED WINERY APPLICANT HAS COMPLIED WITH LOCAL ZONING RESTRICTIONS.

(D) A LICENSED LIMITED WINERY THAT IS OPERATING A SALES ROOM AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), OR THAT IS GRANTED APPROVAL PURSUANT TO THIS SUBPARAGRAPH (II) TO OPERATE A SALES ROOM ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), SHALL NOTIFY THE STATE LICENSING AUTHORITY OF ALL SALES ROOMS IT OPERATES. THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL LIMITED WINERY LICENSEE SALES ROOMS IN THE STATE AND MAKE THE LIST AVAILABLE ON ITS WEB SITE.

(E) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH SECTION 12-47-601 AGAINST A LICENSED LIMITED WINERY APPROVED TO OPERATE A SALES ROOM IF THE LOCAL LICENSING AUTHORITY DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT THE LICENSEE HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART 9 OF THIS ARTICLE OR SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9) (a), (9) (b), OR (9) (d).

(F) THIS SUBPARAGRAPH (II) DOES NOT APPLY IF THE LICENSED LIMITED WINERY DOES NOT SELL AND SERVE VINOUS LIQUORS FOR CONSUMPTION ON THE LICENSED PREMISES OR IN AN APPROVED SALES ROOM.

**SECTION 5.** In Colorado Revised Statutes, 12-47-406, **amend** (1) (b) as follows:

**12-47-406. Wholesaler's license.** (1) (b) (I) A wholesaler's beer license shall be issued to persons selling malt liquors at wholesale who designate to the state licensing authority on their application the territory within which the licensee may sell the designated products of any brewer as agreed upon by the licensee and the brewer of such products for the



following purposes only:

(⊕) (A) To maintain and operate warehouses and one ~~salesroom~~ SALES ROOM in this state to handle malt liquors to be denominated a wholesale beer store;

(⊕) (B) To take orders for malt liquors at any place within the territory designated on the license application and deliver malt liquors on orders previously taken to any place within the designated geographical territory, if the licensee has procured a wholesaler's beer license and the place where orders are taken and delivered is a place regularly licensed pursuant to the provisions of this article.

(II) (A) PRIOR TO OPERATING A SALES ROOM AS AUTHORIZED BY THIS PARAGRAPH (b), A WHOLESALER'S BEER LICENSEE THAT IS LICENSED PURSUANT TO THIS SECTION SHALL, AT THE TIME OF APPLICATION TO THE STATE LICENSING AUTHORITY, SEND A COPY OF THE APPLICATION OR SUPPLEMENTAL APPLICATION FOR A SALES ROOM TO THE LOCAL LICENSING AUTHORITY IN THE JURISDICTION IN WHICH THE SALES ROOM IS PROPOSED. THE LOCAL LICENSING AUTHORITY MAY SUBMIT A RESPONSE TO THE APPLICATION, INCLUDING ITS DETERMINATION SPECIFIED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), TO THE STATE LICENSING AUTHORITY BUT MUST SUBMIT ITS RESPONSE WITHIN FORTY-FIVE DAYS AFTER THE WHOLESALER'S BEER LICENSEE SUBMITS ITS SALES ROOM APPLICATION TO THE STATE LICENSING AUTHORITY. IF THE LOCAL LICENSING AUTHORITY DOES NOT SUBMIT A RESPONSE TO THE STATE LICENSING AUTHORITY WITHIN FORTY-FIVE DAYS AFTER SUBMISSION OF THE SALES ROOM APPLICATION, THE STATE LICENSING AUTHORITY SHALL DEEM THAT THE LOCAL LICENSING AUTHORITY HAS DETERMINED THAT THE PROPOSED SALES ROOM WILL NOT IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES OR THAT THE APPLICANT WILL SUFFICIENTLY MITIGATE ANY IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(B) THE STATE LICENSING AUTHORITY MUST CONSIDER THE RESPONSE FROM THE LOCAL LICENSING AUTHORITY, IF ANY, AND MAY DENY THE PROPOSED SALES ROOM APPLICATION IF THE LOCAL LICENSING AUTHORITY DETERMINES THAT APPROVAL OF THE PROPOSED SALES ROOM WILL IMPACT TRAFFIC, NOISE, OR OTHER NEIGHBORHOOD CONCERNS IN A

MANNER THAT IS INCONSISTENT WITH LOCAL REGULATIONS OR ORDINANCES, WHICH MAY BE DETERMINED BY THE LOCAL LICENSING AUTHORITY WITHOUT REQUIRING A PUBLIC HEARING, OR THAT THE APPLICANT CANNOT SUFFICIENTLY MITIGATE ANY POTENTIAL IMPACTS IDENTIFIED BY THE LOCAL LICENSING AUTHORITY.

(C) A WHOLESALER'S BEER LICENSEE THAT IS OPERATING A SALES ROOM AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), OR THAT IS GRANTED APPROVAL PURSUANT TO THIS SUBPARAGRAPH (II) TO OPERATE A SALES ROOM ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), SHALL NOTIFY THE STATE LICENSING AUTHORITY OF ITS SALES ROOM. THE STATE LICENSING AUTHORITY SHALL MAINTAIN A LIST OF ALL WHOLESALER'S BEER LICENSEE SALES ROOMS IN THE STATE AND MAKE THE LIST AVAILABLE ON ITS WEB SITE.

(D) THE LOCAL LICENSING AUTHORITY MAY REQUEST THAT THE STATE LICENSING AUTHORITY TAKE ACTION IN ACCORDANCE WITH SECTION 12-47-601 AGAINST A WHOLESALER'S BEER LICENSEE APPROVED TO OPERATE A SALES ROOM IF THE LOCAL LICENSING AUTHORITY DEMONSTRATES TO THE STATE LICENSING AUTHORITY THAT THE LICENSEE HAS ENGAGED IN AN UNLAWFUL ACT AS SET FORTH IN PART 9 OF THIS ARTICLE OR SHOWS GOOD CAUSE AS SPECIFIED IN SECTION 12-47-103 (9) (a), (9) (b), OR (9) (d).

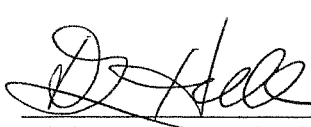
(E) THIS SUBPARAGRAPH (II) DOES NOT APPLY IF THE WHOLESALER'S BEER LICENSEE DOES NOT SELL AND SERVE MALT LIQUORS FOR CONSUMPTION ON THE LICENSED PREMISES.

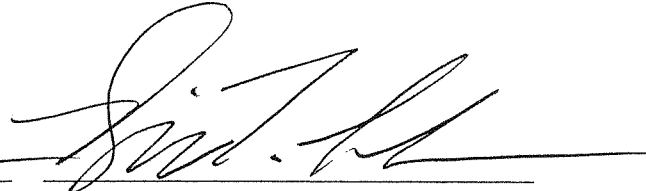
**SECTION 6. Appropriation.** For the 2015-16 state fiscal year, \$3,060 is appropriated to the department of revenue for use by the liquor and tobacco enforcement division. This appropriation is from the liquor enforcement division and state licensing authority cash fund created in section 24-35-401, C.R.S. To implement this act, the division may use this appropriation for personal services.

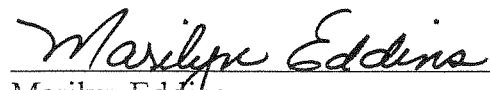
**SECTION 7. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3)

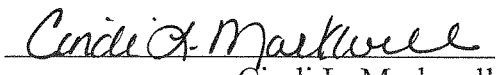
of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to applications for sales rooms submitted on or after the applicable effective date of this act.

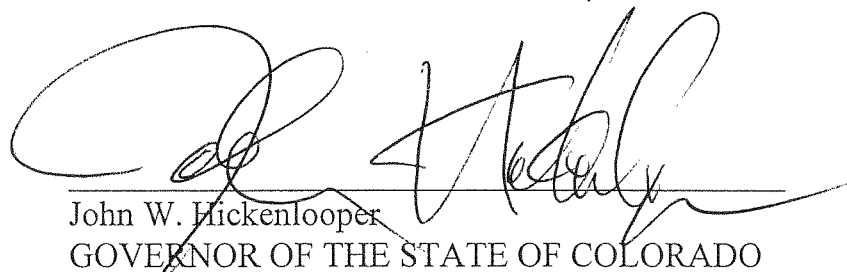
  
Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

  
Bill L. Cadman  
PRESIDENT OF  
THE SENATE

  
Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

  
Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED 5:03 PM 5/14/15

  
John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

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# An Act

HOUSE BILL 15-1262

BY REPRESENTATIVE(S) Rosenthal, Lebsock, Singer;  
also SENATOR(S) Balmer.

CONCERNING SEPARATE LEGAL ENTITIES ESTABLISHED BY A CONTRACT BETWEEN TWO OR MORE POLITICAL SUBDIVISIONS OF THE STATE, AND, IN CONNECTION THEREWITH, CLARIFYING THE LEGAL STATUS AND SCOPE OF POWERS OF SUCH AN ENTITY.

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

**SECTION 1.** In Colorado Revised Statutes, **add** 29-1-203.5 as follows:

**29-1-203.5. Separate legal entity established under section 29-1-203 - legal status - authority to exercise special district powers - additional financing powers.** (1) (a) ANY COMBINATION OF COUNTIES, MUNICIPALITIES, SPECIAL DISTRICTS, OR OTHER POLITICAL SUBDIVISIONS OF THIS STATE THAT ARE EACH AUTHORIZED TO OWN, OPERATE, FINANCE, OR OTHERWISE PROVIDE PUBLIC IMPROVEMENTS FOR ANY FUNCTION, SERVICE, OR FACILITY MAY ENTER INTO A CONTRACT UNDER SECTION 29-1-203 TO ESTABLISH A SEPARATE LEGAL ENTITY TO PROVIDE ANY SUCH PUBLIC IMPROVEMENTS. ANY SEPARATE LEGAL ENTITY ESTABLISHED IS A POLITICAL SUBDIVISION AND PUBLIC CORPORATION OF THE STATE AND IS SEPARATE FROM THE PARTIES TO THE CONTRACT IF THE CONTRACT OR AN AMENDMENT

TO THE CONTRACT STATES THAT THE ENTITY IS FORMED IN CONFORMITY WITH THE PROVISIONS OF THIS SECTION AND THAT THE PROVISIONS OF THIS SECTION APPLY TO THE ENTITY.

(b) A CONTRACT ESTABLISHING A SEPARATE LEGAL ENTITY DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) MUST SPECIFY:

(I) THE NAME AND PURPOSE OF THE ENTITY AND THE FUNCTIONS OR SERVICES TO BE PROVIDED BY THE ENTITY;

(II) THE ESTABLISHMENT AND ORGANIZATION OF A GOVERNING BODY OF THE ENTITY, WHICH MUST BE A BOARD OF DIRECTORS IN WHICH ALL LEGISLATIVE POWER OF THE ENTITY IS VESTED, INCLUDING:

(A) THE NUMBER OF DIRECTORS, THEIR MANNER OF APPOINTMENT, THEIR TERMS OF OFFICE, THEIR COMPENSATION, IF ANY, AND THE PROCEDURE FOR FILLING VACANCIES ON THE BOARD;

(B) THE OFFICERS OF THE ENTITY, THE MANNER OF THEIR SELECTION, AND THEIR DUTIES;

(C) THE VOTING REQUIREMENTS FOR ACTION BY THE BOARD; EXCEPT THAT, UNLESS SPECIFICALLY PROVIDED OTHERWISE, A MAJORITY OF DIRECTORS CONSTITUTES A QUORUM, AND A MAJORITY OF THE QUORUM IS NECESSARY FOR ANY ACTION TAKEN BY THE BOARD.

(2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), A SEPARATE LEGAL ENTITY ESTABLISHED BY CONTRACT PURSUANT TO SECTION 29-1-203 MAY, TO THE EXTENT PROVIDED BY THE CONTRACT OR AN AMENDMENT TO THE CONTRACT AND DEEMED BY THE CONTRACTING PARTIES TO BE NECESSARY OR CONVENIENT TO ALLOW THE ENTITY TO ACHIEVE ITS PURPOSES, EXERCISE ANY GENERAL POWER OF A SPECIAL DISTRICT SPECIFIED IN PART 10 OF ARTICLE 1 OF TITLE 32, C.R.S., SO LONG AS EACH OF THE PARTIES TO THE CONTRACT MAY LAWFULLY EXERCISE THE POWER.

(b) A SEPARATE LEGAL ENTITY ESTABLISHED BY A CONTRACT PURSUANT TO SECTION 29-1-203 THAT SPECIFIES THAT THE PROVISIONS OF THIS SECTION APPLY TO THE ENTITY MAY NOT LEVY A TAX OR EXERCISE THE POWER OF EMINENT DOMAIN.

(3) IN ADDITION TO ANY OTHER POWERS SET FORTH IN A CONTRACT ENTERED INTO PURSUANT TO SECTION 29-1-203 THAT ESTABLISHES A SEPARATE LEGAL ENTITY AND SPECIFIES THAT THE PROVISIONS OF THIS SECTION APPLY TO THE ENTITY, SUCH AN ENTITY HAS THE FOLLOWING POWERS:

(a) TO ISSUE BONDS, NOTES, OR OTHER FINANCIAL OBLIGATIONS PAYABLE SOLELY FROM REVENUE DERIVED FROM ONE OR MORE OF THE FUNCTIONS, SERVICES, SYSTEMS, OR FACILITIES OF THE SEPARATE LEGAL ENTITY, FROM MONEY RECEIVED UNDER CONTRACTS ENTERED INTO BY THE SEPARATE LEGAL ENTITY, OR FROM OTHER AVAILABLE MONEY OF THE SEPARATE LEGAL ENTITY. THE TERMS, CONDITIONS, AND DETAILS OF BONDS, NOTES, OR OTHER FINANCIAL OBLIGATIONS, INCLUDING RELATED PROCEDURES AND REFUNDING CONDITIONS, MUST BE SET FORTH IN THE RESOLUTION OF THE SEPARATE LEGAL ENTITY AUTHORIZING THE BONDS, NOTES, OR OTHER FINANCIAL OBLIGATIONS AND MUST, TO THE EXTENT PRACTICAL, BE SUBSTANTIALLY THE SAME AS THOSE PROVIDED IN PART 4 OF ARTICLE 35 OF TITLE 31, C.R.S., RELATING TO WATER AND SEWER REVENUE BONDS; EXCEPT THAT THE PURPOSES FOR WHICH THE SAME MAY BE ISSUED ARE NOT LIMITED TO THE FINANCING OF WATER OR SEWERAGE FACILITIES. BONDS, NOTES, OR OTHER FINANCIAL OBLIGATIONS ISSUED UNDER THIS PARAGRAPH (a) ARE NOT AN INDEBTEDNESS OF THE SEPARATE LEGAL ENTITY OR THE COOPERATING OR CONTRACTING PARTIES WITHIN THE MEANING OF ANY PROVISION OR LIMITATION SPECIFIED IN THE STATE CONSTITUTION OR LAW. EACH BOND, NOTE, OR OTHER FINANCIAL OBLIGATION ISSUED UNDER THIS PARAGRAPH (a) MUST RECITE IN SUBSTANCE THAT IT IS PAYABLE SOLELY FROM THE REVENUES AND OTHER AVAILABLE FUNDS OF THE SEPARATE LEGAL ENTITY PLEDGED FOR THE PAYMENT THEREOF AND THAT IT IS NOT A DEBT OF THE SEPARATE LEGAL ENTITY OR THE COOPERATING OR CONTRACTING PARTIES WITHIN THE MEANING OF ANY PROVISION OR LIMITATION SPECIFIED IN THE STATE CONSTITUTION OR LAW. NOTWITHSTANDING ANYTHING IN THIS PARAGRAPH (a) TO THE CONTRARY, BONDS, NOTES, AND OTHER OBLIGATIONS MAY BE ISSUED TO MATURE AT SUCH TIMES NOT BEYOND FORTY YEARS FROM THEIR RESPECTIVE ISSUE DATES, SHALL BEAR INTEREST AT SUCH RATES, AND SHALL BE SOLD AT, ABOVE, OR BELOW THE PRINCIPAL AMOUNT THEREOF, AT A PUBLIC OR PRIVATE SALE, ALL AS DETERMINED BY THE BOARD OF DIRECTORS OF THE SEPARATE LEGAL ENTITY. INTEREST ON ANY BOND, NOTE, OR OTHER FINANCIAL OBLIGATION ISSUED UNDER THIS PARAGRAPH (a) HEREOF IS EXEMPT FROM TAXATION EXCEPT AS OTHERWISE MAY BE

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PROVIDED BY LAW. THE RESOLUTION, TRUST INDENTURE, OR OTHER SECURITY AGREEMENT UNDER WHICH BONDS, NOTES, OR OTHER FINANCIAL OBLIGATIONS ARE ISSUED IS A CONTRACT WITH THE HOLDERS THEREOF AND MAY CONTAIN SUCH PROVISIONS AS THE BOARD OF DIRECTORS OF THE SEPARATE LEGAL ENTITY DETERMINE TO BE APPROPRIATE AND NECESSARY IN CONNECTION WITH THE ISSUANCE THEREOF AND TO PROVIDE SECURITY FOR THE PAYMENT THEREOF, INCLUDING, WITHOUT LIMITATION, ANY MORTGAGE OR OTHER SECURITY INTEREST IN REVENUE, MONEY, RIGHTS, OR PROPERTY OF THE SEPARATE LEGAL ENTITY.

(b) TO ACQUIRE, LEASE, AND SELL PROPERTY.

(4) A CONTRACT ENTERED INTO PURSUANT TO SECTION 29-1-203 THAT ESTABLISHES A SEPARATE LEGAL ENTITY AND SPECIFIES THAT THE PROVISIONS OF THIS SECTION APPLY TO THE ENTITY SHALL PROVIDE THAT, UPON DISSOLUTION OF THE SEPARATE LEGAL ENTITY, ALL OF ITS PROPERTY IS TRANSFERRED TO, OR AT THE DIRECTION OF, ONE OR MORE OF THE CONTRACTING POLITICAL SUBDIVISIONS.

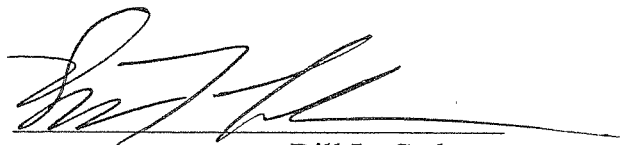
**SECTION 2. Safety clause.** The general assembly hereby finds,



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



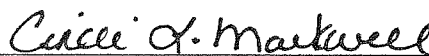
Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Bill L. Cadman  
PRESIDENT OF  
THE SENATE

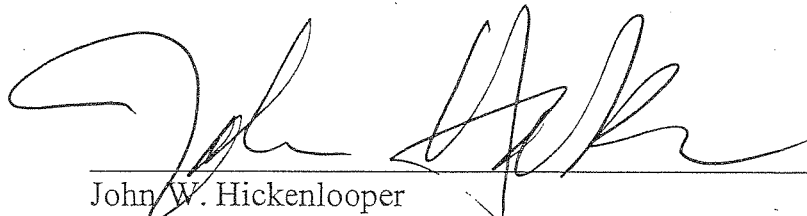


Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED 4:56 PM 5/20/15



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

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# An Act

HOUSE BILL 14-1290

BY REPRESENTATIVE(S) Becker, Coram, Court, Sonnenberg, Vigil, Fischer, Ginal, Hulinghorst, Kraft-Tharp, Labuda, Mitsch Bush, Primavera, Schafer, Singer, Tyler, Young, McLachlan, Rosenthal, Ryden; also SENATOR(S) Roberts, Aguilar, Cadman, Crowder, Guzman, Heath, Herpin, Jahn, Jones, Kefalas, Kerr, King, Newell, Nicholson, Rivera, Schwartz, Tochtrop, Todd.

CONCERNING AN ADDITION TO THE DEFINITION OF "OTHER OUTLET" TO ENABLE THE OPERATION OF A REMOTELY LOCATED TELEPHARMACY OUTLET.

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

**SECTION 1.** In Colorado Revised Statutes, 12-42.5-102, amend (39); and add (25) (c) and (40.5) as follows:

**12-42.5-102. Definitions.** As used in this article, unless the context otherwise requires or the term is otherwise defined in another part of this article:

(25) "Other outlet" means:

(c) A TELEPHARMACY OUTLET.

(39) "Supervision" means that a licensed pharmacist is on the location and readily available to consult with and assist unlicensed personnel performing tasks described in paragraph (b) of subsection (31) of this section. If THE UNLICENSED PERSON IS A PHARMACY TECHNICIAN LOCATED AT A REGISTERED TELEPHARMACY OUTLET, THE LICENSED PHARMACIST NEED NOT BE PHYSICALLY PRESENT AT THE TELEPHARMACY OUTLET AS LONG AS THE LICENSED PHARMACIST IS CONNECTED TO THE TELEPHARMACY OUTLET VIA COMPUTER LINK, VIDEOLINK, AND AUDIOLINK, OR VIA OTHER TELECOMMUNICATION EQUIPMENT OF EQUIVALENT FUNCTIONALITY, AND IS READILY AVAILABLE TO CONSULT WITH AND ASSIST THE PHARMACY TECHNICIAN IN PERFORMING TASKS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (31) OF THIS SECTION.

(40.5) (a) "TELEPHARMACY OUTLET" MEANS A REMOTE PHARMACY SITE THAT:

(I) IS REGISTERED AS AN OTHER OUTLET UNDER THIS ARTICLE;

(II) AT THE TIME OF REGISTRATION, IS LOCATED MORE THAN TWENTY MILES FROM THE NEAREST PRESCRIPTION DRUG OUTLET AND FROM ANY OTHER TELEPHARMACY OUTLET REGISTERED UNDER THIS ARTICLE;

(III) IS CONNECTED VIA COMPUTER LINK, VIDEOLINK, AND AUDIOLINK, OR VIA OTHER FUNCTIONALLY EQUIVALENT TELECOMMUNICATION EQUIPMENT, WITH A CENTRAL PHARMACY THAT IS REGISTERED UNDER THIS ARTICLE; AND

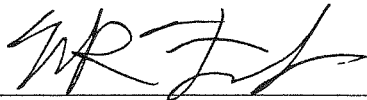
(IV) HAS A PHARMACY TECHNICIAN ON SITE WHO, UNDER THE REMOTE SUPERVISION OF A LICENSED PHARMACIST LOCATED AT THE CENTRAL PHARMACY, PERFORMS THE TASKS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (31) OF THIS SECTION.

(b) THE BOARD MAY ADOPT RULES AS NECESSARY TO SPECIFY ADDITIONAL CRITERIA FOR A TELEPHARMACY OUTLET THAT THE BOARD DEEMS NECESSARY.

