

# DIGEST OF BILLS

Enacted by The Sixty-ninth General Assembly  
First Regular Session

Prepared by the Office of Legislative Legal Services  
June 2013



photo by: Kathy Zambrano

## **Closing Era Statue.**

The memorial was the original idea of a group of real estate investors who thought that such a sandstone statue would lure newcomers into the Perry Park area of Denver. While this idea never came to fruition, a group called the "Fortnightly Club" and under the leadership of Mrs. E. M. Ashley and Eliza Routt, heard of the idea and thought that the statue would be a nice addition to the State's exhibit at the 1893 World's Fair Exposition at Chicago. The group commissioned Preston Powers, one time dean of the Art Department at the University of Denver and son of sculptor Hiram Powers, to make a bronze sculpture. After the Exposition it was placed for permanent display on the Capitol's East Lawn on a base of granite from Cotopaxi in Fremont County, Colorado.

The mountain eagle from his snow-locked peaks  
For the wild hunter and the bison seeks,  
In the chang'd world below; and find alone  
Their graven semblance, in the eternal stone.

Poet John Greenleaf Whittier

# DIGEST

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

(2013 First Regular Session)

NOTE: Electronic versions of current and past Digests are available on the Official Colorado State Legislative Home Page at: [www.leg.state.co.us](http://www.leg.state.co.us), click on the Bill Digest link.



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## **PREFACE**

Publication of the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Sixty-ninth General Assembly at its First Regular Session ending May 8, 2013. The summaries include the dates upon which the Governor acted and the effective dates of the bills. The Digest also includes an alphabetical subject index and several reference tables. The Digest is not a substitute for the text of the bills or for provisions of the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

## **HOW TO USE THE DIGEST**

1. The summaries of bills and proposed state constitutional amendments begin on page 1. To determine the page on which the summary of a particular bill may be found, refer to the Conversion Table, beginning on page xv.
2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 1.
3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Tables of Enacted Bills, beginning on page xv.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Tables of Enacted Bills, beginning on page xv.
5. To identify bills that were vetoed by the Governor or that became law without the Governor's signature, refer to page vii.
6. To identify bills that were enacted without a safety clause, refer to page viii.
7. To identify bills that were originally recommended by statutory and 2012 interim committees, refer to pages ix and x.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2013 session compared to the two prior sessions, see the

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

10. The general assembly adjourned sine die on the 120th legislative day, May 8, 2013. Accordingly, the 90-day period following adjournment in which referendum petitions may be filed in accordance with section 1 of article V of the state constitution for bills that do not contain a safety clause expires on Tuesday, August 6, 2013. The effective date for such bills is therefore 12:01 a.m., on Wednesday, August 7, 2013, the day following the expiration of the 90-day period. However, in accordance with section 1-1-106 (5), Colorado Revised Statutes, the Secretary of State has indicated that any referendum petitions must be filed on or before Tuesday, August 6, 2013.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for House material) and the Senate Services Office (for Senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 2013.

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## LEGISLATIVE STATISTICAL SUMMARY

	2013		2012		2011	
	Intro	Passed	Intro	Passed	Intro	Passed
<b>House Bills</b>	325	219	361	222	324	168
<b>Senate Bills</b>	288	222	184	84	273	168
<b>Concurrent Resolutions</b>	3	0	7	1	4	0
<b>Bills signed by Governor</b>	441		304		333	
<b>Bills becoming law without Governor's signature</b>	0		1		1	
<b>Bills partially vetoed by the Governor</b>	0		0		1	
<b>Bills vetoed by the Governor</b>	0		1		1	
<b>Bills referred to the People/Ballot questions</b>	2		0		0	

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

none

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

none

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

none



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

### **HOUSE BILLS**

<b>H.B. 13-1001</b>	<b>H.B. 13-1052</b>	<b>H.B. 13-1111</b>	<b>H.B. 13-1165</b>	<b>H.B. 13-1221</b>
<b>H.B. 13-1003</b>	<b>H.B. 13-1055</b>	<b>H.B. 13-1118</b>	<b>H.B. 13-1166</b>	<b>H.B. 13-1222</b>
<b>H.B. 13-1006</b>	<b>H.B. 13-1058</b>	<b>H.B. 13-1119</b>	<b>H.B. 13-1167</b>	<b>H.B. 13-1232</b>
<b>H.B. 13-1009</b>	<b>H.B. 13-1061</b>	<b>H.B. 13-1123</b>	<b>H.B. 13-1168</b>	<b>H.B. 13-1233</b>
<b>H.B. 13-1010</b>	<b>H.B. 13-1062</b>	<b>H.B. 13-1124</b>	<b>H.B. 13-1179</b>	<b>H.B. 13-1237</b>
<b>H.B. 13-1011</b>	<b>H.B. 13-1071</b>	<b>H.B. 13-1129</b>	<b>H.B. 13-1183</b>	<b>H.B. 13-1243</b>
<b>H.B. 13-1014</b>	<b>H.B. 13-1072</b>	<b>H.B. 13-1130</b>	<b>H.B. 13-1186</b>	<b>H.B. 13-1246</b>
<b>H.B. 13-1021</b>	<b>H.B. 13-1074</b>	<b>H.B. 13-1134</b>	<b>H.B. 13-1193</b>	<b>H.B. 13-1250</b>
<b>H.B. 13-1022</b>	<b>H.B. 13-1080</b>	<b>H.B. 13-1135</b>	<b>H.B. 13-1195</b>	<b>H.B. 13-1254</b>
<b>H.B. 13-1023</b>	<b>H.B. 13-1082</b>	<b>H.B. 13-1136</b>	<b>H.B. 13-1196</b>	<b>H.B. 13-1260</b>
<b>H.B. 13-1024</b>	<b>H.B. 13-1083</b>	<b>H.B. 13-1137</b>	<b>H.B. 13-1202</b>	<b>H.B. 13-1262</b>
<b>H.B. 13-1027</b>	<b>H.B. 13-1084</b>	<b>H.B. 13-1138</b>	<b>H.B. 13-1203</b>	<b>H.B. 13-1276</b>
<b>H.B. 13-1029</b>	<b>H.B. 13-1088</b>	<b>H.B. 13-1139</b>	<b>H.B. 13-1204</b>	<b>H.B. 13-1277</b>
<b>H.B. 13-1034</b>	<b>H.B. 13-1091</b>	<b>H.B. 13-1147</b>	<b>H.B. 13-1205</b>	<b>H.B. 13-1278</b>
<b>H.B. 13-1036</b>	<b>H.B. 13-1103</b>	<b>H.B. 13-1153</b>	<b>H.B. 13-1206</b>	<b>H.B. 13-1297</b>
<b>H.B. 13-1042</b>	<b>H.B. 13-1104</b>	<b>H.B. 13-1156</b>	<b>H.B. 13-1209</b>	<b>H.B. 13-1300</b>
<b>H.B. 13-1047</b>	<b>H.B. 13-1109</b>	<b>H.B. 13-1159</b>	<b>H.B. 13-1210</b>	<b>H.B. 13-1302</b>
<b>H.B. 13-1051</b>	<b>H.B. 13-1110</b>	<b>H.B. 13-1164</b>	<b>H.B. 13-1219</b>	<b>H.B. 13-1307</b>

### **SENATE BILLS**

<b>S.B. 13-001</b>	<b>S.B. 13-060</b>	<b>S.B. 13-120</b>	<b>S.B. 13-188</b>	<b>S.B. 13-244</b>
<b>S.B. 13-004</b>	<b>S.B. 13-071</b>	<b>S.B. 13-125</b>	<b>S.B. 13-201</b>	<b>S.B. 13-247</b>
<b>S.B. 13-005</b>	<b>S.B. 13-072</b>	<b>S.B. 13-134</b>	<b>S.B. 13-205</b>	<b>S.B. 13-249</b>
<b>S.B. 13-010</b>	<b>S.B. 13-074</b>	<b>S.B. 13-137</b>	<b>S.B. 13-210</b>	<b>S.B. 13-251</b>
<b>S.B. 13-015</b>	<b>S.B. 13-075</b>	<b>S.B. 13-139</b>	<b>S.B. 13-219</b>	<b>S.B. 13-262</b>
<b>S.B. 13-026</b>	<b>S.B. 13-076</b>	<b>S.B. 13-151</b>	<b>S.B. 13-220</b>	<b>S.B. 13-264</b>
<b>S.B. 13-029</b>	<b>S.B. 13-077</b>	<b>S.B. 13-169</b>	<b>S.B. 13-221</b>	<b>S.B. 13-265</b>
<b>S.B. 13-038</b>	<b>S.B. 13-078</b>	<b>S.B. 13-176</b>	<b>S.B. 13-224</b>	<b>S.B. 13-279</b>
<b>S.B. 13-041</b>	<b>S.B. 13-080</b>	<b>S.B. 13-178</b>	<b>S.B. 13-240</b>	
<b>S.B. 13-050</b>	<b>S.B. 13-116</b>	<b>S.B. 13-179</b>	<b>S.B. 13-242</b>	
<b>S.B. 13-059</b>	<b>S.B. 13-119</b>	<b>S.B. 13-182</b>		

\* These bills become effective on August 7, 2013, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest. To see specific effective dates for bills, see pages xi to xiv of this digest.

v - vetoed

**BILLS ENACTED AND RECOMMENDED BY STATUTORY AND 2012 INTERIM COMMITTEES:**

**Capital Development Committee**

<b>H.B. 13-1026</b>	<b>S.B. 13-199</b>
<b>H.B. 13-1191</b>	<b>S.B. 13-214</b>
<b>H.B. 13-1234</b>	<b>S.B. 13-263</b>
<b>H.B. 13-1235</b>	<b>SJR 13-023</b>

**Committee on Legal Services**

<b>H.B. 13-1029</b>	<b>S.B. 13-076</b>
<b>H.B. 13-1070</b>	<b>S.B. 13-079</b>
<b>H.B. 13-1300</b>	

**Educational Success Task Force**

<b>H.B. 13-1005</b>	<b>S.B. 13-071</b>
<b>H.B. 13-1023</b>	

**Executive Committee of the  
Legislative Council**

**S.B. 13-187**

**Joint Budget Committee**  
(other than supplementals)

<b>H.B. 13-1152</b>	<b>S.B. 13-108</b>	<b>S.B. 13-231</b>
<b>H.B. 13-1155</b>	<b>S.B. 13-109</b>	<b>S.B. 13-232</b>
<b>H.B. 13-1179</b>	<b>S.B. 13-110</b>	<b>S.B. 13-233</b>
<b>H.B. 13-1180</b>	<b>S.B. 13-112</b>	<b>S.B. 13-234</b>
<b>H.B. 13-1181</b>	<b>S.B. 13-113</b>	<b>S.B. 13-235</b>
<b>H.B. 13-1182</b>	<b>S.B. 13-114</b>	<b>S.B. 13-236</b>
<b>H.B. 13-1183</b>	<b>S.B. 13-115</b>	<b>S.B. 13-237</b>
<b>H.B. 13-1184</b>	<b>S.B. 13-167</b>	<b>S.B. 13-246</b>
<b>H.B. 13-1185</b>	<b>S.B. 13-177</b>	<b>SJR 13-008</b>
<b>H.B. 13-1280</b>	<b>S.B. 13-190</b>	
<b>H.B. 13-1281</b>		
<b>H.B. 13-1282</b>		
<b>H.B. 13-1305</b>		
<b>H.B. 13-1314</b>		

**Legislative Audit Committee**

<b>H.B. 13-1286</b>	<b>S.B. 13-129</b>
	<b>S.B. 13-146</b>
	<b>S.B. 13-221</b>

**BILLS ENACTED AND RECOMMENDED BY STATUTORY AND 2012  
INTERIM COMMITTEES (cont):**

**Lower North Fork Wildfire  
Commission**

**H.B. 13-1012      S.B. 13-082**  
**H.B. 13-1031      S.B. 13-083**

**Transportation Legislation Review  
Committee**

**H.B. 13-1011      S.B. 13-070**  
**H.B. 13-1103      S.B. 13-081**  
**H.B. 13-1153**

**Police Officers' and Firefighters'  
Pension Reform Commission**

**S.B. 13-080**

**Water Resources Review Committee**

**S.B. 13-072      S.B. 13-075**  
**S.B. 13-073      S.B. 13-078**  
**S.B. 13-074      SJR 13-005**

**Sunset Review Process**

**S.B. 13-148      S.B. 13-159**  
**S.B. 13-149      S.B. 13-161**  
**S.B. 13-150      S.B. 13-162**  
**S.B. 13-151      S.B. 13-163**  
**S.B. 13-152      S.B. 13-171**  
**S.B. 13-153      S.B. 13-172**  
**S.B. 13-154      S.B. 13-173**  
**S.B. 13-155      S.B. 13-174**  
**S.B. 13-156      S.B. 13-180**  
**S.B. 13-157      S.B. 13-223**  
**S.B. 13-158**

v - vetoed

**ACTS WITH JULY 1, 2013, AND LATER EFFECTIVE DATES:**

**July 1, 2013**

**HOUSE BILLS**

<b>H.B. 13-1004</b>	<b>H.B. 13-1086</b>	<b>H.B. 13-1154</b>	<b>H.B. 13-1239</b>	<b>H.B. 13-1290*</b>
<b>H.B. 13-1007*</b>	<b>H.B. 13-1117</b>	<b>H.B. 13-1180*</b>	<b>H.B. 13-1242</b>	<b>H.B. 13-1291</b>
<b>H.B. 13-1025</b>	<b>H.B. 13-1126</b>	<b>H.B. 13-1181*</b>	<b>H.B. 13-1259</b>	<b>H.B. 13-1314*</b>
<b>H.B. 13-1035</b>	<b>H.B. 13-1144</b>	<b>H.B. 13-1224</b>	<b>H.B. 13-1284</b>	

**SENATE BILLS**

<b>S.B. 13-018</b>	<b>S.B. 13-127</b>	<b>S.B. 13-155</b>	<b>S.B. 13-163</b>	<b>S.B. 13-229</b>
<b>S.B. 13-023</b>	<b>S.B. 13-146</b>	<b>S.B. 13-156</b>	<b>S.B. 13-173</b>	<b>S.B. 13-238</b>
<b>S.B. 13-048</b>	<b>S.B. 13-149</b>	<b>S.B. 13-157</b>	<b>S.B. 13-197*</b>	<b>S.B. 13-248</b>
<b>S.B. 13-114</b>	<b>S.B. 13-150</b>	<b>S.B. 13-158</b>	<b>S.B. 13-207</b>	<b>S.B. 13-252</b>
<b>S.B. 13-115</b>	<b>S.B. 13-154</b>	<b>S.B. 13-161</b>	<b>S.B. 13-227*</b>	<b>S.B. 13-285</b>

\* - portions only

v - vetoed

## **ACTS WITH JULY 1, 2013, AND LATER EFFECTIVE DATES: (cont.)**

**August 7, 2013\*\***

### **HOUSE BILLS**

<b>H.B. 13-1001</b>	<b>H.B. 13-1051</b>	<b>H.B. 13-1118</b>	<b>H.B. 13-1165</b>	<b>H.B. 13-1232</b>
<b>H.B. 13-1003</b>	<b>H.B. 13-1052</b>	<b>H.B. 13-1119</b>	<b>H.B. 13-1166</b>	<b>H.B. 13-1233</b>
<b>H.B. 13-1006</b>	<b>H.B. 13-1055</b>	<b>H.B. 13-1123</b>	<b>H.B. 13-1168</b>	<b>H.B. 13-1237</b>
<b>H.B. 13-1009</b>	<b>H.B. 13-1061</b>	<b>H.B. 13-1124</b>	<b>H.B. 13-1179</b>	<b>H.B. 13-1243</b>
<b>H.B. 13-1010</b>	<b>H.B. 13-1071</b>	<b>H.B. 13-1130</b>	<b>H.B. 13-1183</b>	<b>H.B. 13-1246</b>
<b>H.B. 13-1011</b>	<b>H.B. 13-1072</b>	<b>H.B. 13-1134</b>	<b>H.B. 13-1186</b>	<b>H.B. 13-1250</b>
<b>H.B. 13-1014</b>	<b>H.B. 13-1074</b>	<b>H.B. 13-1135*</b>	<b>H.B. 13-1193</b>	<b>H.B. 13-1254</b>
<b>H.B. 13-1021</b>	<b>H.B. 13-1080</b>	<b>H.B. 13-1136</b>	<b>H.B. 13-1195</b>	<b>H.B. 13-1260</b>
<b>H.B. 13-1022</b>	<b>H.B. 13-1082</b>	<b>H.B. 13-1137</b>	<b>H.B. 13-1196</b>	<b>H.B. 13-1262</b>
<b>H.B. 13-1023</b>	<b>H.B. 13-1083</b>	<b>H.B. 13-1138*</b>	<b>H.B. 13-1202</b>	<b>H.B. 13-1278</b>
<b>H.B. 13-1024</b>	<b>H.B. 13-1084</b>	<b>H.B. 13-1139</b>	<b>H.B. 13-1203</b>	<b>H.B. 13-1297</b>
<b>H.B. 13-1027</b>	<b>H.B. 13-1088</b>	<b>H.B. 13-1147</b>	<b>H.B. 13-1205</b>	<b>H.B. 13-1300</b>
<b>H.B. 13-1029</b>	<b>H.B. 13-1103</b>	<b>H.B. 13-1153</b>	<b>H.B. 13-1206</b>	<b>H.B. 13-1302</b>
<b>H.B. 13-1036</b>	<b>H.B. 13-1104</b>	<b>H.B. 13-1156</b>	<b>H.B. 13-1219</b>	<b>H.B. 13-1303*</b>
<b>H.B. 13-1042</b>	<b>H.B. 13-1109</b>	<b>H.B. 13-1159</b>	<b>H.B. 13-1221</b>	<b>H.B. 13-1307</b>
<b>H.B. 13-1047</b>	<b>H.B. 13-1111</b>	<b>H.B. 13-1164</b>	<b>H.B. 13-1222</b>	

### **SENATE BILLS**

<b>S.B. 13-001</b>	<b>S.B. 13-059</b>	<b>S.B. 13-116</b>	<b>S.B. 13-179</b>	<b>S.B. 13-242</b>
<b>S.B. 13-004</b>	<b>S.B. 13-060</b>	<b>S.B. 13-120</b>	<b>S.B. 13-182</b>	<b>S.B. 13-244</b>
<b>S.B. 13-005</b>	<b>S.B. 13-071</b>	<b>S.B. 13-125</b>	<b>S.B. 13-188</b>	<b>S.B. 13-247</b>
<b>S.B. 13-010</b>	<b>S.B. 13-072</b>	<b>S.B. 13-134</b>	<b>S.B. 13-201</b>	<b>S.B. 13-249</b>
<b>S.B. 13-015</b>	<b>S.B. 13-074</b>	<b>S.B. 13-137</b>	<b>S.B. 13-205</b>	<b>S.B. 13-251</b>
<b>S.B. 13-026</b>	<b>S.B. 13-075</b>	<b>S.B. 13-139</b>	<b>S.B. 13-210</b>	<b>S.B. 13-262</b>
<b>S.B. 13-029</b>	<b>S.B. 13-076</b>	<b>S.B. 13-151</b>	<b>S.B. 13-219</b>	<b>S.B. 13-264</b>
<b>S.B. 13-038</b>	<b>S.B. 13-077</b>	<b>S.B. 13-169</b>	<b>S.B. 13-221*</b>	<b>S.B. 13-265</b>
<b>S.B. 13-041</b>	<b>S.B. 13-078</b>	<b>S.B. 13-176</b>	<b>S.B. 13-224</b>	<b>S.B. 13-278</b>
<b>S.B. 13-050</b>	<b>S.B. 13-080</b>	<b>S.B. 13-178</b>	<b>S.B. 13-240</b>	<b>S.B. 13-279</b>

\*\* These bills do not have a safety clause and do not have an effective date specified in the bill. For further explanation concerning the effective date, see page vi of this digest.

\* - portions only

v - vetoed

**ACTS WITH JULY 1, 2013, AND LATER EFFECTIVE DATES: (cont.)**

**August 15, 2013**

**HOUSE BILLS**

**H.B. 13-1110\***

**SENATE BILLS**

none

**September 1, 2013**

**HOUSE BILLS**

**H.B. 13-1034**

**H.B. 13-1210\***

**SENATE BILLS**

none

**October 1, 2013**

**HOUSE BILLS**

**H.B. 13-1129**

**SENATE BILLS**

**S.B. 13-119\***

**S.B. 13-250**

**January 1, 2014**

**HOUSE BILLS**

**H.B. 13-1058**

**H.B. 13-1062**

**H.B. 13-1091**

**H.B. 13-1101**

**H.B. 13-1110\***

**H.B. 13-1135\***

**H.B. 13-1167**

**H.B. 13-1209**

**H.B. 13-1210\***

**H.B. 13-1225\***

**H.B. 13-1240\***

**H.B. 13-1272**

**H.B. 13-1276**

**H.B. 13-1290\***

**SENATE BILLS**

**S.B. 13-011\***

**S.B. 13-221\***

\* - portions only

v - vetoed

**ACTS WITH JULY 1, 2013, AND LATER EFFECTIVE DATES: (cont.)**

**March 1, 2014**

**HOUSE BILLS**  
**H.B. 13-1314\***

**SENATE BILLS**  
none

**April 1, 2014**

**HOUSE BILLS**  
**H.B. 13-1138**

**SENATE BILLS**  
none

**July 1, 2014**

**HOUSE BILLS**  
**H.B. 13-1204**  
**H.B. 13-1295\* #**  
**H.B. 13-1296\* +**

**SENATE BILLS**  
**S.B. 13-220**

**January 1, 2015**

**HOUSE BILLS**  
**H.B. 13-1277**

**SENATE BILLS**  
**S.B. 13-119\***

**March 31, 2015**

**HOUSE BILLS**  
**H.B. 13-1115\***

none

**Effective Dates Yet To Be Determined**

**HOUSE BILLS**  
**H.B. 13-1295\* #**  
**H.B. 13-1296\* +**  
**H.B. 13-1318\* ##**

**SENATE BILLS**  
**S.B. 13-213++**

**Referred Measures**

**HOUSE**  
none

**SENATE**  
none

\* - portions only

v - vetoed

# Portions become effective only if congress passes certain federal legislation.

+ Portions effective upon receipt of letter by the revisor of statutes by November 1, 2013.

## Portions becomes effective when the referred ballot question is approved by the people of Colorado and then upon proclamation of the Governor.

++ Becomes effective when citizen initiated increases in tax revenue for school funding are approved by the people of Colorado and then upon proclamation of the Governor.