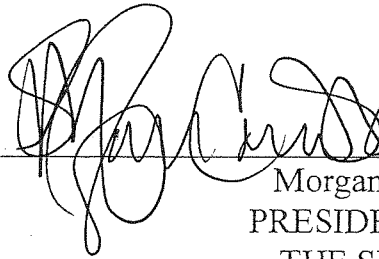
**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August

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6, 2014, if adjournment sine die is on May 7, 2014); 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 will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



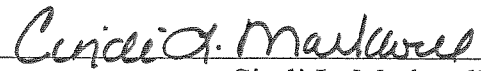
Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Morgan Carroll  
PRESIDENT OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

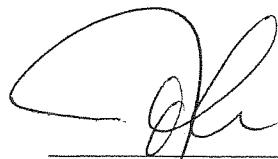


Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED

4:36 PM

5/9/14



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

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# An Act

HOUSE BILL 15-1348

BY REPRESENTATIVE(S) Hullinghorst and Lawrence, Brown, Buck, Conti, Coram, DelGrosso, Dore, Ginal, Wilson, Becker J., Becker K., Kagan, Roupe, Van Winkle, Danielson, Mitsch Bush, Ryden, Tyler, Vigil; also SENATOR(S) Heath and Balmer, Grantham, Kefalas, Marble, Merrifield, Sonnenberg, Guzman, Neville T.

CONCERNING MODIFICATIONS TO STATUTORY PROVISIONS GOVERNING URBAN REDEVELOPMENT TO PROMOTE THE EQUITABLE FINANCIAL CONTRIBUTION AMONG AFFECTED PUBLIC BODIES IN CONNECTION WITH URBAN REDEVELOPMENT PROJECTS ALLOCATING TAX REVENUES.

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

**SECTION 1.** In Colorado Revised Statutes, 31-25-104, **amend** (2) (a) and (2) (b); and **add** (2.5) as follows:

**31-25-104. Urban renewal authority.** (2) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (2.5) OF THIS SECTION, an authority ~~shall consist~~ CONSISTS of ~~any odd number of~~ THIRTEEN commissioners, ~~which shall be not less than five nor more than eleven each~~ NOT FEWER THAN TEN of whom ~~shall~~ MUST be appointed by the mayor, who shall designate the ~~chairman~~ CHAIRPERSON for the first year. ~~Such~~ IN ORDER TO REPRESENT

THE COLLECTIVE INTERESTS OF THE COUNTY AND ALL TAXING BODIES LEVYING A MILL LEVY IN ONE OR MORE URBAN RENEWAL AREAS MANAGED BY THE AUTHORITY, REFERRED TO IN THIS PART 1 AS AN URBAN RENEWAL AUTHORITY AREA, OTHER THAN THE MUNICIPALITY, ONE SUCH COMMISSIONER ON THE AUTHORITY MUST BE APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE TERRITORIAL BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA ARE LOCATED, ONE SUCH COMMISSIONER MUST ALSO BE A BOARD MEMBER OF A SPECIAL DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA, AND ONE COMMISSIONER MUST ALSO BE AN ELECTED MEMBER OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA. IF THE URBAN RENEWAL AUTHORITY AREA IS LOCATED WITHIN THE BOUNDARIES OF MORE THAN ONE COUNTY, THE APPOINTMENT IS MADE BY AGREEMENT OF ALL OF THE COUNTIES IN WHICH THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA ARE LOCATED.

(II) IF NO COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT APPOINTS A COMMISSIONER TO THE AUTHORITY, THEN THE COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT APPOINTMENT REMAINS VACANT UNTIL SUCH TIME AS THE APPLICABLE APPOINTING AUTHORITY MAKES THE APPOINTMENT PURSUANT TO THIS PARAGRAPH (a).

(III) IF THE APPOINTING COUNTY IS A CITY AND COUNTY, THE REQUIREMENTS OF THIS PARAGRAPH (a) PERTAINING TO COUNTY REPRESENTATION ON THE AUTHORITY BOARD NEED NOT BE SATISFIED.

(IV) ALL MAYORAL appointments and ~~designation shall be~~ CHAIR DESIGNATIONS ARE subject to approval by the governing body OF THE MUNICIPALITY WITHIN WHICH THE AUTHORITY HAS BEEN ESTABLISHED. Not more than one of the commissioners APPOINTED BY THE MAYOR may be an official of the municipality.

(V) In the event that an official of the municipality is appointed as commissioner of an authority, acceptance or retention of such appointment ~~shall not be~~ IS NOT deemed a forfeiture of his OR HER office, or incompatible therewith, ~~or~~ AND DOES NOT affect his OR HER tenure or compensation in any way. The term of office of a commissioner of an authority who is a municipal official ~~shall~~ IS not be affected or curtailed by



the expiration of the term of his OR HER municipal office.

(b) The commissioners who are first appointed ~~shall~~ MUST be designated by the mayor to serve for staggered terms so that the term of at least one commissioner will expire each year. Thereafter, the term of office ~~shall be~~ IS five years. A commissioner ~~shall hold~~ HOLDS office until his OR HER successor has been appointed and has qualified. Vacancies other than by reason of expiration of terms ~~shall~~ MUST be filled by the mayor for the unexpired term; EXCEPT THAT, IN THE CASE OF A COMMISSIONER ON THE AUTHORITY WHO HAS BEEN APPOINTED BY THE BOARD OF COMMISSIONERS OF A COUNTY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), A VACANCY ON THE AUTHORITY BOARD FOR THE BALANCE OF THE UNEXPIRED TERM MUST BE FILLED BY THE BOARD OF COMMISSIONERS OF THE COUNTY THAT MADE THE ORIGINAL APPOINTMENT, A VACANCY OF THE SPECIAL-DISTRICT APPOINTED SEAT MUST BE FILLED BY AGREEMENT OF THE AFFECTED SPECIAL DISTRICTS, AND A VACANCY OF THE SCHOOL-DISTRICT APPOINTED SEAT MUST BE FILLED BY AGREEMENT OF THE AFFECTED SCHOOL DISTRICTS. A majority of the commissioners ~~shall constitute~~ CONSTITUTES a quorum. The mayor shall file with the clerk a certificate of the appointment or reappointment of any commissioner, and such certificate ~~shall be~~ IS conclusive evidence of the due and proper appointment of such commissioner. A commissioner ~~shall receive~~ RECEIVES no compensation for his OR HER services, but ~~he shall be~~ IS entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his OR HER duties.

(2.5) WHEN THE GOVERNING BODY OF A MUNICIPALITY DESIGNATES ITSELF AS THE AUTHORITY OR TRANSFERS AN EXISTING AUTHORITY TO THE GOVERNING BODY PURSUANT TO SECTION 31-25-115 (1), AN AUTHORITY CONSISTS OF THE SAME NUMBER OF COMMISSIONERS AS THE NUMBER OF MEMBERS OF THE GOVERNING BODY. IN ADDITION, IN ORDER TO REPRESENT THE COLLECTIVE INTERESTS OF THE COUNTY AND ALL TAXING BODIES LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA OTHER THAN THE MUNICIPALITY, ONE ADDITIONAL COMMISSIONER ON THE AUTHORITY MUST BE APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE TERRITORIAL BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA ARE LOCATED, ONE ADDITIONAL COMMISSIONER MUST ALSO BE A BOARD MEMBER OF A SPECIAL DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY

PAGE 3-HOUSE BILL 15-1348

AREA, AND ONE ADDITIONAL COMMISSIONER MUST ALSO BE AN ELECTED MEMBER OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA. IF THE NUMBER OF MEMBERS OF THE GOVERNING BODY CAUSES THE AUTHORITY TO HAVE AN EVEN NUMBER OF COMMISSIONERS, THE MAYOR SHALL APPOINT AN ADDITIONAL COMMISSIONER TO RESTORE AN ODD NUMBER OF COMMISSIONERS TO THE AUTHORITY. AS APPLICABLE, THE APPOINTMENT OF THE COUNTY, SPECIAL DISTRICT, AND SCHOOL DISTRICT REPRESENTATIVES ON THE AUTHORITY PURSUANT TO THIS SUBSECTION (2.5) MUST BE MADE IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

**SECTION 2.** In Colorado Revised Statutes, 31-25-107, **amend** (9) (a) introductory portion and (9) (a) (II); and **add** (9) (i) and (9.5) as follows:

**31-25-107. Approval of urban renewal plans by local governing body.** (9) (a) Notwithstanding any law to the contrary, any urban renewal plan, as originally approved or as later modified pursuant to this part 1, may contain a provision that THE PROPERTY TAXES OF SPECIFICALLY DESIGNATED PUBLIC BODIES, if any, levied after the effective date of the approval of such urban renewal plan upon taxable property in an urban renewal area each year or that municipal sales taxes collected within said area, or both such taxes, by or for the benefit of ~~any~~ THE DESIGNATED public body ~~shall~~ MUST be divided for a period not to exceed twenty-five years after the effective date of adoption of such a provision, as follows:

(II) That portion of said property taxes or all or any portion of said sales taxes, or both, in excess of the amount of property taxes or sales taxes paid into the funds of each such public body in accordance with the requirements of subparagraph (I) of this paragraph (a) ~~shall~~ MUST be allocated to and, when collected, paid into a special fund of the authority to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans or advances to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the authority for financing or refinancing, in whole or in part, an urban renewal project, or to make payments under an agreement executed pursuant to subsection (11) of this section. Any excess municipal sales tax OR PROPERTY TAX collections not allocated pursuant to this subparagraph (II) ~~shall~~ MUST be paid into the funds of the municipality OR OTHER TAXING ENTITY, AS

APPLICABLE. Unless and until the total valuation for assessment of the taxable property in an urban renewal area exceeds the base valuation for assessment of the taxable property in such urban renewal area, as provided in subparagraph (I) of this paragraph (a), all of the taxes levied upon the taxable property in such urban renewal area shall MUST be paid into the funds of the respective public bodies. Unless and until the total municipal sales tax collections in an urban renewal area exceed the base year municipal sales tax collections in such urban renewal area, as provided in subparagraph (I) of this paragraph (a), all such sales tax collections shall MUST be paid into the funds of the municipality. When such bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the taxable property or the total municipal sales tax collections, or both, in such urban renewal area shall MUST be paid into the funds of the respective public bodies, AND ALL MONEYS REMAINING IN THE SPECIAL FUND ESTABLISHED PURSUANT TO THIS SUBPARAGRAPH (II) THAT HAVE NOT PREVIOUSLY BEEN REBATED AND THAT ORIGINATED AS PROPERTY TAX INCREMENT GENERATED BASED ON THE MILL LEVY OF A TAXING BODY, OTHER THAN THE MUNICIPALITY, WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AREA MUST BE REPAYED TO EACH TAXING BODY BASED ON THE PRO RATA SHARE OF THE PRIOR YEAR'S PROPERTY TAX INCREMENT ATTRIBUTABLE TO EACH TAXING BODY'S CURRENT MILL LEVY IN WHICH PROPERTY TAXES WERE DIVIDED PURSUANT TO THIS SUBSECTION (9). ANY MONEYS REMAINING IN THE SPECIAL FUND NOT GENERATED BY PROPERTY TAX INCREMENT ARE EXCLUDED FROM ANY SUCH REPAYMENT REQUIREMENT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY ADDITIONAL REVENUES THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT RECEIVES EITHER BECAUSE THE VOTERS HAVE AUTHORIZED THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT TO RETAIN AND SPEND SAID MONEYS PURSUANT TO SECTION 20 (7) (d) OF ARTICLE X OF THE STATE CONSTITUTION SUBSEQUENT TO THE CREATION OF THE SPECIAL FUND PURSUANT TO THIS SUBPARAGRAPH (II) OR AS A RESULT OF AN INCREASE IN THE PROPERTY TAX MILL LEVY APPROVED BY THE VOTERS OF THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT SUBSEQUENT TO THE CREATION OF THE SPECIAL FUND, TO THE EXTENT THE TOTAL MILL LEVY OF THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT EXCEEDS THE RESPECTIVE MILL LEVY IN EFFECT AT THE TIME OF APPROVAL OR SUBSTANTIAL MODIFICATION OF THE URBAN RENEWAL PLAN, ARE NOT INCLUDED IN THE AMOUNT OF THE INCREMENT THAT IS ALLOCATED TO AND, WHEN COLLECTED, PAID INTO THE

SPECIAL FUND OF THE AUTHORITY.

(i) WITHIN THE TWELVE-MONTH PERIOD PRIOR TO THE EFFECTIVE DATE OF THE APPROVAL OR MODIFICATION OF THE URBAN RENEWAL PLAN REQUIRING THE ALLOCATION OF MONEYS TO THE AUTHORITY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9), THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT IS ENTITLED TO THE REIMBURSEMENT OF ANY MONEYS THAT SUCH MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT PAYS TO, CONTRIBUTES TO, OR INVESTS IN THE AUTHORITY FOR THE PROJECT. THE REIMBURSEMENT IS TO BE PAID FROM THE SPECIAL FUND OF THE AUTHORITY ESTABLISHED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9).

(9.5) (a) BEFORE ANY URBAN RENEWAL PLAN CONTAINING ANY TAX ALLOCATION PROVISIONS THAT ALLOCATES ANY TAXES OF ANY PUBLIC BODY OTHER THAN THE MUNICIPALITY MAY BE APPROVED BY THE MUNICIPAL GOVERNING BODY PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE GOVERNING BODY SHALL NOTIFY THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY AND THE GOVERNING BOARDS OF EACH OTHER PUBLIC BODY WHOSE PROPERTY TAX REVENUES WOULD BE ALLOCATED UNDER SUCH PROPOSED PLAN. REPRESENTATIVES OF THE MUNICIPAL GOVERNING BODY AND EACH BOARD OF COUNTY COMMISSIONERS AND EACH PUBLIC BODY SHALL THEN MEET AND ATTEMPT TO NEGOTIATE AN AGREEMENT GOVERNING THE TYPES AND LIMITS OF TAX REVENUES OF EACH TAXING ENTITY TO BE ALLOCATED TO THE URBAN RENEWAL PLAN. THE AGREEMENT MUST ADDRESS, WITHOUT LIMITATION, ESTIMATED IMPACTS OF THE URBAN RENEWAL PLAN ON COUNTY OR DISTRICT SERVICES ASSOCIATED SOLELY WITH THE URBAN RENEWAL PLAN. THE AGREEMENT MAY BE ENTERED INTO SEPARATELY AMONG THE MUNICIPALITY, THE AUTHORITY, AND EACH SUCH COUNTY OR OTHER PUBLIC BODY, OR THROUGH A JOINT AGREEMENT AMONG THE MUNICIPALITY, THE AUTHORITY, AND ANY PUBLIC BODY THAT HAS CHOSEN TO ENTER THAT AGREEMENT. ANY SUCH ALLOCATED SHARED TAX REVENUES GOVERNED BY ANY AGREEMENT ARE LIMITED TO ALL OR ANY PORTION OF THE TAXES LEVIED UPON TAXABLE PROPERTY BY THE PUBLIC BODY WITHIN THE AREA COVERED BY THE URBAN RENEWAL PLAN IN ADDITION TO ANY SALES TAX REVENUES GENERATED WITHIN THE AREA COVERED BY THE URBAN RENEWAL PLAN BY THE IMPOSITION OF THE SALES TAX OF THE MUNICIPALITY AND ANY OTHER PUBLIC BODY.

(b) THE AGREEMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9.5) MAY PROVIDE FOR A WAIVER OF ANY PROVISION OF THIS PART 1 THAT PROVIDES FOR NOTICE TO THE PUBLIC BODY, REQUIRES ANY FILING WITH OR BY THE PUBLIC BODY, REQUIRES OR PERMITS CONSENT FROM THE PUBLIC BODY, OR PROVIDES ANY ENFORCEMENT RIGHT TO THE PUBLIC BODY. THE MUNICIPALITY MAY DELEGATE TO THE AUTHORITY THE RESPONSIBILITY FOR NEGOTIATING THE AGREEMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9.5) AS LONG AS FINAL APPROVAL OF THE PLAN OR ANY MODIFICATION OF THE PLAN IS MADE BY THE GOVERNING BODY OF THE MUNICIPALITY IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

(c) IF, AFTER A PERIOD OF ONE HUNDRED TWENTY DAYS FROM THE DATE OF NOTICE OR SUCH LONGER OR SHORTER PERIOD AS THE MUNICIPAL GOVERNING BODY AND ANY PUBLIC BODY MAY AGREE, THERE IS NO AGREEMENT BETWEEN THE MUNICIPAL GOVERNING BODY AND ANY PUBLIC BODY AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9.5), THE MUNICIPAL GOVERNING BODY AND ANY APPLICABLE PUBLIC BODY ARE SUBJECT TO THE PROVISIONS AND LIMITATIONS OF PARAGRAPH (d) OF THIS SUBSECTION (9.5).

(d) IN AN ABSENCE OF AN AGREEMENT BETWEEN THE MUNICIPALITY AND ANY TAXING ENTITY AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9.5), THE PARTIES MUST SUBMIT TO MEDIATION ON THE ISSUE OF APPROPRIATE ALLOCATION OF URBAN RENEWAL PROJECT COSTS AMONG THE MUNICIPALITY AND ALL OTHER TAXING ENTITIES WHOSE TAXES WILL BE ALLOCATED PURSUANT TO AN URBAN RENEWAL PLAN. IN MAKING A DETERMINATION OF THE APPROPRIATE ALLOCATION, THE MEDIATOR MUST CONSIDER THE NATURE OF THE PROJECT, THE NATURE AND RELATIVE SIZE OF THE REVENUE AND OTHER BENEFITS THAT ARE EXPECTED TO ACCRUE TO THE MUNICIPALITY AND OTHER TAXING ENTITIES AS A RESULT OF THE PROJECT, ANY LEGAL LIMITATIONS ON THE USE OF REVENUES BELONGING TO THE MUNICIPALITY OR ANY TAXING ENTITY, AND ANY CAPITAL OR OPERATING COSTS THAT ARE EXPECTED TO RESULT FROM THE PROJECT. WITHIN NINETY DAYS, THE MEDIATOR MUST ISSUE HIS OR HER FINDINGS OF FACT AS TO THE APPROPRIATE ALLOCATION OF COSTS AND SHALL PROMPTLY TRANSMIT SUCH INFORMATION TO THE PARTIES. THE MUNICIPALITY MAY AGREE TO THE MEDIATOR'S FINDINGS BY INCLUDING IN THE URBAN RENEWAL PLAN PROVISIONS THAT ALLOCATE MUNICIPAL AND INCREMENTAL TAX REVENUES OF TAXING BODIES IN ACCORDANCE WITH THE COST

ALLOCATIONS DETERMINED BY THE MEDIATOR OR BY ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE TAXING ENTITY PROVIDING AN ALTERNATIVE COST ALLOCATION METHODOLOGY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PAYMENTS MAY BE MADE INTO THE SPECIAL FUND OF THE AUTHORITY IN ACCORDANCE WITH SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION UNLESS THE MUNICIPALITY OR THE AUTHORITY HAS SATISFIED THE REQUIREMENTS OF THIS SUBSECTION (9.5).

(e) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A CITY AND COUNTY IS NOT REQUIRED TO REACH AN AGREEMENT WITH A COUNTY SATISFYING THE REQUIREMENTS OF THIS SUBSECTION (9.5).

**SECTION 3.** In Colorado Revised Statutes, 31-25-115, **add** (1.5) as follows:

**31-25-115. Transfer - abolishment. (1.5)** WHEN THE GOVERNING BODY OF A MUNICIPALITY DESIGNATES ITSELF AS THE AUTHORITY OR TRANSFERS AN EXISTING AUTHORITY TO THE GOVERNING BODY PURSUANT TO SUBSECTION (1) OF THIS SECTION, ONE SUCH COMMISSIONER ON THE AUTHORITY MUST BE APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE TERRITORIAL BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA ARE LOCATED, ONE SUCH COMMISSIONER MUST ALSO BE A BOARD MEMBER OF A SPECIAL DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA, AND ONE COMMISSIONER MUST ALSO BE AN ELECTED MEMBER OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA. APPOINTMENTS MADE PURSUANT TO THIS SUBSECTION (1.5) MUST BE MADE IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 31-25-104 (2).

**SECTION 4. Act subject to petition - effective date - applicability.** (1) This act takes 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 5, 2015, if adjournment sine die is on May 6, 2015); 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 will not take effect unless approved by the people at the general election to be

held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to:

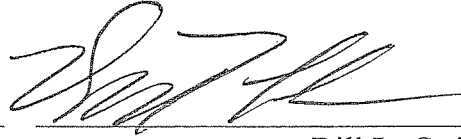
(a) Municipalities, urban renewal authorities, and any urban renewal plans created on or after January 1, 2016; or

(b) Urban renewal plan amendments or modifications adopted on or after January 1, 2016, that include any of the following: Any addition of an urban renewal project; an alteration in the boundaries of an urban renewal area; any change in the mill levy or the sales tax component of any such plan, except where such changes or modifications are made in connection with refinancing any outstanding bonded indebtedness; or an extension of an urban renewal plan or the duration of a specific urban

renewal project regardless of whether such extension or related changes in duration of a specific urban renewal project require actual alteration of the terms of the urban renewal plan.



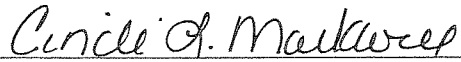
Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Bill L. Cadman  
PRESIDENT OF  
THE SENATE

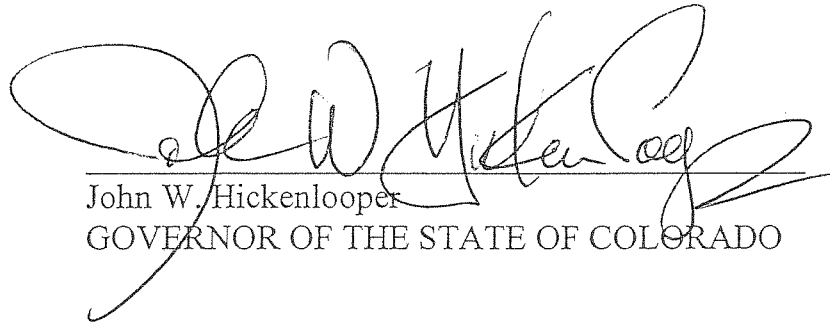


Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED 4:41 PM 5/29/15



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO



# An Act

HOUSE BILL 15-1367

BY REPRESENTATIVE(S) Hamner, Young, Rankin, Hulinghorst, Becker K., Duran, Fields, Garnett, Kraft-Tharp, Lebsock, Lee, Lontine, Melton, Mitsch Bush, Moreno, Pettersen, Primavera, Rosenthal, Ryden, Singer, Tyler, Williams, Esgar, Ginal, Winter;  
also SENATOR(S) Steadman, Grantham, Lambert, Cadman, Crowder, Guzman, Heath, Jahn, Kerr, Newell.

CONCERNING RETAIL MARIJUANA TAXES, AND, IN CONNECTION THEREWITH,  
MAKING AN APPROPRIATION.

*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) In 2012, voters approved amendment 64, which legalized the personal use of marijuana for adults;

(b) Amendment 64 required the general assembly to enact an excise tax on marijuana sold or otherwise transferred by a marijuana cultivation facility to a marijuana product manufacturing facility or to a retail marijuana store by January 1, 2017;

(c) In 2013, the general assembly enacted House Bill 13-1318, which created a new retail marijuana excise tax and an additional retail marijuana sales tax;

(d) Under section 20 (4) (a) of article X of the state constitution, commonly known as TABOR, the voters had to approve these new taxes before they could be imposed;

(e) Accordingly, the general assembly referred proposition AA, which sought, among other things, approval for the new taxes and for the state to retain and spend the tax revenue notwithstanding any limitations in law;

(f) As a tax increase, proposition AA was subject to the election provision requirements in TABOR;

(g) To comply with these requirements, proposition AA's ballot title began: "Shall state taxes be increased by \$70,000,000 annually in the first full fiscal year..." and the following estimates for the fiscal year 2014-15 were included as Table 3 in the ballot information booklet, known as the "blue book":

(I) \$12.08 billion for state spending without the new taxes; and

(II) \$67 million for the state revenue from the new excise and sales tax;

(h) Voters resoundingly approved proposition AA, with 902,181 votes in favor of the measure and just 479,992 votes against it;

(i) And yet, if in the fiscal year 2014-15, the actual revenue the state receives exceeds either of these blue book estimates, then the state may be required to refund revenues related to proposition AA;

(j) This potential refund, which is only a possibility for the fiscal year 2014-15, is because paragraph (3) (c) of TABOR requires the combined dollar excess of actual revenues over the estimates in the blue book to be refunded in the next fiscal year, unless there is later voter approval;

(k) In their March forecasts, legislative council staff and the office of state planning and budgeting estimate that fiscal year spending for the fiscal year 2014-15 will be hundreds of millions of dollars higher than \$12.08 billion;

(l) Based on a reasonable interpretation of the fiscal year spending limitation and the election notice provisions of TABOR, the maximum amount the state may be required to refund for exceeding the blue book estimates is the total amount of the retail marijuana tax collections during the fiscal year 2014-15, which is currently estimated to be \$58 million;

(m) This act refers a new ballot issue to the voters to seek the later voter approval necessary to avoid this refund, but it also establishes conditional refund mechanisms in case voters reject the ballot issue;

(n) If the voters approve the new ballot issue, those conditional refund mechanisms will be unnecessary and the money that would have otherwise been refunded may be retained and used for important public programs, including public school capital construction;

(o) Under paragraph (3) (c) of TABOR, the other consequence for actual revenues exceeding the blue book estimates is that the retail marijuana tax rates are thereafter reduced, unless there is later voter approval;

(p) The general assembly does not intend to seek approval to avoid this rate reduction, and, therefore, the retail marijuana sales tax and excise tax rates must be reduced;

(q) By approving proposition AA, the voters gave the general assembly the authority for "the rate of either or both taxes being allowed to be decreased or increased without further voter approval so long as the rate of either tax does not exceed 15%";

(r) Therefore, after the required rate reduction occurs, the general assembly may again raise the tax rates back to their current levels; and

(s) Another purpose of this act is to provide greater transparency of the allocation of the marijuana taxes.

(2) Now, therefore, it is the primary intent of this act to refer a ballot issue to seek the later voter approval permitted by TABOR to avoid a refund requirement; to establish conditional refund mechanisms or other uses, depending on whether the ballot issue passes; and to reduce tax rates as required by the state constitution.

**SECTION 2.** In Colorado Revised Statutes, 39-28.8-101, **add** (12.5) as follows:

**39-28.8-101. Definitions.** Unless the context otherwise requires, any terms not defined in this article shall have the meanings set forth in article 26 of this title. As used in this article, unless the context otherwise requires:

(12.5) "RETAIL MARIJUANA TAXES" MEANS THE RETAIL MARIJUANA EXCISE TAX IMPOSED UNDER SECTION 39-28.8-302 AND THE RETAIL MARIJUANA SALES TAX IMPOSED UNDER SECTION 39-28.8-202.

**SECTION 3.** In Colorado Revised Statutes, 39-28.8-202, **amend** (1) (a) as follows:

**39-28.8-202. Retail marijuana sales tax.** (1) (a) (I) In addition to the tax imposed pursuant to part 1 of article 26 of this title and the sales tax imposed by a local government pursuant to title 29, 30, 31, or 32, BUT EXCEPT AS OTHERWISE SET FORTH IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (a), beginning January 1, 2014, AND THROUGH JUNE 30, 2017, there is imposed upon all sales of retail marijuana and retail marijuana products by a retailer a tax at the rate of ten percent of the amount of the sale, ~~to be~~ AND BEGINNING JULY 1, 2017, THERE IS IMPOSED UPON ALL SALES OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS BY A RETAILER A TAX AT THE RATE OF EIGHT PERCENT OF THE AMOUNT OF THE SALE. THE TAX IMPOSED BY THIS SECTION IS computed in accordance with schedules or forms prescribed by the executive director of the department; except that a retail marijuana store is not allowed to retain any portion of the retail marijuana sales tax collected pursuant to this part 2 to cover the expenses of collecting and remitting the tax and except that the department of revenue may require a retailer to make returns and remit the tax described in this part 2 by electronic means.

(II) IF, FOR THE FISCAL YEAR 2014-15, FISCAL YEAR SPENDING IS

GREATER THAN TWELVE BILLION EIGHTY MILLION DOLLARS OR IF THE REVENUE FROM RETAIL MARIJUANA TAXES IS GREATER THAN SIXTY-SEVEN MILLION DOLLARS, THEN ON SEPTEMBER 16, 2015, THE RATE OF THE TAX IMPOSED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) IS REDUCED AS SPECIFIED IN SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION. ON SEPTEMBER 17, 2015, IN ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (1) AND THE AUTHORITY THAT THE VOTERS CONFERRED THROUGH THEIR APPROVAL OF PROPOSITION AA AT THE NOVEMBER 2013 ELECTION, THE RATE IS INCREASED BACK TO TEN PERCENT.

(III) (A) IF THE BALLOT ISSUE REFERRED TO THE VOTERS IN ACCORDANCE WITH SECTION 39-28.8-603 (1) IS PLACED ON THE NOVEMBER 3, 2015, BALLOT AND A MAJORITY OF THE ELECTORS VOTING THEREON VOTE "NO/AGAINST", THEN ON JANUARY 1, 2016, THE RATE OF THE TAX IMPOSED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) IS REDUCED TO ONE-TENTH OF ONE PERCENT AS A METHOD TO REFUND REVENUES THAT EXCEED AN ESTIMATE INCLUDED IN THE BALLOT INFORMATION BOOKLET FOR PROPOSITION AA.

(B) IF THE RETAIL MARIJUANA SALES TAX RATE IS REDUCED IN ACCORDANCE WITH SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III), THEN ON MARCH 3, 2016, AND ON THE THIRD BUSINESS DAY OF THE NEXT THREE MONTHS THEREAFTER, IF NECESSARY, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL DETERMINE WHETHER THE AMOUNT REFUNDED TO THAT DATE THROUGH THE RATE REDUCTION IS GREATER THAN OR EQUAL TO THE REQUIRED RETAIL MARIJUANA SALES TAX REFUND. IF SO, THEN THE RATE REDUCTION EXPIRES ON THE FIFTH DAY AFTER THE DETERMINATION. IF, AS OF JUNE 3, 2016, THE AMOUNT REFUNDED THROUGH THE RATE REDUCTION IS STILL LESS THAN THE REQUIRED RETAIL MARIJUANA SALES TAX REFUND, THEN THE RATE REDUCTION EXPIRES ON JUNE 30, 2016. THE EXECUTIVE DIRECTOR SHALL ESTIMATE THE AMOUNT OF THE REFUND FOR THE TIME INCLUDED IN A DETERMINATION FOR WHICH THE ACTUAL REVENUE IS UNKNOWN.

(C) ON THE DAY AFTER THE TEMPORARY RETAIL MARIJUANA RATE REDUCTION EXPIRES IN ACCORDANCE WITH SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III), THE RETAIL MARIJUANA TAX RATE IS INCREASED BACK TO TEN PERCENT.

(D) AS USED IN THIS SUBPARAGRAPH (III), "REQUIRED RETAIL MARIJUANA SALES TAX REFUND" MEANS AN AMOUNT EQUAL TO THE TOTAL

PROPOSITION AA BLUE BOOK REFUND AMOUNT CALCULATED UNDER SECTION 39-28.8-602 (1) MINUS THE SUM OF THE AMOUNTS REFUNDED THROUGH SECTION 39-28.8-605 (3) AND (4).

**SECTION 4.** In Colorado Revised Statutes, 39-28.8-203, **amend** (1) introductory portion, (1) (a) (I), and (1) (b); **add** (1) (a) (I.5) and (3); and **repeal** (2) as follows:

**39-28.8-203. Disposition of collections - definitions.** (1) The proceeds of all moneys collected from the retail marijuana sales tax ~~shall be~~ ARE credited to the old age pension fund created in section 1 of article XXIV of the state constitution in accordance with paragraphs (a) and (f) of section 2 of article XXIV of the state constitution. For each fiscal year in which a tax is collected pursuant to this part 2, an amount shall be APPROPRIATED OR distributed from the general fund as follows:

(a) (I) EXCEPT AS OTHERWISE SET FORTH IN SUBPARAGRAPH (I.5) OF THIS PARAGRAPH (a), an amount equal to fifteen percent of the gross retail marijuana sales tax revenues collected by the department ~~shall be~~ IS apportioned to local governments. The city or town share ~~shall be~~ IS apportioned according to the percentage that retail marijuana sales tax revenues collected by the department within the boundaries of the city or town ~~bears~~ BEAR to the total retail marijuana sales tax revenues collected by the department. The county share ~~shall be~~ IS apportioned according to the percentage that retail marijuana sales tax revenues collected by the department in the unincorporated area of the county ~~bears~~ BEAR to total retail marijuana sales tax revenues collected by the department.

(I.5) IF THE BALLOT ISSUE IS PLACED ON THE NOVEMBER 3, 2015, BALLOT AND A MAJORITY OF THE ELECTORS VOTING THEREON VOTE "NO/AGAINST", THEN BEGINNING JANUARY 1, 2016, THE AMOUNT THAT WOULD OTHERWISE BE DISTRIBUTED TO A LOCAL GOVERNMENT THROUGH SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) IS HALVED UNTIL THE TOTAL REDUCTION THAT RESULTS FROM THIS SUBPARAGRAPH (I.5) IS GREATER THAN OR EQUAL TO THE AMOUNT THAT WAS DISTRIBUTED TO THE LOCAL GOVERNMENT UNDER THIS PARAGRAPH (a) FOR THE FISCAL YEAR 2014-15. THEREAFTER, THE LOCAL GOVERNMENT RECEIVES THE FULL APPORTIONED AMOUNT REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (a). THE REDUCTION IN A LOCAL GOVERNMENT'S DISTRIBUTION DOES NOT INCREASE THE AMOUNT APPORTIONED TO OTHER LOCAL GOVERNMENTS.

(b) (I) ~~Following apportionment of local government shares pursuant to paragraph (a) of this subsection (1), an amount equal to all remaining revenues collected shall be transferred from the general fund to the marijuana tax cash fund created in part 5 of this article to be used for the enforcement of regulations on the retail marijuana industry and for the other purposes of the fund as determined by the general assembly. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND TO THE MARIJUANA TAX CASH FUND AN AMOUNT EQUAL TO EIGHTY-FIVE PERCENT OF THE GROSS RETAIL MARIJUANA SALES TAX REVENUES COLLECTED BY THE DEPARTMENT.~~

(II) (A) IF THE BALLOT ISSUE IS PLACED ON THE NOVEMBER 3, 2015, BALLOT AND A MAJORITY OF THE ELECTORS VOTING THEREON VOTE "NO/AGAINST", THEN FOR THE FISCAL YEAR 2015-16 AND THE NEXT THREE FISCAL YEARS THEREAFTER, THE AMOUNT ANNUALLY TRANSFERRED TO THE MARIJUANA TAX CASH FUND IS REDUCED BY AN AMOUNT EQUAL TO ONE-FIFTH OF THE GENERAL FUND REPAYMENT. THE STATE TREASURER SHALL NOT TRANSFER ANY MONEYS TO THE CASH FUND UNTIL THIS AMOUNT HAS BEEN ACCOUNTED FOR.

(B) IF THE BALLOT ISSUE IS PLACED ON THE NOVEMBER 3, 2015, BALLOT AND A MAJORITY OF THE ELECTORS VOTING THEREON VOTE "YES/FOR", THEN FOR THE FISCAL YEAR 2016-17 AND THE NEXT THREE FISCAL YEARS THEREAFTER, THE AMOUNT ANNUALLY TRANSFERRED TO THE MARIJUANA TAX CASH FUND IS REDUCED BY AN AMOUNT EQUAL TO ONE-FIFTH OF THE GENERAL FUND REPAYMENT. THE STATE TREASURER SHALL NOT TRANSFER ANY MONEYS TO THE CASH FUND UNTIL THIS AMOUNT HAS BEEN ACCOUNTED FOR.

(C) AS USED IN THIS SUBPARAGRAPH (II), "GENERAL FUND REPAYMENT" IS EQUAL TO THE LESSER OF THIRTY MILLION THREE HUNDRED THOUSAND DOLLARS OR AN AMOUNT EQUAL TO THE PROPOSITION AA BLUE BOOK REFUND AMOUNT CALCULATED IN ACCORDANCE WITH SECTION 39-28.8-602 (1) MINUS TWENTY-SEVEN MILLION SEVEN HUNDRED THOUSAND DOLLARS.

(III) The general assembly shall make appropriations from the marijuana tax cash fund for the expenses of the administration of this section.

~~(2) On or before April 1, 2014, and on or before April 1 each year thereafter through April 1, 2016, the finance committees of the house of representatives and the senate, or any successor committees, shall review the provisions of paragraph (a) of subsection (1) of this section to determine whether the percentage of the tax imposed pursuant to this part 2 that is apportioned to local governments is appropriate. The finance committees may request assistance and input from the department of revenue and the department of local affairs in making this determination.~~

(3) AS USED IN THIS SECTION:

(a) "BALLOT ISSUE" MEANS THE BALLOT ISSUE REFERRED TO THE VOTERS IN ACCORDANCE WITH SECTION 39-28.8-603 (1).

(b) "MARIJUANA TAX CASH FUND" IS THE CASH FUND CREATED IN SECTION 39-28.8-501 (1).

**SECTION 5.** In Colorado Revised Statutes, 39-28.8-302, **amend** (1) (a) as follows:

**39-28.8-302. Retail marijuana - excise tax levied at first transfer from retail marijuana cultivation facility - tax rate.**

(1) (a) (I) Beginning January 1, 2014, except as otherwise provided in SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) AND paragraph (b) of this subsection (1), there is levied and shall be collected, in addition to the sales tax imposed pursuant to part 1 of article 26 of this title and part 2 of this article, a tax on the first sale or transfer of unprocessed retail marijuana by a retail marijuana cultivation facility, at a rate of fifteen percent of the average market rate of the unprocessed retail marijuana. The tax shall be imposed at the time when the retail marijuana cultivation facility first sells or transfers unprocessed retail marijuana from the retail marijuana cultivation facility to a retail marijuana product manufacturing facility, a retail marijuana store, or another retail marijuana cultivation facility.

(II) IF, FOR THE FISCAL YEAR 2014-15, FISCAL YEAR SPENDING IS GREATER THAN TWELVE BILLION EIGHTY MILLION DOLLARS OR IF THE REVENUE FROM RETAIL MARIJUANA TAXES IS GREATER THAN SIXTY-SEVEN MILLION DOLLARS, THEN ON SEPTEMBER 16, 2015, THE RATE OF THE TAX IMPOSED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) IS REDUCED AS SPECIFIED IN SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION.



ON SEPTEMBER 17, 2015, IN ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (1) AND THE AUTHORITY THAT THE VOTERS CONFERRED THROUGH THEIR APPROVAL OF PROPOSITION AA AT THE NOVEMBER 2013 ELECTION, THE RATE IS INCREASED BACK TO FIFTEEN PERCENT.

**SECTION 6.** In Colorado Revised Statutes, 39-28.8-305, **amend** (1) (b) as follows:

**39-28.8-305. Distribution of tax collected.** (1) All moneys received and collected in payment of the tax imposed by the provisions of this part 3 shall be transmitted to the state treasurer, who shall distribute the money as follows:

(b) Any amount remaining after the transfer pursuant to paragraph (a) of this subsection (1) shall be transferred to the ~~marijuana tax cash fund created in part 5 of this article~~ PUBLIC SCHOOL FUND CREATED IN SECTION 3 OF ARTICLE IX OF THE STATE CONSTITUTION, WHICH IS THE SAME AS THE PUBLIC SCHOOL FUND DESCRIBED IN SECTION 22-41-102, C.R.S.

**SECTION 7.** In Colorado Revised Statutes, 39-28.8-501, **amend** (1); **add** (3); and **repeal and reenact, with amendments,** (2) (b) as follows:

**39-28.8-501. Marijuana tax cash fund - creation - distribution - repeal.** (1) The marijuana tax cash fund, referred to in this part 5 as the "fund", is created in the state treasury. The fund consists of

~~(a) Any applicable retail marijuana excise tax transferred pursuant to section 39-28.8-305 (1) (b) on or after July 1, 2014~~

~~(b) any applicable retail marijuana sales tax transferred pursuant to section 39-28.8-203 (1) (b) on or after July 1, 2014, AND~~

~~(c) Beginning July 1, 2014, ANY revenues transferred to the fund from any sales tax imposed pursuant to section 39-26-106 on the retail sale of products under articles 43.3 and 43.4 of title 12, C.R.S. and~~

~~(d) Any moneys transferred to the fund from the marijuana cash fund pursuant to section 12-43.3-501 (1) (f), C.R.S.~~

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(2) (b) (I) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE RETAIL MARIJUANA EXCISE TAX AND SALES TAX CREATED A NEW REVENUE STREAM FOR THE STATE, AND THE BASIS OF THESE TAXES IS THE LEGALIZATION OF MARIJUANA, WHICH PRESENTS UNIQUE ISSUES AND CHALLENGES FOR THE STATE AND LOCAL GOVERNMENTS. THUS, THERE IS A NEED TO USE SOME OF THE SALES TAX REVENUE FOR MARIJUANA-RELATED PURPOSES. BUT, AS THIS IS REVENUE FROM A TAX, THE GENERAL ASSEMBLY MAY APPROPRIATE THIS MONEY FOR ANY PURPOSE.

(II) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE NEW RETAIL MARIJUANA TAX REVENUE PRESENTS AN OPPORTUNITY TO INVEST IN SERVICES, SUPPORT, INTERVENTION, AND TREATMENT RELATED TO MARIJUANA AND OTHER DRUGS.

(III) THEREFORE, THE PURPOSES IDENTIFIED IN THIS SUBSECTION (2) PRIORITIZE APPROPRIATIONS RELATED TO LEGALIZED MARIJUANA, SUCH AS DRUG USE PREVENTION AND TREATMENT, PROTECTING THE STATE'S YOUTH, AND ENSURING THE PUBLIC PEACE, HEALTH, AND SAFETY.

(IV) SUBJECT TO THE LIMITATION IN SUBSECTION (5) OF THIS SECTION, THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE ANY MONEYS IN THE FUND FOR ANY FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH THEY WERE RECEIVED BY THE STATE FOR THE FOLLOWING PURPOSES:

(A) TO EDUCATE PEOPLE ABOUT MARIJUANA TO PREVENT ITS ILLEGAL USE OR LEGAL ABUSE;

(B) TO PROVIDE SERVICES FOR ADOLESCENTS AND SCHOOL-AGED CHILDREN IN SCHOOL SETTINGS OR THROUGH COMMUNITY-BASED ORGANIZATIONS;

(C) TO TREAT PEOPLE WITH ANY TYPE OF SUBSTANCE-ABUSE DISORDER, ESPECIALLY THOSE WITH CO-OCCURRING DISORDERS;

(D) FOR JAIL-BASED AND OTHER BEHAVIORAL HEALTH SERVICES FOR PERSONS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM THROUGH THE CORRECTIONAL TREATMENT CASH FUND CREATED IN SECTION 18-19-103 (4) (a), C.R.S.;

(E) FOR STATE REGULATORY ENFORCEMENT, POLICY COORDINATION, OR LITIGATION DEFENSE COSTS RELATED TO RETAIL OR MEDICAL MARIJUANA;

(F) FOR LAW ENFORCEMENT AND LAW ENFORCEMENT TRAINING, INCLUDING ANY EXPENSES FOR THE POLICE OFFICERS STANDARDS AND TRAINING BOARD TRAINING OR CERTIFICATION;

(G) FOR THE PROMOTION OF PUBLIC HEALTH, INCLUDING POISON CONTROL, PRESCRIPTION DRUG TAKE-BACK PROGRAMS, THE CREATION OF A MARIJUANA LABORATORY TESTING REFERENCE LIBRARY, AND OTHER PUBLIC HEALTH SERVICES RELATED TO CONTROLLED SUBSTANCES;

(H) TO STUDY THE USE OF MARIJUANA AND OTHER DRUGS, THEIR HEALTH EFFECTS, AND OTHER SOCIAL IMPACTS RELATED TO THEM;

(I) TO RESEARCH, REGULATE, STUDY, AND TEST INDUSTRIAL HEMP OR HEMP SEEDS;

(J) FOR THE START-UP EXPENSES OF THE DIVISION OF FINANCIAL SERVICES RELATED TO THE REGULATION OF MARIJUANA FINANCIAL SERVICES COOPERATIVES PURSUANT TO ARTICLE 33 OF TITLE 11, C.R.S., UNTIL THE STATE COMMISSIONER OF FINANCIAL SERVICES FIRST COLLECTS ASSESSMENTS ON SUCH COOPERATIVES; AND

(K) GRANTS TO LOCAL GOVERNMENTS FOR DOCUMENTED RETAIL MARIJUANA IMPACTS THROUGH THE LOCAL GOVERNMENT RETAIL MARIJUANA IMPACT GRANT PROGRAM CREATED IN SECTION 24-32-117, C.R.S.

(3) TO INCREASE TRANSPARENCY, THE MARIJUANA ENFORCEMENT DIVISION IN THE DEPARTMENT SHALL INCLUDE A LINK ON ITS WEB SITE THAT DESCRIBES THE DISPOSITION OF THE RETAIL MARIJUANA EXCISE TAX REVENUE AND HOW THE REVENUE FROM THE FUND WAS APPROPRIATED FOR THE FISCAL YEAR 2015-16 AND EACH FISCAL YEAR THEREAFTER.

**SECTION 8.** In Colorado Revised Statutes, **add** part 6 to article 28.8 of title 39 as follows:

## PART 6

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BALLOT ISSUE RELATED TO PROPOSITION AA  
REFUNDS - PERMITTED USES

**39-28.8-601. Definitions.** AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BALLOT ISSUE" MEANS THE BALLOT ISSUE REFERRED TO THE VOTERS IN ACCORDANCE WITH SECTION 39-28.8-603 (1).

(2) "MARIJUANA TAX CASH FUND" MEANS THE CASH FUND CREATED IN SECTION 39-28.8-501 (1).

(3) "PROPOSITION AA REFUND ACCOUNT" OR "ACCOUNT" MEANS THE ACCOUNT WITHIN THE GENERAL FUND CREATED IN SECTION 39-28.8-604.