## Table of Enacted House Bills

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>SHORT TITLE</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>DIGEST PAGE</b>
1001	Young, Heath	Advanced Industries Acceleration Act	Approved 5/15/2013	No Safety Clause	227	111
1002	Tyler, Jahn	Small Business Development Centers Appropriations	Approved 5/10/2013	5/10/2013	172	112
1003	Lee, Heath	Economic Gardening Pilot Project Office Econ Dev	Approved 5/24/2013	No Safety Clause	264	113
1004	Duran, Kerr	Colorado Careers Act Of 2013	Approved 5/28/2013	7/1/2013	357	173
1005	Fields, Todd	Basic Ed & Career & Tech Ed Pilot Program	Approved 5/28/2013	5/28/2013	358	77
1006	Moreno, Giron	K-12 Breakfast After The Bell Nutrition Program	Approved 5/15/2013	No Safety Clause	223	69
1007	Peniston, Hudak	Early Childhood & School Readiness Leg Commission	Approved 6/5/2013	Portions on 6/5/2013 and 7/1/2013	367	69
1008	Ryden, Todd	Preference In Hiring For Disabled Veteran's Spouse	Approved 3/8/2013	3/8/2013	16	113
1009	DelGrosso, Jahn	Refund Deadline For Overpaid Sales & Use Tax	Approved 3/22/2013	No Safety Clause	73	224
1010	Vigil, Jones	Procurement Of Stationery Supplies By Counties	Approved 3/8/2013	No Safety Clause	17	89
1011	Young, Hudak	Repeal Fee Veteran's Identifier Driver's License	Approved 4/4/2013	No Safety Clause	90	181
1012	Gerou, Roberts	Extend Wildfire Mitigation Financial Incentives	Approved 4/4/2013	4/4/2013	91	113
1014	Levy, King	Relocating Newspaper Theft	Approved 2/27/2013	No Safety Clause	7	40
1015	Kraft-Tharp, Kefalas	Disclose Mental Health Claims All-payer Database	Approved 3/15/2013	3/15/2013	38	158



<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>SHORT TITLE</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>DIGEST PAGE</b>
1016	Gardner, Jahn	Payment POD Accounts To Beneficiaries	Approved 3/29/2013	3/29/2013	82	193
1017	Lebsock, Tochtrop	Notice Of Home Loan Mod & Servicer Honor Terms	Approved 3/15/2013	3/15/2013	36	213
1020	McNulty, Roberts	Testing Evidence Of Sexual Assault	Approved 6/5/2013	6/5/2013	368	41
1021	Fields, Hudak	Improving School Attendance	Approved 5/28/2013	No Safety Clause	335	70
1022	Holbert, Jahn	Proof Of Motor Vehicle Insurance	Approved 4/26/2013	No Safety Clause	139	181
1023	Murray, Balmer	Academic Acceleration School District Policy	Approved 3/22/2013	No Safety Clause	57	71
1024	Melton, Todd	Income Tax Mod For Mil Family Relief Fund Grants	Approved 3/15/2013	No Safety Clause	27	224
1025	Swalm, Jahn	Deductible Workers' Compensation Insurance	Approved 4/26/2013	7/1/2013	140	173
1026	Fischer, Schwartz	WICHE Equipment & Renovation Fee Approp Reqmnt	Approved 3/8/2013	3/8/2013	12	77
1027	Conti, Tochtrop	PUC Director Report To GA On Rate Cases	Approved 3/29/2013	No Safety Clause	83	219
1029	Levy, Roberts	Define "Must" "Shall" In Colorado Revised Statutes	Approved 2/27/2013	No Safety Clause	8	220
1031	Gerou, Nicholson	All-hazards Resource Mobilization & Reimbursement	Approved 6/5/2013	6/5/2013	369	114
1034	Sonnenberg, Giron	Update Wholesale Farm Product Commodity Marketing	Approved 2/27/2013	No Safety Clause 9/1/2013	5	206
1035	Hamner, Schwartz	Add One Judge To 5th And 9th Judicial Districts	Approved 3/8/2013	7/1/2013	13	29
1036	Singer, Heath	Authority Of Local Improvement District	Approved 5/10/2013	No Safety Clause	182	97
1038	Rosenthal, Todd	Voting Rights Persons In Youth Corrections Custody	Approved 3/15/2013	3/15/2013	28	81

<b>BILL NO.</b>	<b>PRIME SPONSOR</b>	<b>SHORT TITLE</b>	<b>GOVERNOR'S ACTION</b>	<b>EFFECTIVE DATE</b>	<b>SESSION LAWS CHAPTER</b>	<b>DIGEST PAGE</b>
1039	Court, Todd	Moneys Credited To Legislative Dept Cash Fund	Approved 4/19/2013	4/19/2013	130	87
1041	Pettersen, Kefalas	Procedures For Transmission Of Records Under CORA	Approved 3/8/2013	3/8/2013	9	114
1042	Kagan, Guzman	State Income Tax Deduction Disallowed By IRC 280E	Approved 5/28/2013	No Safety Clause	327	225
1043	Foote, Heath	Modify Definition Of Deadly Weapon	Approved 3/15/2013	3/15/2013	39	41
1044	Fischer, Schwartz	Authorize Graywater Use	Approved 5/15/2013	5/15/2013	228	241
1046	Williams, Ulibarri	Employee User Name Password Privacy Protection	Approved 5/11/2013	5/11/2013	195	174
1047	Schafer, Todd	Extracurricular Participation Across Sch Districts	Approved 4/26/2013	No Safety Clause	143	71
1051	Pabon, Guzman	Public Trustee For City And County Of Denver	Approved 3/8/2013	No Safety Clause	23	89
1052	Landgraf, Jahn	Nonattorneys Representing Closely Held Entities	Approved 3/15/2013	No Safety Clause	40	29
1053	Lawrence, Hodge	Repeal District Court Clerk Bonds	Approved 3/15/2013	3/15/2013	41	29
1054	Melton, Tochtrop	Lessen Unempl Ins Benefit Reduction Retirement	Approved 4/4/2013	4/4/2013	92	174
1055	May, Kefalas	Colorado Works Redetermination Of Eligibility	Approved 3/8/2013	No Safety Clause	10	152
1057	Mitsch Bush, Nicholson	Retain Avalanche Information Center In DNR	Approved 1/31/2013	1/31/2013	1	189
1058	McCann, Kerr	Determination Of Spousal Maintenance Upon Divorce	Approved 5/10/2013	No Safety Clause 1/1/2014	176	15
1060	McLachlan, Newell	Raise Maximum Municipal Court Fine	Approved 4/18/2013	4/18/2013	121	29
1061	Moreno, Aguilar	Responsible Medical Marijuana Vendor Standards	Approved 4/4/2013	No Safety Clause	93	206

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1062	Ginal, Kefalas	Regulation Public Insurance Adjusters	Approved 3/22/2013	No Safety Clause 1/1/2014	61	158
1063	Garcia, Giron	Emer Service Providers Critical Care Endorsement	Approved 3/8/2013	3/8/2013	14	137
1065	Stephens, Todd	Federal Professionals Mental Health Authority	Approved 3/15/2013	3/15/2013	42	147
1068	Young, Roberts	On-site Inspections Of Medicaid Providers	Approved 4/8/2013	4/8/2013	119	144
1070	Murray, Morse	Enactment Of 2012 CRS	Approved 2/19/2013	2/19/2013	3	220
1071	Holbert, Tochtrop	Register Collector's Motor Vehicles	Approved 6/5/2013	No Safety Clause	370	182
1072	Swalm, Kefalas	Public Trustees Crime Insurance Coverage	Approved 3/8/2013	No Safety Clause	22	214
1074	Kraft-Tharp, Roberts	CDPHE Primary Care Office	Approved 4/26/2013	No Safety Clause	150	137
1076	McLachlan, King	No POST Certification For CBI Director	Approved 2/27/2013	2/27/2013	6	42
1077	Salazar, Ulibarri	Illegal Traffic Stops License Revocation Hearings	Approved 5/11/2013	5/11/2013	196	182
1079	Tyler, Newell	Creation Of The Joint Technology Committee	Approved 5/18/2013	5/18/2013	246	87
1080	Holbert, Harvey	Aircraft Manufacturer Employee Income Tax Credit	Approved 5/13/2013	No Safety Clause	211	225
1081	Duran, Todd	Comprehensive Human Sexuality K-12 Education	Approved 5/28/2013	5/28/2013	303	71
1082	Labuda, Steadman	Expunging Juvenile Delinquency Records	Approved 5/17/2013	No Safety Clause	238	16
1083	Ginal, Tochtrop	Motorcycle Operator Safety Training Program	Approved 3/29/2013	No Safety Clause	86	236
1084	DelGrosso, Newell	Child Care License Status When New FEIN Is Issued	Approved 3/15/2013	No Safety Clause	29	152
1086	Wilson, Grantham	Preparation Of Record County Court Appeals	Approved 3/15/2013	7/1/2013	32	29

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1087	May, Nicholson	Membership Human Services Allocation Committees	Approved 3/15/2013	3/15/2013	37	152
1088	Fields, Giron	Office Of Health Equity CDPHE	Approved 3/15/2013	No Safety Clause	25	138
1091	Young, Kefalas	Heavy-duty Diesel Emissions Testing Alternative	Approved 4/4/2013	No Safety Clause 1/1/2014	94	182
1095	Stephens, Marble	Home School Students Participation In Activities	Approved 4/26/2013	4/26/2013	144	72
1097	Gardner, Nicholson	Duties Of Coroners	Approved 4/4/2013	4/4/2013	95	89
1101	Singer, Tochtrop	Progressive Raffles	Approved 5/3/2013	1/1/2014	161	207
1102	Gerou, Brophy	Gift Card Exemption From Unclaimed Prop Act	Approved 3/15/2013	3/15/2013	44	114
1103	Scott, Schwartz	PUC Oversight Of Rail Fixed Guideway System	Approved 4/4/2013	No Safety Clause	96	219
1104	Kraft-Tharp, Newell	Mental Hlth Profl Oral Disclosure Peer Assist	Approved 3/29/2013	No Safety Clause	77	208
1105	Tyler, Schwartz	Energy Saving Mortgage Program	Approved 5/28/2013	5/28/2013	346	115
1109	Buck, Renfroe	Apply Protection Orders To Parolees	Approved 3/15/2013	No Safety Clause	33	42
1110	Fischer, Jones	Special Fuel Tax & Electric Vehicle Fee	Approved 5/15/2013	No Safety Clause Portions on 8/15/2013 and 1/1/2014	225	226
1111	Ginal, Newell	Regulate Naturopathic Doctors	Approved 6/5/2013	No Safety Clause	371	209
1113	Court, Johnston	Alternate Prop Tax Protest & Appeal Procedure	Approved 3/8/2013	3/8/2013	11	226
1115	McCann, Steadman	CoverColorado Repeal	Approved 5/28/2013	Portions on 5/28/2013 and 3/31/2015	338	158
1117	Hamner, Hodge	Alignment Of Child Development Programs	Approved 5/7/2013	7/1/2013	169	152

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1118	Rosenthal, King	Issuing IDs To Retired Peace Officers	Approved 3/29/2013	No Safety Clause	81	42
1119	Exum, Kerr	Veteran's Identification Card And Driver's License	Approved 5/10/2013	No Safety Clause	177	183
1123	Exum, Kerr	Waive Confidentiality Unemployment Benefits	Approved 4/26/2013	No Safety Clause	148	174
1124	Pabon, Jahn	Reduce Unempl Ins Overpayments	Approved 4/4/2013	No Safety Clause	97	175
1126	Wright, Aguilar	Seven-day Court Time Intervals	Approved 3/22/2013	7/1/2013	58	30
1129	Pettersen, Newell	Evidence-based Practices For Offender Services	Approved 5/11/2013	No Safety Clause 10/1/2013	197	43
1130	Sonnenberg, Todd	Reapprove Interruptible Water Supply Agreements	Approved 6/5/2013	No Safety Clause	415	214
1132	Mitsch Bush, Giron	Highway Vehicle Weight Limits	Approved 3/22/2013	3/22/2013	60	183
1134	Ryden, Carroll	HOA Information Resource Ctr Annual Registration	Approved 5/11/2013	No Safety Clause	198	214
1135	Singer, Kerr	Voter Preregistration At Age 16	Approved 5/10/2013	No Safety Clause Portions on 8/7/2013 and 1/1/2014	184	89
1136	Levy, Carroll	Job Protection Civil Rights Enforcement Act 2013	Approved 5/6/2013	No Safety Clause	168	115
1137	Landgraf, Baumgardner	Lot Restrictions For BOCC Auth Over Weed Removal	Approved 3/8/2013	No Safety Clause	15	90
1138	Lee, Kefalas	Authorize Benefit Corporations	Approved 5/15/2013	No Safety Clause Portions on 8/7/2013 and 4/1/2014	230	26
1139	Rankin, Crowder	Repeal Various Obsolete Entities	Approved 4/8/2013	No Safety Clause	120	117
1142	Hullinghorst, Heath	Urban And Rural Enterprise Zone Act Reforms	Approved 5/15/2013	5/15/2013	224	227

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1144	Kagan, Steadman	Eliminate Cigarette Sales & Use Tax Exemption	Approved 5/28/2013	7/1/2013	304	228
1145	Court, Johnston	Admin Of Senior & Veterans Property Tax Exemptions	Approved 4/4/2013	4/4/2013	98	228
1146	Lebsock, Ulibarri	ID Theft Victim CBI Records Challenge	Approved 3/15/2013	3/15/2013	43	43
1147	Melton, Newell	Voter Registration At Public Higher Ed Institution	Approved 4/18/2013	No Safety Clause	122	82
1152	Levy, Hodge	Nursing Facility Per Diem Rates	Approved 5/3/2013	5/3/2013	162	144
1153	Tyler, Hudak	Ownership Tax Rental Mobile Machinery Electronic	Approved 5/11/2013	No Safety Clause	199	183
1154	Foote, Steadman	Crimes Against Pregnant Women Act	Approved 6/5/2013	7/1/2013	372	44
1155	Gerou, Hodge	Correct HB12-1268 Provisions That Effect Transfers	Approved 3/14/2013	3/14/2013	24	117
1156	Levy, Steadman	Adult Pretrial Diversion Program	Approved 5/28/2013	No Safety Clause	336	44
1157	McNulty, Giron	Uniform State Law Governs Remittance Transfers	Approved 4/4/2013	4/4/2013	99	25
1158	Hamner, Schwartz	Cottage Foods Act	Approved 4/4/2013	4/4/2013	100	138
1159	Rosenthal, Tochtrop	Use Cell Phones To Present Evidence Of Insurance	Approved 4/4/2013	No Safety Clause	101	183
1160	Pabon, King	Consolidate Theft Statutes With New Penalties	Approved 6/5/2013	6/5/2013	373	45
1163	Kagan, Aguilar	Sexual Assault Victim Emergency Payment Program	Approved 5/13/2013	5/13/2013	215	45
1164	McLachlan, Schwartz	Extend Unwanted Horse Tax Checkoff	Approved 3/22/2013	No Safety Clause	62	228
1165	Wilson, Heath	Creation Of A Manufacturing Career Pathway	Approved 5/28/2013	No Safety Clause	305	78

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1166	Kagan, Steadman	Repeal Crimes With Marital Status As Element	Approved 3/22/2013	No Safety Clause	59	46
1167	Pettersen, Crowder	Secretary Of State Collect Business Information	Approved 5/3/2013	No Safety Clause 1/1/2014	160	118
1168	Vigil, Schwartz	Recognize Unincorporated Acequia Ditches	Approved 3/29/2013	No Safety Clause	87	26
1171	Primavera, Todd	Emergency Use Of Epinephrine Injectors In Schools	Approved 5/28/2013	5/28/2013	348	72
1179	Levy, Steadman	Agency & OSPB Deadlines To Submit Approp Documents	Approved 4/18/2013	No Safety Clause	123	118
1180	Gerou, Steadman	Allocation Of Tobacco Litigation Settlement Moneys	Approved 5/11/2013	Portions on 5/11/2013and 7/1/2013	200	188
1181	Levy, Steadman	Tobacco Program Cash Funds	Approved 3/22/2013	Portions on 3/22/2013and 7/1/2013	74	119
1182	Levy, Lambert	Legislative Digital Policy Advisory Committee	Approved 5/23/2013	5/23/2013	257	120
1183	Levy, Lambert	Extend Conservation Easement Tax Credit Cap	Approved 5/23/2013	No Safety Clause	252	228
1184	Duran, Hodge	Supplier Database Cash Fund	Approved 3/22/2013	3/22/2013	75	120
1185	Gerou, Steadman	Low-income Energy Assistance Transfer From Sev Tax	Approved 3/22/2013	3/22/2013	76	229
1186	Vigil, Schwartz	Special District Meetings Notices & Transparency	Approved 4/4/2013	No Safety Clause	102	97
1190	Moreno, Heath	Contrib To Intermediary Org For Enter Zone Project	Approved 5/3/2013	5/3/2013	158	229
1191	Fischer, Schwartz	Nutrient Grant Domestic Wastewater Treatment Plant	Approved 5/10/2013	5/10/2013	186	138
1193	Kraft-Tharp, Jahn	Advanced Industries Export Acceleration Program	Approved 5/23/2013	No Safety Clause	259	120
1194	Everett, Marble	In-state Tuition For Military Dependents	Approved 5/28/2013	5/28/2013	362	78

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1195	Wright, Hill	Human Trafficking	Approved 5/28/2013	No Safety Clause	364	46
1196	Stephens, Newell	Report Waste-prevention Methods Accountable Care	Approved 5/11/2013	No Safety Clause	201	144
1198	Coram, Roberts	Colorado Commission Of Indian Affairs	Approved 3/22/2013	3/22/2013	64	121
1199	Pettersen, Kefalas	Nursing Home Provider Fee Statute	Approved 3/22/2013	3/22/2013	63	145
1200	Gardner, Roberts	Uniform Deployed Parents Custody Visitation Act	Approved 5/10/2013	5/10/2013	174	17
1202	Gerou, Kefalas	Counseling Relating To Scope Of Treatment Medicaid	Approved 4/8/2013	No Safety Clause	117	145
1203	Rankin, Baumgardner	List Of Contracts Between Political Subdivisions	Approved 3/15/2013	No Safety Clause	31	93
1204	Gardner, Ulibarri	Uniform Premarital And Marital Agreements Act	Approved 5/17/2013	No Safety Clause 7/1/2014	239	18
1205	Swalm, Schwartz	Investment Of State Moneys By The State Treasurer	Approved 4/26/2013	No Safety Clause	141	121
1206	DelGrosso, Scheffel	Expand Authority For Business Incentive Agreements	Approved 6/5/2013	No Safety Clause	374	93
1208	Duran, Newell	Incentives Offered By Creative Districts	Approved 4/19/2013	4/19/2013	132	122
1209	May, Nicholson	Child Support Revisions	Approved 4/4/2013	No Safety Clause 1/1/2014	103	18
1210	Kagan, Steadman	Right To Legal Counsel In Plea Negotiations	Approved 5/28/2013	No Safety Clause Portions on 9/1/2013 and 1/1/2014	306	46
1219	Hamner, Todd	Statutory Changes To K-12 Education	Approved 4/4/2013	No Safety Clause	104	73
1220	Salazar, Heath	Confidentiality K-12 Educator Performance Data	Approved 5/3/2013	5/3/2013	163	74
1221	May, Tochtrop	Standards For The Audit Of Pharmacies	Approved 4/8/2013	No Safety Clause	118	138



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1222	Peniston, Ulibarri	Family Care Act Family Medical Leave Eligibility	Approved 5/3/2013	No Safety Clause	157	175
1223	Primavera, Newell	Carriers Requirement To Submit Cost	Approved 4/26/2013	4/26/2013	145	159
1224	Fields, Hodge	Prohibiting Large-capacity Ammunition Magazines	Approved 3/20/2013	7/1/2013	48	47
1225	Levy, Kefalas	Homeowner's Insurance Reform Act	Approved 5/10/2013	Portions on 5/10/2013 and 1/1/2014	183	159
1228	Court, Heath	Payment For Background Checks For Gun Transfers	Approved 3/20/2013	3/20/2013	46	48
1229	Fields, Carroll	Background Checks For Gun Transfers	Approved 3/20/2013	3/20/2013	47	49
1230	Williams, Guzman	Compensation For Persons Wrongly Incarcerated	Approved 6/5/2013	6/5/2013	409	30
1232	McLachlan, King	Warrior Transition Battalion Fishing Licenses	Approved 4/4/2013	No Safety Clause	105	189
1233	Pabon, King	Insurance Transactions Foreign Language	Approved 5/10/2013	No Safety Clause	173	160
1234	Fischer, Schwartz	Lease-purchase Authority For DOA Ofc Consolidation	Approved 5/10/2013	5/10/2013	170	122
1235	Szabo, Baumgardner	Valuations Of Property Prior To State Purchase	Approved 6/5/2013	6/5/2013	375	122
1236	Levy, Ulibarri	Best Practices In Bond Setting	Approved 5/11/2013	5/11/2013	202	50
1237	Young, Hodge	Special Olympics Colorado Tax Checkoff	Approved 4/19/2013	No Safety Clause	133	229
1238	McCann, Newell	Transfer Funds For Med Marijuana Enforcement	Approved 5/28/2013	5/28/2013	328	139
1239	McCann, Hodge	Creation Of A Statewide Youth Development Plan	Approved 5/28/2013	7/1/2013	307	139
1240	Young, King	Penalties For Persistent Drunk Drivers	Approved 5/28/2013	Portions on 5/28/2013 and 1/1/2014	361	184

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1241	Fields, Guzman	Statewide Victim Information & Notification System	Approved 5/28/2013	5/28/2013	360	123
1242	Pettersen, King	Repeal Mandatory Sentence Bail Condition Violation	Approved 5/28/2013	7/1/2013	308	50
1243	Young, Ulibarri	Court Orders For Parenting Time Findings Of Fact	Approved 4/18/2013	No Safety Clause	124	19
1245	McCann, Steadman	Funding Colorado Health Benefit Exchange	Approved 5/23/2013	5/23/2013	258	161
1246	Court, Steadman	Modify Prop Tax Exemptions For Nonprofit Orgs	Approved 5/11/2013	No Safety Clause	203	230
1247	Duran, Johnston	Innovative Motor Vehicle Income Tax Credit	Approved 5/15/2013	5/15/2013	226	230
1248	Fischer, Schwartz	Irrigation Water Leasing Municipal Pilot Projects	Approved 5/13/2013	5/13/2013	210	242
1250	Sonnenberg, Tochtrop	Administer County Landscape Management	Approved 5/17/2013	No Safety Clause	240	3
1252	Hamner, Jahn	Petroleum Storage Tank Redevelopment Fund	Approved 5/18/2013	5/18/2013	247	176
1254	Lee, Newell	Restorative Justice	Approved 5/28/2013	No Safety Clause	341	50
1257	Hamner, Todd	Developing Local-level Educator Evaluation Systems	Approved 5/17/2013	5/17/2013	237	74
1258	Salazar, Aguilar	Community And Law Enforcement Trust Act	Approved 4/26/2013	4/26/2013	149	93
1259	McCann, Newell	Civil Actions Protection Orders & Domestic Orders	Approved 5/14/2013 5/14/2013	07/01/2013	218	19
1260	Singer, Roberts	Bingo Raffle Increase Games Occasions	Approved 5/28/2013	No Safety Clause	309	211
1262	Young, Baumgardner	Allow Fraud Reports To Insurance-funded Entities	Approved 5/28/2013	No Safety Clause	310	161
1263	Primavera, Heath	Private Occupational School Requirements	Approved 5/11/2013	5/11/2013	204	79

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1265	Hullinghorst, Heath	Enter Zone Bus Facility Employee Tax Credit	Approved 5/3/2013	Portions on 5/3/2013 and 5/15/2013	164	231
1266	McCann, Aguilar	Health Insurance Alignment Federal Law	Approved 5/13/2013	5/13/2013	217	161
1271	Singer, Newell	Child Abuse Reporting Hotline & Child Welfare Rules	Approved 5/14/2013	5/14/2013	219	153
1272	Hullinghorst, Steadman	RTD & SCFD Sales & Use Tax Base Same As State	Approved 5/28/2013	1/1/2014	337	231
1274	Hullinghorst, Kerr	State Bd Of Land Commissioners Real Prop Inv	Approved 6/5/2013	6/5/2013	376	123
1276	Williams, Carroll	HOA Debt Collection Limitations	Approved 5/28/2013	No Safety Clause 1/1/2014	351	215
1277	Williams, Carroll	HOA Reg License Common Interest Community Managers	Approved 5/28/2013	No Safety Clause 1/1/2015	352	215
1278	Mitsch Bush, Todd	Oil Spills Gas Releases Reporting	Approved 5/11/2013	No Safety Clause	188	189
1280	Gerou, Hodge	Target Reserve Req Waiver For Building Reg Fund	Approved 6/5/2013	6/5/2013	377	124
1281	Gerou, Hodge	Medicaid Management Info System Approp Two Years	Approved 5/11/2013	5/11/2013	205	145
1282	Gerou, Lambert	Gov May Repay Transfers To Disaster Emergency Fund	Approved 5/11/2013	5/11/2013	206	124
1283	Fischer, Schwartz	Species Conservation Trust Fund	Approved 6/5/2013	6/5/2013	378	190
1284	Gardner, Roberts	Make Article 9 UCC Security Interests Uniform	Approved 6/5/2013	7/1/2013	379	25
1286	Williams, Tochtrop	Suspend State Recovery Audits	Approved 5/28/2013	5/28/2013	311	125
1287	Primavera, Scheffel	Extend CO Job Growth Incentive Tax Credit 5 Years	Approved 5/13/2013	5/13/2013	212	231
1288	Conti, Steadman	Establish Statewide Uniform Sales & Use Tax Base	Approved 5/28/2013	5/28/2013	340	231