**39-28.8-602. Proposition AA blue book - potential refund.**

(1) (a) A REFUND OF STATE REVENUES MAY BE REQUIRED IF, FOR THE FISCAL YEAR 2014-15, FISCAL YEAR SPENDING IS GREATER THAN TWELVE BILLION EIGHTY MILLION DOLLARS OR IF THE REVENUE FROM RETAIL MARIJUANA TAXES IS GREATER THAN SIXTY-SEVEN MILLION DOLLARS. THE AMOUNT OF THE POTENTIAL REFUND IS EQUAL TO THE COMBINED AMOUNT BY WHICH FISCAL YEAR SPENDING AND RETAIL MARIJUANA TAXES EXCEED THESE AMOUNTS, OR THE ACTUAL AMOUNT OF THE REVENUE FROM RETAIL MARIJUANA TAXES FOR THE FISCAL YEAR 2014-15, WHICHEVER IS LESS.

(b) THE CALCULATION TO DETERMINE IF THERE IS A PROPOSITION AA BLUE BOOK REFUND IS BASED ON THE AUDITED FINANCIAL REPORT PREPARED IN ACCORDANCE WITH SECTION 24-77-106.5, C.R.S., AND THE ACTUAL REVENUE FROM RETAIL MARIJUANA TAXES RECEIVED BY THE DEPARTMENT.

(2) IF THE CALCULATION SET FORTH IN SUBSECTION (1) OF THIS SECTION INDICATES THAT A PROPOSITION AA BLUE BOOK REFUND IS REQUIRED UNDER SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION, THEN A REFUND SHALL BE MADE IN ACCORDANCE WITH SECTIONS 39-28.8-202 (1) (a) (III) AND 39-28.8-605 (3) AND (4), UNLESS THE VOTERS APPROVE THE BALLOT ISSUE.

**39-28.8-603. Ballot issue - proposition AA - later voter**

**approval.** (1) IF A PROPOSITION AA BLUE BOOK REFUND IS REQUIRED UNDER SECTION 39-28.8-602, THEN AT THE ELECTION HELD ON NOVEMBER 3, 2015, THE SECRETARY OF STATE SHALL SUBMIT TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION THE FOLLOWING BALLOT ISSUE: "MAY THE STATE RETAIN AND SPEND STATE REVENUES THAT OTHERWISE WOULD BE REFUNDED FOR EXCEEDING AN ESTIMATE INCLUDED IN THE BALLOT INFORMATION BOOKLET FOR PROPOSITION AA AND USE THESE REVENUES TO PROVIDE FORTY MILLION DOLLARS FOR PUBLIC SCHOOL BUILDING CONSTRUCTION AND FOR OTHER NEEDS, SUCH AS LAW ENFORCEMENT, YOUTH PROGRAMS, AND MARIJUANA EDUCATION AND PREVENTION PROGRAMS, INSTEAD OF REFUNDING THESE REVENUES TO RETAIL MARIJUANA CULTIVATION FACILITIES, RETAIL MARIJUANA PURCHASERS, AND OTHER TAXPAYERS?"

(2) APPROVAL OF THE BALLOT ISSUE BY A MAJORITY OF THE ELECTORS THAT VOTE ON THE BALLOT ISSUE CONSTITUTES LATER VOTER APPROVAL TO AVOID THE POTENTIAL REFUND REQUIRED BY SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION IDENTIFIED IN SECTION 39-28.8-602.

(3) FOR PURPOSES OF SECTION 1-5-407 (5) (b), C.R.S., THE BALLOT ISSUE IS A PROPOSITION. SECTION 1-40-106 (3) (d), C.R.S., DOES NOT APPLY TO THE BALLOT ISSUE.

**39-28.8-604. Proposition AA refund account - restricted revenues.** (1) THE PROPOSITION AA REFUND ACCOUNT IS CREATED IN THE GENERAL FUND. THE ACCOUNT CONSISTS OF TWENTY-SEVEN MILLION SEVEN HUNDRED THOUSAND DOLLARS FROM THE MONEYS TRANSFERRED FROM THE MARIJUANA TAX CASH FUND IN ACCORDANCE WITH SECTION 39-28.8-501 (4) (b) AND ANOTHER THIRTY MILLION THREE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND. THE MONEYS IN THE ACCOUNT ARE RESTRICTED FROM USE UNTIL JANUARY 1, 2016, AND ARE NOT INCLUDED IN THE YEAR-END BALANCE REQUIRED BY SECTION 24-75-201.1 (1) (d) (XIV), C.R.S.

(2) IF A PROPOSITION AA BLUE BOOK REFUND IS NOT REQUIRED UNDER SECTION 39-28.8-602, THEN ON JANUARY 1, 2016, THE ACCOUNT IS REPEALED AND THE STATE TREASURER SHALL TRANSFER TWENTY-SEVEN MILLION SEVEN HUNDRED THOUSAND DOLLARS FROM THE ACCOUNT BACK TO THE MARIJUANA TAX CASH FUND. THE REMAINING THIRTY MILLION

THREE HUNDRED THOUSAND DOLLARS SHALL REMAIN IN THE GENERAL FUND AND BE AVAILABLE FOR APPROPRIATION.

**39-28.8-605. Refunds - retail marijuana sales tax rate reduction - revenue backfill - legislative declaration - repeal.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) IF THE BALLOT ISSUE IS REFERRED TO THE VOTERS AND A MAJORITY OF THOSE VOTING THEREON REJECT THE BALLOT ISSUE, THE STATE WILL BE REQUIRED BY SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION TO MAKE REFUNDS PRIOR TO JULY 1, 2016;

(b) AS OF THE EFFECTIVE DATE OF THIS SECTION, THE AMOUNT OF THE REFUND IS EXPECTED TO BE FIFTY-EIGHT MILLION DOLLARS, WHICH IS EQUAL TO THE ANTICIPATED TOTAL AMOUNT OF ALL OF THE RETAIL MARIJUANA TAX REVENUES COLLECTED IN THE STATE DURING THE FISCAL YEAR 2014-15;

(c) TO THE EXTENT POSSIBLE, THE REFUND SHOULD BE MADE FROM REVENUES THAT THE STATE RECEIVED DURING THE FISCAL YEAR 2014-15; AND

(d) THE REFUND MECHANISMS SET FORTH IN SECTION 39-28.8-202 (1) (a) (III) AND IN THIS PART 6 ARE REASONABLE WAYS TO REFUND REVENUES THAT EXCEED AN ESTIMATE INCLUDED IN THE BALLOT INFORMATION BOOKLET FOR PROPOSITION AA, IF REQUIRED BY SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION.

(2) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "NO/AGAINST", THEN ON JANUARY 1, 2016, THE STATE TREASURER SHALL TRANSFER THIRTEEN MILLION THREE HUNDRED THOUSAND DOLLARS FROM THE PROPOSITION AA REFUND ACCOUNT TO THE MARIJUANA TAX CASH FUND TO REPLACE THE ANTICIPATED DECREASE IN REVENUE THAT WILL RESULT FROM THE RETAIL MARIJUANA SALES TAX RATE REDUCTION IN SECTION 39-28.8-202 (1) (a) (III) (B).

(3) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "NO/AGAINST", THEN AFTER MARCH 1, 2016, BUT PRIOR TO JULY 1, 2016, THE DEPARTMENT OF REVENUE SHALL REFUND TO A RETAIL MARIJUANA CULTIVATION FACILITY ALL OF THE TAXES THE FACILITY PAID

DURING THE 2014-15 FISCAL YEAR IN ACCORDANCE WITH SECTION 39-28.8-302 (1). THE DEPARTMENT SHALL PAY THE REFUND FROM THE MONEYS IN THE PROPOSITION AA REFUND ACCOUNT. THE DEPARTMENT SHALL ESTABLISH PROCEDURES FOR THE REFUNDS BUT SHALL NOT REQUIRE A FACILITY TO APPLY FOR A REFUND TO RECEIVE ONE.

(4) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "NO/AGAINST", THEN TWENTY-FIVE MILLION DOLLARS FROM THE PROPOSITION AA REFUND ACCOUNT IS EXCESS STATE REVENUES, AS DEFINED IN SECTION 39-22-2002 (3) (c), FOR THE FISCAL YEAR 2014-15 THAT ARE REQUIRED TO BE REFUNDED TO QUALIFIED INDIVIDUALS FOR THE TAXABLE YEAR COMMENCING ON JANUARY 1, 2015, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 39-22-2002. IF THERE ARE OTHER EXCESS STATE REVENUES REFUNDED, THE DEPARTMENT SHALL INCLUDE A SEPARATE LINE ON THE 2015 INCOME TAX RETURN FOR THE REFUND REQUIRED BY THIS SUBSECTION (4) THAT IS NAMED "SALES TAX REFUND RELATED TO PROPOSITION AA BLUE BOOK ESTIMATES".

**39-28.8-606. Approval of ballot issue - account - use of revenues.** (1) IF A PROPOSITION AA BLUE BOOK REFUND IS REQUIRED UNDER SECTION 39-28.8-602 BUT A MAJORITY OF THE ELECTORS THAT VOTE ON THE BALLOT ISSUE VOTE "YES/FOR", THEN:

(a) THE STATE TREASURER SHALL TRANSFER FORTY MILLION DOLLARS FROM THE PROPOSITION AA REFUND ACCOUNT TO THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE FUND CREATED IN SECTION 22-43.7-104 (1), C.R.S.; AND

(b) THE GENERAL ASSEMBLY SHALL APPROPRIATE TWELVE MILLION DOLLARS FROM THE PROPOSITION AA REFUND ACCOUNT FOR ANY USE AUTHORIZED IN SECTION 39-28.8-501.

**39-28.8-607. Repeal of part.** THIS PART 6 IS REPEALED, EFFECTIVE JULY 1, 2017.

**SECTION 9.** In Colorado Revised Statutes, 1-41-102, **amend** (4) (f); and **add** (4) (g) as follows:

**1-41-102. State ballot issue elections in odd-numbered years.** (4) As used in this section, "state matters arising under section 20 of article

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X of the state constitution" includes:

(f) Approval of the weakening of a state limit on revenue, spending, and debt pursuant to section 20 (1) of article X of the state constitution; AND

(g) APPROVAL FOR THE STATE TO RETAIN AND SPEND STATE REVENUES THAT OTHERWISE WOULD BE REFUNDED FOR EXCEEDING AN ESTIMATE INCLUDED IN THE BALLOT INFORMATION BOOKLET IN ACCORDANCE WITH SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION.

**SECTION 10.** In Colorado Revised Statutes, 18-19-103, **amend** (4) (a) as follows:

**18-19-103. Source of revenues - allocation of moneys.** (4) (a) There is hereby created in the state treasury the correctional treatment cash fund, referred to in this paragraph (a) as the "fund", which ~~shall consist~~ CONSISTS of MONEYS APPROPRIATED PURSUANT TO SECTION 39-28.8-501, C.R.S., moneys received by the state treasurer pursuant to paragraph (d) of subsection (3) of this section and subsection (3.5) of this section, and, in addition, each year, the general assembly shall appropriate at least two million two hundred thousand dollars generated from estimated savings from the enactment of Senate Bill 03-318, enacted in 2003, to the fund. The moneys in the fund shall be used for the purposes described in paragraph (c) of subsection (5) of this section. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated by the general assembly shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

**SECTION 11.** In Colorado Revised Statutes, 22-14-109, **amend** (4) (a) as follows:

**22-14-109. Student re-engagement grant program - rules - application - grants - fund created - report.** (4) (a) There is hereby created in the state treasury the student re-engagement grant program fund, referred to in this subsection (4) as the "fund", that shall consist of any moneys credited to the fund pursuant to paragraph (b) of this subsection (4) and any additional moneys that the general assembly may appropriate to the



fund, INCLUDING MONEYS FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501, C.R.S., OR THE PROPOSITION AA REFUND ACCOUNT CREATED IN SECTION 39-28.8-604 (1), C.R.S. The moneys in the fund shall be subject to annual appropriation by the general assembly to the department for the direct and indirect costs associated with the implementation of this section.

**SECTION 12.** In Colorado Revised Statutes, 22-93-105, amend (1) and (3) (a) as follows:

**22-93-105. School bullying prevention and education cash fund - created.** (1) There is hereby established in the state treasury the school bullying prevention and education cash fund. The cash fund shall consist of moneys transferred OR APPROPRIATED thereto pursuant to subsection (3) of this section and any other moneys that may be made available by the general assembly. The moneys in the cash fund are continuously appropriated to the department for the direct and indirect costs associated with implementing this article. Any moneys not provided as grants may be invested by the state treasurer as provided in section 24-36-113, C.R.S. All interest and income derived from the investment and deposit of moneys in the cash fund shall be credited to the cash fund. Any amount remaining in the cash fund at the end of any fiscal year shall remain in the cash fund and shall not be credited or transferred to the general fund or to any other fund.

~~(3) (a) No general fund moneys shall be appropriated to the cash fund for the implementation of this article.~~ THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS TO THE BULLYING PREVENTION AND EDUCATION CASH FUND FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501, C.R.S., OR FROM THE PROPOSITION AA REFUND ACCOUNT CREATED IN SECTION 39-28.8-604 (1), C.R.S.

**SECTION 13.** In Colorado Revised Statutes, add 24-32-117 as follows:

**24-32-117. Retail marijuana impact grants - program - creation - definitions.** (1) AS USED IN THIS SECTION:

(a) "DIVISION" MEANS THE DIVISION OF LOCAL GOVERNMENT.

(b) "DOCUMENTED MARIJUANA IMPACTS" MEANS THE DOCUMENTED

EXPENSES, COSTS, AND OTHER IMPACTS INCURRED AS A RESULT OF LEGAL ACTIVITY RELATED TO THE SALE, TRANSFER, CULTIVATION, OR PROCESSING OF RETAIL MARIJUANA OR ANY ILLEGAL ACTIVITY RELATED TO MARIJUANA.

(c) "ELIGIBLE LOCAL GOVERNMENT" MEANS A LOCAL GOVERNMENT THAT, OTHER THAN A SALES TAX THAT APPLIES EQUALLY TO ALL TANGIBLE GOODS WITHIN ITS JURISDICTION, DOES NOT IMPOSE, LEVY, OR COLLECT ANY TAX ON RETAIL MARIJUANA OR UPON THE OCCUPATION OR PRIVILEGE OF SELLING RETAIL MARIJUANA, AND IF:

(I) A COUNTY, ONE THAT DOES NOT HAVE ANY SALES OF RETAIL MARIJUANA WITHIN ITS UNINCORPORATED AREAS AND THAT:

(A) HAS AT LEAST ONE CITY OR TOWN WITHIN THE COUNTY BOUNDARIES THAT HAS SALES OF RETAIL MARIJUANA WITHIN ITS BOUNDARIES; OR

(B) IS CONTIGUOUS WITH A COUNTY THAT HAS SALES OF RETAIL MARIJUANA ANYWHERE WITHIN THE COUNTY BOUNDARIES; OR

(II) A CITY OR TOWN, ONE THAT DOES NOT HAVE ANY SALES OF RETAIL MARIJUANA WITHIN ITS BOUNDARIES AND THAT:

(A) IS WITHIN A COUNTY THAT ALLOWS SALES OF RETAIL MARIJUANA WITHIN ITS UNINCORPORATED AREAS;

(B) IS WITHIN A COUNTY THAT HAS WITHIN ITS BOUNDARIES AT LEAST ONE OTHER CITY OR TOWN THAT HAS SALES OF RETAIL MARIJUANA WITHIN ITS BOUNDARIES; OR

(C) IS WITHIN A COUNTY THAT IS CONTIGUOUS WITH ANOTHER COUNTY THAT HAS SALES OF RETAIL MARIJUANA ANYWHERE WITHIN THE COUNTY BOUNDARIES.

(d) "GRANT PROGRAM" MEANS THE LOCAL GOVERNMENT RETAIL MARIJUANA IMPACT GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

(e) "RETAIL MARIJUANA" HAS THE SAME MEANING AS SET FORTH IN SECTION 39-28.8-101 (7), C.R.S.; EXCEPT THAT THE TERM ALSO INCLUDES

"RETAIL MARIJUANA PRODUCTS", AS DEFINED IN SECTION 39-28.8-101 (9), C.R.S.

(2) THE LOCAL GOVERNMENT RETAIL MARIJUANA IMPACT GRANT PROGRAM IS CREATED IN THE DIVISION. THROUGH THE PROGRAM, THE DIVISION SHALL AWARD GRANTS TO ELIGIBLE LOCAL GOVERNMENTS FOR DOCUMENTED MARIJUANA IMPACTS. IN AWARDING GRANTS, THE DIVISION SHALL GIVE PRIORITY TO AN ELIGIBLE LOCAL GOVERNMENT THAT INTENDS TO USE THE MONEY FOR ONE OR MORE OF THE FOLLOWING PURPOSES:

(a) TO PAY FOR ADDITIONAL LAW ENFORCEMENT ACTIVITIES RELATED TO RETAIL MARIJUANA, INCLUDING COSTS ASSOCIATED WITH INCREASED ARRESTS, INCREASED TRAFFIC VIOLATIONS, AND PREVENTION OF OUT-OF-STATE DIVERSIONS AND TRAFFICKING OF MARIJUANA;

(b) TO FUND YOUTH SERVICES, ESPECIALLY THOSE THAT PREVENT THE USE OF MARIJUANA; AND

(c) TO MITIGATE OTHER IMPACTS THAT THE CULTIVATION, TESTING, SALE, CONSUMPTION, OR REGULATION OF RETAIL MARIJUANA HAS ON SERVICES PROVIDED BY AN ELIGIBLE LOCAL GOVERNMENT.

(3) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE MONEYS FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501, C.R.S., OR THE PROPOSITION AA REFUND ACCOUNT CREATED IN SECTION 39-28.8-604 (1), C.R.S., TO THE DIVISION TO MAKE THE GRANTS DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND FOR THE DIVISION'S REASONABLE ADMINISTRATIVE EXPENSES RELATED TO THE GRANTS. ANY UNEXPENDED AND UNENCUMBERED MONEYS FROM AN APPROPRIATION MADE PURSUANT TO THIS SUBSECTION (3) REMAIN AVAILABLE FOR EXPENDITURE BY THE DIVISION IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

(4) THE DIVISION SHALL ADOPT POLICIES AND PROCEDURES THAT ARE NECESSARY FOR THE ADMINISTRATION OF THE GRANT PROGRAM, INCLUDING RULES RELATED TO THE APPLICATION PROCESS AND THE GRANT AWARD CRITERIA.

(5) (a) ON OR BEFORE NOVEMBER 1, 2018, AND ON OR BEFORE NOVEMBER 1 EACH YEAR THEREAFTER, THE DIVISION SHALL INCLUDE AN UPDATE REGARDING THE EFFECTIVENESS OF THE GRANT PROGRAM IN ITS

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REPORT TO THE MEMBERS OF THE APPLICABLE COMMITTEES OF REFERENCE IN THE SENATE AND HOUSE OF REPRESENTATIVES REQUIRED BY THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, C.R.S.

(b) THE REPORTING REQUIREMENT IN PARAGRAPH (a) OF THIS SUBSECTION (5) IS NOT SUBJECT TO THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I).

**SECTION 14.** In Colorado Revised Statutes, 25-32-105, **amend** (1)(b) as follows:

**25-32-105. Department - poison control services - duties - contract.** (1) The department has the following powers and duties with respect to the provision of poison control services on a statewide basis and for the dissemination of information as provided in this article:

(b)(I) To contract with private, nonprofit, or public entities for the continuing provision of statewide poison control services and the continuing dissemination of poison control information to the citizens of the state by means of a toll-free telephone network, the provision of which services initially commenced on July 1, 1995. The department shall review the contract at least once each year and shall solicit and receive bids on the provision of poison control services no less than once every five years. This paragraph (b) shall apply to contract years commencing July 1, 1995, and thereafter.

(II) ON OR AFTER JANUARY 1, 2016, TO CONTRACT WITH PRIVATE, NONPROFIT, OR PUBLIC ENTITIES FOR THE CONTINUING PROVISION OF STATEWIDE POISON CONTROL SERVICES AND THE CONTINUING DISSEMINATION OF POISON CONTROL INFORMATION TO THE CITIZENS OF THE STATE BY MEANS OTHER THAN A TOLL-FREE TELEPHONE NETWORK, SUCH AS TEXT MESSAGING, INSTANT MESSAGING, AND EMAIL. THE ENTITY OR ENTITIES SHALL COORDINATE THESE SERVICES WITH THE TOLL-FREE TELEPHONE NETWORK DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b). THE GENERAL ASSEMBLY SHALL APPROPRIATE AT LEAST ONE MILLION DOLLARS FOR THE FISCAL YEAR 2015-16 TO THE DEPARTMENT FOR IT TO CONTRACT WITH AN ENTITY TO BUILD THE INFRASTRUCTURE NECESSARY FOR THE SERVICES IDENTIFIED IN THIS SUBPARAGRAPH (II), AND ANY UNEXPENDED AND UNENCUMBERED MONEYS FROM THE

APPROPRIATION REMAIN AVAILABLE FOR EXPENDITURE BY THE DEPARTMENT IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION. IN ADDITION, THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE MONEYS FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501, C.R.S., OR THE PROPOSITION AA REFUND ACCOUNT CREATED IN SECTION 39-28.8-604 (1), C.R.S., TO THE DEPARTMENT FOR THE SERVICES IDENTIFIED IN THIS SUBPARAGRAPH (II).

**SECTION 15.** In Colorado Revised Statutes, 26-6.8-104, **amend** (6) as follows:

**26-6.8-104. Colorado Youth Mentoring Services Act. (6) Youth mentoring services cash fund.** There is hereby created in the state treasury the youth mentoring services cash fund. The moneys in the youth mentoring services cash fund are subject to annual appropriation by the general assembly for the direct and indirect costs of implementing this section. The executive director may accept on behalf of the state any grants, gifts, or donations from any private or public source for the purpose of this section. All private and public funds received through grants, gifts, or donations shall be transmitted to the state treasurer, who shall credit the same to the youth mentoring services cash fund. THE GENERAL ASSEMBLY MAY APPROPRIATE MONEYS FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501, C.R.S., OR THE PROPOSITION AA REFUND ACCOUNT CREATED IN SECTION 39-28.8-604 (1), C.R.S. All investment earnings derived from the deposit and investment of moneys in the fund shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

**SECTION 16.** In Colorado Revised Statutes, 39-22-2002, **amend** (3) as follows:

**39-22-2002. Fiscal years commencing on or after July 1, 1998 - state sales tax refund - authority of executive director - repeal.** (3) As used in this section, unless the context otherwise requires, "excess state revenues" means the total combined amount of:

(a) Excess revenues that voters statewide have not authorized the state to retain and spend and that are required to be refunded pursuant to section 20 (7) (d) of article X of the state constitution and that are not refunded by another method established by law for said fiscal year ending

in that calendar year; and

(b) Excess revenues that voters statewide did not authorize the state to retain and spend and were required to be refunded pursuant to section 20 (7) (d) of article X of the state constitution for any other fiscal year and that were not refunded by another method established by law prior to said fiscal year, but that were not refunded by the state as required; AND

(c) (I) REVENUES SPECIFIED IN SECTION 39-28.8-605 (4).

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2017.

**SECTION 17.** In Colorado Revised Statutes, **add** 25.5-5-208 as follows:

**25.5-5-208. Additional services - training - grants - screening, brief intervention, and referral.** ON OR BEFORE JUNE 30, 2016, THE STATE DEPARTMENT SHALL GRANT, THROUGH A COMPETITIVE GRANT PROGRAM, UP TO FIVE HUNDRED THOUSAND DOLLARS TO ONE OR MORE ORGANIZATIONS TO PROVIDE EVIDENCE-BASED TRAINING AND OUTREACH TO HEALTH PROFESSIONALS STATEWIDE RELATED TO SCREENING, BRIEF INTERVENTION, AND REFERRAL TO TREATMENT FOR INDIVIDUALS AT RISK OF SUBSTANCE ABUSE FOR WHOM COLORADO PROVIDES OPTIONAL SERVICES IN ACCORDANCE WITH SECTION 25.5-5-202 (1) (u). FOR ANY FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2016, THE STATE DEPARTMENT SHALL AWARD ADDITIONAL GRANTS FOR THIS TRAINING AND OUTREACH, SUBJECT TO AVAILABLE APPROPRIATIONS. ANY MONEYS APPROPRIATED FOR GRANTS PURSUANT TO THIS SECTION ARE NOT SUBJECT TO FEDERAL FINANCIAL PARTICIPATION.

**SECTION 18.** In Colorado Revised Statutes, **add** 29-2-114 as follows:

**29-2-114. Retail marijuana excise tax - county - municipality - election.** (1) (a) IN ADDITION TO ANY SALES TAX IMPOSED PURSUANT TO SECTION 29-2-103 AND ARTICLES 26 AND 28.8 OF TITLE 39, C.R.S., AND IN ADDITION TO THE EXCISE TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., EACH COUNTY IN THE STATE IS AUTHORIZED TO LEVY, COLLECT, AND ENFORCE A COUNTY EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION

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FACILITY AUTHORIZED BY THE COUNTY; EXCEPT THAT A COUNTY IS NOT AUTHORIZED TO LEVY, COLLECT, AND ENFORCE A COUNTY EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY PURSUANT TO THIS SUBSECTION (1) WITHIN ANY MUNICIPALITY THAT LEVIES SUCH AN EXCISE TAX PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE TAX SHALL BE IMPOSED AT THE TIME WHEN THE RETAIL MARIJUANA CULTIVATION FACILITY FIRST SELLS OR TRANSFERS UNPROCESSED RETAIL MARIJUANA FROM THE RETAIL MARIJUANA CULTIVATION FACILITY TO A RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY, A RETAIL MARIJUANA STORE, OR ANOTHER RETAIL MARIJUANA CULTIVATION FACILITY. THE TAX RATE IMPOSED PURSUANT TO THIS PARAGRAPH (a) SHALL NOT EXCEED FIVE PERCENT OF THE AVERAGE MARKET RATE, AS DETERMINED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-28.8-101 (1), C.R.S., OF THE UNPROCESSED RETAIL MARIJUANA.

(b) NO EXCISE TAX SHALL BE LEVIED PURSUANT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1) UNTIL THE PROPOSAL HAS BEEN REFERRED TO AND APPROVED BY THE ELIGIBLE ELECTORS OF THE COUNTY. THE ADOPTION PROCEDURES FOR A COUNTYWIDE SALES TAX, USE TAX, OR BOTH, AS SPECIFIED IN THIS ARTICLE, SHALL APPLY TO THE REFERRAL AND APPROVAL OF AN EXCISE TAX PURSUANT TO THIS SUBSECTION (1). ANY PROPOSAL FOR THE LEVY OF AN EXCISE TAX IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (1) MAY BE SUBMITTED TO THE ELIGIBLE ELECTORS OF THE COUNTY ONLY ON THE DATE OF THE STATE GENERAL ELECTION OR ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR, AND ANY ELECTION ON THE PROPOSAL MUST BE CONDUCTED BY THE COUNTY CLERK AND RECORDER IN ACCORDANCE WITH THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, C.R.S.

(2) (a) IN ADDITION TO ANY SALES TAX IMPOSED PURSUANT TO SECTION 29-2-102 AND ARTICLES 26 AND 28.8 OF TITLE 39, C.R.S., AND IN ADDITION TO THE EXCISE TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., EACH MUNICIPALITY IN THE STATE IS AUTHORIZED TO LEVY, COLLECT, AND ENFORCE A MUNICIPAL EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY. THE TAX SHALL BE IMPOSED AT THE TIME WHEN THE RETAIL MARIJUANA CULTIVATION FACILITY FIRST SELLS OR TRANSFERS UNPROCESSED RETAIL MARIJUANA FROM THE RETAIL MARIJUANA

CULTIVATION FACILITY TO A RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY, A RETAIL MARIJUANA STORE, OR ANOTHER RETAIL MARIJUANA CULTIVATION FACILITY. THE TAX RATE IMPOSED BY ANY STATUTORY MUNICIPALITY PURSUANT TO THIS PARAGRAPH (a) SHALL NOT EXCEED FIVE PERCENT OF THE AVERAGE MARKET RATE, AS DETERMINED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-28.8-101 (1), C.R.S., OF THE UNPROCESSED RETAIL MARIJUANA.

(b) NO EXCISE TAX SHALL BE LEVIED PURSUANT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2) UNTIL THE PROPOSAL HAS BEEN REFERRED TO AND APPROVED BY THE ELIGIBLE ELECTORS OF THE MUNICIPALITY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 10 OF TITLE 31, C.R.S. ANY PROPOSAL FOR THE LEVY OF AN EXCISE TAX IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2) MAY BE SUBMITTED TO THE ELIGIBLE ELECTORS OF THE MUNICIPALITY ON THE DATE OF THE STATE GENERAL ELECTION, ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR, OR ON THE DATE OF A MUNICIPAL BIENNIAL ELECTION. ANY ELECTION ON THE PROPOSAL SHALL BE CONDUCTED BY THE CLERK OF THE MUNICIPALITY IN ACCORDANCE WITH THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, C.R.S.

(3) ANY EXCISE TAX IMPOSED BY A COUNTY OR MUNICIPALITY PURSUANT TO THIS SECTION SHALL NOT BE COLLECTED, ADMINISTERED, OR ENFORCED BY THE DEPARTMENT OF REVENUE, BUT SHALL INSTEAD BE COLLECTED, ADMINISTERED, AND ENFORCED BY THE COUNTY OR MUNICIPALITY IMPOSING THE TAX.

(4) A COUNTY OR MUNICIPALITY IN WHICH THE ELIGIBLE ELECTORS HAVE APPROVED AN EXCISE TAX PURSUANT TO THIS SECTION MAY CREDIT THE REVENUES COLLECTED FROM THE TAX TO THE GENERAL FUND OF THE COUNTY OR MUNICIPALITY OR TO ANY SPECIAL FUND CREATED IN THE COUNTY OR MUNICIPALITY'S TREASURY. THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY USE THE REVENUES COLLECTED FROM THE TAX IMPOSED PURSUANT TO THIS SECTION FOR ANY PURPOSE AS DETERMINED BY THE GOVERNING BODY OR THE ELECTORS OF THE COUNTY OR MUNICIPALITY, AS APPLICABLE.

(5) THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO INVALIDATE THE PRESUMED LEGALITY OF ANY COUNTY OR MUNICIPAL EXCISE TAX IMPOSED ON THE FIRST SALE OR TRANSFER OF UNPROCESSED



RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY THAT IS CONSISTENT WITH THIS SECTION AND THAT IS IN ADDITION TO ANY EXCISE TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., AND THAT WAS APPROVED BY THE ELIGIBLE ELECTORS OF THE COUNTY OR MUNICIPALITY PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (5).

(6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT COUNTIES AND MUNICIPALITIES FROM COOPERATING TO CREATE A COUNTYWIDE UNIFORM EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY WITH VOLUNTARY ABANDONMENT OF MUNICIPAL EXCISE TAX ORDINANCES.

**SECTION 19.** In Colorado Revised Statutes, 32-1-1004, **add** (10) as follows:

**32-1-1004. Metropolitan districts - additional powers and duties.** (10) (a) IN ADDITION TO THE EXCISE TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., A METROPOLITAN DISTRICT WITH BOUNDARIES ENTIRELY WITHIN THE UNINCORPORATED AREA OF A COUNTY IS AUTHORIZED TO LEVY, COLLECT, AND ENFORCE A METROPOLITAN DISTRICT EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY. THE TAX SHALL BE IMPOSED AT THE TIME WHEN THE RETAIL MARIJUANA CULTIVATION FACILITY FIRST SELLS OR TRANSFERS UNPROCESSED RETAIL MARIJUANA FROM THE RETAIL MARIJUANA CULTIVATION FACILITY TO A RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY, A RETAIL MARIJUANA STORE, OR ANOTHER RETAIL MARIJUANA CULTIVATION FACILITY.

(b) IF THE BOUNDARIES OF A METROPOLITAN DISTRICT ARE WITHIN A COUNTY THAT IMPOSES AN ADDITIONAL EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY PURSUANT TO SECTION 29-2-114, C.R.S., THE EXCISE TAX RATE IMPOSED BY THE METROPOLITAN DISTRICT PURSUANT TO THIS SUBSECTION (10) SHALL NOT EXCEED SUCH TAX RATE IMPOSED BY THE COUNTY. IN NO EVENT SHALL THE TAX RATE IMPOSED PURSUANT TO THIS SUBSECTION (10) EXCEED FIVE PERCENT OF THE AVERAGE MARKET RATE, AS DETERMINED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-28.8-101 (1), C.R.S., OF THE UNPROCESSED RETAIL MARIJUANA.

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(c) NO EXCISE TAX SHALL BE LEVIED PURSUANT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (10) UNTIL THE PROPOSAL HAS BEEN REFERRED TO AND APPROVED BY THE ELIGIBLE ELECTORS OF THE METROPOLITAN DISTRICT. ANY PROPOSAL FOR THE LEVY OF AN EXCISE TAX IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (10) MAY BE SUBMITTED TO THE ELIGIBLE ELECTORS OF THE DISTRICT AT A REGULAR SPECIAL DISTRICT ELECTION, ON THE DATE OF THE STATE GENERAL ELECTION, OR ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR, AND ANY ELECTION ON THE PROPOSAL MUST BE CONDUCTED IN ACCORDANCE WITH THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, C.R.S.

(d) ANY RETAIL MARIJUANA EXCISE TAX IMPOSED BY A METROPOLITAN DISTRICT PURSUANT TO THIS SUBSECTION (10) SHALL NOT BE COLLECTED, ADMINISTERED, OR ENFORCED BY THE DEPARTMENT OF REVENUE, BUT SHALL INSTEAD BE COLLECTED, ADMINISTERED, AND ENFORCED BY THE METROPOLITAN DISTRICT IMPOSING THE TAX OR THROUGH AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY IN WHICH THE METROPOLITAN DISTRICT IS LOCATED.

**SECTION 20.** In Colorado Revised Statutes, 35-10-112.5, **amend** (1), (2) introductory portion, (2) (b), and (3) (b) as follows:

**35-10-112.5. Statewide uniformity of pesticide control and regulation - exceptions.** (1) The general assembly hereby determines that:

(a) The citizens of this state benefit from a system of safe, effective, and scientifically sound pesticide regulation;

(b) ~~The general assembly further finds that~~ A system of pesticide regulation that is consistent and coordinated, that creates statewide uniform standards, and that conforms with both state and federal technical standards and requirements is essential to the public health, safety, and welfare, and finds that local regulation of pesticides that is inconsistent with and adopts different standards from federal and state requirements does not assist in achieving these benefits;

(c) ~~The general assembly also finds and declares that,~~ Through statute and regulation, the state has created a system of pesticide regulation based upon scientific standards that protects the citizens of this state; ~~The~~

~~general assembly expressly finds and declares that~~

(d) ALTHOUGH THE CULTIVATION OF MARIJUANA IS ILLEGAL UNDER FEDERAL LAW AND SO THE USE OF PESTICIDES IN CULTIVATING MARIJUANA IS NOT SPECIFICALLY ALLOWED BY ANY PESTICIDE'S LABEL, THE CULTIVATION OF MARIJUANA IS SPECIFICALLY ALLOWED AND REGULATED BY COLORADO LAW, AND THE USE OF PESTICIDES SHOULD BE REGULATED PURSUANT TO THIS ARTICLE AND RULES PROMULGATED PURSUANT TO THIS ARTICLE RATHER THAN PURSUANT TO LOCAL LAWS; AND

(e) Pesticide regulation is a matter of statewide concern.

(2) ~~No~~ A local government shall NOT adopt or continue in effect any ordinance, rule, resolution, charter provision, or statute regarding the use of any pesticide by persons regulated by this article or federal law and pertaining to:

(b) (I) THE use and application of pesticides by persons regulated by this article or federal law, including but not limited to, directions for use, classification of pesticides as general or restricted use, mixing and loading, site of application, target pest, dosage rate, method of application, application equipment, frequency and timing of applications, application rate, reentry intervals, worker specifications, container storage and disposal, required intervals between application and harvest of food or feed crops, rotational crop restrictions, and warnings against use on certain crops, animals, or objects or against use in or adjacent to certain areas.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) APPLIES TO THE USE AND APPLICATION OF PESTICIDES BY PERSONS REGULATED BY THIS ARTICLE OR FEDERAL LAW IN CONNECTION WITH THE CULTIVATION OF MARIJUANA.

(3) (b) This subsection (3) ~~may~~ DOES not be construed to authorize a local government to utilize THE POLICE POWER OR the authority to zone, to provide or designate disposal sites, to adopt and enforce building and fire codes, or to regulate the transportation of pesticides as described in paragraph (a) of this subsection (3) to directly or indirectly regulate or prohibit the application of pesticides by persons regulated by this article or by federal law, INCLUDING IN CONNECTION WITH THE CULTIVATION OF MARIJUANA.

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**SECTION 21. Appropriation.** (1) For the 2015-16 state fiscal year, \$2,500,000 is appropriated to the department of public health and environment for use by the prevention services division. This appropriation is from the proposition AA refund account in the general fund. The division may use this appropriation for the marijuana education campaign as part of the chronic disease prevention programs.

(2) For the 2015-16 state fiscal year, \$1,000,000 is appropriated to the department of public health and environment. This appropriation is from the proposition AA refund account in the general fund. The department may use this appropriation for poison control centers as specified in section 25-32-102 (1) (b) (II), C.R.S.

(3) For the 2015-16 state fiscal year, \$2,000,000 is appropriated to the school bullying prevention and education cash fund created in section 22-93-105 (1), C.R.S. This appropriation is from the proposition AA refund account in the general fund. The department of education is responsible for the accounting related to this appropriation.

(4) (a) For the 2015-16 state fiscal year, \$2,000,000 is appropriated to the student re-engagement grant program fund created in section 22-14-109 (4) (a), C.R.S. This appropriation is from the proposition AA refund account in the general fund. The department of education is responsible for the accounting related to this appropriation.

(b) For the 2015-16 state fiscal year, \$2,000,000 is appropriated to the department of education. This appropriation is from reappropriated funds in the student re-engagement grant program fund under paragraph (a) of this subsection (4). The department may use the appropriation for the direct and indirect costs associated with the student re-engagement grant program.

(5) (a) For the 2015-16 state fiscal year, \$1,000,000 is appropriated to the youth mentoring services cash fund created in section 26-6.8-104 (6), C.R.S. This appropriation is from the proposition AA refund account in the general fund. The department of human services is responsible for the accounting related to this appropriation.

(b) For the 2015-16 state fiscal year, \$1,000,000 is appropriated to the department of human services. This appropriation is from

reappropriated funds in the youth mentoring services cash fund under paragraph (a) of this subsection (5). The department may use the appropriation for the provision of youth mentoring services in accordance with section 26-6.8-104, C.R.S.

(6) For the 2015-16 state fiscal year, \$1,000,000 is appropriated to the department of human services. This appropriation is from the proposition AA refund account in the general fund. The department may use the appropriation for the purpose of providing grants through the Tony Grampsas youth mentoring program to statewide membership organizations.

(7) For the 2015-16 state fiscal year, \$500,000 is appropriated to the department of health care policy and financing. This appropriation is from the proposition AA refund account in the general fund. The department may use this appropriation to make grants to organizations to provide evidence-based training for health professionals statewide related to screening, brief intervention, and referral to treatment for individuals at risk of substance abuse.

(8) For the 2015-16 state fiscal year, \$300,000 is appropriated to the department of agriculture for use by the Colorado state fair authority. This appropriation is from the proposition AA refund account in the general fund. The authority may use this appropriation for FFA and 4H funding.

(9) For the 2015-16 state fiscal year, \$1,000,000 is appropriated to the department of local affairs for use by the division of local government. This appropriation is from the proposition AA refund account in the general fund. The division may use this appropriation for grants through the local government retail marijuana impact grant program created in section 24-32-117 (2), C.R.S.

(10) For the 2015-16 state fiscal year, \$500,000 is appropriated to the department of human services. This appropriation is from the proposition AA refund account in the general fund. The department may use this money for treatment and detoxification contracts.

(11) For the 2015-16 state fiscal year, \$200,000 is appropriated to the department of law for use by the peace officers standards and training board. This appropriation is from the proposition AA refund account in the

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general fund. The board may use this appropriation for advanced roadside impaired driving enforcement training for peace officers.

(12) For the 2015-16 state fiscal year, \$82,132 is appropriated to the department of local affairs. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$57,494 for use by division of local government for the local government retail marijuana impact grant program, which amount is based on an assumption that the division will require an additional 1.0 FTE;

(b) \$21,803 for the purchase of information technology services; and

(c) \$2,835 for the purchase of legal services.

(13) For the 2015-16 state fiscal year, \$21,803 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of local affairs under paragraph (b) of subsection (12) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of local affairs.

(14) For the 2015-16 state fiscal year, \$2,835 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of local affairs under paragraph (c) of subsection (12) of this section. To implement this act, the department may use this appropriation to provide legal services for the department of local affairs.

**SECTION 22. Appropriation - adjustments to 2015 long bill.**

(1) For the 2015-16 state fiscal year, \$71,342 is appropriated to the department of local affairs. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$69,452 for use by division of local government for the local government retail marijuana impact grant program, which amount is based on an assumption that the division will require an additional 1.0 FTE;

(b) \$1,890 for the purchase of legal services.

(2) For the 2015-16 state fiscal year, \$1,890 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of local affairs under paragraph (b) of subsection (1) of this section. To implement this act, the department may use this appropriation to provide legal services for the department of local affairs.

(3) For the 2015-16 state fiscal year, \$25,440 is appropriated to the department of revenue. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation for CITA annual maintenance and support.

(4) To implement this act, appropriations made in the annual general appropriation act for the 2015-16 state fiscal year to the department of human services are adjusted as follows:

(a) The cash funds appropriation from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., for jail-based behavioral health services is decreased by \$1,550,000; and

(b) The appropriation from reappropriated funds transferred from the judicial department for jail-based behavioral health services is increased by \$1,550,000.

(5) For the 2015-16 state fiscal year, \$1,550,000 is appropriated to the correctional treatment cash fund created in section 18-19-103 (4) (a), C.R.S. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. The judicial department is responsible for the accounting related to this appropriation.

(6) For the 2015-16 state fiscal year, \$1,550,000 is appropriated to the judicial department. This appropriation is from reappropriated funds in the correctional treatment cash fund under subsection (5) of this section. To implement this act, the department may use the appropriation for offender treatment and services.

(7) For the 2015-16 state fiscal year, \$314,633 is appropriated to the

department of agriculture. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$289,930 for use by agriculture services division for plant industry, which amount is based on an assumption that the division will require an additional 4.3 FTE; and

(b) \$24,703 for the purchase of legal services.

(8) For the 2015-16 state fiscal year, \$24,703 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of agriculture under paragraph (b) of subsection (7) of this section and is based on an assumption that the department of law will require an additional 0.1 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of agriculture.

**SECTION 23. Effective date - applicability.** (1) Except as otherwise provided in subsection (2) of this section, this act takes effect upon passage.

(2) (a) Sections 14, 17, and 21 of this act take effect only if, at the November 2015 statewide election, a majority of voters approve the ballot issue referred in accordance with section 39-28.8-603 (1), Colorado Revised Statutes.

(b) If the voters at the November 2015 statewide election approve a measure described in paragraph (a) of this subsection (2), then sections 14, 17, and 21 of this act take effect on the date of the official declaration of the vote thereon by the governor, or January 1, 2016, whichever is later.

(3) Sections 18 and 19 of this act apply to retail marijuana excise taxes levied by a county, municipality, or metropolitan district on or after January 1, 2014.

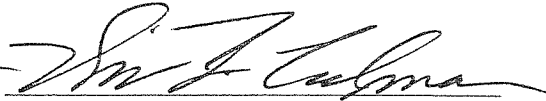
**SECTION 24. Safety clause.** The general assembly hereby finds,



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



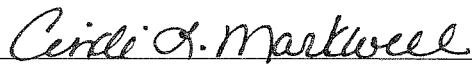
Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Bill L. Cadman  
PRESIDENT OF  
THE SENATE



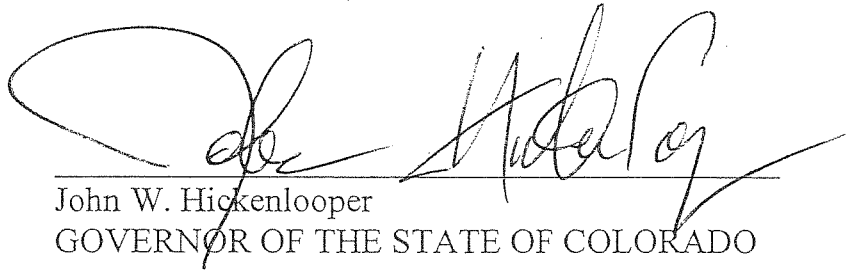
Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED 9:13 am

6/4/15

  
John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

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# An Act

SENATE BILL 15-058

BY SENATOR(S) Guzman, Aguilar, Carroll, Cooke, Donovan, Garcia, Heath, Hodge, Jahn, Johnston, Kefalas, Kerr, Merrifield, Newell, Roberts, Steadman, Todd, Ulibarri;  
also REPRESENTATIVE(S) Kagan, Buckner, Fields, Foote, Ginal, Lee, McCann, Mitsch Bush, Pettersen, Rosenthal, Ryden, Salazar, Singer, Tyler, Williams.

CONCERNING STATEWIDE POLICIES AND PROCEDURES FOR LAW ENFORCEMENT AGENCIES THAT CONDUCT EYEWITNESS IDENTIFICATIONS.