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1289	Moreno, Jahn	Electronic Motor Vehicle Info Transfer	Approved 6/5/2013	6/5/2013	380	185
1290	McCann, Aguilar	Modernize Stop-loss Health Insurance	Approved 5/28/2013	Portions on 7/1/2013 and 1/1/2014	339	170
1291	Duran, Kefalas	Colorado Early Head Start Grant Program	Approved 5/28/2013	7/1/2013	363	75
1292	Lee, Kerr	Keep Jobs In Colorado Act	Approved 5/24/2013	5/24/2013	266	125
1293	Rosenthal, Heath	Gov To Create Exec Branch Climate Change Position	Approved 5/28/2013	5/28/2013	312	128
1294	Gardner, Guzman	Judicial Dept & CGIA	Approved 5/28/2013	5/28/2013	313	128
1295	Ferrandino, Heath	Simplify Sales Tax For Marketplace Fairness Act	Approved 5/28/2013	Portions on 5/28/2013, 7/1/2014, and effective date of federal act	314	232
1296	McCann, Newell	Civil Commitments And Task Force	Approved 5/16/2013	Portions on 5/16/2013 and 7/1/2014, and receipt of letter by the revisor of statutes	232	148
1297	McLachlan, Roberts	Ft Lewis & School Of Mines Invest Authority	Approved 5/23/2013	No Safety Clause	260	79
1298	Ryden, Giron	Employment Policies For Nonclassified Employees	Approved 5/28/2013	5/28/2013	315	128
1299	Ferrandino, Steadman	Changes To The SMART Government Act Of 2010	Approved 6/5/2013	6/5/2013	382	88
1300	Gardner, Morse	Revisor's Bill	Approved 5/28/2013	No Safety Clause	316	220
1301	Ryden, Todd	Procurement Technical Assistance Centers	Approved 5/24/2013	5/24/2013	265	28
1302	Moreno, Ulibarri	Special District Consolidation	Approved 5/28/2013	No Safety Clause	317	97

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1303	Hullinghorst, Giron	Create The Voter Access & Modernized Elections Act	Approved 5/10/2013	Portions on 5/10/2013, effective date of House Bill 13-1079, and 8/7/2013	185	82
1305	Gerou, Steadman	Address Possible Tobacco Settlement Payment Reducs	Approved 5/28/2013	5/28/2013	318	129
1307	Kagan, Guzman	Legal Description In Real Property Title Documents	Approved 5/28/2013	No Safety Clause	319	216
1308	Kagan, Ulibarri	Cell Phone Info To Police In Emergency Situation	Approved 5/13/2013	5/13/2013	214	51
1310	May, Hodge	Pharmacy Intern Definition Repeal	Approved 5/28/2013	5/28/2013	320	211
1311	Fischer, Schwartz	Clarify Definition Of Veterinary Premises	Approved 5/28/2013	5/28/2013	321	212
1314	Levy, Hodge	Transfer Developmental Disabilities To HCPF	Approved 5/28/2013	Portions on 5/28/2013, 7/1/2013, and 3/1/2014	323	146
1315	Fischer, Kefalas	Higher Ed Undergrad Student Health Ins Requirement	Approved 5/28/2013	5/28/2013	322	171
1317	Pabon, Jahn	Implement Amendment 64 Majority Recommendation	Approved 5/28/2013	5/28/2013	329	129
1318	Singer, Jahn	Retail Marijuana Taxes	Approved 5/28/2013	Portions on 5/28/2013 and date of the official declaration of the vote by the governor	330	233
1319	Court, Johnston	Assessment Ratio For Residential Real Property	Approved 5/28/2013	5/28/2013	324	235
1320	Waller, Heath	Support For Meritorious Colorado Students	Approved 6/5/2013	6/5/2013	383	80
1323	Levy, Guzman	Dept Corr Request Clarification Of Mittimus	Approved 5/28/2013	5/28/2013	325	52
1324	Murray, Nicholson	Add GA Members Statewide Internet Portal Auth Bd	Approved 5/28/2013	5/28/2013	326	131

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1325	Fields, King	Inferences For Marijuana And Driving Offenses	Approved 5/28/2013	5/28/2013	331	185

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001	Kefalas, Kagan	Colorado Working Families Economic Opportunity Act	Approved 6/5/2013	No Safety Clause	381	221
002	Hudak, Hamner	Designate BOCES As Local Education Agencies	Approved 3/22/2013	3/22/2013	65	53
004	Kefalas, Ginal	Electronic Renewal Senior Identification Card	Approved 5/16/2013	No Safety Clause	234	178
005	Grantham, Nordberg	Fort Carson Police Officers Peace Officer Status	Approved 4/8/2013	No Safety Clause	109	32
007	Morse, Waller	Eliminate Repeal Of CCJJ	Approved 5/28/2013	5/28/2013	334	32
008	Newell, McCann	Eliminate Waiting Period Under CHP+	Approved 3/29/2013	3/29/2013	78	141
010	Lundberg, Hulinghorst	Dean Allopathic Osteopathic Sch Commn Family Med	Approved 3/22/2013	No Safety Clause	50	132
011	Steadman, Ferrandino	Colorado Civil Union Act	Approved 3/21/2013	Portions on 5/1/2013 and 1/1/2014	49	10
012	Heath, Singer	Child Abuse Reporting Youth Sports Organizations	Approved 3/22/2013	3/22/2013	51	12
013	King, McCann	Secret Service Limited Peace Officer Authority	Approved 4/19/2013	4/19/2013	126	99
014	Aguilar, Pettersen	Immunity For Admin Emer Drugs To Overdose Victims	Approved 5/10/2013	5/10/2013	178	32
015	Roberts, Hamner	Local Board Of Ed Meeting Electronic Participation	Approved 3/22/2013	No Safety Clause	52	53
018	Ulibarri, Fischer	Permissible Use Of Credit Information By Employers	Approved 4/19/2013	7/1/2013	125	21
019	Schwartz, Fischer	Promote Water Conservation	Approved 5/18/2013	5/18/2013	242	238

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023	Cadman, Levy	Increase Damages Caps Under CGIA	Approved 4/19/2013	7/1/2013	134	99
025	Tochtrop, Williams	Collective Bargaining Firefighters	Approved 6/5/2013	6/5/2013	408	91
026	Carroll, Primavera	Update Michael Skolnik Medical Transparency Act	Approved 5/24/2013	No Safety Clause	290	194
027	Todd, Priola	RTD Mass Transit Station Parking Facilities	Approved 4/26/2013	4/26/2013	137	96
028	Jones, Tyler	Track Utility Data High Performance State Building	Approved 3/22/2013	3/22/2013	66	99
029	Kerr, DelGrosso	Habitat For Humanity Of CO Tax Checkoff Creation	Approved 3/15/2013	No Safety Clause	45	221
030	Scheffel, Nordberg	Additional Review Of Rules Promulgated By Agencies	Approved 4/8/2013	4/8/2013	110	100
031	Giron, Pettersen	Tuition For Dropout Recovery Program Students	Approved 3/15/2013	3/15/2013	26	53
032	Jahn, Williams	Life And Health Insurance Protection Association	Approved 3/15/2013	3/15/2013	34	155
033	Giron, Duran	In-state Classification CO High School Completion	Approved 4/29/2013	4/29/2013	156	76
036	Steadman, Gerou	Repeal The Annual Revenue Resolution	Approved 1/31/2013	1/31/2013	2	100
038	Balmer, Garcia	Emergency Provider And Rescue Unit Confidentiality	Approved 3/22/2013	No Safety Clause	67	29
039	Aguilar, McCann	Regulate Audiology Practice	Approved 5/24/2013	5/24/2013	288	194
040	Crowder, Vigil	Complete Cemetery Expansion At Homelake Center	Approved 5/24/2013	5/24/2013	263	177
041	Hodge, Fischer	Protect Water Storage Long-term Use	Approved 4/8/2013	No Safety Clause	111	238
042	Morse, Waller	Foreign Asst Med Professor Renew Physician License	Approved 4/19/2013	4/19/2013	135	196



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043	Kerr, Gardner	On-premises Alcohol Consumption Prohibit Removal	Approved 5/10/2013	5/10/2013	175	196
044	Nicholson, Coram	Prepaid Inpatient Health Plan Incentives	Approved 3/22/2013	3/22/2013	54	141
046	Kefalas, Primavera	Dialysis Clinic Authorization Treat Outpatients	Approved 3/22/2013	3/22/2013	53	132
047	Newell, Fields	Youth In Foster Care And Identity Theft Protection	Approved 5/28/2013	5/28/2013	359	149
048	Todd, Tyler	Authorize Local Government Use Of HUTF For Transit	Approved 4/26/2013	7/1/2013	138	236
050	Todd, Coram	Recycling Resources Economic Opportunity Fund	Approved 6/5/2013	No Safety Clause	384	100
053	Kerr, Hamner	Exchange Of Student Data K-12 And Postsecondary	Approved 4/8/2013	4/8/2013	112	53
058	Grantham, Landgraf	Permanent Disability Parking Privileges	Approved 4/19/2013	4/19/2013	136	178
059	Cadman, Moreno	Peace Officers Obtain Liquor License	Approved 4/8/2013	No Safety Clause	113	197
060	Scheffel, McNulty	Civil Air Patrol Motor Vehicle License Plate	Approved 5/13/2013	No Safety Clause	213	178
067	Tochtrop, Vigil	Extend Public Lands Off-road Vehicle Law	Approved 4/4/2013	4/4/2013	106	186
070	Schwartz, Scott	Alternative Fuel Fleet Vehicles	Approved 4/26/2013	4/26/2013	142	101
071	Hudak, Fields	Student ID Number For Adult Education Programs	Approved 4/19/2013	No Safety Clause	131	76
072	Hodge, Sonnenberg	No Final Well Permit Req Denver Basin Designated	Approved 3/15/2013	No Safety Clause	30	239
073	Brophy, Sonnenberg	General Permits Stormwater Rule-making	Approved 6/5/2013	6/5/2013	385	132
074	Hodge, Sonnenberg	Irrigation Water Right Historical Use Acreage	Approved 4/4/2013	No Safety Clause	107	239

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075	Brophy, Sonnenberg	Promote Water Conservation Of Designated Ground Water	Approved 3/15/2013	No Safety Clause	35	239
076	Roberts, Gardner	Use Of Archived Material For Leg Branch	Approved 4/26/2013	No Safety Clause	151	102
077	Roberts, Pabon	Probate Code Omnibus	Approved 5/11/2013	No Safety Clause	190	191
078	Giron, Sonnenberg	Erroneously Located Water Diversion Points	Approved 3/22/2013	No Safety Clause	55	239
079	Morse, Gardner	Rule Review Bill	Approved 5/11/2013	5/11/2013	191	1
080	Tochtrop, Peniston	FPPA Limitation On Liability	Approved 3/22/2013	No Safety Clause	68	95
081	Hudak, Young	Vehicle Regis Penalty Statement Repeal Spec Plate	Approved 4/8/2013	4/8/2013	114	179
082	Nicholson, Levy	Wildfire Matters Review Committee	Approved 6/5/2013	6/5/2013	386	86
083	Roberts, Gerou	Prescribed Burn Prog Div Fire Prevention & Control	Approved 5/23/2013	5/23/2013	249	102
085	Steadman, Levy	Suppl Approp Dept Of Agriculture	Approved 2/19/2013	2/19/2013	418	4
086	Steadman, Levy	Suppl Approp Dept Of Corrections	Approved 2/19/2013	2/19/2013	419	4
087	Steadman, Levy	Suppl Approp Dept Of Education	Approved 2/19/2013	2/19/2013	420	4
088	Steadman, Levy	Suppl Approp Office Of Gov, Lt Gov, & OSPB	Approved 2/19/2013	2/19/2013	421	4
089	Steadman, Levy	Suppl Approp Dept Of Health Care Pol & Fin	Approved 2/19/2013	2/19/2013	422	4
090	Steadman, Levy	Suppl Approp Dept Of Higher Ed	Approved 2/19/2013	2/19/2013	423	5
091	Steadman, Levy	Suppl Approp Dept Of Human Services	Approved 3/22/2013	3/22/2013	424	5
092	Steadman, Levy	Suppl Approp Judicial Dept	Approved 2/19/2013	2/19/2013	425	5

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093	Steadman, Levy	Suppl Approp Dept Of Labor & Employment	Approved 2/19/2013	2/19/2013	426	5
094	Steadman, Levy	Suppl Approp Dept Of Law	Approved 2/19/2013	2/19/2013	427	5
095	Steadman, Levy	Suppl Approp Legislative Dept	Approved 2/19/2013	2/19/2013	428	6
096	Steadman, Levy	Suppl Approp Dept Of Local Affairs	Approved 2/19/2013	2/19/2013	429	6
097	Steadman, Levy	Suppl Approp Dept Of Military Affairs	Approved 2/19/2013	2/19/2013	430	6
098	Steadman, Levy	Suppl Approp Dept Of Natural Resources	Approved 2/19/2013	2/19/2013	431	6
099	Steadman, Levy	Suppl Approp Dept Of Personnel	Approved 2/19/2013	2/19/2013	432	6
100	Steadman, Levy	Suppl Approp Dept Of Public Health & Environment	Approved 2/19/2013	2/19/2013	433	6
101	Steadman, Levy	Suppl Approp Dept Of Public Safety	Approved 2/19/2013	2/19/2013	434	7
102	Steadman, Levy	Suppl Approp Dept Of Regulatory Agencies	Approved 2/19/2013	2/19/2013	435	7
103	Steadman, Levy	Suppl Approp Dept Of Revenue	Approved 2/19/2013	2/19/2013	436	7
104	Steadman, Levy	Suppl Approp Dept Of State	Approved 2/19/2013	2/19/2013	437	7
105	Steadman, Levy	Suppl Approp Dept Of Transportation	Approved 2/19/2013	2/19/2013	438	7
106	Steadman, Levy	Suppl Approp Dept Of The Treasury	Approved 2/19/2013	2/19/2013	439	7
107	Steadman, Levy	Suppl Approp Capital Construction	Approved 2/19/213	2/19/2013	440	8
108	Steadman, Gerou	Mid-year School Finance Adjustments	Approved 4/8/2013	4/8/2013	116	54
109	Lambert, Duran	State Agency Indirect Cost Recovery	Approved 3/8/2013	3/8/2013	18	103

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110	Lambert, Levy	Wildland Fire Cost Recovery Fund	Approved 2/19/2013	2/19/2013	4	103
111	Hudak, Schafer	Require Reports Of Elder Abuse And Exploitation	Approved 5/16/2013	5/16/2013	233	149
112	Steadman, Gerou	Cap 2012-13 School Land Revenues Transfers	Approved 3/22/2013	3/22/2013	69	103
113	Hodge, Levy	Natural Resource Damage Recovery Fund	Approved 3/29/2013	3/29/2013	84	104
114	Hodge, Levy	Investigation & Application Fees Racing Cash Fund	Approved 3/8/2013	7/1/2013	19	197
115	Hodge, Gerou	Waste Tire Fee Administration Cash Fund	Approved 3/8/2013	7/1/2013	20	104
116	Ulibarri, Lee	Psychologists Evaluate Defendant's Mental State	Approved 4/8/2013	No Safety Clause	115	33
118	Hodge, Pabon	Seller Financing Mortgage Loan Originator Exempt	Approved 3/22/2013	3/22/2013	70	197
119	Jones, Scott	Clarify Title Ins Certificate Of Tax Reqmnt	Approved 5/11/2013	No Safety Clause Portions on 10/1/2013 and 1/1/2015	192	155
120	Harvey, Garcia	Navy SEAL Motor Vehicle License Plate	Approved 6/5/2013	No Safety Clause	387	179
123	Steadman, Levy	Collateral Consequences	Approved 5/24/2013	5/24/2013	289	33
125	Todd, DelGrosso	Preneed Funeral Contracts	Approved 5/24/2013	No Safety Clause	287	156
126	Guzman, Duran	HOA Condo Apt Electric Vehicle Charging Stations	Approved 5/3/2013	5/3/2013	165	213
127	Guzman, Primavera	Sales Tax Revenue To Older Coloradans Cash Fund	Approved 5/28/2013	7/1/2013	349	104
129	Tochtrop, Williams	Modification Of Audit Requirements	Approved 5/24/2013	5/24/2013	284	104
133	Steadman, Gerou	Distribution Of State Share Of Ltd Gaming Revenues	Approved 3/8/2013	6/15/2013	21	105

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134	Baumgardner, Sonnenberg	Sales Tax Collection Motor Vehicle Sold At Auction	Approved 3/29/2013	No Safety Clause	80	222
137	Roberts, Navarro	Improving Medicaid Fraud Detection	Approved 5/24/2013	No Safety Clause	285	141
138	King, Garcia	School Resource Officer Programs In Public Schools	Approved 5/23/2013	5/23/2013	253	54
139	Roberts, Coram	Supplemental On-line Education Services	Approved 4/19/2013	No Safety Clause	128	54
143	Grantham, Peniston	Institute Charter School Assistance Fund	Approved 3/22/2013	3/22/2013	71	55
146	Tochtrop, DelGrosso	Board Of Assessment Appeals	Approved 6/5/2013	7/1/2013	388	222
147	Jahn, Gardner	Workers' Compensation Liability Statutory Employer	Approved 6/5/2013	6/5/2013	389	172
148	Kefalas, Peniston	Sunset CO Youth Advisory Council	Approved 6/5/2013	6/5/2013	390	86
149	Kefalas, Kagan	Sunset Repeal All-payer Health Claims Database Cmt	Approved 4/26/2013	7/1/2013	152	141
150	Harvey, May	Sunset Water & Wastewater Operators Board	Approved 6/5/2013	7/1/2013	391	133
151	Nicholson, Primavera	Sunset Review Massage Therapists	Approved 5/24/2013	No Safety Clause	286	198
152	Aguilar, May	Sunset Review Asbestos Abatement	Approved 3/29/2013	3/29/2013	85	133
153	Giron, Schafer	Sunset Farm-to-school Coordination Task Force	Approved 3/22/2013	3/22/2013	56	55
154	Jahn, Williams	Sunset Continue Division Of Banking	Approved 5/24/2013	7/1/2013	282	85
155	Baumgardner, Ryden	Sunset Board Of Real Estate Appraisers	Approved 6/5/2013	7/1/2013	392	199
156	Tochtrop, Williams	Sunset Bd Of Mortgage Loan Originators	Approved 6/5/2013	7/1/2013	393	199

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157	Heath, Kraft-Tharp	Sunset Continue Colorado Work Share Program	Approved 4/26/2013	7/1/2013	147	172
158	Balmer, Ryden	Sunset Cost-benefit Analysis Of State Rules	Approved 5/24/2013	7/1/2013	283	105
159	Jahn, Court	Sunset Division Of Financial Services 2024	Approved 5/11/2013	5/11/2013	193	85
160	Crowder, Primavera	Sunset Review Dental Advisory Committee	Approved 3/22/2013	3/22/2013	72	133
161	Heath, Fischer	Sunset Licensing Architects Engineers Surveyors	Approved 5/28/2013	7/1/2013	356	191
162	Tochtrop, Kraft-Tharp	Sunset Examining Board Of Plumbers	Approved 5/24/2013	5/24/2013	280	200
163	Newell, Singer	Sunset Review Newborn Infants Hearing Advisory Cmt	Approved 3/29/2013	7/1/2013	79	134
166	Aguilar, Schafer	Extend Deadlines Medical Clean Claims Standards	Approved 5/24/2013	5/24/2013	281	134
167	Steadman, Gerou	Individuals With Intellectual Disabilities	Approved 6/5/2013	6/5/2013	394	141
169	Crowder, Dore	Reintroduce Black-footed Ferret Landowner Consent	Approved 6/5/2013	No Safety Clause	410	186
170	Aguilar, Gerou	Motor Vehicle License Plate Auction Group	Approved 5/23/2013	5/23/2013	254	179
171	Kerr, Foote	Sunset Continue Licensing Of Money Transmitters	Approved 6/5/2013	6/5/2013	395	201
172	Newell, Ginal	Sunset Continue Acupuncture Regulation	Approved 6/5/2013	6/5/2013	396	201
173	Kerr, Pabon	Sunset Review Division Of Gaming	Approved 6/5/2013	7/1/2013	397	202
174	Schwartz, Lebsock	Sunset Continue Food Systems Advisory Council	Approved 5/28/2013	5/28/2013	343	106
175	Schwartz, Hamner	Wildlife Habitat Stamp Programs Continuation	Approved 5/18/2013	5/11/2013	243	186

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176	Scheffél, Everett	Auth State To Invest In Israeli Gen Oblig Debt	Approved 5/5/2013	No Safety Clause	167	106
177	Lambert, Gerou	Reduce Juvenile Detention Bed Cap	Approved 3/29/2013	3/29/2013	88	12
178	Hudak, Hamner	Red Rocks Physician Assistant Graduate Program	Approved 5/17/2013	No Safety Clause	241	76
179	Tochtrop, Williams	Simulcast Greyhound Races	Approved 5/11/2013	No Safety Clause	194	203
180	Aguilar, Singer	Sunset Review Occupational Therapy Practice Act	Approved 6/5/2013	6/30/2013	411	203
181	Schwartz, Fischer	Water Conservation Bd Construction Fund Projects	Approved 5/13/2013	5/13/2013	209	240
182	Nicholson, Williams	Resale Time Shares Deceptive Trade Practices	Approved 5/3/2013	No Safety Clause	166	21
183	Carroll, Fields	Water Conservation Common Interest Communities	Approved 5/10/2013	5/10/2013	187	213
184	Steadman, Rosenthal	Discrimination In Public Accommodation Crime	Approved 4/19/2013	4/19/2013	127	106
186	Tochtrop, Pettersen	Updating Requirements New Building Technologies	Approved 5/3/2013	5/3/2013	159	217
187	Carroll, Hullinghorst	FY 2013-14 Legislative Appropriation	Approved 3/22/2013	3/22/2013	417	8
188	Tochtrop, Vigil	Landowner Preference Wildlife Hunting License	Approved 5/18/2013	No Safety Clause	244	187
189	Heath, Tyler	Motor Carrier Fines Suspension Outreach	Approved 6/5/2013	6/5/2013	365	217
190	Steadman, Gerou	Implementation Of Fin Report Sys Modernization	Approved 4/4/2013	4/4/2013	108	106
192	Heath, Tyler	Emer Delay Criminal History Background Checks	Approved 4/19/2013	4/19/2013	129	107
193	Hudak, Kraft-Tharp	Increasing Parent Engagement In Public Schools	Approved 5/28/2013	5/28/2013	355	56

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194	Steadman, Gerou	Repeal Low-income Telephone Assistance Program	Approved 4/1/2013	4/1/2013	89	217
195	Tochtrop, May	No On-line Training For Concealed Handgun Permits	Approved 5/24/2013	5/24/2013	278	34
197	Hudak, McCann	No Firearms For Domestic Violence Offenders	Approved 6/5/2013	Portions on 6/5/2013 and 7/1/2013	366	34
198	Jahn, Gardner	Courts And Child Sexually Exploitative Material	Approved 5/24/2013	5/24/2013	279	35
199	Giron, Fischer	Higher Education Revenue Bond Intercept Program	Approved 4/26/2013	4/26/2013	146	77
200	Aguilar, Ferrandino	Expand Medicaid Eligibility	Approved 5/13/2013	5/13/2013	216	142
201	Kerr, Pettersen	Designate Shelter & Rescue Dogs & Cats State Pets	Approved 5/13/2013	No Safety Clause	207	107
202	Jones, Singer	Additional Inspections At Oil & Gas Facilities	Approved 5/24/2013	5/24/2013	274	187
204	Aguilar, Primavera	Bd Chiropractic Examiners Addition Of Members	Approved 5/24/2013	5/24/2013	275	204
205	Hodge, Gardner	Medicaid False Claims Act Comply With Federal Law	Approved 5/24/2013	No Safety Clause	276	143
206	Hudak, Pettersen	Direct Deposit Income Tax Refunds College Savings	Approved 5/28/2013	5/28/2013	345	223
207	Giron, Levy	Auricular Acudetox Mental Health Professionals	Approved 6/5/2013	7/1/2013	416	204
208	Steadman, May	Limitations On Drug Paraphernalia Laws	Approved 5/10/2013	5/10/2013	179	35
210	Giron, Duran	Corrections Officer Staffing Levels	Approved 5/24/2013	No Safety Clause	261	27
212	Jones, Tyler	Energy District Private Financing Commercial	Approved 5/28/2013	5/28/2013	347	96



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213	Johnston, Hamner	Future School Finance Act	Approved 5/21/2013	Upon the proclamation by the governor of the vote cast in citizen-initiated increase in state tax revenues for the purpose of funding preschool through twelfth grade public education	248	57
214	Schwartz, Fischer	BEST Program Oversight & Funding	Approved 6/5/2013	6/5/2013	398	107
215	Jahn, Ginal	Alternative Health Care Consumer Protections	Approved 6/5/2013	6/5/2013	399	22
216	Giron, Rosenthal	Corrections Youthful Offender System	Approved 5/10/2013	5/10/2013	171	27
217	Hudak, Pettersen	K-12 Accreditation Criteria Alternative Ed Campus	Approved 5/28/2013	5/28/2013	354	66
219	Tochtrop, Peniston	Methamphetamine Laboratory Remediation	Approved 5/28/2013	No Safety Clause	293	134
220	Nicholson, Fields	Emergency Medical Providers To Report Child Abuse	Approved 5/14/2013	No Safety Clause 7/1/2014	220	13
221	King, Ryden	Conservation Easement Tax Credit Cert Application	Approved 5/23/2013	No Safety Clause Portions on 8/7/2013 and 1/1/2014	251	223
222	Aguilar, Pabon	Improve Access Childhood Immunizations	Approved 5/28/2013	5/28/2013	350	135
223	Brophy, Mitsch Bush	Sunset Continue Noxious Weed Advisory Committee	Approved 5/28/2013	5/28/2013	294	2
224	Kerr, Hamner	Protect Our Rivers Motor Vehicle License Plate	Approved 5/18/2013	No Safety Clause	245	180
225	Giron, Ginal	STEMI Heart Attack Stroke Data Hosp Designation	Approved 5/24/2013	5/24/2013	277	136

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226	Balmer, Court	Create Dog Protection Act	Approved 5/13/2013	5/13/2013	208	92
227	Carroll, Landgraf	Protect Rape Victim From Contact With Father	Approved 5/28/2013	Portions on 5/28/2013 and 7/1/2013	353	13
228	Aguilar, Kraft-Tharp	Deceptive Trade Practices Hearing Aid Dispensers	Approved 5/24/2013	5/24/2013	271	24
229	Guzman, Kagan	Criminal Omnibus	Approved 5/24/2013	7/1/2013	272	35
230	Steadman, Levy	2013-14 Long Appropriations Bill	Approved 4/29/2013	4/29/2013	441	8
231	Steadman, Levy	Title IV-E Waiver Demonstration Project	Approved 5/14/2013	5/14/2013	221	150
232	Hodge, Gerou	Continue Tobacco Tax Medicaid Management Transfers	Approved 4/29/2013	4/29/2013	153	108
233	Lambert, Gerou	Transfers To General Fund From Repealed Cash Funds	Approved 4/29/2013	4/29/2013	154	108
234	Steadman, Gerou	State Prepay Moneys To FPPA Old Hire Pension Plans	Approved 5/10/2013	5/10/2013	180	92
235	Lambert, Levy	Transfer To The Colorado State Veterans Trust Fund	Approved 6/5/2013	6/5/2013	400	108
236	Steadman, Levy	Transfers Of Money Related To Capital Construction	Approved 5/10/2013	5/10/2013	181	108
237	Steadman, Gerou	General Fund Reserve Increase	Approved 4/29/2013	4/29/2013	155	109
238	Tochtrop, Ryden	Regulation Hearing Aid Providers Sellers	Approved 6/5/2013	7/1/2013	401	205
240	Tochtrop, Exum	Voting Reqmnts For FPPA Defined Benefit Plan Mod	Approved 5/24/2013	No Safety Clause	273	95
241	Schwartz, Coram	Industrial Hemp Growers Registration DOA	Approved 5/28/2013	5/28/2013	342	2
242	Nicholson, Primavera	Adult Dental Benefit Medicaid	Approved 5/11/2013	No Safety Clause	189	143

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243	Hodge, Peniston	Petition Reqmnts Cnty Commissioner Elections	Approved 5/24/2013	5/24/2013	268	89
244	Guzman, Kagan	Substance Abuse Trend And Response Task Force	Approved 5/28/2013	No Safety Clause	295	37
245	King, Gardner	Create The Colorado Firefighting Air Corps	Approved 6/5/2013	6/5/2013	412	109
246	Lambert, Levy	Criminal Discovery Task Force	Approved 5/24/2013	5/24/2013	269	37
247	Heath, Court	Reciprocal Debt Collection Agreements	Approved 5/28/2013	No Safety Clause	296	109
248	Aguilar, Priola	Out-of-state Subpoenas	Approved 5/24/2013	7/1/2013	270	38
249	Tochtrop, Williams	Workers' Compensation IME Reports	Approved 5/24/2013	No Safety Clause	267	172
250	Steadman, Levy	Drug Sentencing Changes	Approved 5/28/2013	10/1/2013	333	38
251	Ulibarri, Melton	Driver's License & Identification Documentation	Approved 6/5/2013	No Safety Clause	402	180
252	Morse, Ferrandino	Renewable Energy Standard Retail Wholesale Methane	Approved 6/5/2013	7/1/2013	414	218
254	Jones, Tyler	Fleet Vehicle Energy Cost-savings Contracts	Approved 6/5/2013	6/5/2013	403	110
255	Kefalas, May	Statutory Changes To Child Fatality Review Teams	Approved 5/14/2013	5/14/2013	222	150
258	Hodge, Moreno	Stages In Dev Permit Approval Process	Approved 5/23/2013	5/23/2013	255	93
260	Hudak, Hamner	Financing Of Public Schools	Approved 5/17/2013	5/17/2013	236	66
261	Nicholson, McCann	Oral Health Community Programs	Approved 6/5/2013	6/5/2013	404	136
262	Tochtrop, Primavera	Exempt Enrolled Agents From Debt-Mgmt Services	Approved 5/28/2013	No Safety Clause	297	205

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263	Schwartz, Vigil	Development Of Capitol Complex Master Plan	Approved 5/28/2013	5/28/2013	344	110
264	Aguilar, McLachlan	Develop Rural Family Medicine Residency Programs	Approved 5/24/2013	No Safety Clause	262	137
265	Kerr, Holbert	Motor Vehicle Dealer Franchise Agreements	Approved 6/5/2013	No Safety Clause	405	205
266	Aguilar, Kraft-Tharp	Coordinated Behavioral Health Crisis Response	Approved 5/16/2013	5/16/2013	231	147
268	Steadman, May	Bills Funded With Gifts Grants & Donations	Approved 5/28/2013	5/28/2013	298	86
269	Nicholson, Coram	Wildfire Risk Reduction Grant Program	Approved 5/17/2013	5/17/2013	235	188
270	Nicholson, Coram	Wildfire Preparedness & Emergency Response Funds	Approved 5/23/2013	Portions on 5/23/2013 and effective date of House Bill 13-1031	250	110
271	Nicholson, Primavera	Funding The Address Confidentiality Program	Approved 5/28/2013	5/28/2013	299	39
273	Schwartz, Hamner	Renewable Energy Forest Biomass Incentives	Approved 6/5/2013	6/5/2013	406	189
276	Steadman, Gerou	Disability Investigational And Pilot Support Fund	Approved 5/23/2013	5/23/2013	256	147
277	Aguilar, Ginal	Prior Authorization Process Drug Benefits	Approved 5/15/2013	5/15/2013	229	157
278	Kerr, Young	Child Welfare And Drug-endangered Child Definition	Approved 5/28/2013	8/7/2013	300	15
279	Kerr, Gerou	K-12 School Energy Resource Efficiency	Approved 6/5/2013	No Safety Clause	413	69
280	Tochtrop, Vigil	Title Off-highway Vehicles	Approved 6/5/2013	6/5/2013	407	181
282	Guzman, Pabon	Tiered Electric Rate Medical Exemption	Approved 5/28/2013	5/28/2013	292	218
283	Jahn, May	Implement Amendment 64 Consensus Recommendations	Approved 5/28/2013	5/28/2013	332	39

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285	Tochtrop, Williams	Workers' Compensation	Approved 5/28/2013	7/1/2013	301	172
286	Hodge, Levy	Renewable Energy Inv Tax Credit Carryover Years	Approved 5/28/2013	5/28/2013	302	214
288	Cadman, Levy	GA Approval Additional Payment Under CGIA	Approved 5/25/2013	5/25/2013	291	9

## **ADMINISTRATIVE RULE REVIEW**

**S.B. 13-79** Continuation of 2012 rules of executive agencies. Based on the findings and recommendations of the committee on legal services, the act extends all state agency rules and regulations that were adopted or amended on or after November 1, 2011, and before November 1, 2012, with the exception of the rules and regulations specifically listed in the act. Those specified rules and regulations will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2013, on the grounds that the rules and regulations either conflict with statute or lack or exceed statutory authority.

The act repeals, effective May 15, 2013, a rule of the medical services board of the department of health care policy and financing concerning presumptive eligibility of prenatal care clients in the children's basic health plan.

The act repeals, effective May 15, 2013, a rule of the Colorado state board of chiropractic examiners of the department of regulatory agencies concerning the scope of practice of chiropractors.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** May 11, 2013

## AGRICULTURE

**S.B. 13-223** Invasive species - noxious weed advisory committee - continuation under sunset law - membership. The act continues the state noxious weed advisory committee until September 1, 2023, and adds 2 nonvoting members to the committee: One representing the Colorado department of transportation and the other representing the department of natural resources. The committee is also directed to make recommendations about noxious weeds on surface waters and public lands.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**S.B. 13-241** Industrial hemp - authority to grow - registration by department of agriculture - commercial or research and development registrations - inspections - rules - violations and penalties - contingent repeal - appropriation. The act repeals the industrial hemp remediation pilot program in the department of public health and environment, enacted by House Bill 12-1099, and replaces the pilot program with a program in the department of agriculture (department) that requires a person seeking to engage in industrial hemp cultivation for commercial purposes or to grow industrial hemp for research and development purposes to register with the department. A person registered under the industrial hemp remediation pilot program may continue industrial hemp activities if the registrant applies for a registration under the new program within 60 days after applications are available.

The act renames the industrial hemp remediation pilot program committee, established pursuant to House Bill 12-1099, as the industrial hemp committee, specifies the qualifications and terms of office of members serving on the committee, and tasks the committee with assisting the department and the commissioner of agriculture (commissioner) in the development of the registration program.

The commissioner is authorized to collect fees from registration applicants to cover the costs of the program. Each registrant authorized to cultivate industrial hemp for commercial purposes must submit reports to the department certifying that the crop it plants complies with the delta-9 THC limits, as well as documenting that the registrant has a purchase agreement with an in-state industrial hemp processor.

The commissioner, in consultation with the committee, is to adopt rules to establish an inspection program to determine delta-9 THC levels and ensure compliance with limits on delta-9 THC concentration. The rules must also establish a process for a registrant to apply for a waiver of the delta-9 THC limits.

Upon finding that a registrant violated the requirements of the program, the commissioner may impose a civil penalty on the registrant or deny, revoke, or suspend the registration.

The registration program repeals upon the enactment of federal legislation establishing a federal regulatory system for industrial hemp or the economic and financial viability of the industrial hemp industry, as determined by the commissioner in consultation with the industrial hemp committee.

The act appropriates \$21,205 from the general fund to the department of agriculture, allocated as follows:

- \$7,300 for the plant industry program in the agricultural services division for personal services and operating expenditures; and
- \$13,905 to purchase legal services, which moneys are reappropriated to the department of law for providing legal services to the department of agriculture.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1250** Pest and weed control - administration - county pest inspector - mitigation. Section 1 of the act extends from 2 to 3 years the expiration date of a county pest inspector license. Section 2 raises from \$5,000 to \$10,000 the cap on how much a landowner may be billed for pest mitigation on the person's land and prohibits the county from compelling pest mitigation that exceeds that done on adjacent government land. A county pest inspector cannot sue the landowner or occupant for personal injury or property damage unless the landowner caused the injury or damage willfully.

Section 3 authorizes a county pest inspector to exercise the powers already granted to counties to control weeds and rodents. Section 4 authorizes a county's agent to exercise the powers already granted to county pest inspectors to control pests.

**APPROVED** by Governor May 17, 2013

**EFFECTIVE** August 7, 2013

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



## APPROPRIATIONS

**S.B. 13-85** Supplemental appropriation - department of agriculture. The 2012 general appropriation act is amended to increase the total amount appropriated to the department of agriculture. The general fund and cash funds portions of the appropriation are increase.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-86** Supplemental appropriation - department of corrections. The 2012 general appropriation act is amended to increase the total amount appropriate to the department of corrections. The general fund and cash funds portions of the appropriation are increased.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-87** Supplemental appropriation - department of education. The 2012 general appropriation act is amended to increase the total amount appropriated to the department of education. The general fund and cash funds portions of the appropriation are increased.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-88** Supplemental appropriation - offices of the governor, lt. governor, and state planning and budgeting. The 2012 general appropriation act is amended to decrease the total amount appropriated to the offices of the governor, lt. governor, and state planning and budgeting. The general fund and cash funds portions of the appropriation are increased and the reappropriated funds and federal funds portions are decreased.

An appropriation made by House Bill 12-1339, concerning the Colorado benefits management system improvement and modernization project, is amended to increase the amount appropriated to the office of information technology.

An appropriation made by House Bill 12-1315, concerning the reorganization of the governor's energy office, was amended to decrease the amount appropriated to the Colorado energy office.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-89** Supplemental appropriation - department of health care policy and financing. The 2012 general appropriation act is amended to increase the total amount appropriated to the department of health care policy and financing. The general fund, cash funds, and federal funds portions of the appropriation are increased.

The 2011 general appropriation act is amended to increase the total amount appropriated to the department of health care policy and financing. The cash funds and federal funds portions are increased.

An appropriation made by House Bill 12-1339, concerning the Colorado benefits management system improvement and modernization project, is amended to increase the

amount appropriated to the department of health care policy and financing for allocation to the department of human services.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-90** Supplemental appropriation - department of higher education. The 2012 general appropriation act is amended to increase the total amount appropriated to the department of higher education. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

The 2011 general appropriation act is amended to adjust the amounts appropriated for the college opportunity fund program.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-91** Supplemental appropriation - department of human services. The 2012 general appropriation act is amended to decrease the total amount appropriated to the department of human services. The general fund and cash funds portions of the appropriation are increased and the reappropriated funds and federal funds are decreased.

The 2011 general appropriation act is amended to adjust the total appropriation made to the department of human services.

The appropriation made by House Bill 12-1339, concerning the Colorado benefits management system improvement and modernization project, is amended to increase the total amount appropriated for the information technology portion of the project.

**APPROVED** by Governor February 22, 2013

**EFFECTIVE** February 22, 2013

**S.B. 13-92** Supplemental appropriation - judicial department. The 2012 general appropriation act is amended to increase the total amount appropriated to the judicial department. The general fund, cash funds, and reappropriated funds portions of the appropriation are increase.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-93** Supplemental appropriation - department of labor and employment. The 2012 general appropriation act to increase the total amount appropriated to the department of labor and employment. The cash funds and federal funds portions of the appropriation are increased.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-94** Supplemental appropriation - department of law. The 2012 general appropriation act is amended to increase the total amount appropriated to the department of law. The

general fund and reappropriated funds portions of the appropriation are increased.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-95** Supplemental appropriation - legislative department. The 2012 general appropriation act is amended to increase the total amount appropriated to the legislative department. The general fund portion of the appropriation is increased.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-96** Supplemental appropriation - department of local affairs. The 2012 general supplemental act is amended to decrease the total amount appropriated to the department of local affairs. The general fund portion of the appropriation is decreased.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-97** Supplemental appropriation - department of military and veterans affairs. The 2012 general appropriation act is amended to increase the total appropriation made to the department of military and veterans affairs. The general fund portion of the appropriation is increased.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-98** Supplemental appropriation - department of natural resources. The 2012 general appropriation act is amended to increase the total amount appropriated to the department of natural resources. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-99** Supplemental appropriation - department of personnel and administration. The 2012 general appropriation act is amended to increase the total amount appropriated to the department of personnel and administration. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-100** Supplemental appropriation - department of public health and environment. The 2012 general appropriation act is amended to increase the total amount appropriated to the department of public health and environment. The general fund and cash funds portions of the appropriation are increased and the reappropriated funds and federal funds are decreased.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-101** Supplemental appropriation - department of public safety. The 2012 general appropriation act is amended to increase the total amount appropriated to the department of public safety. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

The appropriation made by House Bill 12-1283, concerning the department of public safety, and the renaming and reorganizing certain existing entities, is amended to increase the total amount appropriated for the reorganization.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-102** Supplemental appropriation - department of regulatory agencies. The 2012 general appropriation act is amended to increase the total amount appropriated to the department of regulatory agencies. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-103** Supplemental appropriation - department of revenue. The 2012 general appropriation act is amended to increase the total amount appropriated to the department of revenue. The general fund portion of the appropriation is decreased and the cash funds and reappropriated funds portions are increased.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-104** Supplemental appropriation - department of state. The 2012 general appropriation act is amended to increase the total amount appropriated to the department of state. The cash funds portion of the appropriation is increased.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-105** Supplemental appropriation - department of transportation. The 2012 general appropriation act is amended to adjust the total amount appropriated to the department of transportation. The line item totals for the administration line and the construction and maintenance line are adjusted.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-106** Supplemental appropriation - department of the treasury. The 2012 general appropriation act is amended to increase the total amount appropriated to the department of the treasury. The general fund portion of the appropriation is decreased and the cash funds portion is increased.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-107** Supplemental appropriation - capital construction. The 2007 general appropriation act is amended to add a footnote to the Ute Indian museum line item under the department of higher education to specify that the appropriation remains available until June 30, 2015.

The 2008 general appropriation act is amended to add a footnote to the Ute Indian museum line item under the department of higher education to specify that the appropriation remains available until June 30, 2015.

The 2011 general appropriation act is amended to increase the total amount appropriated to state veterans nursing home at Rifle, special care life safety upgrades, in the office of information technology services, in the department of human services.

The 2012 general appropriation act is amended to decrease the total amount appropriated to the certificates of participation, lease purchase of academic facilities, in the department of the treasury.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-187** Legislative appropriation - appropriation to youth advisory council cash fund. The act appropriates \$35,981,079 for matters related to the legislative department for the 2013-14 fiscal year. In addition, the act appropriates \$8,472 to the youth advisory council cash fund.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**S.B. 13-230** General appropriation - long bill. For the fiscal year beginning July 1, 2013, the act provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions. The grand total for the operating budget is set at \$21,916,220,211 of which \$6,623,756,749 is from the general fund portion of the appropriation, \$1,387,576,600 is from the general fund exempt portion, \$6,641,031,875 from the cash funds portion, \$1,657,557,452 is from the reappropriated funds portion, and \$5,606,297,535 is from the federal funds portion.

For the fiscal year beginning July 1, 2013, the act provides for the payment of capital construction projects. The grand totals for capital construction projects is \$283,668,966 of which \$188,069,493 is from the capital construction fund portion of the appropriation, \$86,218,813 is from the cash funds portion, \$7,133,670 is from the reappropriated funds portion, and \$2,266,990 is from the federal funds portion.

The 2011 general appropriation act is amended to make additional changes to the appropriations made to the departments of education, health care policy and financing, and higher education.

The head notes in the 2012 general appropriation act are amended to correct a reference to the controlled maintenance fund and to increase the total amount designated to constitute the state emergency reserve for the 2012-13 fiscal year.

The 2012 general appropriation act is amended to make additional changes to those appropriations made to the departments of corrections, education, health care policy and

financing, higher education, human services, law, public safety, and state.

For the fiscal year beginning July 1, 2011, appropriations made to the department of health care policy and financing are adjusted for the payment of overexpenditures of line item appropriations.

Appropriations made in House Bill 12-1345, concerning the financing of public schools is amended to further appropriation unexpended moneys already appropriated to the department of education.

Appropriations made in House Bill 12-1326, concerning assistance to the elderly is amended to further appropriation unexpended moneys already appropriated to the department of public health and environment.

The 2012 general appropriation act, is amended to correct a reference to the controlled maintenance trust fund and to increase the total amount appropriated for the purpose of increasing the amount in the fund.

An additional appropriation is made to the legislative department for allocation to the state auditor for a child welfare workload study.

For the fiscal year beginning July 1, 2013, an additional appropriation is made to the controlled maintenance trust fund for the purpose of increasing the principal.

**APPROVED** by Governor April 29, 2013

**EFFECTIVE** April 29, 2013

**S.B. 13-288** Colorado governmental immunity act - process for making additional payment on settled claim upon recommendation from state claims board. The act makes the following modifications to provisions regarding tort claims against the state brought under the "Colorado Governmental Immunity Act" (CGIA):

The act clarifies the existing method for exceeding the CGIA limit based on the state claims board (board) recommendation and authorization by the general assembly through a bill.

In connection with a recommendation made by the board to make a payment to one or more claimants resulting from a claim of an injury arising out of the Lower North Fork wildfire in March 2012 that is received by the general assembly while the general assembly is adjourned sine die, upon certification from the department of law that the board process has been satisfied, the act authorizes the office of the state controller to pay one or more additional payments to such claimants from moneys previously appropriated by bill until such specifically appropriated moneys are exhausted or replenished.

In connection with any claim arising out of an injury that does not arise out of the lower north fork wildfire, where the board has made a recommendation to the general assembly for an additional payment while the general assembly has adjourned sine die, the payment is authorized where all of the members of the joint budget committee have voted to authorize the additional payment; except that the act prohibits payment from being made until the general assembly has ratified by bill the authorization to make the payment.

**APPROVED** by Governor May 25, 2013

**EFFECTIVE** May 25, 2013

## CHILDREN AND DOMESTIC MATTERS

**S.B. 13-11** Civil unions - creation - requirements - rights, benefits, and protections - dissolution process - appropriations. The act authorizes the creation of civil unions in Colorado. Two persons, regardless of gender, may enter into a civil union if they are not related by blood, not married to or in a civil union with another person, and are over the age of 18. Parties wanting to enter into a civil union apply to a county clerk and recorder for a civil union license. The act specifies the persons who may certify a civil union. After the civil union is certified, the officiant files the civil union certificate with the county clerk and recorder. A priest, minister, rabbi, or other official of a religious institution or denomination or an Indian nation or tribe is not required to certify a civil union in violation of his or her right to free exercise of religion.