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

**SECTION 1.** In Colorado Revised Statutes, **add** 16-1-109 as follows:

**16-1-109. Eyewitness identification procedures - legislative declaration - definitions - policies and procedures - training - admissibility.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) OVER THE PAST FORTY YEARS, A LARGE BODY OF PEER-REVIEWED SCIENTIFIC RESEARCH AND PRACTICE HAS DEMONSTRATED THAT SIMPLE SYSTEMATIC CHANGES IN THE ADMINISTRATION OF

EYEWITNESS IDENTIFICATION PROCEDURES BY ALL LAW ENFORCEMENT AGENCIES CAN GREATLY IMPROVE THE ACCURACY OF THOSE IDENTIFICATIONS AND STRENGTHEN PUBLIC SAFETY WHILE PROTECTING THE INNOCENT;

(b) THE INTEGRITY OF COLORADO'S CRIMINAL JUSTICE SYSTEM BENEFITS FROM ADHERENCE TO PEER-REVIEWED RESEARCH-BASED PRACTICES IN THE INVESTIGATION OF CRIMINAL ACTIVITY; AND

(c) COLORADO WILL BENEFIT FROM THE DEVELOPMENT AND USE OF WRITTEN LAW ENFORCEMENT POLICIES THAT ARE DERIVED FROM PEER-REVIEWED SCIENTIFIC RESEARCH AND RESEARCH-BASED PRACTICES, WHICH WILL ULTIMATELY IMPROVE THE ACCURACY OF EYEWITNESS IDENTIFICATION AND STRENGTHEN THE CRIMINAL JUSTICE SYSTEM IN COLORADO.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BLIND" MEANS THE ADMINISTRATOR OF A LIVE LINEUP, PHOTO ARRAY, OR SHOWUP DOES NOT KNOW THE IDENTITY OF THE SUSPECT.

(b) "BLINDED" MEANS THE ADMINISTRATOR OF A LIVE LINEUP, PHOTO ARRAY, OR SHOWUP MAY KNOW WHO THE SUSPECT IS BUT DOES NOT KNOW IN WHICH POSITION THE SUSPECT IS PLACED IN THE PHOTO ARRAY WHEN IT IS VIEWED BY THE EYEWITNESS.

(c) "EYEWITNESS" MEANS A PERSON WHO OBSERVED ANOTHER PERSON AT OR NEAR THE SCENE OF AN OFFENSE.

(d) "FILLER" MEANS EITHER A PERSON OR A PHOTOGRAPH OF A PERSON WHO IS NOT SUSPECTED OF THE OFFENSE IN QUESTION AND IS INCLUDED IN AN IDENTIFICATION PROCEDURE.

(e) "LIVE LINEUP" MEANS AN IDENTIFICATION PROCEDURE IN WHICH A GROUP OF PERSONS, INCLUDING THE SUSPECTED PERPETRATOR OF AN OFFENSE AND OTHER PERSONS WHO ARE NOT SUSPECTED OF THE OFFENSE, IS DISPLAYED TO AN EYEWITNESS FOR THE PURPOSE OF DETERMINING WHETHER THE EYEWITNESS IDENTIFIES THE SUSPECT AS THE PERPETRATOR.

(f) "PEACE OFFICERS STANDARDS AND TRAINING BOARD" OR "P.O.S.T. BOARD" MEANS THE BOARD CREATED IN SECTION 24-31-302, C.R.S., FOR THE CERTIFICATION OF PEACE OFFICERS IN COLORADO.

(g) "PHOTO ARRAY" MEANS AN IDENTIFICATION PROCEDURE IN WHICH AN ARRAY OF PHOTOGRAPHS, INCLUDING A PHOTOGRAPH OF THE SUSPECTED PERPETRATOR OF AN OFFENSE AND ADDITIONAL PHOTOGRAPHS OF OTHER PERSONS WHO ARE NOT SUSPECTED OF THE OFFENSE, IS DISPLAYED TO AN EYEWITNESS EITHER IN HARD COPY FORM OR VIA ELECTRONIC MEANS FOR THE PURPOSE OF DETERMINING WHETHER THE EYEWITNESS IDENTIFIES THE SUSPECT AS THE PERPETRATOR.

(h) "SHOWUP" MEANS AN IDENTIFICATION PROCEDURE IN WHICH AN EYEWITNESS IS PRESENTED WITH A SINGLE SUSPECT IN PERSON FOR THE PURPOSE OF DETERMINING WHETHER THE EYEWITNESS IDENTIFIES THE INDIVIDUAL AS THE PERPETRATOR.

(3) (a) ON OR BEFORE JULY 1, 2016, ANY COLORADO LAW ENFORCEMENT AGENCY CHARGED WITH ENFORCING THE CRIMINAL LAWS OF COLORADO AND THAT, AS PART OF ANY CRIMINAL INVESTIGATION, USES OR MIGHT USE ANY EYEWITNESS IDENTIFICATION PROCEDURE SHALL ADOPT WRITTEN POLICIES AND PROCEDURES CONCERNING LAW ENFORCEMENT-CONDUCTED EYEWITNESS IDENTIFICATIONS. THE POLICIES AND PROCEDURES ADOPTED AND IMPLEMENTED BY A LAW ENFORCEMENT AGENCY MUST BE CONSISTENT WITH EYEWITNESS IDENTIFICATION PROCEDURES OF NATIONALLY RECOGNIZED PEER-REVIEWED RESEARCH OR THE POLICIES AND PROCEDURES DEVELOPED, AGREED UPON, AND RECOMMENDED BY THE COLORADO ATTORNEY GENERAL'S OFFICE AND THE COLORADO DISTRICT ATTORNEYS' COUNCIL. THE POLICIES AND PROCEDURES MUST INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(I) PROTOCOLS GUIDING THE USE OF A SHOWUP;

(II) PROTOCOLS GUIDING THE RECOMMENDED USE OF A BLIND ADMINISTRATION OF BOTH PHOTO ARRAYS AND LIVE LINEUPS OR THE RECOMMENDED USE OF A BLINDED ADMINISTRATION OF THE IDENTIFICATION PROCESS WHEN CIRCUMSTANCES PREVENT THE USE OF A BLIND ADMINISTRATION;

(III) THE DEVELOPMENT OF A SET OF EASILY UNDERSTOOD

PAGE 3-SENATE BILL 15-058

INSTRUCTIONS FOR EYEWITNESSES THAT, AT A MINIMUM, ADVISE THE EYEWITNESS THAT THE ALLEGED PERPETRATOR MAY OR MAY NOT BE PRESENT IN THE PHOTO ARRAY OR LIVE LINEUP AND THAT THE INVESTIGATION WILL CONTINUE WHETHER OR NOT THE EYEWITNESS IDENTIFIES ANYONE AS THE ALLEGED PERPETRATOR IN THE PHOTO ARRAY OR LIVE LINEUP;

(IV) INSTRUCTIONS TO THE LAW ENFORCEMENT AGENCY REGARDING THE APPROPRIATE CHOICE AND USE OF FILLERS IN COMPILING A LIVE LINEUP OR PHOTO ARRAY, INCLUDING ENSURING THAT FILLERS MATCH THE ORIGINAL DESCRIPTION OF THE PERPETRATOR; AND

(V) PROTOCOLS REGARDING THE DOCUMENTATION OF THE EYEWITNESS' LEVEL OF CONFIDENCE AS ELICITED AT THE TIME HE OR SHE FIRST IDENTIFIES AN ALLEGED PERPETRATOR OR OTHER PERSON AND MEMORIALIZED VERBATIM IN WRITING.

(b) ON OR BEFORE JULY 1, 2016, ALL COLORADO LAW ENFORCEMENT AGENCIES THAT CONDUCT EYEWITNESS IDENTIFICATIONS SHALL ADOPT AND IMPLEMENT THE WRITTEN POLICIES AND PROCEDURES REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (3). IF A LAW ENFORCEMENT AGENCY DOES NOT COMPLETE OR ADOPT ITS OWN WRITTEN POLICIES AND PROCEDURES RELATING TO EYEWITNESS IDENTIFICATIONS, THE LAW ENFORCEMENT AGENCY MUST, ON OR BEFORE JULY 1, 2016, ADOPT AND IMPLEMENT THE MODEL POLICIES AND PROCEDURES AS DEVELOPED AND APPROVED IN 2015 BY THE COLORADO ATTORNEY GENERAL AND THE COLORADO DISTRICT ATTORNEYS' COUNCIL.

(c) LOCAL LAW ENFORCEMENT POLICIES AND PROCEDURES RELATING TO EYEWITNESS IDENTIFICATION ARE PUBLIC DOCUMENTS. ALL SUCH POLICIES AND PROCEDURES MUST BE AVAILABLE, WITHOUT COST, TO THE PUBLIC UPON REQUEST PURSUANT TO THE PROVISIONS OF THIS SECTION.

(d) SUBJECT TO AVAILABLE RESOURCES, LAW ENFORCEMENT SHALL CREATE, CONDUCT, OR FACILITATE PROFESSIONAL TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICERS AND OTHER RELEVANT PERSONNEL ON METHODS AND TECHNICAL ASPECTS OF EYEWITNESS IDENTIFICATION POLICIES AND PROCEDURES. WHILE THESE TRAINING PROGRAMS SHALL BE APPROVED BY THE P.O.S.T. BOARD, ANY PROGRAMS MAY BE CREATED, PROVIDED, AND CONDUCTED BY ANY LAW ENFORCEMENT AGENCY, THE

PAGE 4-SENATE BILL 15-058

OFFICE OF THE ATTORNEY GENERAL, THE COLORADO DISTRICT ATTORNEYS' COUNCIL, OR ANY OTHER P.O.S.T-APPROVED TRAINING ENTITY.

(4) POLICIES AND PROCEDURES ADOPTED AND IMPLEMENTED BY A LAW ENFORCEMENT AGENCY PURSUANT TO THIS SECTION SHALL BE REVIEWED BY THE AGENCY AT LEAST EVERY FIVE YEARS TO ENSURE CONSISTENCY WITH NATIONALLY RECOGNIZED PEER-REVIEWED RESEARCH.

(5) COMPLIANCE OR FAILURE TO COMPLY WITH ANY OF THE REQUIREMENTS OF THIS SECTION IS CONSIDERED RELEVANT EVIDENCE IN ANY CASE INVOLVING EYEWITNESS IDENTIFICATION, AS LONG AS SUCH EVIDENCE IS OTHERWISE ADMISSIBLE.

**SECTION 2. Effective date.** This act takes effect July 1, 2015.

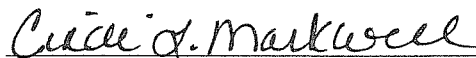
**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



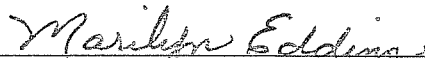
Bill L. Cadman  
PRESIDENT OF  
THE SENATE



Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

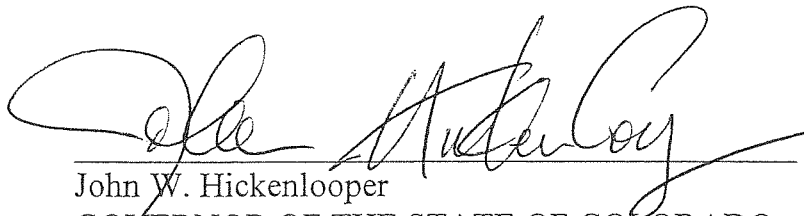


Cindi L. Markwell  
SECRETARY OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED 11:29 am 4/16/15



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO



# An Act

SENATE BILL 15-212

BY SENATOR(S) Sonnenberg, Baumgardner, Cooke, Guzman, Holbert, Kefalas, Marble, Martinez Humenik, Merrifield, Neville T., Scott, Woods; also REPRESENTATIVE(S) Winter and Carver, Fields, Lebsock, Moreno, Mitsch Bush, Rosenthal, Van Winkle, Williams.

CONCERNING A DETERMINATION THAT WATER DETENTION FACILITIES DESIGNED TO MITIGATE THE ADVERSE EFFECTS OF STORM WATER RUNOFF DO NOT MATERIALLY INJURE WATER RIGHTS.

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

**SECTION 1.** In Colorado Revised Statutes, 37-92-602, add (8) as follows:

**37-92-602. Exemptions - presumptions - legislative declaration - definitions.** (8) (a) THE GENERAL ASSEMBLY HEREBY DECLARES THAT STORM WATER DETENTION AND INFILTRATION FACILITIES AND POST-WILDLAND FIRE FACILITIES ARE ESSENTIAL FOR THE PROTECTION OF PUBLIC SAFETY AND WELFARE, PROPERTY, AND THE ENVIRONMENT.

(b) FOR THE PURPOSES OF THIS SUBSECTION (8):

(I) A "STORM WATER DETENTION AND INFILTRATION FACILITY"

MEANS A FACILITY THAT IS OPERATED SOLELY FOR STORM WATER MANAGEMENT AND:

(A) IS OWNED OR OPERATED BY A GOVERNMENTAL ENTITY OR IS SUBJECT TO OVERSIGHT BY A GOVERNMENTAL ENTITY;

(B) CONTINUOUSLY RELEASES OR INFILTRATES AT LEAST NINETY-SEVEN PERCENT OF ALL OF THE WATER FROM A RAINFALL EVENT THAT IS EQUAL TO OR LESS THAN A FIVE-YEAR STORM WITHIN SEVENTY-TWO HOURS AFTER THE END OF THE RAINFALL EVENT;

(C) CONTINUOUSLY RELEASES OR INFILTRATES ALL OF THE WATER FROM A RAINFALL EVENT GREATER THAN A FIVE-YEAR STORM AS QUICKLY AS PRACTICABLE, BUT IN ALL CASES RELEASES OR INFILTRATES AT LEAST NINETY-NINE PERCENT OF ALL OF THE WATER FROM THE RAINFALL EVENT WITHIN ONE HUNDRED TWENTY HOURS AFTER THE END OF THE RAINFALL EVENT; AND

(D) OPERATES PASSIVELY AND DOES NOT SUBJECT THE STORM WATER RUNOFF TO ANY ACTIVE TREATMENT PROCESS.

(II) A "POST-WILDLAND FIRE FACILITY" MEANS A FACILITY THAT IS:

(A) NOT PERMANENT;

(B) LOCATED ON, IN, OR ADJACENT TO A NONPERENNIAL STREAM;

(C) DESIGNED AND OPERATED SOLELY FOR THE MITIGATION OF THE IMPACTS OF WILDLAND FIRE EVENTS; AND

(D) DESIGNED AND OPERATED TO MINIMIZE THE QUANTITY OF WATER DETAINED AND THE DURATION OF THE DETENTION OF WATER TO THE LEVELS NECESSITATED BY PUBLIC SAFETY AND WELFARE.

(c) (I) STORM WATER DETENTION AND INFILTRATION FACILITIES IN EXISTENCE ON THE EFFECTIVE DATE OF THIS SUBSECTION (8) THAT ARE OPERATED IN COMPLIANCE WITH PARAGRAPHS (b) AND (e) OF THIS SUBSECTION (8) AND POST-WILDLAND FIRE FACILITIES THAT ARE OPERATED IN COMPLIANCE WITH PARAGRAPHS (b) AND (e) OF THIS SUBSECTION (8) DO NOT CAUSE MATERIAL INJURY TO VESTED WATER RIGHTS.

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(II) (A) THE HOLDER OF A VESTED WATER RIGHT MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION TO DETERMINE WHETHER THE OPERATION OF A STORM WATER DETENTION AND INFILTRATION FACILITY CONSTRUCTED AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (8) HAS CAUSED MATERIAL INJURY TO THAT WATER RIGHT. OPERATION OF THE FACILITY IN COMPLIANCE WITH PARAGRAPHS (b) AND (e) OF THIS SUBSECTION (8) CREATES A REBUTTABLE PRESUMPTION THAT THE FACILITY DOES NOT CAUSE MATERIAL INJURY TO VESTED WATER RIGHTS IF THE OPERATION OF THE FACILITY APPROXIMATES AND DOES NOT CAUSE A MATERIAL REDUCTION IN THE NATURAL HYDROGRAPH WITH RESPECT TO PEAK FLOWS THAT WOULD HAVE EXISTED WITHOUT THE UPSTREAM URBAN DEVELOPMENT THAT RESULTS IN THE STORM WATER BEING MANAGED BY THE STORM WATER DETENTION AND INFILTRATION FACILITY.

(B) THE HOLDER OF A VESTED WATER RIGHT WHO BRINGS AN ACTION UNDER SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) MAY REBUT THE PRESUMPTION ESTABLISHED BY SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) WITH EVIDENCE SUFFICIENT TO SHOW THAT THE OPERATION OF THE STORM WATER DETENTION AND INFILTRATION FACILITY HAS CAUSED MATERIAL INJURY TO THE WATER RIGHT BY MODIFYING THE AMOUNT OR TIMING OF WATER THAT WOULD HAVE BEEN AVAILABLE FOR DIVERSION BY THE WATER RIGHT ABSENT THE OPERATION OF THE FACILITY UNDER HYDROLOGIC CONDITIONS THAT EXISTED AS OF THE WATER RIGHT'S PRIORITY DATE, EXCLUDING FLOWS RESULTING FROM DEVELOPMENT OF IMPERVIOUS SURFACES WITHIN THE DRAINAGE THAT CREATED THE NEED FOR THE STORM WATER DETENTION AND INFILTRATION FACILITY.

(d) AN ENTITY THAT OWNS, OPERATES, OR HAS OVERSIGHT FOR A STORM WATER DETENTION AND INFILTRATION FACILITY CONSTRUCTED AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (8) SHALL, PRIOR TO OPERATION OF THE FACILITY, PROVIDE NOTICE OF THE LOCATION AND APPROXIMATE SURFACE AREA AT DESIGN VOLUME OF THE FACILITY AND THE DATA THAT DEMONSTRATES THAT THE FACILITY HAS BEEN DESIGNED TO COMPLY WITH SUB-SUBPARAGRAPHS (B) AND (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF THIS SUBSECTION (8) TO ALL PARTIES ON THE SUBSTITUTE WATER SUPPLY PLAN NOTIFICATION LIST MAINTAINED BY THE STATE ENGINEER PURSUANT TO SECTION 37-92-308 (6) FOR THE WATER DIVISION IN WHICH THE FACILITY IS LOCATED.

(e) (I) WATER DETAINED OR RELEASED BY A STORM WATER

DETENTION AND INFILTRATION FACILITY OR POST-WILDLAND FIRE FACILITY SHALL NOT BE USED FOR ANY PURPOSE, INCLUDING, WITHOUT LIMITATION, BY SUBSTITUTION OR EXCHANGE, BY THE ENTITY THAT OWNS, OPERATES, OR HAS OVERSIGHT OVER THE FACILITY OR THAT ENTITY'S ASSIGNEES, AND IS AVAILABLE FOR DIVERSION IN PRIORITY AFTER RELEASE OR INFILTRATION.

(II) AN ENTITY SHALL NOT RELEASE WATER DETAINED BY A STORM WATER DETENTION AND INFILTRATION FACILITY OR POST-WILDLAND FIRE FACILITY FOR THE SUBSEQUENT DIVERSION OR STORAGE BY THE PERSON THAT OWNS, OPERATES, OR HAS OVERSIGHT OVER THE FACILITY OR THAT ENTITY'S ASSIGNEES.

(III) THE OPERATION OF A STORM WATER DETENTION AND INFILTRATION FACILITY OR POST-WILDLAND FIRE FACILITY IS NOT THE BASIS FOR A WATER RIGHT, CREDIT, OR OTHER RIGHT TO OR FOR THE USE OF WATER.

(f) A PERSON WHO INSTALLED OR OPERATED A POST-WILDLAND FIRE FACILITY SHALL ENSURE THAT THE FACILITY IS REMOVED OR RENDERED INOPERABLE AFTER THE EMERGENCY CONDITIONS CREATED BY THE WILDFIRE NO LONGER EXIST.

(g) NOTHING IN THIS SUBSECTION (8) ALTERS, AMENDS, OR AFFECTS ANY OTHERWISE-APPLICABLE REQUIREMENT TO OBTAIN A STATE OR LOCAL PERMIT FOR A STORM WATER MANAGEMENT FACILITY OR POST-WILDLAND FIRE FACILITY CONSTRUCTED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (8).

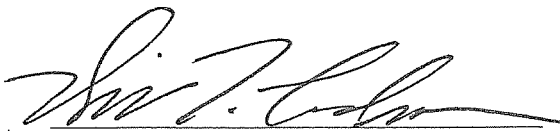
(h) THE PROVISIONS OF THIS SUBSECTION (8) RELATING TO STORM WATER DETENTION AND INFILTRATION FACILITIES DO NOT APPLY TO FOUNTAIN CREEK AND ITS TRIBUTARIES, EXCEPT FOR FACILITIES REQUIRED BY OR OPERATED IN COMPLIANCE WITH A COLORADO DISCHARGE PERMIT SYSTEM MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT ISSUED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO ARTICLE 8 OF TITLE 25, C.R.S.

**SECTION 2. Act subject to petition - effective date - applicability.** (1) This act takes 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 5, 2015, if adjournment sine die is on May 6,

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2015); 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 will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

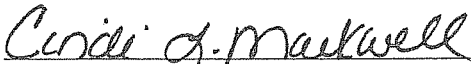
(2) This act applies to the administration of facilities occurring on or after the applicable effective date of this act.



Bill L. Cadman  
PRESIDENT OF  
THE SENATE



Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

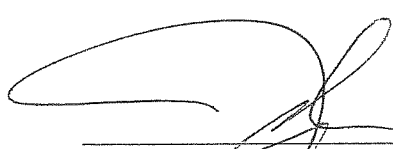


Cindi L. Markwell  
SECRETARY OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED 2:57 PM 5/29/15



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

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# An Act

SENATE BILL 15-282

BY SENATOR(S) Scott and Johnston, Cadman, Scheffel, Crowder, Donovan, Garcia, Grantham;  
also REPRESENTATIVE(S) Duran and Willett, DelGrosso, Becker K., Brown, Conti, Coram, Danielson, Esgar, Fields, Garnett, Hamner, Kraft-Tharp, Lee, Lontine, Melton, Mitsch Bush, Pettersen, Primavera, Priola, Rankin, Rosenthal, Ryden, Salazar, Singer, Tate, Vigil, Wilson, Windholz, Winter, Young.

CONCERNING THE ESTABLISHMENT OF A RURAL JUMP-START PROGRAM IN HIGHLY DISTRESSED COUNTIES OF THE STATE FOR NEW BUSINESSES THAT BRING NEW JOBS TO THE STATE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, **add** article 30.5 to title 39 as follows:

## ARTICLE 30.5 Rural Jump-Start Zone Act

**39-30.5-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "RURAL JUMP-START ZONE ACT".

**39-30.5-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) WHILE OVERALL THERE ARE IMPROVEMENTS TO THE COLORADO ECONOMY, THERE STILL EXISTS A SIGNIFICANT CONTRACTION OF LOCAL ECONOMIES IN CERTAIN AREAS OF THE STATE;

(b) IMPORTANTLY, THOSE AREAS ARE EXPERIENCING INCREASED ECONOMIC DOWNTURN AS MEASURED BY CHANGES IN SUCH FACTORS AS POPULATION, EMPLOYMENT, WEEKLY WAGE, ASSESSED VALUE OF ALL PROPERTY, AND CONCENTRATION OF PUPILS ELIGIBLE FOR FREE LUNCH; AND

(c) COLORADO'S MANY DIVERSE ASPECTS ARE WHAT MAKE IT SUCH A UNIQUE AND WONDERFUL STATE, WITH VARYING ECONOMIC SECTORS AND REGIONS MAKING ITS STRENGTH GREATER THAN THE SUM OF ITS PARTS. IT IS IMPERATIVE THAT ALL SECTORS OF THE STATE BE KEPT INDEPENDENTLY STRONG AND BE GIVEN THE CHANCE TO IMPROVE, PROSPER, AND CONTRIBUTE TO THE WHOLE, FROM WHICH ALL BENEFIT. THE GENERAL ASSEMBLY IS COMMITTED TO REACHING OUT TO ALL SUCH AREAS TO ENSURE THIS GOAL IS MET.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT ESTABLISHING CERTAIN RURAL JUMP-START ZONES IS BEST SUITED TO BRING ABOUT THE ECONOMIC VITALITY SO CRITICALLY NEEDED IN THOSE REGIONS.