The executive director of the department of public health and environment and the state registrar of vital statistics will issue forms necessary to implement the act. Each county clerk and recorder submits records of registered civil unions to the office of vital statistics. A county clerk and recorder collects a \$7 fee for a civil union license, which fee is credited to the vital statistics records cash fund. The state registrar of vital statistics is authorized to set and collect an additional fee for verification of civil unions, which fee is credited to the vital statistics records cash fund. A county clerk and recorder also collects a \$20 fee to be credited to the Colorado domestic abuse program fund.

The rights, benefits, protections, duties, obligations, responsibilities, and other incidents under law that are granted or imposed under the law to spouses apply in like manner to parties to a civil union, including the following:

- Responsibility for financial support of a party to a civil union;
- Rights and abilities concerning transfer of real or personal property to a party to a civil union;
- The ability to file a claim based on wrongful death, emotional distress, loss of consortium, dramshop, or other laws, whether common law or statutory, related to or dependent upon spousal status;
- Prohibitions against discrimination based upon spousal status;
- The probate laws relating to estates, wills, trusts, and intestate succession, including the ability to inherit real and personal property from a party in a civil union under the probate code;
- The probate laws relating to guardianship and conservators, including priority for appointment as a conservator, guardian, or personal representative;
- Survivor benefits under and inclusion in workers' compensation laws;
- The right of a partner in a civil union to be treated as a family member or as a spouse under the "Colorado Employment Security Act" for purposes of unemployment benefits;
- The ability to adopt a child of a party to a civil union;
- The ability to insure a party to a civil union under group benefit plans for state employees;
- The ability to designate a party to a civil union as a beneficiary under the state public employees retirement system;
- Survivor benefits under local government firefighter and police pensions;
- Protections and coverage under domestic abuse and domestic violence laws;
- Rights and protections under victims' compensation laws and victims and witness protection laws;

- Laws, policies, or procedures relating to emergency and nonemergency medical care and treatment and hospital visitation;
- Rights to visit a party in a civil union in a correctional facility, jail, or private contract prison or in a facility providing mental health treatment;
- The ability to file a complaint about the care or treatment of a party in a civil union in a nursing home;
- Rights relating to declarations concerning administering, withholding, or withdrawing medical treatment, proxy decision-makers and surrogate decision-makers, CPR directives, or directives concerning medical orders for scope of treatment forms with respect to a party to a civil union;
- Rights concerning the disposition of the last remains of a party to a civil union;
- The right to make decisions regarding anatomical gifts;
- Eligibility for family leave benefits;
- Eligibility for public assistance benefits;
- A privilege from providing compelled testimony against a party in a civil union and evidentiary privileges for parties to a civil union;
- The right to apply for emergency or involuntary commitment of a party to a civil union;
- The right to claim a homestead exemption;
- The ability to protect exempt property from attachment, execution, or garnishment;
- Dependent coverage under life insurance for plans issued, delivered, or renewed on or after January 1, 2014;
- Dependent coverage under health insurance policies for plans issued, delivered, or renewed on or after January 1, 2014; and
- Other insurance policies that provide coverage relating to joint ownership of property for plans issued, delivered, or renewed on or after January 1, 2014.

The same processes that are provided in law for dissolution, legal separation, and declaration of invalidity of a marriage apply to dissolution, legal separation, and declaration of invalidity of a civil union. Any person who enters into a civil union in Colorado consents to the jurisdiction of the courts of Colorado for the purpose of any action relating to a civil union even if one or both parties cease to reside in the state. The courts are directed to follow the laws of Colorado in a matter filed in Colorado that is seeking a dissolution, legal separation, or invalidity of a civil union that was entered into in another state. The courts are authorized to collect docket fees for the dissolution of a civil union, legal separation of a civil union, and declaration of invalidity of a civil union.

Parties to a civil union may create agreements modifying the terms and conditions of a civil union in the manner specified in the law for creating marital agreements. The act states that the civil unions act does not invalidate or affect an otherwise valid domestic partnership agreement or civil contract between 2 individuals who are not married to each other if the agreement or contract was made prior to May 1, 2013, or, if made after May 1, 2013, the agreement or contract is not made in contemplation of entering into a civil union.

The act includes a statement that the civil unions act shall not be construed to create a marriage between the parties to a civil union or alter the public policy of this state that recognizes only the union of one man and one woman as a marriage.

The act includes a reciprocity and principle of comity section that states that a relationship between 2 persons that does not comply with section 31 of article II of the state constitution and that is legally entered into in another jurisdiction is deemed in Colorado to



be a civil union and that, under principles of comity, a civil union or domestic partnership or a substantially similar legal relationship between 2 persons that is legally created in another jurisdiction is deemed to be a civil union for purposes of Colorado law. The act includes a severability clause.

Until a statutory change is enacted to authorize the filing of a joint state tax return by parties to a civil union, the act includes a statement that it shall not be construed to permit the filing of a joint income tax return by the parties to a civil union.

A custodian of records is prohibited from allowing a person, other than the person in interest or an immediate family member of the person in interest, to inspect the application for a civil union license of any person; except that a district court may order the custodian to permit inspection of the license application for a civil union upon a showing of good cause. A record of an application for a civil union license is available for public inspection 50 years after the date that the record was created.

A person who has entered into a designated beneficiary agreement under Colorado's designated beneficiary statute is precluded from entering into a civil union with a different person. If both parties to a designated beneficiary agreement are eligible to enter into a valid civil union and subsequently enter into a civil union, the civil union certificate constitutes a superseding legal document that supersedes, invalidates, and revokes the prior designated beneficiary agreement.

For the 2012-13 fiscal year, \$6,976 and 0.1 FTE is appropriated to the department of public health and environment for implementation of the act. For the 2013-14 fiscal year, \$4,021 and 0.1 FTE is appropriated to the department of public health and environment for implementation of the act.

The act takes effect May 1, 2013; except that the provisions relating to the inclusion of a partner in a civil union as a dependent on a health or life insurance policy and the provisions relating to insurance policies concerning the ownership of property take effect January 1, 2014.

**APPROVED** by Governor March 21, 2013      **PORTIONS EFFECTIVE** May 1, 2013  
**PORTIONS EFFECTIVE** January 1, 2014

**S.B. 13-12** Child abuse and neglect - mandatory reporters - private sports organizations. The act adds directors, coaches, assistant coaches, and athletic program personnel employed by private sports programs or organizations to the list of persons required to report suspected child abuse or neglect to the county department of social services or local law enforcement agency. For purposes of the reporting requirement, "employed" means that an individual is compensated beyond reimbursement for his or her expenses related to the private sports organization or program.

**APPROVED** by Governor March 22, 2013      **EFFECTIVE** March 22, 2013

**S.B. 13-177** Juvenile corrections - bed cap - appropriations adjustments. Starting April 1, 2013, the act reduces the juvenile detention bed cap from 422 to 382. The act reduces appropriations for personal services in the division of youth corrections for the reduced

number of juveniles and the corresponding appropriation to health care policy and financing for the juveniles. The act increases operating expenses in the division of youth corrections to cover increased transportation expenses due to the bed cap.

**APPROVED** by Governor March 29, 2013

**EFFECTIVE** March 29, 2013

**S.B. 13-220** Child abuse - mandatory reporters - emergency medical service providers. The act adds emergency medical service providers to the list of persons who are required to report possible instances of child abuse or neglect.

**APPROVED** by Governor May 14, 2013

**EFFECTIVE** July 1, 2014

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

**S.B. 13-227** Termination of parental rights - where child conceived as a result of sexual assault - protections for victim and child - task force on children conceived by rape - appropriation. If a child was conceived as a result of an act that led to the parent's conviction for sexual assault or a conviction in which the underlying factual basis was sexual assault, the parent who is the victim of the sexual assault (victim) may file a petition in juvenile court to prevent future contact with the parent who committed the sexual assault and to terminate the parent-child legal relationship of that parent. The court shall terminate the parent-child legal relationship if the court finds by clear and convincing evidence that:

- The parent was convicted of an act of sexual assault against the victim or convicted of a crime in which the underlying factual basis was sexual assault against the victim;
- The child was conceived as a result of that sexual assault or crime; and
- Termination of the parent-child legal relationship is in the best interests of the child.

The act creates a rebuttable presumption that terminating the parental rights of the parent who committed the act of sexual assault or crime is in the best interests of the child.

After a petition has been filed, the court may appoint a guardian ad litem to represent the child's best interests in the proceeding. A petitioner has the right to be represented by legal counsel and to have counsel appointed, if indigent.

The victim shall not be required to appear in the presence of the other parent, and the victim's and the child's whereabouts shall be kept confidential.

A person whose parental rights are terminated has:

- No right to allocation of parental responsibilities for the child, including any right to parenting time or decision-making;
- No right of inheritance from the child; and
- No right to notice of, or standing to object to, the adoption of the child.

A person whose parental rights are terminated is not relieved of any obligation to pay child support unless waived by the victim. In such cases, the court shall order the payments to be made through the child support registry to avoid the need for any contact between the parties. If the victim's parent-child legal relationship to the child is terminated after the entry of a child support order against the convicted person, the court shall modify the child support order accordingly. Public assistance for a dependent child is recoverable as child support debt from a parent whose parental rights were terminated through this process and who was ordered to pay child support.

The victim shall be entitled, upon request, to a no-contact protection order issued against the person whose parental rights are terminated prohibiting the person from having any contact with either the victim or the child.

Termination of the parent-child legal relationship pursuant to the act is an independent basis for termination of parental rights, and the court need not make any of the considerations or findings described in other statutes for termination of the parent-child legal relationship. The act also states that nothing in the act prohibits the termination of parental rights by the court using other grounds under the "Colorado Children's Code".

If criminal charges alleging an act of sexual assault are brought against a parent or presumed or possible parent alleging that a child was conceived as a result of the alleged sexual assault by that parent against the victim, the court is required to issue an automatic stay of any pending civil domestic proceedings or any pending paternity proceedings involving the child and the alleged perpetrator. The stay shall not be lifted until there is a final disposition of the criminal charges. Any denial of parenting time by the victim of the alleged sexual assault while the criminal charges were pending shall not be used in any way against the victim in future proceedings.

The court must advise a person convicted of sexual assault about the loss of parental rights based upon conviction.

A task force on children conceived by rape is created to study the new process for termination created in this act for cases of convictions and to study and make recommendations to the general assembly for protecting rape victims and for addressing parental rights in cases in which there are allegations that a sexual assault has occurred, a conviction of or prosecution for sexual assault has not occurred, and a child has been conceived as a result of the alleged sexual assault. The task force is directed to study whether the process for addressing parental rights of both parties in cases involving convictions and in cases not involving convictions are more appropriately addressed by district courts as domestic relations issues or by juvenile courts under the Colorado Children's Code. The membership of the task force and the topics it should study are specified. The task force is repealed January 1, 2014.

The act appropriates \$9,000 to the department of human services to assist the task force.

The portions of the act that allow the court to terminate parental rights and that make conforming amendments to the criminal law statutes on sexual assault apply to convictions occurring on or after July 1, 2013.

**APPROVED** by Governor May 28, 2013

**PORTIONS EFFECTIVE** May 28, 2013  
**PORTIONS EFFECTIVE** July 1, 2013

**S.B. 13-278** Abuse and neglect - drug abuse - definition of a "drug-endangered child". The act requires the substance abuse trend and response task force to develop a definition of a "drug-endangered child" as that term is used in the context of child abuse or neglect.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** August 7, 2013

**NOTE:** This act takes effect only if Senate Bill 13-244 becomes law and takes effect either upon the effective date of this act or Senate Bill 13-244, whichever is later. Senate Bill 13-244 was signed by the governor on May 28, 2013, and takes effect August 7, 2013.

**H.B. 13-1058** Dissolution of marriage - maintenance - guidelines for determination of the amount and term of maintenance awarded. The act creates a process, including guidelines as to amount and term, for determining an award for spousal maintenance at temporary or permanent orders in proceedings for a dissolution of marriage, legal separation, or declaration of invalidity filed on or after January 1, 2014. Key points in the process include:

- Initial findings of fact concerning each party's gross income, marital property, financial resources, and reasonable need as established during the marriage;
- Findings concerning the guideline amount and term of maintenance for marriages of at least 3 years where the parties' annual combined gross income does not exceed \$240,000 or the uppermost limits of the Colorado child support guidelines, whichever is greater; and
- Factors related to determining the appropriate amount and term of maintenance.

The act specifies that the maintenance guidelines as to the amount and term of maintenance do not create a presumption. The court maintains discretion to determine the maintenance award after making the required findings and considering all of the provisions of the law. The court must make written or oral findings in support of its maintenance award or a denial of maintenance.

Maintenance orders will be modified pursuant to the existing modification statute, and the court may consider the maintenance guidelines only in a modification or termination hearing proceeding concerning an award of maintenance entered on or after January 1, 2014.

The act specifies that the enactment of the new statutory provision on spousal maintenance does not constitute a substantial and continuing change of circumstances for purposes of modifying maintenance orders entered prior to January 1, 2014.

The act includes provisions for securing maintenance awards and for a party to waive maintenance, to accept a reduced amount of maintenance, and to enter into agreements relating to maintenance.

Additionally, the act defines "gross income" for purposes of applying the maintenance guidelines and for determining maintenance.

Finally, the act amends the current statute for modification of maintenance by clarifying when maintenance terminates and by creating a rebuttable presumption of good

faith in favor of a payor spouse who retires after he or she reaches full social security retirement age.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** January 1, 2014

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

**H.B. 13-1082** Expungement of juvenile delinquent records. At the time of an adjudication, the court shall advise the adjudicated juvenile and any respondent parent or guardian of the right to petition the court for the expungement of the juvenile's record. The court, on its own motion or the motion of the juvenile probation department, the juvenile parole department, the juvenile, a respondent parent or guardian, or a court-appointed guardian ad litem, may initiate expungement proceedings concerning the record of any juvenile who has been under the jurisdiction of the court.

Under current law, after an expungement of records, basic identification information on the juvenile and a list of any state and local agencies and officials having contact with the juvenile, as they appear from the records, are unavailable to the public but must remain available to a district attorney, local law enforcement agency, and the department of human services. The act requires the records of the juvenile's offense to also remain available to the state judicial department and to the victim, if any.

Any criminal justice record of a juvenile who has been charged, adjudicated, or convicted as a repeat or mandatory juvenile offender shall be available for use by a court, a district attorney, any law enforcement agency, any agency of the state judicial department in any subsequent criminal investigation, prosecution, or adjudication or during probation or parole supervision, if otherwise permitted by law.

Under current law, the court may order expunged all records in the petitioner's case in the custody of the court and any records in the custody of any other agency or official if at the hearing the court finds that:

- The petitioner who is the subject of the hearing has not been convicted of a felony or of a misdemeanor and has not been adjudicated a juvenile delinquent since the termination of the court's jurisdiction or the petitioner's unconditional release from parole supervision;
- No proceeding concerning a felony, misdemeanor, or delinquency action is pending or being instituted against the petitioner;
- The rehabilitation of the petitioner has been attained to the satisfaction of the court; and
- The expungement is in the best interests of the petitioner and the community.

Under the act, a petitioner who has been convicted of a misdemeanor since the termination of the court's jurisdiction or the petitioner's unconditional release from parole supervision may still be eligible for records expungement so long as the misdemeanor did not involve domestic violence, unlawful sexual behavior, or possession of a weapon.

A person is eligible to petition for an expungement order:

- Immediately upon a finding of not guilty at an adjudicatory trial, dismissal of

the petition in its entirety as a result of nonprosecution of the offense, or successful completion of a juvenile diversion program, a deferred adjudication, or an informal adjustment;

- At any time if the records to be expunged pertain to the petitioner's conviction for prostitution, soliciting for prostitution, keeping a place of prostitution, public indecency, soliciting for child prostitution, or any corresponding municipal code or ordinance if, at the hearing, the court finds that the petitioner has established by a preponderance of the evidence that, at the time he or she committed the offense, he or she had been sold, exchanged, bartered, or leased by another person for the purpose of performing the offense, or he or she was coerced by another person to perform the offense;
- One year from the date of a law enforcement contact that did not result in a referral to another agency; or one year from the termination of the court's jurisdiction over the petitioner after successful completion of probation;
- Three years from the date of the petitioner's unconditional release from commitment to the department of human services, or three years from the petitioner's unconditional release from parole supervision; or
- Five years from the date of the termination of the court's jurisdiction over the petitioner or the petitioner's unconditional release from probation or parole supervision, whichever date is later, if the juvenile has been adjudicated a repeat or mandatory juvenile offender and if the juvenile has not further violated any criminal statute.

A person who has failed to pay court-ordered restitution to a victim of the offense that is the basis for the juvenile record is not eligible to petition for the expungement of any juvenile record.

Under current law, certain victims of criminal offenses have the right to be informed of and present for -- or the right to be informed of, without being present for -- all critical stages of the treatment of the offender in the criminal justice process. The act amends the definition of "critical stages" to include any hearing concerning a petition for expungement. A victim also has the right to be heard at any court proceeding involving a petition for expungement.

**APPROVED** by Governor May 17, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1200** Dissolution of marriage - custody and visitation - military. The act establishes the "Uniform Deployed Parents Custody and Visitation Act". Provisions of the act address:

- Custodial responsibility, caretaking, and decision-making authority during the deployment of one parent who is a service member;
- Procedures for granting custodial responsibility and caretaking or decision-making authority during deployment, interim orders, filing orders with the court, hearings, and child support; and
- Custodial responsibility, visitation, and temporary orders after return from deployment and termination of interim agreements and orders.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** May 10, 2013

**H.B. 13-1204** Premarital and marital agreements. The act enacts the "Uniform Premarital and Marital Agreements Act" (uniform act) drafted by the national conference of commissioners on uniform state laws. The act describes the formation of premarital and marital agreements, when such agreements are effective, when a premarital or marital agreement is enforceable, and provisions in premarital or marital agreements that are unenforceable.

The act differs from the uniform act with respect to the enforcement of spousal maintenance provisions in a premarital or marital agreement. Under the act, provisions relating to spousal maintenance are unenforceable if the provisions are unconscionable at the time of enforcement.

The act contains a specific statutory provision clarifying that persons joined or to be joined in a civil union may enter into agreements under the act.

The act applies to premarital or marital agreements signed on or after July 1, 2014.

The act also amends a probate provision relating to the waiver of marital rights or obligations to conform to the uniform act.

**APPROVED** by Governor May 17, 2013

**EFFECTIVE** July 1, 2014

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

**H.B. 13-1209** Dissolution of marriage - child support. The act makes several changes to the child support sections of the Uniform Dissolution of Marriage Act:

- Revises the schedule of basic child support obligations, including the application of a minimum order formula for income below \$1,100 per month rather than the existing level of \$850 per month;
- Revises the minimum child support amount in circumstances in which the parents' combined monthly adjusted gross income is less than \$1,100 per month to \$50 per month for one child; \$70 per month for 2 children; \$90 per month for 3 children; \$110 per month for 4 children; \$130 per month for 5 children; and \$150 per month for 6 or more children;
- Revises the formula for calculating the low-income adjustment by removing the 40% multiplier factor;
- Adds language concerning the handling and application of lump sum social security disability benefits or retirement benefits;
- Revises the duties, make-up, and terms of the child support commission; and
- Provides language concerning the retroactive establishment of child support in situations where there has been a post-order change of physical care agreed on by the parents.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1243** Court orders - restrictions on parenting time - specific findings required. The act requires a court that restricts parenting time based on a finding that parenting time would endanger the child's physical health or significantly impair the child's emotional development to enumerate in its order the specific findings supporting the restriction on parenting time.

**APPROVED** by Governor April 18, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1259** Best interest of the child standard - domestic violence and child abuse and neglect - permissive parental rights evaluations - emergency motions restricting parenting time - civil protection orders - definitions - reasons to enter protection orders - inclusion of child custody orders for one year - modification or dismissal of protection orders - appropriation. The act makes amendments to various provisions of law relating to civil actions and orders.

The act amends provisions in the "Uniform Dissolution of Marriage Act", as follows:

- Includes a declaration that children have the right to be emotionally, mentally, and physically safe when in the care of either parent and the right to reside in and visit homes that are free of domestic violence and child abuse or neglect;
- In the determination of the best interests of a child with respect to the allocation of parental rights and responsibilities:
  - Requires a court to follow certain procedures in actions where a claim of child abuse or neglect or domestic violence has been made to the court or when the court has reason to believe that a party has committed child abuse or neglect or domestic violence;
  - In contested hearings on final orders, requires the court to make findings on the record concerning the factors the court considered and the reasons for the allocation of rights and responsibilities;
  - Permits the court to allocate mutual decision-making for a child in a case that involves domestic violence, over objections, if the court makes certain findings;
  - Requires the court to consider the current statutory factors concerning the best interests of the child in light of any finding of child abuse or neglect or domestic violence;
  - Includes certain factors that the court may consider when formulating or approving a parenting plan in cases where one of the parties has committed child abuse or neglect or domestic violence;
  - Permits the court to order a domestic violence evaluation and subsequent evaluations and to require a party to participate in domestic violence treatment; and
  - Includes general procedures that may be included in parenting plans;
- Provides that a court is not required to order a parenting time evaluation and includes a list of factors that the court shall consider in determining whether to order an evaluation; and
- Expands statutory language relating to domestic violence and increases from 7 days to 14 days the time within which the court must hear and rule on an emergency motion to restrict parenting time.



Further, the act amends, repeals, and relocates the statutory provisions relating to civil protection orders, and makes the following amendments:

- Adds additional language to the legislative declaration;
- Adds a new definition for "contact" and "sexual assault or abuse", and amends existing definitions for "domestic abuse", "protection order", and "stalking";
- Repeals and relocates with amendments the prior statutory section on civil protection orders;
- Adds additional behaviors to the list of behaviors for which a court may enter an emergency protection order;
- With respect to temporary civil protection orders:
  - Adds to the list of behaviors for which a temporary civil protection order may be entered;
  - Clarifies that a petitioner is not required to show that he or she has reported the act that is the subject of the complaint to law enforcement, that charges have been filed, or that he or she is participating in the prosecution of the criminal matter; and
  - An order awarding temporary care and control of the child may be extended for not more than one year;
- Specifies additional provisions that a court may include as part of a civil protection order;
- With respect to permanent civil protection orders, clarifies that the court need not find that the petitioner is in imminent danger in order to grant a permanent civil protection order and that the court may continue a temporary civil protection order and the show cause hearing for one year for good cause;
- With respect to the modification and termination of civil protection orders:
  - Allows a restrained party to file for modification or dismissal of a permanent civil protection order 2 years after the order was entered or after the disposition of a prior motion; and
  - As grounds to deny the modification or dismissal of a permanent civil protection order, permits the court to consider whether the continued safety of the protected person depends upon the protection order remaining in place because the order has been successful in preventing harm to the protected person.

For the 2013-14 state fiscal year, the act appropriates to the judicial department from the judicial stabilization cash fund \$217,942 and 3.2 FTE to be allocated to the trial courts and \$57,457 to be allocated to the courts administration division for courthouse capital expenses.

**APPROVED** by Governor May 14, 2013

**EFFECTIVE** July 1, 2013

## CONSUMER AND COMMERCIAL TRANSACTIONS

**S.B. 13-18** Credit reports and credit scores - use by employers. The act creates the "Employment Opportunity Act", which specifies the purposes for which consumer credit information, such as consumer credit reports and credit scores, can be used by an employer or potential employer, jointly referred to as "employer" and defined to exclude state and local law enforcement agencies. Specifically, the act:

- Prohibits an employer's use of consumer credit information for employment purposes unless the information is substantially related to the job;
- Requires an employer to disclose to an employee or applicant for employment (jointly referred to as "employee") when the employer uses the employee's consumer credit information to take adverse action against him or her and the particular credit information upon which the employer relied;
- Authorizes an employee aggrieved by a violation of the above provisions to file a complaint with the division of labor in the department of labor and employment, with a penalty not to exceed \$2,500; and
- Requires the department of labor and employment to enforce the laws related to employer use of consumer credit information.

**APPROVED** by Governor April 19, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-182** Deceptive trade practices - time share resale transactions. The act amends provisions of the "Colorado Consumer Protection Act" relating to time share transactions and, in particular, transactions involving resale time shares, which are time shares that have been acquired previously. In any time share resale transfer agreement, an entity that provides time share resale services must disclose specified information about the services to the owner of the resale time share, including the following:

- The entity's name, telephone number, physical address, and the name and address of any agent or third-party service provider that will perform time share resale services;
- A legal description of the resale time share;
- A description of the method by which the entity will complete the transfer;
- Whether and to what extent the owner will retain any interest in the time share;
- A statement that the entity will not collect any fees from the owner until the entity provides written evidence of the transfer; and
- The estimated date by which the entity will complete the transfer and a statement indicating the owner's continued responsibility to pay time share costs, fees, and assessments until the transfer is completed.

If a time share resale entity fails to disclose the required information, the failure constitutes a deceptive trade practice. A time share resale entity is prohibited from knowingly transferring or offering to transfer, or receiving compensation in connection with a transfer of, a resale time share to a transferee who is unable or does not intend to fulfill the obligations of ownership.

Additionally, the following activities constitute deceptive trade practices in the advertisement, sale, or provision of a time share resale service:

- Failing to allow a purchaser to rescind the sale of a time share resale service

- within 5 calendar days after the sale or to provide notice to the purchaser of the right to rescind the sale;
- Failing to refund a down payment or deposit made pursuant to a contract for time share resale services;
- Making false or misleading statements in the sale or solicitation of a time share resale service; or
- Performing a time share resale service without first obtaining a written, signed contract to provide the service.

A person injured by a violation of the requirements relating to time share resale services may bring an action for damages within 3 years after discovering the violation.

**APPROVED** by Governor May 3, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-215** Complementary and alternative health care practitioners - required disclosures - prohibited acts - deceptive trade practices. Existing law regulates the practice of certain health care professions, including the practice of medicine. These laws prohibit unlicensed persons from engaging in certain activities constituting, among other practice areas, the practice of medicine. Current law does not specifically address, prohibit, or permit the practices of persons who provide traditional, cultural, complementary, or alternative healing arts therapies and services.

The act specifies that a person engaging in traditional, cultural, complementary, or alternative healing arts and health care treatments who makes specified written disclosures to a client and who does not engage in specifically prohibited acts is not violating the practice acts regulating licensed, certified, or registered health care professionals and is not required to obtain a state-issued license, certification, or registration.

A complementary and alternative health care practitioner must disclose the following to information to each client during the initial contact with the client in a plainly worded written statement and obtain the client's written, signed acknowledgment of receipt of the information:

- The complementary and alternative health care practitioner's name, business address, telephone number, and any other contact information;
- The fact that the complementary and alternative health care practitioner is not licensed, certified, or registered by the state;
- The nature of services to be provided;
- A listing of any degrees, training, experience, credentials, or other qualifications regarding complementary and alternative health care services;
- A statement that the client should discuss any recommendations made by the complementary and alternative health care practitioner with his or her primary care doctor;
- A statement indicating whether the practitioner is covered by liability insurance.

A complementary and alternative health care practitioner is prohibited from engaging

in the following activities:

- Performing surgery or any invasive procedure;
- Administering or prescribing X ray radiation;
- Prescribing, administering, injecting, dispensing, suggesting, or recommending a prescription drug or controlled substance or device;
- Using general or spinal anesthetics;
- Administering ionizing radioactive substances for therapeutic purposes;
- Using a laser device that punctures the skin, incises the body, or is otherwise used as an invasive instrument;
- Performing enemas or colonic irrigations unless the practitioner is board-certified through the international association of colon hydrotherapy or the national board for colon hydrotherapy; discloses to the client that he or she is not a licensed physician; and recommends that the client have a relationship with a licensed physician;
- Practicing midwifery or psychotherapy;
- Performing spinal adjustments, manipulation, or mobilization;
- Providing optometric procedures or interventions that constitute the practice of optometry;
- Directly administering medical protocols to a pregnant woman or client who has cancer;
- Treating a child who is under 2 years of age, or treating a child between 2 and 7 years of age unless the practitioner obtains the written, signed consent of the parent or legal guardian; discloses that he or she is not a licensed physician; recommends that the child have a relationship with a licensed pediatric health care provider; and requests permission from the parent or legal guardian to attempt to develop and maintain a collaborative relationship with the child's pediatric provider;
- Providing dental procedures or interventions that constitute the practice of dentistry;
- Setting fractures;
- Practicing or representing that he or she is practicing massage therapy;
- Providing a conventional medical disease diagnosis;
- Recommending a client discontinue a course of care recommended or prescribed by a licensed health care professional; or
- Holding oneself out as, suggesting, or advertising that he or she is a physician, surgeon, or other licensed health care professional.

Failure to make the required disclosures to clients, or performing a prohibited act, constitutes a deceptive trade practice under the "Colorado Consumer Protection Act" (CCPA) and subjects the practitioner to the penalties allowed under the CCPA. Additionally, if a complementary and alternative health care practitioner engages in a prohibited act, he or she is subject to penalties for the unauthorized practice of a regulated profession.

The following persons are prohibited from providing complementary and alternative health care services:

- A health care professional who has had a state-issued license, certification, or registration revoked or suspended;
- A person who has been convicted of a felony against a person or related to health care and who has not satisfied the terms of the sentence; or
- A person determined by a court to be mentally incompetent.

The act exempts from the definition of "practice of medicine" the rendering of complementary and alternative health care services if performed consistent with the requirements of the act.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-228** Hearing aid dispensers - deceptive trade practices - civil and criminal penalties. The act adds to the "Colorado Consumer Protection Act" (CCPA) deceptive trade practices related to the dispensing of hearing aids and subjects persons who dispense hearing aids to penalties under the CCPA if the dispenser engages in a deceptive trade practice in connection with dispensing a hearing aid. A hearing aid dispenser engages in a deceptive trade practice when the dispenser:

- Fails to deliver with each hearing aid a receipt that includes: the dispenser's business address, the make and serial number of the hearing aid, and the full terms of the sale; a provision indicating that an examination or representation by the dispenser is not an examination, diagnosis, or prescription by a licensed physician and is not a medical opinion or advice; a provision indicating that if the dispenser is licensed, certified, or registered by the state, the division of professions and occupations in the department of regulatory agencies is the entity that regulates the dispenser; and a warranty provision setting forth the exact warranty terms and periods available from the hearing aid manufacturer;
- Dispenses a hearing aid to a child under 18 years of age without receiving documentation that the child has been examined by a licensed physician and audiologist within the prior 6 months;
- Fails to receive from a licensed physician, before dispensing, fitting, or selling a hearing aid, a written prescription or recommendation issued within the prior 6 months specifying that the person is a candidate for a hearing aid;
- Dispenses, adjusts, provides training or teaching in regard to, or otherwise services a surgically implanted hearing device unless the dispenser is a licensed audiologist or physician;
- Fails to recommend a buyer consult a licensed physician specializing in diseases of the ear or any licensed physician if the buyer has specified conditions, including a visible congenital or traumatic deformity of the ear; active drainage of the ear or a history of ear drainage within the last 90 days; a history of sudden or rapidly progressive hearing loss; acute or chronic dizziness; or pain or discomfort in the ear;
- Fails to provide a minimum 30-day rescission period under which the buyer may cancel the purchase and obtain a full refund for an undamaged hearing aid;
- Falsely represents that the service or advice of a licensed physician will be available in the selection, fitting, adjustment, maintenance, or repair of a hearing aid;
- Directly or indirectly offers an inducement to a person to influence the purchase of hearing aids from the dispenser or influences or attempts to influence a person to refrain from dealing with a competitor;
- Dispenses a hearing aid to a person who has not been properly tested for fitting a hearing aid;
- Makes false or misleading statements concerning goods or services or the buyer's right to cancel in order to deter the buyer from cancelling the purchase,

- or refusing to honor a buyer's request to cancel a purchase contract made within the rescission period;
- Employs a scheme with the intent to defraud the buyer;
- Intentionally disposes or, conceals, diverts, or otherwise fails to account for any funds or assets of a buyer; or
- Charges, collects, or recovers any cost or fee for a good or service that he or she represented as free.

In addition to civil penalties and damages, a dispenser who engages in a deceptive trade practice is, upon conviction, guilty of a class 1 misdemeanor, and upon a second or subsequent conviction, is guilty of a class 6 felony.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**H.B. 13-1157** Secured transactions - remittance transfers - federal law. Current state law governing funds transfers applies only to commercial transfers and does not apply to a funds transfer any part of which is governed by the federal "Electronic Fund Transfer Act of 1978" (federal act), which originally governed only consumer transfers. Federal law has been amended, effective in February 2013, to apply to remittance transfers, which are transfers of money by foreign workers to their home countries, regardless of whether the transfer is a funds transfer otherwise covered by the federal act. Remittance transfers can be either commercial or consumer transfers. If state law is not amended, neither federal nor state law will apply to some aspects of remittance transfers.

The act specifies that state law applies to a remittance transfer that is not an electronic funds transfer under the federal act.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** April 4, 2013

**H.B. 13-1284** Uniform Commercial Code - secured transactions - debtor's name. Article 9 of the "Uniform Commercial Code" regulates the creation of security interests. Revisions adopted in House Bill 12-1262 specify that a financing statement sufficiently provides the name of a debtor if the form of the debtor's name that is entered when filing the financing statement is the name that appears on the debtor's driver's license. The act specifies that if the debtor does not have a driver's license, the name on the debtor's state-issued identification card may be entered instead.

Colorado has adopted nonuniform provisions that regulate who can file an information statement about a security interest and the effect of such a filing. House Bill 12-1262 rendered these provisions obsolete, but they were not repealed in that act. This act repeals these provisions.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** July 1, 2013

## CORPORATIONS AND ASSOCIATIONS

**H.B. 13-1138** Public benefit corporations - formation - requirements - appropriation. On and after April 1, 2014, the act permits a corporation or domestic cooperative to become a public benefit corporation if it includes a statement to that effect in its articles of incorporation and also specifies in its articles of incorporation an additional purpose of providing a public benefit. A corporation needs to obtain two-thirds of the shareholders' consent to amend its articles of incorporation to become a public benefit corporation; shareholders have dissenting rights.

The directors of a public benefit corporation do not have a duty to any person due to the corporation's identification of a public benefit purpose. The act specifies directors' standards of conduct. A public benefit corporation must prepare a benefit report and must send the report to its shareholders. The report must assess the corporation's performance in achieving its public benefit against a third-party standard.

\$91,760 is appropriated to the department of state from the department of state cash fund to implement the act.

**APPROVED** by Governor May 15, 2013

**PORTIONS EFFECTIVE** August 7, 2013

**PORTIONS EFFECTIVE** April 1, 2014

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

**H.B. 13-1168** Acequia ditches - long lot requirement - unincorporated associations. Current law recognizes acequia ditch corporations but limits that status to irrigation systems that supply irrigation water to long lots that are perpendicular to the stream or ditch to maximize the number of landowners who have access to water. The act repeals that limitation, so that a ditch corporation may be organized as an acequia ditch even if the land served by the ditch is not divided into long lots, and also allows an unincorporated association to operate as an acequia ditch. The act also amends the nonprofit association law to clarify that a nonprofit association includes such an acequia ditch association.

**APPROVED** by Governor March 29, 2013

**EFFECTIVE** August 7, 2013

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

## CORRECTIONS

**S.B. 13-210** Correctional officers - staffing levels annual report - double shift criteria - work period and compensation practices - timekeeping and payroll system - Fort Lyon transitional residential community for the homeless - appropriations. The act requires the department of corrections (DOC) to annually report to the general assembly regarding corrections officer staffing levels.

The DOC shall develop criteria for when a corrections officer is able to work a double shift. The DOC shall negotiate with the employees to establish work period and compensation practices.

The executive director of the DOC is required to establish a timekeeping and payroll system.

The act designates a portion of the Fort Lyon property, which was the site of a former state correctional facility, as a transitional residential community for the homeless to provide substance abuse supportive services, medical care, job training, and skill development for the residents. For this purpose, the division of housing in the department of local affairs is required to provide for the maintenance and operation of the Fort Lyon property and to enter into a contract with a private contractor to establish the residential community. In calculating low bids, the division shall offer 3% of the bid price for each contractor who employs at least 15% of the staff on the project who were former correctional officers or employees of the Fort Lyon correctional facility.

The act appropriates \$963,168 to the department of corrections and \$2,788,851 to the department of local affairs for the act's implementation.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-216** Sentencing - young adult offenders - youthful offender system. The act recreates and reenacts, certain provisions relating to the sentencing of young adult offenders to the youthful offender system in the state department of corrections (department), which provisions were repealed on October 1, 2012. The provisions allow certain young adult offenders to be sentenced to the youthful offender system. A "young adult offender" means a person who is at least 18 years of age but under 20 years of age at the time the crime is committed and under 21 years of age at the time of sentencing.

A young adult offender may be sentenced to the youthful offender system if he or she:

- Is convicted of a felony enumerated as a crime of violence;
- Is convicted of a felony involving a firearm;
- Used, or possessed and threatened the use of, a deadly weapon during the commission of a felony against a person;
- Is convicted of vehicular homicide, vehicular assault, or felonious arson;
- Is convicted of a class 3 felony other than sexual assault, and has, within the 2 previous years, been adjudicated a juvenile delinquent for a delinquent act that would constitute a felony if committed by an adult; or



- Is convicted of a felony offense and is determined to have been an habitual juvenile offender.

A young adult offender shall be ineligible for sentencing to the youthful offender system if he or she is convicted of any of the following:

- A class 1 or class 2 felony;
- A sexual offense, including incest or aggravated incest; or
- Any offense, if the young adult offender has received a sentence to the youthful offender system for any prior conviction.

A young adult offender who is charged with first degree murder and pleads guilty to a class 2 felony as a result of a plea agreement is eligible for sentencing to the youthful offender system if the young adult offender would be eligible for sentencing to the youthful offender system for a conviction of the felony underlying the charge of first degree murder.

On or before August 1, 2013, the department shall implement policies pursuant to the federal "Prison Rape Elimination Act of 2003", 42 U.S.C. 15601 et seq., to ensure compliance with certain provisions relating to youthful inmates.

On or before October 1, 2013, and on or before each October 1 thereafter, the department shall report to the judiciary committees of the house of representatives and senate concerning the implementation of the new policies within the youthful offender system.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** May 10, 2013

## COURTS

**S.B. 13-38** Confidential communication - peer support - emergency medical service providers and rescue units. Current law makes certain communications between law enforcement officers and firefighters and their peer support team members confidential when testifying in court. The act extends this confidentiality to emergency medical service providers and members of rescue units and their peer support team members.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1035** Increase judges in 5th and 9th judicial districts - appropriation. The act increases the number of judges in the 5th judicial district from 5 to 6 and in the 9th judicial district from 4 to 5.

The act appropriates \$635,476 and 8.0 FTE from the judicial stabilization cash fund to the trial courts to implement the act and appropriates \$141,498 from the judicial stabilization cash fund to the courts administration division for capital expenses.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** July 1, 2013

**H.B. 13-1052** Closely held entities - legal representation. Current law authorizes certain closely held entities to be represented in court or before an administrative agency by an officer who is not an attorney if the amount at issue does not exceed \$10,000. The act raises this level to \$15,000.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1053** District court clerks - surety bonds. Current law requires clerks of district courts to execute surety bonds. The act repeals this requirement.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** March 15, 2013

**H.B. 13-1060** Municipal courts - fines and penalties - maximum amount of fine. Under current law, the maximum amount that a municipal court may fine a person convicted of violating a municipal ordinance is \$1,000. The act raises this amount to \$2,650 and requires this amount to be adjusted annually for inflation.

**APPROVED** by Governor April 18, 2013

**EFFECTIVE** April 18, 2013

**H.B. 13-1086** County courts - preparation of record on appeal - timing. The act increases the time within which the district court must prepare the record on appeal in county court

civil or criminal actions that are appealed to the district court from 42 days after judgment to 42 days after the filing of the notice of appeal. The completed record on appeal shall be certified by the clerk of court, not by the county court judge.

The act applies to appeals from judgments entered on or after July 1, 2013.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** July 1, 2013

**H.B. 13-1126** Appellate process - 7-day intervals. The act changes time periods in the appellate process to 7-day periods or periods that are multiples of 7 days to avoid actions being due on weekends. Similar changes were made to court proceedings in 2012.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** July 1, 2013

**H.B. 13-1230** Judgments - compensation for certain exonerated persons - process for petitioning for compensation - eligibility - actual innocence required - appropriation. With certain limitations, the act requires the state to compensate a person, or the immediate family members of a person, who has been:

- Wrongly convicted of a felony, or wrongly adjudicated a juvenile delinquent for the commission of an offense that would be a felony if committed by a person 18 years of age or older;
- Incarcerated; and
- Exonerated and found to be actually innocent (an exonerated person).

The act sets forth a judicial procedure whereby a person may petition a district court for an order declaring the person to be actually innocent and eligible to receive compensation. Upon receipt of a petition, the attorney general and the district attorney shall each have 60 days to file a response in the district court arguing that the person is eligible to seek compensation or asserting that the person is not eligible for compensation.

At a trial, the burden shall be on the petitioner to show by clear and convincing evidence that he or she is actually innocent of all crimes that are the subject of the petition and that he or she is eligible to receive compensation.

An exonerated person shall be compensated by the state in the form of:

- Specified monetary compensation;
- Tuition waivers at state institutions of higher education;
- Compensation for child support payments owed by the exonerated person that became due during his or her incarceration, and interest on child support arrearages that accrued during his or her incarceration but which have not been paid;
- Reasonable attorneys' fees; and
- The amount of any fine, penalty, court costs, or restitution imposed upon and paid by the exonerated person as a result of his or her wrongful conviction or adjudication.

The district court shall reduce an exonerated person's award of monetary compensation under specified circumstances.

The state court administrator shall issue an annual payment to an exonerated person within 14 days after receiving directions to do so from a district court and annually thereafter until the state's obligation is satisfied. An annual payment shall not exceed \$100,000.

After the state court administrator issues an initial annual payment to an exonerated person, the exonerated person must complete a personal financial management instruction course before the state court administrator may issue to the person another annual payment.

A district court that directs the state court administrator to compensate an exonerated person or the immediate family members of an exonerated person shall order that all records relating to the person's wrongful conviction or adjudication shall be expunged as if such events had never taken place and such records had never existed. The district court shall direct such an expungement order to every person or agency that may have custody of any part of any records relating to the person's wrongful conviction or adjudication.

The act appropriates money to the department of higher education for the tuition waivers, to the department of law for the review and trial of motions to determine eligibility, and to the judicial department for payment of monetary compensation.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

## CRIMINAL LAW AND PROCEDURE

**S.B. 13-5** Peace officer status - Fort Carson police officers - optional P.O.S.T. certification. The act designates Fort Carson police officers as peace officers in Colorado. A Fort Carson police officer may be P.O.S.T.-certified.

**APPROVED** by Governor April 8, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-7** Colorado commission on criminal and juvenile justice - repeal - appropriation. Under current law, the Colorado commission on criminal and juvenile justice (commission) is repealed July 1, 2013. The act changes this repeal date to July 1, 2018.

Upon the request of the commission, the office of legislative legal services shall provide a staff member to attend meetings of the commission.

The act appropriates \$255,433 to the department of public safety, \$56,100 to the department of corrections, and \$6,061 to the committee on legal services.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**S.B. 13-14** Immunity for a person who administers an opiate antagonist during an opiate-related drug overdose event - appropriation. A person other than a health care provider or a health care facility who acts in good faith to administer an opiate antagonist to another person whom the person believes to be suffering an opiate-related drug overdose event is immune from criminal prosecution for, and is not liable for any civil damages for acts or omissions made as a result of, such act.

A person who is permitted by law to prescribe or dispense an opiate antagonist is immune from criminal prosecution for, and is not liable for any civil damages for resulting from:

- Such prescribing, dispensing, administering, or distribution; or
- Any outcomes resulting from the eventual administration of the opiate antagonist by a layperson.

The prescribing, dispensing, or distribution of an opiate antagonist by a licensed health care practitioner, an advanced practice nurse, or a pharmacist shall not constitute unprofessional conduct if he or she prescribed, dispensed, or distributed the opiate antagonist in a good-faith effort to assist:

- A person who is at increased risk of experiencing or likely to experience an opiate-related drug overdose event; or
- A family member, friend, or other person who is in a position to assist a person who is at increased risk of experiencing or likely to experience an opiate-related drug overdose event.

On or before January 1, 2014, the state board of pharmacy shall adopt or amend rules

as necessary to permit the dispensing of an opiate antagonist by a pharmacist to a person who is at increased risk of experiencing or likely to experience an opiate-related drug overdose event or to a family member, friend, or other person who is in a position to assist such a person, so long as the prescription for the opiate antagonist provides for the dispensing of the opiate antagonist to such a family member, friend, or other person.

The act appropriates \$8,318 to the department of regulatory agencies and \$2,318 to the department of law.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** May 10, 2013

**S.B. 13-116** Sanity evaluations - forensic psychologists. The act authorizes the use of forensic psychologists to perform evaluations to determine a criminal defendant's sanity or impaired mental condition.

**APPROVED** by Governor April 8, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-123** Collateral consequences - record-sealing notice contact - governor pardon or commutation collateral consequences - factors for licensure disqualification - petty offense and municipal violation records sealing - order of collateral relief - appropriations. Before the act, prior to a person's release on probation or parole, the person's probation or parole officer provides the person with a notice regarding sealing criminal records. The act specifies what the notice must contain.

The act provides that a pardon or commutation of sentence issued by the governor waives all collateral consequences associated with each conviction for which the person received a pardon unless the pardon limits the scope of the pardon or commutation regarding collateral consequences. If the governor grants a pardon or a commutation of sentence, the governor shall provide a copy of the pardon or commutation to the Colorado bureau of investigation, and the Colorado bureau of investigation shall include a note in the individual's record in the Colorado crime information center that a pardon was issued or clemency was granted.

The act adds to the factors to be reviewed by the department of regulatory agencies in a sunset or sunrise review whether the agency imposes or should impose a disqualification based upon a person's criminal history.

The act specifies that a person may only file a petition to seal criminal records once during a 12-month period.

Before the act, certain drug convictions are subject to sealing; the act extends sealing to petty offenses and municipal violations and establishes procedures for petitions and hearings.

The act allows defendants who enter into an alternative to sentencing or receive probation or a sentence to community corrections to apply for an order of collateral relief for the conviction. It establishes procedures for the application and standards for granting the

relief.

The act appropriates money to the judicial department, the Colorado bureau of investigation, and the department of public safety.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**S.B. 13-195** Firearms and weapons - permits to carry concealed handguns - handgun training classes. Prior to the act, an applicant for a concealed handgun permit must demonstrate competence with a handgun through one of various means, including the submission of a training certificate showing that the applicant has completed a handgun training class. The act provides that a "handgun training class" does not include any firearms safety course that allows a person to complete the entire course via the internet or an electronic device or at any location other than the location where the certified instructor offers the course.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**S.B. 13-197** Protection orders - domestic violence - respondent required to relinquish possession of a firearm - appropriation. When a court subjects a person to a protection order to prevent domestic violence or a protection order that prohibits the person from possessing or controlling firearms or other weapons, or the court convicts a person of a misdemeanor or felony domestic violence offense, the court:

- Shall require the person to relinquish any firearm or ammunition in the person's immediate possession or control or subject to the person's immediate possession or control; and
- May require that, before the person is released from custody on bond, the person relinquishes any firearm or ammunition in the person's immediate possession or control or subject to the person's immediate possession or control.

A person who is served in court with such a protection order must relinquish any firearm or ammunition within 24 hours. A person who is served with such a protection order outside of the court must relinquish any firearm or ammunition within 48 hours. However, a court may allow a person up to 72 hours to comply if the person is unable to comply within 24 or 48 hours, as applicable.