(3) THE GENERAL ASSEMBLY FINDS THAT, BY ATTRACTING BUSINESSES THAT ARE COMPLETELY NEW TO COLORADO, ECONOMIC GROWTH WILL OCCUR IN DISTRESSED COUNTIES WITHOUT NEGATIVELY IMPACTING OTHER AREAS OF THE STATE AND, WHILE CERTAIN TAXES, SUCH AS BUSINESS PERSONAL PROPERTY TAXES, WILL NOT BE COLLECTED WITHIN THE RURAL JUMP-START ZONE, THE NET IMPACT OF THOSE UNCOLLECTED TAXES WILL RESULT IN A NET POSITIVE IMPACT TO THE STATE, THE DISTRESSED COUNTY, AND THE INTERESTED MUNICIPALITY.

**39-30.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COLORADO ECONOMIC DEVELOPMENT COMMISSION" OR "COMMISSION" MEANS THE COLORADO ECONOMIC DEVELOPMENT



COMMISSION CREATED IN SECTION 24-46-102, C.R.S.

(2) "CREDIT CERTIFICATE" MEANS A STATEMENT ISSUED BY THE COMMISSION CERTIFYING THAT THE NEW BUSINESS OR NEW HIRE QUALIFIES FOR AN INCOME TAX CREDIT ALLOWED IN SECTION 39-30.5-105. THE CREDIT CERTIFICATE SHALL NOT SPECIFY THE AMOUNT OF THE CREDIT, BUT MUST SPECIFY THAT THE NEW BUSINESS OR NEW HIRE IS ELIGIBLE FOR THE CREDIT.

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

(4) "DISTRESSED COUNTY" MEANS A COUNTY WITH A POPULATION OF LESS THAN TWO HUNDRED FIFTY THOUSAND AND THAT REFLECTS INDICATORS OF ECONOMIC DISTRESS SUCH AS:

(a) PER CAPITA INCOME THAT IS SUBSTANTIALLY BELOW THE STATEWIDE AVERAGE;

(b) LOCAL GROSS DOMESTIC PRODUCT OR SIMILAR PERFORMANCE MEASURES THAT ARE SUBSTANTIALLY BELOW THE STATEWIDE AVERAGE OVER THE PRECEDING FIVE-YEAR PERIOD;

(c) UNEMPLOYMENT LEVELS THAT ARE SUBSTANTIALLY ABOVE THE STATEWIDE AVERAGE OVER THE PRECEDING FIVE-YEAR PERIOD;

(d) A NET LOSS OF PEOPLE OF WORKFORCE AGE MEASURED OVER THE PRECEDING FIVE-YEAR PERIOD, OR A FAILURE TO RECOVER FROM A LOSS OVER THE PRECEDING TEN-YEAR PERIOD; OR

(e) A COUNTYWIDE CONCENTRATION OF PUPILS ELIGIBLE FOR FREE LUNCH PURSUANT TO THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., GREATER THAN THE STATEWIDE AVERAGE CONCENTRATION OF PUPILS ELIGIBLE FOR FREE LUNCH.

(5) "GUIDELINES" MEANS THE GUIDELINES DEVELOPED BY THE COMMISSION AS SPECIFIED IN SECTION 39-30.5-104 (1).

(6) "MUNICIPALITY" MEANS A MUNICIPALITY AS DEFINED IN SECTION 31-1-101 (6), C.R.S., WITH BOUNDARIES WHOLLY OR PARTLY WITHIN THE DISTRESSED COUNTY'S BOUNDARIES.

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(7) "NEW BUSINESS" MEANS A BUSINESS THAT:

(a) IS NOT OPERATING IN THE STATE AT THE TIME IT SUBMITS ITS APPLICATION TO A STATE INSTITUTION OF HIGHER EDUCATION TO PARTICIPATE IN THE RURAL JUMP-START ZONE PROGRAM;

(b) IS NOT MOVING EXISTING JOBS INTO THE RURAL JUMP-START ZONE FROM ANOTHER AREA IN THE STATE;

(c) HIRES AT LEAST FIVE NEW HIRES;

(d) IS NOT SUBSTANTIALLY SIMILAR IN OPERATION TO AND DOES NOT DIRECTLY COMPETE WITH THE CORE FUNCTION OF A BUSINESS THAT IS OPERATING IN THE STATE AT THE TIME THE NEW BUSINESS SUBMITS ITS APPLICATION TO A STATE INSTITUTION OF HIGHER EDUCATION TO PARTICIPATE IN THE RURAL JUMP-START ZONE PROGRAM; AND

(e) ADDS TO THE ECONOMIC BASE AND EXPORTS GOODS AND SERVICES OUTSIDE THE DISTRESSED COUNTY.

(8) "NEW HIRE" MEANS AN INDIVIDUAL WHO HAS PERFORMED LABOR OR SERVICES IN THE RURAL JUMP-START ZONE FOR THE NEW BUSINESS FOR MORE THAN SIX MONTHS FROM THE DATE HIRED AND FOR WHICH SUCH INDIVIDUAL RECEIVES A FEDERAL FORM W-2 AND WHERE THE JOB PERFORMED BY THE INDIVIDUAL:

(a) IS EITHER A FULL-TIME, WAGE-PAYING JOB OR IS EQUIVALENT TO A FULL-TIME, WAGE-PAYING JOB REQUIRING AT LEAST THIRTY-FIVE HOURS PER WEEK; AND

(b) HAS A SALARY OR COMPENSATION EQUAL TO OR GREATER THAN THE COUNTY AVERAGE ANNUAL WAGE.

(9) "RURAL JUMP-START ZONE" MEANS AN AREA WITHIN THE BOUNDARIES OF A DISTRESSED COUNTY THAT IS EITHER:

(a) IN ONE OR MORE INCORPORATED PORTIONS OF THE DISTRESSED COUNTY IF THE MUNICIPALITY PROVIDES THE COMMISSION WITH A GENERAL RESOLUTION AS DESCRIBED IN SECTION 39-30.5-106 AGREEING TO PROVIDE INCENTIVE PAYMENTS, EXEMPTIONS, OR CREDITS TO OFFSET THE IMPOSITION

OF BUSINESS PERSONAL PROPERTY TAX ON AND, IF THE MUNICIPALITY WISHES, TO OFFSET THE IMPOSITION OF ANY OTHER MUNICIPAL TAX ON ALL NEW BUSINESSES IN ORDER TO BE A PARTICIPANT IN THE RURAL JUMP-START ZONE PROGRAM;

(b) IN ONE OR MORE INCORPORATED PORTIONS OF THE DISTRESSED COUNTY IF THE MUNICIPALITY PROVIDES THE COMMISSION WITH A LIMITED RESOLUTION AS DESCRIBED IN SECTION 39-30.5-106 THAT INDICATES THE MUNICIPALITY AGREES TO ONLY PROVIDE INCENTIVE PAYMENTS, EXEMPTIONS, OR CREDITS TO OFFSET THE IMPOSITION OF BUSINESS PERSONAL PROPERTY TAX ON AND, IF THE MUNICIPALITY WISHES, TO OFFSET THE IMPOSITION OF ANY OTHER MUNICIPAL TAX ON A SPECIFIC NEW BUSINESS IN ORDER TO BE A LIMITED PARTICIPANT IN THE RURAL JUMP-START ZONE PROGRAM; OR

(c) IN THE UNINCORPORATED PORTIONS OF THE DISTRESSED COUNTY.

(10) "RURAL JUMP-START ZONE PROGRAM" MEANS THE RURAL JUMP-START ZONE PROGRAM CREATED IN THIS ARTICLE.

(11) "STATE INSTITUTION OF HIGHER EDUCATION" MEANS A STATE INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102 (10), C.R.S., A JUNIOR COLLEGE, OR AN AREA VOCATIONAL SCHOOL THAT:

(a) HAS A CAMPUS LOCATED IN THE DISTRESSED COUNTY; OR

(b) INCLUDES A DISTRESSED COUNTY IN THE COMMUNITY COLLEGE'S SERVICE AREA OR THE REGIONAL EDUCATION PROVIDER'S SERVICE AREA.

**39-30.5-104. Rural jump-start zone program requirements - commission guidelines - definitions.** (1) (a) THE COMMISSION SHALL DEVELOP GUIDELINES FOR THE ADMINISTRATION OF THE RURAL JUMP-START ZONE PROGRAM CREATED IN THIS ARTICLE, INCLUDING, BUT NOT LIMITED TO:

(I) APPLICATION REQUIREMENTS;

(II) GUIDELINES REGARDING THE ISSUING OF CREDIT CERTIFICATES;

AND

(III) GUIDELINES CONCERNING THE PROCESS BY WHICH THE COMMISSION WILL DETERMINE WHETHER A NEW BUSINESS IS NOT SUBSTANTIALLY SIMILAR IN OPERATION TO AND DOES NOT DIRECTLY COMPETE WITH THE CORE FUNCTION OF A BUSINESS THAT IS OPERATING IN THE STATE AT THE TIME THE NEW BUSINESS SUBMITS ITS APPLICATION TO A STATE INSTITUTION OF HIGHER EDUCATION TO PARTICIPATE IN THE RURAL JUMP-START ZONE PROGRAM.

(b) THE GUIDELINES MUST BE POSTED ON THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT'S WEB SITE NO LATER THAN DECEMBER 1, 2015.

(c) IN DEVELOPING THE GUIDELINES, THE COMMISSION SHALL FOLLOW THE POLICIES OF THE COLORADO COMMISSION ON HIGHER EDUCATION REGARDING SERVICE AREAS AND REGIONAL EDUCATION PROVIDERS.

(2) NO LATER THAN DECEMBER 1, 2015, THE COMMISSION SHALL DETERMINE WHICH OF THE STATE'S COUNTIES ARE DISTRESSED COUNTIES. IF A DISTRESSED COUNTY IS INTERESTED IN PARTICIPATING IN THE RURAL JUMP-START ZONE PROGRAM, THE DISTRESSED COUNTY SHALL PROVIDE THE COMMISSION WITH A RESOLUTION DESCRIBED IN SECTION 39-30.5-106.

(3) EACH DISTRESSED COUNTY SHALL RETAIN ITS DESIGNATION AS A DISTRESSED COUNTY FOR THREE YEARS FROM THE DATE OF THE DESIGNATION. AFTER THE THREE-YEAR PERIOD, THE COMMISSION SHALL REVIEW THE DESIGNATION. IF THE COMMISSION DETERMINES THAT THE COUNTY IS NO LONGER DISTRESSED, THE NEW BUSINESS AND THE NEW HIRES RETAIN THE BENEFITS SPECIFIED IN SECTION 39-30.5-105 FOR THE REMAINING PORTION OF THE FOUR-YEAR PERIOD OUTLINED IN THAT SECTION, OR THE REMAINING EXTENDED PERIOD IF THE COMMISSION GRANTS AN EXTENSION OF THE PERIOD PURSUANT TO SECTION 39-30.5-105 (1) (a) (II), (2) (a) (II), OR (3) (b).

(4) (a) A STATE INSTITUTION OF HIGHER EDUCATION INTENDING TO PARTICIPATE IN THE RURAL JUMP-START ZONE PROGRAM SHALL ADOPT A CONFLICT OF INTEREST POLICY. THE CONFLICT OF INTEREST POLICY MUST PROVIDE THAT:

(I) A REPRESENTATIVE OF THE STATE INSTITUTION OF HIGHER EDUCATION MAY NOT USE THE RELATIONSHIP BETWEEN THE STATE

INSTITUTION OF HIGHER EDUCATION AND THE NEW BUSINESS AS A MEANS FOR INUREMENT OR PRIVATE BENEFIT TO THE REPRESENTATIVE OF THE STATE INSTITUTION OF HIGHER EDUCATION, ANY RELATIVE OF SUCH REPRESENTATIVE, OR ANY BUSINESS INTERESTS OF SUCH REPRESENTATIVE;

(II) A PERSON WHO ENGAGES IN THE BUSINESS OF SELLING GOODS OR SERVICES TO A STATE INSTITUTION OF HIGHER EDUCATION, AN EMPLOYEE OF SUCH PERSON, OR A PERSON WITH A BUSINESS INTEREST IN SUCH PERSON'S BUSINESS SHALL NOT VOTE ON OR PARTICIPATE IN THE ADMINISTRATION BY THE STATE INSTITUTION OF HIGHER EDUCATION OF ANY TRANSACTION WITH SUCH BUSINESS; AND

(III) (A) UPON BECOMING AWARE OF AN ACTUAL OR POTENTIAL CONFLICT OF INTEREST, A REPRESENTATIVE OF THE STATE INSTITUTION OF HIGHER EDUCATION SHALL ADVISE THE CHIEF ACADEMIC OFFICERS OR EXECUTIVE DIRECTOR OF THE INSTITUTION OF THE CONFLICT.

(B) EACH STATE INSTITUTION OF HIGHER EDUCATION SHALL MAINTAIN A WRITTEN RECORD OF ALL DISCLOSURES MADE PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III).

(C) BY JANUARY 31, 2016, AND BY JANUARY 31 OF EACH YEAR THEREAFTER, A STATE INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE THE RECORD MAINTAINED UNDER SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III) TO THE COMMISSION.

(b) FOR THE PURPOSES OF A CONFLICT-OF-INTEREST POLICY DEVELOPED UNDER PARAGRAPH (a) OF THIS SUBSECTION (4):

(I) "BUSINESS INTEREST" MEANS THAT A REPRESENTATIVE:

(A) OWNS OR CONTROLS TEN PERCENT OR MORE OF THE STOCK OF THE ENTITY; OR

(B) SERVES AS AN OFFICER, DIRECTOR, OR PARTNER OF THE ENTITY.

(II) "RELATIVE" MEANS ANY PERSON LIVING IN THE SAME HOUSEHOLD AS THE REPRESENTATIVE OF THE STATE INSTITUTION OF HIGHER EDUCATION, ANY PERSON WHO IS A DIRECT DESCENDANT OF THE REPRESENTATIVE'S GRANDPARENTS, OR THE SPOUSE OF SUCH

REPRESENTATIVE.

(III) "REPRESENTATIVE OF THE STATE INSTITUTION OF HIGHER EDUCATION" MEANS ANY EMPLOYEE WITH DECISION-MAKING AUTHORITY OVER THE RURAL JUMP-START ZONE PROGRAM.

(5) A NEW BUSINESS SHALL APPLY TO A STATE INSTITUTION OF HIGHER EDUCATION TO PARTICIPATE IN A RURAL JUMP-START ZONE PROGRAM. THE STATE INSTITUTION OF HIGHER EDUCATION SHALL REQUIRE THE NEW BUSINESS TO PROVIDE DOCUMENTATION THAT THE NEW BUSINESS MEETS THE DEFINITION OF NEW BUSINESS AS SPECIFIED IN SECTION 39-30.5-103 (7) AND THAT THE NEW HIRES WILL MEET THE DEFINITION OF NEW HIRE AS SPECIFIED IN SECTION 39-30.5-103 (8). IF THE STATE INSTITUTION OF HIGHER EDUCATION APPROVES THE NEW BUSINESS, THEN THE STATE INSTITUTION OF HIGHER EDUCATION SHALL APPLY TO THE COMMISSION FOR THE APPROVAL OF A RURAL JUMP-START ZONE AS SPECIFIED IN SUBSECTION (6) OF THIS SECTION AND APPROVAL OF THE NEW BUSINESS FOR THE RURAL JUMP-START ZONE PROGRAM BENEFITS AS SPECIFIED IN SUBSECTION (7) OF THIS SECTION.

(6) (a) UPON APPROVING A NEW BUSINESS AS SPECIFIED IN SUBSECTION (5) OF THIS SECTION, THE STATE INSTITUTION OF HIGHER EDUCATION SHALL SUBMIT A COMPLETE WRITTEN APPLICATION FOR APPROVAL FOR A RURAL JUMP-START ZONE TO THE COMMISSION BY THE DEADLINE ESTABLISHED IN THE COMMISSION'S GUIDELINES. THE APPLICATION MUST INCLUDE:

(I) IDENTIFICATION OF THE STATE INSTITUTION OF HIGHER EDUCATION AND IDENTIFICATION OF EITHER THE DISTRESSED COUNTY IN WHICH A CAMPUS IS LOCATED OR THE DISTRESSED COUNTY THAT IS INCLUDED IN THE COMMUNITY COLLEGE'S SERVICE AREA OR THE REGIONAL EDUCATION PROVIDER'S SERVICE AREA;

(II) IDENTIFICATION OF THE NEW BUSINESS AND DOCUMENTATION INDICATING THAT REQUIREMENTS FOR THE NEW BUSINESS HAVE BEEN MET, INCLUDING AN ESTIMATE OF THE NUMBER OF NEW HIRES THAT THE NEW BUSINESS ANTICIPATES IT WILL HIRE;

(III) SATISFACTORY DOCUMENTATION THAT THERE EXISTS A RELATIONSHIP BETWEEN THE NEW BUSINESS AND THE STATE INSTITUTION OF

HIGHER EDUCATION. SUCH DOCUMENTATION MUST SHOW THAT:

(A) THE RELATIONSHIP WILL RESULT IN POSITIVE BENEFITS TO THE COMMUNITY AND THE LOCAL ECONOMY; AND

(B) THE MISSION AND ACTIVITIES OF THE NEW BUSINESS ALIGN WITH OR FURTHER THE ACADEMIC MISSION OF THE STATE INSTITUTION OF HIGHER EDUCATION.

(IV) IDENTIFICATION OF THE MUNICIPALITIES WITH BOUNDARIES WHOLLY OR PARTLY WITHIN THE DISTRESSED COUNTY'S BOUNDARIES;

(V) A RESOLUTION AS DESCRIBED IN SECTION 39-30.5-106 FROM EACH INTERESTED MUNICIPALITY;

(VI) A DESCRIPTION OF THE RURAL JUMP-START ZONE BOUNDARIES; AND

(VII) ANY OTHER INFORMATION THAT THE COMMISSION DEEMS NECESSARY AS SPECIFIED IN THE COMMISSION'S GUIDELINES.

(b) A STATE INSTITUTION OF HIGHER EDUCATION MAY ALSO SUBMIT A COMPLETE WRITTEN APPLICATION FOR APPROVAL FOR A RURAL JUMP-START ZONE TO THE COMMISSION BY THE DEADLINES ESTABLISHED IN THE COMMISSION'S GUIDELINES WHEN SUCH STATE INSTITUTION OF HIGHER EDUCATION HAS NOT YET APPROVED A NEW BUSINESS AS SPECIFIED IN SUBSECTION (5) OF THIS SECTION. IN THIS CASE, THE APPLICATION MUST INCLUDE:

(I) IDENTIFICATION OF THE STATE INSTITUTION OF HIGHER EDUCATION AND IDENTIFICATION OF EITHER THE DISTRESSED COUNTY IN WHICH A CAMPUS IS LOCATED OR THE DISTRESSED COUNTY THAT IS INCLUDED IN THE COMMUNITY COLLEGE'S SERVICE AREA OR THE REGIONAL EDUCATION PROVIDER'S SERVICE AREA;

(II) IDENTIFICATION OF THE MUNICIPALITIES WITH BOUNDARIES WHOLLY OR PARTLY WITHIN THE DISTRESSED COUNTY'S BOUNDARIES;

(III) A RESOLUTION AS DESCRIBED IN SECTION 39-30.5-106 FROM EACH INTERESTED MUNICIPALITY;

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(IV) A DESCRIPTION OF THE RURAL JUMP-START ZONE BOUNDARIES;  
AND

(V) ANY OTHER INFORMATION THAT THE COMMISSION DEEMS NECESSARY AS SPECIFIED IN THE COMMISSION'S GUIDELINES.

(7) (a) THE COMMISSION SHALL, AT A PUBLIC MEETING PROPERLY NOTICED, REVIEW EACH APPLICATION FOR A RURAL JUMP-START ZONE SUBMITTED BY A STATE INSTITUTION OF HIGHER EDUCATION. BASED ON THE APPLICATION SUBMITTED AND THE COMMISSION'S GUIDELINES, THE COMMISSION MAY APPROVE THE RURAL JUMP-START ZONE AND MAY APPROVE THE NEW BUSINESS FOR THE RURAL JUMP-START ZONE PROGRAM BENEFITS SPECIFIED IN SECTION 39-30.5-105; EXCEPT THAT THE COMMISSION MAY NOT APPROVE MORE THAN THREE RURAL JUMP-START ZONES FOR THE 2016 CALENDAR YEAR AND MAY NOT APPROVE ANY RURAL JUMP-START ZONES OR APPROVE ANY NEW BUSINESSES FOR THE RURAL JUMP-START ZONE PROGRAM BENEFITS ON AND AFTER JANUARY 1, 2021. THE COMMISSION MAY ONLY APPROVE A NEW BUSINESS FOR THE RURAL JUMP-START ZONE PROGRAM BENEFITS IF THE COMMISSION IS SATISFIED THAT THE NEW BUSINESS MEETS THE DEFINITION OF NEW BUSINESS AS SPECIFIED IN SECTION 39-30.5-103 (7), THAT THE NEW HIRES WILL MEET THE DEFINITION OF NEW HIRE AS SPECIFIED IN SECTION 39-30.5-103 (8), AND THAT THE NEW BUSINESS WILL BE LOCATED IN THE RURAL JUMP-START ZONE FOR WHICH THE STATE INSTITUTION OF HIGHER EDUCATION SOUGHT APPROVAL.

(b) (I) A NEW BUSINESS THAT RECEIVES APPROVAL AS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (7) FOR THE RURAL JUMP-START ZONE PROGRAM BENEFITS MUST SUBMIT A REQUEST FOR THE ISSUANCE OF A CREDIT CERTIFICATE BY THE DEADLINES ESTABLISHED IN THE COMMISSION'S GUIDELINES. THE REQUEST MUST INCLUDE AN ESTIMATED AMOUNT, AS CALCULATED BY THE NEW BUSINESS, OF THE INCOME TAX CREDITS FOR THE NEW BUSINESS AND ANY NEW HIRES AND THE SALES AND USE TAX REFUNDS ALLOWED IN SECTION 39-30.5-105 AND AN ESTIMATED AMOUNT, AS CALCULATED BY THE NEW BUSINESS, OF INCENTIVE PAYMENTS, EXEMPTIONS, OR REFUNDS PROVIDED BY LOCAL GOVERNMENTS AS SPECIFIED IN SECTION 39-30.5-106.