To satisfy the requirement, the person may:

- Sell or transfer possession of the firearm or ammunition to a federally licensed firearms dealer;
- Arrange for the storage of the firearm or ammunition by a law enforcement agency; or
- Sell or transfer the firearm or ammunition to a private party who has been approved pursuant to a background check of the national instant criminal background check system.

A person who is unable to satisfy the requirement because he or she is held in custody shall relinquish any firearm or ammunition in the his or her immediate possession or control

not more than 24 hours after the person's release from such custody. The court may require the person to relinquish a firearm or ammunition before the end of the person's incarceration.

A person subject to a protection order who possesses or attempts to purchase or receive a firearm or ammunition while the protection order is in effect violates the protection order.

For the 2013-2014 fiscal year, the act appropriates \$45,742 to the judicial department.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**NOTE:** Certain sections of the act are contingent on House Bill 13-1259 becoming law. House Bill 13-1259 was signed by the governor May 14, 2013.

**S.B. 13-198** Child victims - sexually exploitative materials - closed court. The act provides a court with the option to close the court to the public, when it is in the best interest of a child, when images of sexually exploitative materials or forensic interviews directly related to that child are being presented as evidence in court and the child or forensic interviewer is on the witness stand.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**S.B. 13-208** Drug paraphernalia - exemption for participants in approved syringe exchange programs. Current law exempts from the criminal statutes dealing with drug paraphernalia persons participating as an employee or volunteer of a syringe exchange program approved by the department of public health and environment. The act extends this exemption to persons who participate in an approved program.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** May 10, 2013

**S.B. 13-229** Criminal omnibus - new crime analysis demographic data - felony complaint definition - securities fraud statute of limitations - presentence reports - sex offender registration discontinuance - definition of restitution - elements of first degree burglary - walk away escape penalty - detention for direct file - aggravated juvenile offender - deferred adjudication time periods - part-time district attorneys - record sealing clarifications. **Section 1.** Before the act, the fiscal note for a bill that creates a new crime included an analysis of that new crime. The act adds a description of gender and minority data related to the new crime to the analysis.

**Section 2.** The act changes the definition of felony complaint to require the complaint to be signed by the prosecutor. The change corresponds to a change in the Colorado rules of criminal procedure.

**Section 3.** For security fraud offenses, the act states the statute of limitations begins to run on the discovery of the criminal act.

**Section 4.** The act requires that, if requested by the prosecution or defense, the



probation department provide the presentence report at least 7 days prior to sentencing. If the probation department can't meet that deadline, the court shall grant the probation department an additional 7 days to provide the presentence report.

Prior to the act, a presentence report regarding a sex offender must include a sex offender evaluation. There are some exceptions to this requirement. The act adds an additional exception for cases in which there is a court-accepted stipulation by the sex offender and prosecutor to jail time or the sex offender is already serving a sentence in the department of corrections.

**Section 5.** The act makes clarifying changes to when a person convicted of a sex offense as a juvenile can petition to discontinue sex offender registration and applies to offenses committed prior to July 1, 2013.

**Section 7.** The act adds to the definition of restitution to include health care costs covered by a government agency or insurer.

**Section 8.** Before the act, a person may commit first degree burglary if he or she possesses a deadly weapon during the burglary. The act amends the crime so that a person must use or threaten the use of a deadly weapon to commit first degree burglary.

**Sections 9 and 10.** Prior to the act, a juvenile committed to a staff secure placement who turns 18 in custody and who walks away can be charged with a class 3 felony. The act creates a new offense for that situation that is a class 3 misdemeanor.

**Section 11.** The act directs that a juvenile who is subject to a direct file or transfer must be held in a county jail once the juvenile turns 18.

**Section 12.** The act clarifies some provisions in the aggravated juvenile offender statute.

**Section 13.** Under current law, the district attorney or a probation officer may apply for entry of conviction and imposition of sentence for a deferred prosecution within the term of the deferred prosecution and up to 30 days after the term. The act clarifies that time period also applies to juvenile deferred adjudications.

**Sections 14 and 15.** The act allows the district attorney to appoint part-time district attorneys who do not practice criminal defense in the jurisdiction to fulfill the duties of the district attorney without the approval of the county commissioners. The act adds that the appointed attorneys may be attorneys employed by the Colorado district attorneys' council. The act eliminates the requirement that part-time district attorneys be paid by the county they serve.

**Section 16.** The act clarifies that in a record-sealing petition based on a dismissal that is not the result of a completion of deferred disposition or multi-case disposition, the court shall order the record sealed if the petition on its face is sufficient. The act clarifies that in records-sealing cases, a person may petition for sealing one record every 12-month period.

**Sections 17 and 18.** The act clarifies that in drug conviction records-sealing cases, a person may petition for sealing one record every 12-month period.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-244** State substance abuse trend and response task force. The act renames the state methamphetamine task force the state substance abuse trend and response task force (task force) and changes the emphasis of the task force from solely methamphetamine to all substance abuse, including nonfederal-drug-administration-regulated pharmaceutical drugs. The act expands the members of the task force appointed by the co-chairs from 16 to 22. The act extends the repeal of the task force to July 1, 2018.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-246** Criminal discovery task force - membership - duties - repeal. The act creates a discovery task force (task force) to meet to address the issue of discovery costs in criminal cases. The task force consists of:

- The attorney general or his or her designee, who shall serve as the chair of the task force;
- The state court administrator or his or her designee, who shall serve as the vice-chair of the task force;
- The state public defender or his or her designee;
- A representative of the criminal defense bar appointed by the chief justice;
- 3 district attorneys appointed by the governor, one representing an urban district, one representing a mid-sized district, and one representing a rural district;
- A county sheriff appointed by the governor;
- The alternate defense counsel or his or her designee;
- A chief of police appointed by the governor; and
- A district court judge appointed by the chief justice.

The task force will also have a non-voting technology advisor from the office of information technology appointed by the governor.

The discovery task force shall:

- Determine which district attorney's offices obtain all law enforcement discoverable evidence in an electronic format, which district attorney's offices will soon be able to obtain all law enforcement discoverable evidence in an electronic format, and which district attorney's offices will not have that ability at any point in the future without assistance;
- Determine the barriers for those district attorney's offices that will never be able to obtain law enforcement discoverable evidence in an electronic format without assistance;
- Study the feasibility of a single statewide criminal case management system or other technology inserts to facilitate electronic discovery or electronic redaction;
- Study the appropriateness of a statewide standardized law enforcement reporting form that is easily redactable;
- Recommend or address short-term needs for law enforcement and district

- attorneys to facilitate greater use of electronic discovery;
- Suggest a definition of the term "actual costs" for purposes of reimbursement in such a way as to adequately and fairly reimburse the state's district attorneys for the expenses for which the district attorney is responsible related to the discovery process;
- Suggest an alternative funding process to reimburse the district attorneys for appropriate discovery costs without requiring the public defender, alternate defense counsel, or any indigent pro se defendant to pay for discovery;
- Determine which executive or judicial branch agency is best situated to serve as the conduit for state reimbursement to the district attorneys and the attorney general for the actual costs of discovery; and
- Study whether there should be a separate rate that is charged to nonindigent defendants compared to indigent defendants.

The task force must report back to the joint budget committee and the judiciary committees of the house of representatives and the senate by January 31, 2014.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**S.B. 13-248** Colorado consumer protection act - powers of attorney general and district attorneys - power to enforce subpoenas out of state. For the purposes of the "Colorado Consumer Protection Act", the "Refund Anticipation Loans Act", the "Colorado Rental Purchase Agreement Act", the "Colorado Fair Debt Collection Practices Act", and the "Colorado Credit Services Organization Act", the act states that the power of the attorney general or a district attorney to issue subpoenas includes the right to issue a subpoena to any person, whether in this state or elsewhere, who has engaged in or is engaging in violations of these acts.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-250** Drug sentencing - separate felony and misdemeanor sentencing grids and classifications - felony-misdemeanor wobbler - additional drug case sentencing options - plea agreements - treatment funding - district attorney organization funding authority - drug cases report - appropriation. The act creates new felony and misdemeanor drug sentencing grids. The act assigns each of the drug crimes a new drug penalty based on the new felony and misdemeanor drug sentencing grids. The act states the drug code does not apply to a person who conforms to the constitutional requirements that permit the use and possession of recreational and medical marijuana.

The act creates a sentencing option for offenders convicted of certain drug felonies that allows the court to vacate the felony conviction and enter a misdemeanor conviction in its place if the offender successfully completes a community-based sentence. When a defendant is sentenced to probation for a drug offense, the court may impose residential drug treatment as a condition of probation. The act states that a person placed in a community corrections program for the purposes of obtaining residential drug treatment while on probation is not considered in custody or confinement for purposes of the criminal escape statutes. The act amends the intensive supervision probation program to allow defendants convicted of a misdemeanor to participate if they are assessed as higher risk. The act adds all drug felonies to the habitual sentencing schemes. For level 4 drug felonies, the act creates

an exhaustion of remedies requirement prior to the court sentencing the defendant to prison. If an offender who is convicted of a level 4 drug felony is terminated from a community corrections sentence, the court shall hold a resentencing hearing or make written findings regarding the sentence. Under current law, a violation of the terms of a deferred judgment requires the court to enter the defendant's guilty plea. The act allows the court to continue deferred judgment after a violation in a drug case after making findings of fact and imposing new conditions that may assist the defendant in successfully completing the deferred judgment.

The act prohibits a plea agreement that requires the defendant to waive his or her right to petition to have the conviction record sealed.

The act directs the general assembly to appropriate at least 3.5 million dollars in 2014-15 to the correctional treatment cash fund.

The act authorizes the statewide organization representing district attorneys the ability to receive, manage, and expend state funds in the manner prescribed by the general assembly on behalf of the district attorneys who are members of the organization.

The act requires the division of criminal justice in the department of public safety to collect data on drug cases and issue a report by December 31, 2016.

The act appropriates:

- \$339,764 and 4.8 FTE to the judicial department for implementation of the act; and
- \$521,850 to the department of corrections, information systems subprogram for implementation of the act, which is reappropriated to the office of information technology.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** October 1, 2013

**S.B. 13-271** Address confidentiality program - general fund moneys. The act repeals a prohibition against using general fund moneys for the address confidentiality program in the department of personnel to protect victims of domestic violence, a sexual offense, or stalking.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**S.B. 13-283** Retail marijuana - flammable gas solvents - responsible vendor program - enforceable contracts - studies and training - criminal acts - childcare and similar facility licensure - business tax deductions - appropriations. The act permits a local government to prohibit the use of a compressed flammable gas as a solvent in residential marijuana cultivation. The act allows retail marijuana businesses to participate in the medical marijuana responsible vendor program. The act declares that it is public policy of the state that a contract related to a marijuana business is not void or voidable as against public policy.

The act requires the drug policy task force of the Colorado commission on criminal and juvenile justice to make recommendations to the general assembly regarding criminal

law changes that need to be made in order to conform to amendment 64. The act authorizes the governor to designate the appropriate state agency to:

- Create a list of banned substances in marijuana cultivation;
- Work with a private organization to develop good cultivation and handling practices;
- Work with a private organization to develop good laboratory practices; and
- Establish an educational oversight committee for marijuana issues.

The act encourages peace officer training to include advanced roadside impairment driving enforcement training. Subject to available funds, the P.O.S.T. board shall arrange training in advanced impairment driving enforcement for drug-recognition experts who will act as trainers for all other peace officers. The act requires the division of criminal justice in the department of public safety to undertake or contract for a scientific study of law enforcement activities related to retail marijuana implementation. The department of public health and environment must monitor the emerging science and medical information regarding marijuana through a panel of health care experts. The panel must report its findings every 2 years.

The act states that drug paraphernalia does not include marijuana accessories as defined by amendment 64 if used or possessed by someone 21 years of age or older. Prior to the act, the law prohibited the use of all tobacco products on school property. The act adds lawful retail marijuana products to the prohibition. The act adds marijuana to the "Colorado Clean Indoor Air Act". The act creates an open container offense for marijuana to mirror the open container offense for alcohol.

The act allows the license of a child care center, children's resident camp, cradle house, day treatment center, family child care home, foster care home, guest child care facility, homeless youth shelter, medical foster care, neighborhood youth organization, public services short-term child care facility, residential child care facility, secure residential treatment center, and specialized group facilities to be denied, suspended, or revoked if retail marijuana is consumed or cultivated onsite. The act prohibits the cultivation, use, or consumption of marijuana at a community residential home or regional center.

Federal law prohibits deducting certain business expenses related to the sale of marijuana to calculate the federal tax owed. The act would permit those deductions to be used to calculate the state tax owed.

The act appropriates to implement the act:

- \$307,542 from the marijuana cash fund to the department of public health and environment;
- \$154,034 from the general fund to the department of public safety;
- \$280,000 from the general fund to the department of revenue; and
- \$20,000 from the general fund to the department of law.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1014** Interference with lawful distribution of newspapers. The act moves the crime of newspaper theft from statutes relating to theft to statutes relating to offenses involving

communications and renames it interference with lawful distribution of newspapers.

**APPROVED** by Governor February 27, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1020** Forensic medical evidence of a sexual assault - rules - backlog - appropriation. The act requires the executive director of the department of public safety to adopt rules concerning forensic medical evidence of a sexual assault (forensic evidence) collected by law enforcement agencies. The rules must include:

- A requirement that forensic evidence be collected at the request of the alleged victim;
- Standards for when forensic evidence must be submitted by law enforcement agencies to the Colorado bureau of investigation (CBI) or another accredited crime laboratory (laboratory);
- Time frames for when the forensic evidence must be submitted, analyzed, and compared to DNA databases;
- Standards for consent for the collection, testing, and release of results of forensic evidence; and
- A plan for testing the backlog of forensic evidence by the CBI and a date by which forensic evidence must be tested by other laboratories.

The act requires law enforcement agencies and personnel at medical facilities performing forensic medical examinations to comply with the new rules within 90 days after their promulgation.

To resolve the backlog of unanalyzed forensic evidence, the act requires:

- Law enforcement agencies to submit to the CBI an inventory of all unanalyzed forensic evidence in active investigations that meets the standard for mandatory submission; and
- The CBI to submit a plan to analyze all of the forensic evidence inventories by law enforcement agencies.

A law enforcement agency may develop its own plan to analyze forensic evidence if the evidence will be analyzed by a date specified in rule by the executive director.

The act directs the department of public safety to include within the funding requests submitted to the joint budget committee money to analyze the backlog of forensic medical evidence.

The act appropriates \$6,351,002 to the CBI for the testing of backlog forensic evidence.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**H.B. 13-1043** Deadly weapon - firearm - definition. Under current law, for the purposes of criminal law, a deadly weapon is defined as a firearm, whether loaded or unloaded; a knife;

a bludgeon; or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that in the manner it is used or intended to be used is capable of producing death or serious bodily injury.

The act modifies this definition so that a firearm, whether loaded or unloaded, qualifies as a deadly weapon regardless of the manner in which it is used or intended to be used.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** March 15, 2013

**H.B. 13-1076** Director of CBI - no P.O.S.T. certification. This act removes the requirement that a director of the Colorado bureau of investigation must be certified by the peace officer standards and training board.

**APPROVED** by Governor February 27, 2013

**EFFECTIVE** February 27, 2013

**H.B. 13-1109** Protection orders - against a defendant - duration. A mandatory protection order entered against a person charged with a criminal offense remains in effect until final disposition of the action. The act amends the definition of "until final disposition of the action" to clarify that a defendant shall not be deemed to have been released from incarceration until the defendant has also been discharged from any period of parole supervision that follows such incarceration.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1118** Law enforcement agencies to issue photographic identification to certain retired peace officers. On and after August 7, 2013, if a law enforcement agency of the state has a policy, on August 7, 2013, of issuing photographic identification to peace officers who have retired from the agency, and the agency discontinues said policy after August 7, 2013, the agency shall continue to provide such photographic identification to peace officers who have retired from the agency if:

- The peace officer requests the identification;
- The peace officer retired from the law enforcement agency before the date upon which the agency discontinued the policy; and
- The peace officer is a qualified retired law enforcement officer, as defined in 18 U.S.C. sec. 926C (c).

Before issuing or renewing a photographic identification to a retired law enforcement officer, a law enforcement agency of the state shall complete a criminal background check of the officer through a search of the national instant criminal background check system and a search of the state integrated criminal justice information system. If the background check indicates that the officer is prohibited from possessing a firearm by state or federal law, the law enforcement agency shall not issue the photographic identification.

The photographic identification shall satisfy certain provisions of federal law for the purpose of exempting the retired peace officer from state laws concerning the carrying of concealed firearms.

A law enforcement agency may charge a fee for issuing a photographic identification to a retired peace officer, which fee shall not exceed the direct and indirect costs assumed by the law enforcement agency in issuing the photographic identification.

A law enforcement agency of the state is not required to issue a photographic identification to a particular peace officer if the chief administrative officer of the agency elects not to do so. If a law enforcement agency of the state denies a photographic identification to a retired peace officer who requests a photographic identification pursuant to this section, the law enforcement agency shall provide the retired peace officer a written statement setting forth the reason for the denial.

**APPROVED** by Governor March 29, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1129** Evidence-based practices - resource center created - advisory board - appropriation. The act creates the evidence-based practices implementation for capacity resource center in the division of criminal justice in the department of public safety. The resource center will assist agencies serving juvenile and adult populations to develop, implement, and sustain effective science-based frameworks to support the use of evidence-based practices. An advisory board will oversee the resource center. The members of the advisory board are, at a minimum, the executive directors of the department of public safety, department of corrections, and department of human services, the director of the division of criminal justice, and the director of the division of probation or their designees. The director of the division of criminal justice may appoint additional members to ensure adequate representation and oversight. The division of criminal justice is authorized to accept gifts, grants, and donations for the program. The division will report to the general assembly by July 1, 2014, and every 3 years thereafter on the status of the resource center.

The act appropriates \$739,591 and 6.0 FTE to the department of public safety to implement the program.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** October 1, 2013

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

**H.B. 13-1146** Victims of identity theft - CBI records challenge - factual innocence order-restitution order. Under current law a victim of identity theft may ask a court to determine that he or she is factually innocent of a criminal charge based on misidentification. The act adds two additional processes for victims of identity theft. One, the victim of identity theft may pursue a records challenge with the Colorado bureau of investigation (CBI). If the records challenge is successful, the CBI issues the victim of identity theft a letter of misidentification and modifies the victim's law enforcement-only and public criminal record



accordingly. Second, a victim of identity theft that is not associated with a criminal matter may ask the district court in the jurisdiction where he or she lives for an order of factual innocence. If the court finds the person is factually innocent, the court issues the victim of identity theft an order of factual innocence.

When the court enters a restitution order in a case of identity theft, the court must include the victim's costs associated with seeking a declaration of factual innocence or a CBI records challenge.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** March 15, 2013

**H.B. 13-1154** Crimes against pregnant women - unlawful termination of a pregnancy - repeal criminal abortion statutes - appropriations. The act creates a new article for offenses against pregnant women. The new offenses are unlawful termination of a pregnancy in the first degree, unlawful termination of a pregnancy in the second degree, unlawful termination of a pregnancy in the third degree, unlawful termination of a pregnancy in the fourth degree, vehicular unlawful termination of a pregnancy, aggravated vehicular unlawful termination of a pregnancy, and careless driving resulting in unlawful termination of a pregnancy. The act excludes from prosecution medical care for which the mother provided consent. The act does not confer the status of "person" upon a human embryo, fetus, or unborn child at any stage of development prior to live birth.

The act repeals the criminal abortion statutes.

The act makes the required 5-year statutory appropriation as required by section 2-2-703, Colorado Revised Statutes.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** July 1, 2013

**H.B. 13-1156** Adult diversion program - district attorney compliance if receiving state money - excluded offenses - diversion funding committee - appropriation. The act repeals the adult deferred prosecution sentencing option and replaces it with an adult diversion program. A district attorney's office only has to comply with the provisions of the adult diversion program if it receives state money to initiate or operate the program. A defendant who is charged with domestic violence or a sex offense is not eligible for the adult diversion program unless the person undergoes an evaluation and the district attorney decides based on the evaluation and other considerations that the person is appropriate for the program. The bill specifies that there are certain sex offenses that if a defendant is charged with are never appropriate for the adult diversion program. A defendant and district attorney may enter into a diversion agreement for up to 2 years prior to proceeding with the criminal case against the defendant. During the period of the diversion the defendant is subject to the supervisory conditions of the diversion agreement. If the defendant successfully completes the diversion period, the court shall dismiss with prejudice the charges against the defendant. If the defendant violates a condition of the diversion agreement, the prosecution may initiate revocation of diversion agreement proceedings against the defendant.

The act creates a diversion funding committee (committee). The committee consists of:

- The attorney general or his or her designee;

- The executive director of a statewide organization representing district attorneys or his or her designee;
- The state public defender or his or her designee;
- The director of the division of criminal justice in the department of public safety; and
- The state court administrator in the judicial department or his or her designee.

The committee must develop funding guidelines, including permissible uses for the funding and an application process for elected district attorneys to request funds in order to operate an adult diversion program. The committee must review all funding requests submitted by a district attorney to support an adult pretrial diversion program. By majority vote, the committee may approve all or a portion of a funding request that meets the established guidelines or deny a request. A district attorney that receives funding pursuant to this bill shall collect data and provide a status report to the judicial department based on its adult diversion program. By January 31, 2015, and each January 31 thereafter, the judicial department shall provide to the joint budget committee a status report that includes all of the information received from the district attorneys regarding their programs. The bill appropriates to the judicial department \$425,000 and 0.5 FTE for diversion funding.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1160** Criminal theft - consolidation of criminal theft statutes - penalties. The act amends the penalties for criminal theft and amends criminal theft to include the existing statutory offenses of theft of rental property and theft by receiving. The existing statutory offenses of theft of rental property, theft by receiving, fuel piracy, and newspaper theft are repealed.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**H.B. 13-1163** Sexual assault - victim emergency payment program - appropriation. The sexual assault victim emergency payment program (program) is created in the division of criminal justice (division) within the department of public safety. The purpose of the program is to help victims of sexual assault who need additional time to determine if they want to participate with the criminal justice system to pay for medical costs and fees associated with obtaining a medical forensic examination, which ensures that evidence of the assault is preserved regardless of whether the criminal justice system is engaged at the time of the assault and examination. The program is the payor of last resort. The division shall determine an annual cap on payment amount per victim based on actual and reasonable costs and available funds. Priority for the program must be to pay for indirect medical costs and fees incurred as the result of obtaining medical forensic examinations following a sexual assault for medical-reporting victims. Such indirect medical costs and fees may include, but are not limited to, emergency department fees and costs, laboratory fees, prescription medication, and physician's fees. The program may also pay for any uncovered direct costs of the medical forensic examination for a medical-reporting victim.

The act appropriates \$167,067 and 0.2 FTE to the department of public safety

beginning July 1, 2013, for the implementation of the program.

**APPROVED** by Governor May 13, 2013

**EFFECTIVE** May 13, 2013

**H.B. 13-1166** Crimes promoting sexual immorality and adultery - repealed. The act repeals the crime of promoting sexual immorality and adultery.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1195** Human trafficking and slavery - directive to the Colorado commission on criminal and juvenile justice - appropriation. The Colorado commission on criminal and juvenile justice (commission) is directed to review the results of the implementation of certain statutes concerning human trafficking and slavery since their enactment in 2006. The commission shall complete a report of its findings and submit the report to the judiciary committees of the house of representatives and senate, or any successor committees, on or before January 1, 2014. The report, at a minimum, must include:

- The number of cases prosecuted and convictions declared within the state for each described offense;
- The number of cases prosecuted and convictions declared within the state for attempts, solicitations, and conspiracies to commit each described offense;
- The circumstances involved in these cases, including any circumstances that seem consistently present in multiple cases;
- The sentence imposed for each conviction, including consideration of the appropriateness of each sentence; and
- Any other information that the commission deems to be relevant to assist the general assembly in considering the results of the implementation of the statutes since their enactment in 2006.