(II) THE COMMISSION SHALL NOT ISSUE MORE THAN A TOTAL OF TWO HUNDRED CREDIT CERTIFICATES IN ONE INCOME TAX YEAR FOR ALL NEW



HIRES EMPLOYED BY ALL NEW BUSINESSES IN EACH RURAL JUMP-START ZONE THAT RECEIVE APPROVAL AS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (7); EXCEPT THAT THE COMMISSION HAS THE DISCRETION TO INCREASE THIS LIMIT TO THREE HUNDRED CREDIT CERTIFICATES IF THE NEW BUSINESS IS IN ONE OF THE FOURTEEN INDUSTRIES THAT THE COMMISSION TARGETS FOR ECONOMIC DEVELOPMENT IN THE STATE.

(III) IF THE BENEFIT IS FOR NEW HIRES, THE COMMISSION SHALL PROVIDE THE CREDIT CERTIFICATES FOR SUCH NEW HIRES DIRECTLY TO THE NEW BUSINESS, AND THE NEW BUSINESS SHALL PROVIDE A COPY OF THE CREDIT CERTIFICATE TO THE NEW HIRE WITH THEIR FEDERAL FORM W-2.

(IV) IF THE COMMISSION DETERMINES THE NEW BUSINESS OR NEW HIRE NO LONGER MEETS THE REQUIREMENTS SET FORTH IN THIS ARTICLE, THE COMMISSION SHALL NOT ISSUE CREDIT CERTIFICATES FOR THE INCOME TAX CREDITS ALLOWED IN SECTION 39-30.5-105 (1) AND (2) AND SHALL NOT NOTIFY THE DEPARTMENT THAT THE NEW BUSINESS IS ELIGIBLE FOR THE SALES AND USE TAX REFUND ALLOWED IN SECTION 39-30.5-105 (3).

(8) THE COMMISSION MAY REVIEW A NEW BUSINESS OR NEW HIRE UP TO TWELVE MONTHS FOLLOWING THE ISSUANCE OF ANY CREDIT CERTIFICATES TO ENSURE THE REQUIREMENTS IN THIS ARTICLE ARE BEING MET.

(9) THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101, C.R.S., MAY MAKE RECOMMENDATIONS TO THE COMMISSION REGARDING ANY OF THE COMMISSION'S DUTIES AND RESPONSIBILITIES OUTLINED IN THIS ARTICLE, MAY PROVIDE STAFF ASSISTANCE TO THE COMMISSION, AND MAY ASSIST THE COMMISSION IN ADMINISTERING THE PROVISIONS OF THIS ARTICLE.

**39-30.5-105. Rural jump-start zone program benefits.** (1) **New business income tax credit.** (a) (I) IF A NEW BUSINESS LOCATES IN A RURAL JUMP-START ZONE DURING THE INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2016, BUT BEFORE JANUARY 1, 2021, AND THE COMMISSION HAS APPROVED THE NEW BUSINESS FOR THE RURAL JUMP-START ZONE PROGRAM BENEFITS AS SPECIFIED IN SECTION 39-30.5-104 (7) (a), THEN EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), THE NEW BUSINESS IS ENTITLED TO RECEIVE AN ANNUAL INCOME TAX CREDIT IN AN AMOUNT EQUAL TO ONE HUNDRED

PERCENT OF THE INCOME TAXES IMPOSED BY ARTICLE 22 OF THIS TITLE ON THE INCOME DERIVED FROM ITS ACTIVITIES IN THE RURAL JUMP-START ZONE FOR FOUR CONSECUTIVE INCOME TAX YEARS BEGINNING WITH THE FIRST INCOME TAX YEAR DESIGNATED BY THE COMMISSION IN THE FIRST CREDIT CERTIFICATE. THE COMMISSION SHALL CONDUCT AN ANNUAL REVIEW TO VERIFY THAT THE NEW BUSINESS CONTINUES TO MEET THE REQUIREMENTS SET FORTH IN THIS ARTICLE AND SHALL ISSUE A CREDIT CERTIFICATE TO THE NEW BUSINESS FOR EVERY INCOME TAX YEAR DURING THE FOUR-YEAR PERIOD ONLY IF THE COMMISSION IS SATISFIED THE REQUIREMENTS ARE BEING MET.

(II) A NEW BUSINESS MAY SEEK AN EXTENSION OF THE FOUR-YEAR BENEFITS PERIOD SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) BY COMPLETING A WRITTEN APPLICATION TO THE COMMISSION. THE EXTENSION MAY NOT EXCEED AN ADDITIONAL FOUR YEARS. THE APPLICATION FOR EXTENSION MUST INCLUDE AN EXPLANATION OF THE NEW BUSINESS' NEED FOR THE EXTENSION AND ANY OTHER INFORMATION THE COMMISSION DEEMS NECESSARY. IN DECIDING WHETHER TO GRANT THE EXTENSION, THE COMMISSION MUST CONSIDER THE STATE OF THE ECONOMY IN THE RURAL JUMP-START ZONE, THE ESTIMATED DEMAND FOR TAX CREDITS ALLOWED IN THIS SECTION FOR OTHER NEW BUSINESSES, AND THE IMPORTANCE OF THESE CREDITS IN INCENTIVIZING THE NEW BUSINESS. THE EXTENSION APPLICATION MUST BE CONSIDERED AT A REGULARLY SCHEDULED MEETING OF THE COMMISSION WHERE THE PUBLIC IS ALLOWED TO COMMENT.

(b) TO CLAIM THE INCOME TAX CREDIT ALLOWED IN THIS SECTION, THE NEW BUSINESS SHALL ATTACH A COPY OF THE CREDIT CERTIFICATE TO ITS STATE INCOME TAX RETURN. NO TAX CREDIT IS ALLOWED UNDER THIS SECTION UNLESS THE NEW BUSINESS PROVIDES THE COPY OF THE CREDIT CERTIFICATE WITH ITS FILED STATE INCOME TAX RETURN.

(c) IF A NEW BUSINESS HAS INCOME BOTH FROM OPERATIONS WITHIN THE RURAL JUMP-START ZONE AND OPERATIONS OUTSIDE OF THE RURAL JUMP-START ZONE, THE NEW BUSINESS SHALL APPORTION ITS INCOME BETWEEN THE OPERATIONS WITHIN AND OUTSIDE THE RURAL JUMP-START ZONE IN ACCORDANCE WITH RULES PROMULGATED BY THE DEPARTMENT IN ORDER TO CALCULATE THE AMOUNT OF INCOME TAX CREDIT. SUCH RULES SHALL CALCULATE THE VALUE OF THE CREDIT, AS NEARLY AS PRACTICABLE, TO BE EQUAL TO THE TAX DUE ON THE INCOME GENERATED BY THE NEW

BUSINESS THAT RELATES TO ITS ACTIVITIES IN THE RURAL JUMP-START ZONE ON THE BASIS OF THE NEW BUSINESS' PROPERTY AND PAYROLL IN THE RURAL JUMP-START ZONE RELATIVE TO ITS PROPERTY AND PAYROLL EVERYWHERE.

(d) THE COMMISSION SHALL, IN A SUFFICIENTLY TIMELY MANNER TO ALLOW THE DEPARTMENT TO PROCESS RETURNS CLAIMING THE INCOME TAX CREDITS ALLOWED BY THIS SECTION, PROVIDE THE DEPARTMENT WITH AN ELECTRONIC REPORT OF EACH NEW BUSINESS THAT THE COMMISSION APPROVED FOR THE RURAL JUMP-START ZONE PROGRAM BENEFITS AS SPECIFIED IN SECTION 39-30.5-104 (7) (a) FOR THE PRECEDING CALENDAR YEAR THAT INCLUDES THE FOLLOWING INFORMATION:

(I) THE TAXPAYER'S NAME; AND

(II) THE TAXPAYER'S SOCIAL SECURITY NUMBER OR THE TAXPAYER'S COLORADO ACCOUNT NUMBER AND FEDERAL EMPLOYER IDENTIFICATION NUMBER.

(e) IF A NEW BUSINESS RECEIVING AN INCOME TAX CREDIT ALLOWED IN THIS SUBSECTION (1) IS A PARTNERSHIP, LIMITED LIABILITY COMPANY, S CORPORATION, OR SIMILAR PASS-THROUGH ENTITY, THE COMMISSION SHALL ISSUE CREDIT CERTIFICATES THAT ALLOCATE THE CREDIT AMONG THE NEW BUSINESS' PARTNERS, SHAREHOLDERS, MEMBERS, OR OTHER CONSTITUENT ENTITIES IN ACCORDANCE WITH THEIR OWNERSHIP INTERESTS. THE NEW BUSINESS SHALL CERTIFY TO THE COMMISSION, AND THE COMMISSION SHALL PROVIDE TO THE DEPARTMENT NO LATER THAN THE JANUARY 15 FOLLOWING EACH INCOME TAX YEAR FOR WHICH THE NEW BUSINESS IS CLAIMING A CREDIT, THE IDENTITY AND OWNERSHIP PERCENTAGE, INCLUDING SUCH IDENTIFYING INFORMATION AS THE DEPARTMENT MAY REQUIRE, OF EACH PARTNER, SHAREHOLDER, MEMBER, OR OTHER CONSTITUENT ENTITY OF THE NEW BUSINESS.

(2) **New hire income tax credit.** (a) (I) EXCEPT AS PROVIDED IN SECTION 39-30.5-104 (7) (b) (II) AND SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), IF A NEW HIRE IS EMPLOYED BY A NEW BUSINESS, AND THE COMMISSION HAS APPROVED THE NEW BUSINESS FOR THE RURAL JUMP-START ZONE PROGRAM BENEFITS AS SPECIFIED IN SECTION 39-30.5-104 (7) (a), FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2016, BUT BEFORE JANUARY 1, 2021, NEW HIRES ARE ENTITLED TO RECEIVE AN INCOME TAX CREDIT IN AN AMOUNT EQUAL TO ONE

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HUNDRED PERCENT OF THE INCOME TAXES IMPOSED BY ARTICLE 22 OF THIS TITLE ON THE NEW HIRE'S WAGES PAID BY THE NEW BUSINESS FOR WORK PERFORMED IN THE RURAL JUMP-START ZONE FOR FOUR CONSECUTIVE INCOME TAX YEARS BEGINNING WITH THE FIRST INCOME TAX YEAR IN WHICH THE NEW HIRE IS EMPLOYED BY THE NEW BUSINESS. THE COMMISSION SHALL CONDUCT AN ANNUAL REVIEW TO VERIFY THAT THE NEW HIRE AND THE NEW BUSINESS CONTINUE TO MEET THE REQUIREMENTS SET FORTH IN THIS ARTICLE AND SHALL ISSUE A CREDIT CERTIFICATE TO THE NEW BUSINESS FOR EACH NEW HIRE FOR EVERY INCOME TAX YEAR DURING THE FOUR-YEAR PERIOD ONLY IF THE COMMISSION IS SATISFIED THE REQUIREMENTS ARE BEING MET.

(II) A NEW BUSINESS MAY SEEK AN EXTENSION OF THE FOUR-YEAR BENEFITS PERIOD SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) BY COMPLETING A WRITTEN APPLICATION TO THE COMMISSION. THE EXTENSION MAY NOT EXCEED AN ADDITIONAL FOUR YEARS. THE APPLICATION FOR EXTENSION MUST INCLUDE AN EXPLANATION OF THE NEW BUSINESS' NEED FOR THE EXTENSION AND ANY OTHER INFORMATION THE COMMISSION DEEMS NECESSARY. IN DECIDING WHETHER TO GRANT THE EXTENSION, THE COMMISSION MUST CONSIDER THE STATE OF THE ECONOMY IN THE RURAL JUMP-START ZONE, THE ESTIMATED DEMAND FOR TAX CREDITS ALLOWED IN THIS SECTION FOR OTHER NEW BUSINESSES, AND THE IMPORTANCE OF THESE CREDITS IN INCENTIVIZING THE NEW BUSINESS. THE EXTENSION APPLICATION MUST BE CONSIDERED AT A REGULARLY SCHEDULED MEETING OF THE COMMISSION WHERE THE PUBLIC IS ALLOWED TO COMMENT.

(b) TO CLAIM THE INCOME TAX CREDIT ALLOWED IN THIS SECTION, THE NEW HIRE SHALL ATTACH A COPY OF THE CREDIT CERTIFICATE TO THE NEW HIRE'S STATE INCOME TAX RETURN. NO TAX CREDIT IS ALLOWED UNDER THIS SECTION UNLESS THE NEW HIRE PROVIDES THE COPY OF THE CREDIT CERTIFICATE WITH HIS OR HER FILED STATE INCOME TAX RETURN.

(c) THE COMMISSION SHALL, IN A SUFFICIENTLY TIMELY MANNER TO ALLOW THE DEPARTMENT TO PROCESS RETURNS CLAIMING THE CREDIT ALLOWED BY THIS SECTION, PROVIDE THE DEPARTMENT WITH AN ELECTRONIC REPORT OF EACH NEW HIRE RECEIVING A CREDIT CERTIFICATE AS ALLOWED IN THIS SECTION FOR THE PRECEDING CALENDAR YEAR THAT INCLUDES THE FOLLOWING INFORMATION:

(I) THE NEW HIRE'S NAME; AND

(II) THE NEW HIRE'S SOCIAL SECURITY NUMBER.

(3) **New business sales and use tax refund.** (a) EACH NEW BUSINESS IS ELIGIBLE FOR A REFUND FOR ALL SALES AND USE TAXES IMPOSED UNDER PARTS 1 AND 2 OF ARTICLE 26 OF THIS TITLE ON THE PURCHASE OF ALL TANGIBLE PERSONAL PROPERTY ACQUIRED BY THE NEW BUSINESS AND USED EXCLUSIVELY WITHIN THE RURAL JUMP-START ZONE. EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), THE NEW BUSINESS IS ELIGIBLE FOR THE REFUND ALLOWED IN THIS PARAGRAPH (a) FOR FOUR CONSECUTIVE YEARS BEGINNING WITH THE DATE THE COMMISSION APPROVED THE NEW BUSINESS FOR THE RURAL JUMP-START ZONE PROGRAM BENEFITS AS SPECIFIED IN SECTION 39-30.5-104 (7) (a).

(b) A NEW BUSINESS MAY SEEK AN EXTENSION OF THE FOUR-YEAR PERIOD SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) BY COMPLETING A WRITTEN APPLICATION TO THE COMMISSION. THE EXTENSION MAY NOT EXCEED AN ADDITIONAL FOUR YEARS. THE APPLICATION FOR EXTENSION MUST INCLUDE AN EXPLANATION OF THE NEW BUSINESS' NEED FOR THE EXTENSION AND ANY OTHER INFORMATION THE COMMISSION DEEMS NECESSARY. IN DECIDING WHETHER TO GRANT THE EXTENSION, THE COMMISSION MUST CONSIDER THE STATE OF THE ECONOMY IN THE RURAL JUMP-START ZONE, THE ESTIMATED DEMAND FOR SALES AND USE TAX REFUNDS ALLOWED IN THIS SECTION FOR OTHER NEW BUSINESSES, AND THE IMPORTANCE OF THE REFUND IN INCENTIVIZING THE NEW BUSINESS. THE EXTENSION APPLICATION MUST BE CONSIDERED AT A REGULARLY SCHEDULED MEETING OF THE COMMISSION WHERE THE PUBLIC IS ALLOWED TO COMMENT.

(c) THE COMMISSION SHALL PROVIDE THE DEPARTMENT WITH A LIST OF EVERY NEW BUSINESS ELIGIBLE FOR THE SALES AND USE TAX REFUND ALLOWED IN THIS SUBSECTION (3).

(4) **Restrictions on other credits.** NOTWITHSTANDING ANY LAW TO THE CONTRARY, IF A NEW BUSINESS CLAIMS THE RURAL JUMP-START ZONE PROGRAM BENEFITS ALLOWED IN THIS SECTION, THE NEW BUSINESS MAY NOT CLAIM ANY OTHER TAX INCENTIVE THAT THE NEW BUSINESS IS ELIGIBLE FOR IN THIS TITLE AS A RESULT OF ESTABLISHING THE NEW BUSINESS IN THE STATE, INCLUDING TAX INCENTIVES FOR THE NEW HIRES HIRED BY THE NEW

BUSINESS.

**39-30.5-106. Rural jump-start zone - local government requirements.** (1) BEFORE THE COMMISSION MAY APPROVE A RURAL JUMP-START ZONE AS SPECIFIED IN SECTION 39-30.5-104, THE FOLLOWING MUST OCCUR:

(a) AN INTERESTED DISTRESSED COUNTY MUST ADOPT A RESOLUTION AFFIRMING THAT IT WILL PROVIDE INCENTIVE PAYMENTS, EXEMPTIONS, OR REFUNDS, AS APPROPRIATE, TO NEW BUSINESSES TO ELIMINATE THE BUSINESS PERSONAL PROPERTY TAX IMPOSED ON ALL NEW BUSINESSES BY THE DISTRESSED COUNTY. THE DISTRESSED COUNTY MAY ADOPT AN ADDITIONAL RESOLUTION AFFIRMING THAT IT CHOOSES TO PROVIDE INCENTIVE PAYMENTS, EXEMPTIONS, OR REFUNDS, AS APPROPRIATE, TO ALL NEW BUSINESSES TO ELIMINATE ANY OTHER TAX IMPOSED ON OR PAID BY SUCH NEW BUSINESSES IN THE DISTRESSED COUNTY.

(b) INTERESTED MUNICIPALITIES WITHIN AN INTERESTED DISTRESSED COUNTY MUST ADOPT EITHER:

(I) A GENERAL RESOLUTION AFFIRMING THAT IT WILL PROVIDE INCENTIVE PAYMENTS, EXEMPTIONS, OR REFUNDS, AS APPROPRIATE, TO ALL NEW BUSINESSES TO ELIMINATE THE BUSINESS PERSONAL PROPERTY TAX IMPOSED ON NEW BUSINESSES BY THE INTERESTED MUNICIPALITY. THE INTERESTED MUNICIPALITY MAY ADOPT AN ADDITIONAL RESOLUTION AFFIRMING THAT IT CHOOSES TO PROVIDE INCENTIVE PAYMENTS, EXEMPTIONS, OR REFUNDS, AS APPROPRIATE, TO ALL NEW BUSINESSES TO ELIMINATE ANY OTHER TAX IMPOSED ON OR PAID BY SUCH NEW BUSINESSES IN THE INTERESTED MUNICIPALITY.

(II) A LIMITED RESOLUTION AFFIRMING THAT IT WILL PROVIDE INCENTIVE PAYMENTS, EXEMPTIONS, OR REFUNDS, AS APPROPRIATE, TO A SPECIFIC NEW BUSINESS TO ELIMINATE THE BUSINESS PERSONAL PROPERTY TAX IMPOSED ON THE SPECIFIC NEW BUSINESS BY THE INTERESTED MUNICIPALITY. THE INTERESTED MUNICIPALITY MAY ADOPT AN ADDITIONAL RESOLUTION AFFIRMING THAT IT CHOOSES TO PROVIDE INCENTIVE PAYMENTS, EXEMPTIONS, OR REFUNDS, AS APPROPRIATE, TO THE SPECIFIC BUSINESS TO ELIMINATE ANY OTHER TAX IMPOSED ON OR PAID BY THE SPECIFIC BUSINESS IN THE INTERESTED MUNICIPALITY.

**39-30.5-107. Rural jump-start zone reporting requirements.**

(1) THE COMMISSION SHALL ANNUALLY POST ON THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT'S WEB SITE, AND INCLUDE IN THE COMMISSION'S ANNUAL REPORT REQUIRED TO BE PRESENTED TO THE GENERAL ASSEMBLY PURSUANT TO SECTION 24-46-104 (2), C.R.S., THE FOLLOWING INFORMATION REGARDING ANY RURAL JUMP-START ZONE PROGRAM BENEFITS ALLOWED UNDER THIS ARTICLE:

(a) THE DISTRESSED COUNTY AND INTERESTED MUNICIPALITIES THAT MAKE UP THE RURAL JUMP-START ZONE;

(b) THE STATE INSTITUTION OF HIGHER EDUCATION THAT SUBMITTED THE APPLICATION;

(c) THE NAME OF THE NEW BUSINESS;

(d) THE TYPE OF NEW BUSINESS;

(e) THE TAX YEAR FOR WHICH THE FIRST CREDIT CERTIFICATE IS ISSUED OR THE DATE THE SALES AND USE TAX REFUND IS AUTHORIZED;

(f) THE NUMBER OF NEW HIRES HIRED;

(g) THE AVERAGE SALARY OR HOURLY WAGE OF EACH NEW HIRE;

(h) AN ESTIMATED AMOUNT, AS CALCULATED BY THE NEW BUSINESS, OF THE INCOME TAX CREDITS FOR THE NEW BUSINESS AND ANY NEW HIRES AND THE SALES AND USE TAX REFUNDS ALLOWED IN SECTION 39-30.5-105, AND AN ESTIMATED AMOUNT, AS CALCULATED BY THE NEW BUSINESS, OF INCENTIVE PAYMENTS, EXEMPTIONS, OR REFUNDS PROVIDED BY LOCAL GOVERNMENTS AS ALLOWED IN SECTION 39-30.5-106; AND

(i) ANY OTHER ECONOMIC BENEFITS RESULTING FROM THE RURAL JUMP-START ZONE PROGRAM.

(2) ANY NEW BUSINESS LOCATED IN A RURAL JUMP-START ZONE MUST SUBMIT AN ANNUAL REPORT TO THE COMMISSION IN A FORM AND AT SUCH TIME AND WITH SUCH INFORMATION AS PRESCRIBED BY THE COMMISSION IN ITS GUIDELINES. SUCH INFORMATION SHALL BE SUFFICIENT FOR THE COMMISSION TO MONITOR THE CONTINUED ELIGIBILITY OF THE NEW

BUSINESS AND THE NEW HIRES TO CONTINUE TO PARTICIPATE IN THE RURAL JUMP-START ZONE PROGRAM AND TO RECEIVE THE RURAL JUMP-START ZONE PROGRAM BENEFITS.

**39-30.5-108. Severability.** IF ANY PROVISION OF THIS ARTICLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

**SECTION 2. Appropriation.** For the 2015-16 state fiscal year, \$125,983 is appropriated to the office of the governor. This appropriation is from the general fund and is based on an assumption that the office will require an additional 1.0 FTE. To implement this act, the office may use this appropriation to support the Colorado economic development commission in implementing the rural jump-start zone program.



**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.



Bill L. Cadman  
PRESIDENT OF  
THE SENATE



Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

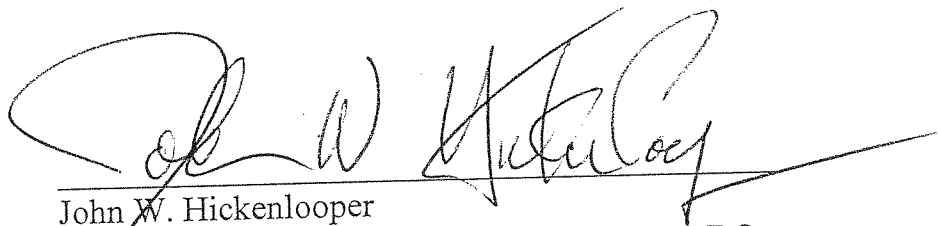


Cindi L. Markwell  
SECRETARY OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED T: 31 Jm 5/13/15



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

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