The act appropriates \$9,020 to the division of criminal justice in the department of public safety.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1210** Right to counsel - plea negotiations for misdemeanors and lesser offenses - appropriations. The act repeals a statute that requires an indigent person charged with a misdemeanor, petty offense, or motor vehicle or traffic offense to meet with the prosecuting attorney for plea negotiations before legal counsel is appointed. The act clarifies that appointment of the state public defender to represent indigent persons applies when the charged offense includes a possible sentence of incarceration.

The act appropriates to the judicial department \$52,228 and 0.8 FTE for trial court programs for personal services, \$2,138 for operating expenses, and \$30,125 for courthouse capital expenses. The act appropriates \$3,710,909 and 37.1 FTE to the judicial department for allocation to the state public defender to implement the act.

**APPROVED** by Governor May 28, 2013 **PORTIONS EFFECTIVE** September 1, 2013  
**PORTIONS EFFECTIVE** January 1, 2014

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

**H.B. 13-1224** Firearms and weapons - large-capacity magazines. The act prohibits the sale, transfer, or possession of a large-capacity magazine, which is defined as:

- A fixed or detachable magazine, box, drum, feed strip, or similar device capable of accepting, or that is designed to be readily converted to accept, more than 15 rounds of ammunition;
- A fixed, tubular shotgun magazine that holds more than 28 inches of shotgun shells, including any extension device that is attached to the magazine and holds additional shotgun shells; or
- A nontubular, detachable magazine, box, drum, feed strip, or similar device that is capable of accepting more than 8 shotgun shells when combined with a fixed magazine.

"Large-capacity magazine" does not mean:

- A feeding device that has been permanently altered so that it cannot accommodate more than 15 rounds of ammunition;
- An attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition; or
- A tubular magazine that is contained in a lever-action firearm.

A person may possess a large-capacity magazine if he or she owns the large-capacity magazine on July 1, 2013, and maintains continuous possession of the large-capacity magazine.

The prohibition does not apply to an entity, or any employee thereof engaged in his or her employment duties, that manufactures large-capacity magazines within Colorado exclusively for transfer to:

- A branch of the armed forces of the United States;
- A department, agency, or political subdivision of the state of Colorado, or of any other state, or of the United States government;
- A firearms retailer for the purpose of firearms sales conducted outside the state;
- A foreign national government that has been approved for such transfers by the United States government; or
- An out-of-state transferee who may legally possess a large-capacity magazine.

The prohibition does not apply to an employee of any of the following agencies who bears a firearm in the course of his or her official duties:

- A branch of the armed forces of the United States, or
- A department, agency, or political subdivision of the state of Colorado, or of any other state, or of the United States government.

The prohibition does not apply to a person who possesses the magazine for the sole purpose of transporting the magazine to an out-of-state entity on behalf of a manufacturer of large-capacity magazines within Colorado.

A person who sells, transfers, or possesses a large-capacity magazine in violation of the new provision commits a class 2 misdemeanor.

A large-capacity magazine that is manufactured in Colorado on or after July 1, 2013, must include a permanent stamp or marking indicating that the large-capacity magazine was manufactured or assembled after July 1, 2013. The stamp or marking must be legibly and conspicuously engraved or cast upon the outer surface of the large-capacity magazine. The Colorado bureau of investigation may promulgate rules that may require a large-capacity magazine that is manufactured on or after July 1, 2013, to bear identifying information in addition to the permanent stamp or marking. A person who manufactures a large-capacity magazine in Colorado in violation of the new provision commits a class 2 misdemeanor.

**APPROVED** by Governor March 20, 2013

**EFFECTIVE** July 1, 2013

**H.B. 13-1228** Colorado bureau of investigation - national instant criminal background check system - fee created - fund created - appropriation. The Colorado bureau of investigation (the bureau) shall impose a fee for performing an instant criminal background check pursuant to the transfer of a firearm. The amount of the fee shall not exceed the total amount of direct and indirect costs incurred by the bureau in performing the background check.

The amount collected as fees shall be transferred to the state treasurer for credit to the instant criminal background check cash fund (fund), which fund is created in the act.

On January 15, 2014, and on January 15 of each calendar year thereafter, the bureau shall report to the joint budget committee concerning:

- The number of full-time employees used by the bureau in the preceding year for the purpose of performing background checks pursuant to this section; and
- The calculations used by the bureau to determine the amount of the fee.

The bureau is authorized to continue using general fund moneys appropriated to the bureau for the 2013-14 fiscal year for the purpose of performing criminal background checks pursuant to this section until the sooner of:

- A date 6 months after the effective date of the bill; or
- A date upon which sufficient moneys exist within the fund to pay for the performing of criminal background checks.

The act makes and reduces an appropriation.

**APPROVED** by Governor March 20, 2013

**EFFECTIVE** March 20, 2013

**H.B. 13-1229** Firearms - private firearms transfers - background check required - appropriation. Unless a specified exception applies, before any person who is not a licensed gun dealer transfers or attempts to transfer possession of a firearm, he or she shall:

- Require that a background check be conducted of the prospective transferee; and
- Obtain approval of the transfer from the Colorado bureau of investigation (bureau) after a background check has been requested by a licensed gun dealer.

A prospective firearm transferor shall arrange for the services of one or more licensed gun dealers to obtain a background check. A prospective firearm transferee shall not accept possession of a firearm unless the prospective firearm transferor has obtained approval of the transfer from the bureau after a background check has been requested by a licensed gun dealer.

A prospective firearm transferee shall not knowingly provide false information to a prospective firearm transferor or to a licensed gun dealer for the purpose of acquiring a firearm.

A person who violates one of the new provisions commits a class 1 misdemeanor.

Under current law, the clerk of the court of every judicial district and probate court in the state must periodically report to the national instant criminal background check system subject to specified court orders relating to mental health or substance abuse. The act requires the state court administrator to report this information. The state court administrator is also required to report this information to the Colorado bureau of investigation.

A court, upon becoming aware that the basis upon which a record of a mentally ill person reported by the state court administrator does not apply or no longer applies, shall:

- Update, correct, modify, or remove the record from any database that the federal or state government maintains and makes available to the national instant criminal background check system, consistent with the rules pertaining to the database; and
- Notify the attorney general that such basis does not apply or no longer applies.

The act sets forth a judicial process whereby a person who has been prohibited from possessing a firearm may apply or petition for relief from federal firearms prohibitions, as permitted by federal law.

In granting relief to a petitioner, the court shall issue findings that:

- The petitioner is not likely to act in a manner that is dangerous to public safety; and
- Granting relief to the petitioner is not contrary to the public interest.

If the court denies relief to a petitioner, the petitioner may petition the court of appeals to review the denial, including the record of the denying court. A review of a denial shall be de novo in that the court of appeals may, but is not required to, give deference to the decision of the denying court. In reviewing a denial, the court of appeals may receive additional evidence necessary to conduct an adequate review.

The act makes adjustments to the executive director's office and the Colorado bureau of investigation line items in the 2012 long appropriations act. The act makes additional appropriations and specifies that certain appropriations are contingent on House Bill 13-1228 becoming law.

**APPROVED** by Governor March 20, 2013

**EFFECTIVE** March 20, 2013

**Note:** House Bill 13-1228 was signed by the governor March 20, 2013.

**H.B. 13-1236** Bail bond - evidence-based and individualized decision-making - less use of monetary bond. The act repeals and reenacts the provisions of the criminal procedure code related to bail bonds. The new provision places a greater emphasis on evidence-based and individualized decision-making during the bond-setting process and discourages use of monetary conditions for bond.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** May 11, 2013

**H.B. 13-1242** Violation of bond conditions - limits on application. The act limits the mandatory incarceration or jail and consecutive sentencing provisions for the offense of violation of bail bond conditions to only a person who:

- Fails to appear with the intent to avoid prosecution or sentencing;
- Is convicted of committing a crime while out on bond; or
- Is on bond for an offense that would require the person to report as a sex offender.

The offense also requires mandatory consecutive sentencing.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** July 1, 2013

**H.B. 13-1254** Restorative justice - defendant initiation - restorative justice council membership - restorative justice satisfaction evaluation - data on existing restorative justice programs - restorative justice pilot projects and study - restorative justice surcharge - appropriation. Prior to the act, restorative justice victim-offender conferences must be initiated by the victim. The act modifies the requirement of victim initiation in some instances to permit a suitable defendant to request to participate. The defendant must make the request through the district attorney. There is a restorative justice coordinating council established in the state court administrator's office, to which the act adds:

- A member of the parole board;
- A representative from the department of corrections;
- A representative from a statewide organization representing victims;
- 3 restorative justice practitioners; and
- A representative of the juvenile parole board.

The restorative justice coordinating council shall develop a uniform restorative justice satisfaction evaluation. The council shall collect information regarding all existing restorative justice programs and practices and report that data to the house and senate judiciary committees by January 31, 2014.

The act creates a pilot project for restorative justice programs in 4 judicial districts. At each site, if a juvenile who is under 18 years of age and could be charged in the petition with a misdemeanor and has not been previously charged or who has not participated in the pilot project, the district attorney shall assess the juvenile's suitability for restorative justice. The district attorney may also refer any juvenile who is charged with a class 3, 4, 5, or 6 felony and has not been previously charged or who has not participated in the pilot project. If the district attorney determines that the juvenile is a suitable candidate for the restorative justice program, the district attorney may offer the juvenile an opportunity to participate in the restorative justice program. If the juvenile agrees to participate, the district attorney shall not file charges pending completion of the program. If the juvenile fails to complete the program, the district attorney may file a petition against the juvenile. The pilot project sites must annually report to the division of criminal justice in the department of public safety certain information on the pilot projects. The division of criminal justice shall prepare an annual report based on the information received. The act directs the judicial districts to establish guidelines prior to implementing a program.

The act creates a \$10 surcharge on all crimes to support a restorative justice fund. The fund will be used to defray the costs of restorative justice programs and administrative costs of the restorative justice coordinating council. The act appropriates \$20,639 from the general fund and \$12,263 from the restorative justice surcharge fund and 0.5 FTE to the judicial department to implement the act.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1308** Offenses involving communications - law enforcement agency may acquire location information from a telecommunications device without a court order in an emergency situation. Any supervising representative of a law enforcement agency (requesting authority) may order a previously designated security employee of a wireless telecommunications provider may provide to a law enforcement agency, without a court order, location information concerning the telecommunications device of a named person if any supervising representative of a law enforcement agency has probable cause to believe specified circumstances exist.

The act:

- Provides immunity for the telecommunications provider;
- Prohibits the law enforcement agency from divulging the information without a court order;
- Requires the law enforcement agency to seek a court order within 48 hours requesting authority to retain the information;
- Requires the law enforcement agency to destroy the information unless it obtains a court order; and
- Specifies that if a court denies a request to retain information, the information and any additional information obtained because of the information is not admissible unless the information is obtained in another lawful manner.

**APPROVED** by Governor May 13, 2013

**EFFECTIVE** May 13, 2013



**H.B. 13-1323** Inmate and parole time computation - court-issued mittimus to specify whether an offender's sentences are to be served consecutively or concurrently. If the department of corrections (department) receives custody of a defendant sentenced to serve 2 or more terms of incarceration, and any mittimus concerning the defendant's sentences does not clearly indicate whether the sentences are to be served consecutively or concurrently, the department shall seek clarification in writing from the court within 2 business days after the department receives the mittimus.

A court that receives a request for clarification from the department shall respond and clarify the mittimus in writing not more than 2 business days after receiving the request. The court shall provide a copy of the court's response to the counsel of record for the prosecution and the defense. Until the department obtains clarification of the mittimus, the department shall not make any determination of the defendant's parole eligibility date or mandatory release date.

Before remitting any mittimus sentencing a defendant to the custody of the department, a court shall confirm that the mittimus properly reflects the sentencing order of the court and includes all necessary information regarding the sentence and any information as to whether a sentence is to be served concurrent with, or consecutive to, the sentence for any other count or any other case.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

## EDUCATION - PUBLIC SCHOOLS

**S.B. 13-2** Boards of cooperative services - grant moneys - local education agencies. The act allows boards of cooperative services (BOCES) to act as local education agencies for the purposes of federal law, including for the receipt of federal grants. BOCES may apply to any division within the department of education, and all divisions must inform BOCES of and allow them to apply for all federal and state grant moneys for which they are eligible. If a participating member school district of a BOCES expressly declines to participate in a grant application with the BOCES, that member school district is not precluded from applying for the same state or federal grant moneys.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**S.B. 13-15** School districts - boards of education - boards of cooperative services - electronic meetings. The act allows a school district board of education (district board) to adopt a policy that authorizes members to participate electronically in board meetings. The general assembly states its intent concerning provisions that the policy should include. The act also updates the language that authorizes boards of cooperative services to meet electronically.

The act requires each member of a district board or a board of cooperative services to sign an affidavit stating that the member is aware of and will comply with the restrictions and confidentiality requirements that apply to executive sessions of the district board or the board of cooperative services, regardless of whether the member participates in person or electronically.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-31** Dropout recovery program - tuition. The act clarifies that a local education provider that operates a dropout recovery program must pay the student share of the tuition for each postsecondary course in which a student enrolls while participating in the program, not just for those courses that the student completes.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** March 15, 2013

**S.B. 13-53** Department of education - department of higher education - transfer of student data. The act establishes a procedure between the department of education and the department of higher education that allows for the transfer of available student data relevant to the transition from high school to the postsecondary system. The procedure must utilize student unit record data currently collected and maintained by the department of education and administered at no charge to local education providers, public institutions of higher education, or students.

**APPROVED** by Governor April 8, 2013

**EFFECTIVE** April 8, 2013

**S.B. 13-108** Funding for preschool through the twelfth grade - total program funding after application of negative factor - mid-year adjustments - accelerating students through concurrent enrollment - number of participants - appropriation. The general assembly recognizes that increases in the funded pupil count and the number of at-risk students have increased the amount required for total program funding for the 2012-13 budget year. The general assembly also recognizes that decreases in the amount of property tax and specific ownership tax revenues available to school districts have increased the amount of the state share for total program funding for the 2012-13 budget year. Based on these circumstances and an increase in the number of students that are authorized to participate in the accelerating students through concurrent enrollment (ASCENT) program, the minimum level of total program funding for the 2012-13 budget year is increased. The act also specifies that the minimum level of total program funding for the 2013-14 budget year and each budget year thereafter is an amount equal to the total program funding for the immediately preceding budget year adjusted by the amount necessary to increase the state average per pupil revenues by the rate of inflation.

The state board of education is prohibited from designating a total number of participants in the ASCENT program in any school year that exceeds the total number of ASCENT program participants that the general assembly approved in the annual general appropriation act for the applicable fiscal year.

The appropriation to the department of education for the state share of districts' total program funding for the 2012-13 fiscal year is increased by \$13,025,121 from the state education fund. In addition, the footnote that specifies the number of ASCENT program participants in the annual general appropriation act for the 2012-13 fiscal year is adjusted to reflect the actual number of participants for the 2012-13 fiscal year.

**APPROVED** by Governor April 8, 2013

**EFFECTIVE** April 8, 2013

**S.B. 13-138** Safety - school resource officers. The act defines "school resource officer" and "community partners" and expressly includes school resource officers as community partners for the purposes of school safety, readiness, and incident management. The school safety resource center is required to hire or contract for the services of an emergency response consultant with experience in law enforcement and school safety to provide guidance to school districts and schools for school building safety assessments and the use of best practices for school security, emergency preparedness and response, interoperable communications, and obtaining grants. The school safety resource center is also required to provide suggestions concerning training for school resource officers. The school safety resource center advisory board is increased from 13 to 14 members to reflect the addition of a school resource officer.

**APPROVED** by Governor May 23, 2013

**EFFECTIVE** May 23, 2013

**S.B. 13-139** On-line and blended learning - administration. The act removes the responsibility for the administration of contracts for on-line and blended education services from mountain boards of cooperative services (BOCES) to a BOCES designated by the department of education (department). The time frame for requests for proposals to be a provider of supplemental on-line courses is changed from August to February. Proposals must be reviewed by a committee of interested parties, as detailed in statute. The requirement

that on-line classes must be sold for no more than \$200 is removed. Requirements are added to ensure every high school student has the opportunity to take at least one supplemental on-line course per year and that school districts, charter schools, and BOCES must report to the department which students are participating in supplemental on-lines course so the department can track student academic performance. The designated BOCES shall submit a report to the education committees of the house of representatives and the senate that summarizes the provision of supplemental on-line courses, including an annual survey of parents, teachers, and students.

**APPROVED** by Governor April 19, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-143** State charter school institute - assistance fund. Before passage of the act, in any year in which a negative factor does not apply in calculating school finance moneys, the state charter school institute (institute) withheld 1% of the moneys due to institute charter schools. The institute deposited this amount in the institute charter school assistance fund (assistance fund) and used it to make grants and loans to institute charter schools for capital construction and emergency purposes. The act repeals the institute's authority to withhold this money.

Before passage of the act, the institute could retain from year to year in the state charter school institute fund a balance of up to 10% of the total amount allocated to institute charter schools. The act changes the authorized balance to up to 20% of the total amount that the institute may retain for administrative purposes for the applicable budget year. But, the state charter school institute board (board) may annually adjust the percentage limit by multiplying the total pupil enrollment of institute charter schools for the applicable budget year by a per-pupil dollar amount that the board annually sets in collaboration with a council of state charter schools. Any amount that exceeds the authorized retention amount is transferred to the assistance fund at the end of the budget year.

The act prohibits the institute from retaining a balance in the assistance fund of more than \$750,000 at the end of a budget year. The institute must allocate any amount that exceeds the limit to the institute charter schools on a per-pupil basis.

The board may annually adjust the limit on the assistance fund end-of-year balance. The board may adjust the limit by multiplying the total pupil enrollment of institute charter schools for the applicable budget year by a per-pupil dollar amount that the board annually sets in collaboration with a council of state charter schools.

Before passage of the act, an institute charter school could apply for moneys from the assistance fund if it had a capital facility emergency or a special education funding emergency. The act directs the board to adopt rules that define a reasonable funding emergency and allows an institute charter school to receive moneys from the assistance fund for an emergency that meets the definition.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**S.B. 13-153** Farm-to-school coordination task force. The act continues the interagency farm-to-school coordination task force indefinitely. The composition and responsibilities of

the interagency farm-to-school coordination task force are updated.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**S.B. 13-193** Parent engagement - school district accountability committees - school accountability committees - state advisory council for parent involvement in education - appropriation. The act requires the school accountability committees, in addition to their other duties, to hold public meetings to solicit input concerning the contents of school priority improvement plans and school turnaround plans before the plans are written.

In addition, district accountability committees and school accountability committees must work to increase parent engagement in the public schools by publicizing openings on district and school accountability committees, soliciting parents to serve on the district and school accountability committees, and assisting school personnel in communications with parents. In soliciting parents to serve on committees, the district and school accountability committees must try to ensure that the parents serving on the committees reflect the student populations in the school district and the schools.

A public school that must adopt a priority improvement plan or turnaround plan must include in the plan strategies for increasing parent engagement in the school.

The existing state advisory council for parent involvement in education (council), in addition to its other duties, will also provide training and other resources to help the district and school accountability committees increase parent engagement. The council must also work with the department of education (department) to provide training to the district and school accountability committees in leadership and in increasing parent engagement. The council must also work with the department to provide training for school personnel concerning working with parents. A member of the council may be reimbursed for expenses incurred in completing the council's duties, including expenses incurred in providing training.

The council will identify key indicators of parent engagement in elementary, secondary, and postsecondary schools, and use the indicators to develop recommendations for methods by which the department and the department of higher education may measure and monitor the level of parent engagement with elementary and secondary public schools and institutions of higher education. The council will annually report to the state board of education, the Colorado commission on higher education, and the education committees of the general assembly, the council's progress in promoting parent engagement in the state and in fulfilling its duties.

Before passage of the act, a school district board of education was authorized to adopt a policy for parent engagement in the district. Under the act, each board of education is required to adopt a parent engagement policy and each board must work with the district accountability committee to create the policy. The policy may include training for personnel concerning working with parents.

Each school district and the state charter school institute (institute) shall identify, and submit to the department the name of, an employee to act as the point of contact for parent engagement training and resources. The person will also serve as the liaison between the district or institute, the district accountability committee if applicable, the council, and the department to facilitate the district's or institute's efforts to increase parent involvement.

Before passage of the act, a school district or the institute was required to hold a public hearing before adopting a school improvement plan, priority improvement plan, or turnaround plan. Under the act, a school district or the institute does not have to hold a public hearing before adopting a school improvement plan. The institute must hold the public hearing on a priority improvement plan or turnaround plan within the boundaries of the school district in which the institute charter school is located. Members of the school accountability committees are encouraged to attend the district's public hearings.

For the 2013-14 fiscal year, the act appropriates \$150,093 and 1.0 FTE to the department for implementation of the act.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**S.B. 13-213** School finance - future act - charter school funding - categorical program funding - public reporting of expenditures. The act creates a new school finance act (the new act), the implementation of which is conditional upon passage of a citizen-initiated statewide ballot measure to increase state tax revenues by a stated minimum amount for the purpose of funding preschool through twelfth-grade public education. The ballot measure must pass no later than the 2017 statewide election or the new act will not take effect.

After the statewide ballot measure passes, the department of education (department) will recalculate the state and local shares of total program during the first budget year commencing after the election, but the new funding formula and the distribution of state moneys under the new act will not take effect until the second budget year commencing after the election. School districts (districts) and charter schools continue to receive funding under the existing "Public School Finance Act of 1994" (the 1994 act) and related statutory provisions until the new act fully takes effect in the second budget year commencing after the election.

In the first budget year after the statewide ballot measure passes, the general assembly will appropriate the increased amount of state tax revenues as follows:

- Up to 40% to the preschool through twelfth grade education reserve fund, created in the new act, to fund the purposes specified in the new act;
- Up to 15% to the educator effectiveness reserve fund, created in the new act, to provide moneys for initiatives to recruit, prepare, and retain effective educators;
- Up to 5% to the education technology fund, created in the new act, to assist school districts and public schools in purchasing and maintaining technology needed to support educational reforms and programmatic enhancements; and
- Up to 40% to the public school capital construction assistance fund to provide financial assistance for public school facility capital construction projects that are needed to support educational reforms and programmatic enhancements, including up to 50% for facilities for full-day kindergarten and preschool programs.

The new act is similar to the 1994 act in that it starts with the statewide base per pupil funding amount, applies a formula to calculate a district's per pupil funding, increases each district's funding based on the number of at-risk pupils enrolled in the district, and multiplies the per pupil funding amount by the number of pupils enrolled in the district to calculate the district's amount of operational funding (total program) for each budget year. The new act

continues to use a specific per pupil amount to fund pupils who are enrolled in multi-district on-line schools (on-line pupils) and pupils who are enrolled in the ASCENT program (ASCENT pupils), which amounts are also included in a district's total program. The new act continues to fund each district's total program by a combination of local property tax and specific ownership tax revenues and state moneys. The new act differs from the 1994 act in the following general areas:

- Calculation of pupil enrollment;
- Funding for preschool and kindergarten pupils;
- Factors included in the formula for calculating total program;
- The definition of at-risk pupils and the percentage increase in funding for at-risk pupils;
- Minimum per pupil funding;
- On-line pupil funding and ASCENT program funding;
- Calculation of total program for and payment of state moneys to institute charter schools;
- Calculation of state and local shares of total program;
- Authorized mill levy overrides;
- State moneys available to districts and institute charter schools in addition to total program;
- Allocations of funding by districts to charter schools and other schools of the district;
- Review of the return on the investment of funding and cost studies every 4 years; and
- Public financial reporting by districts and charter schools.

**Calculation of pupil enrollment.** Under the 1994 act, funding for school districts and charter schools is based on the number of pupils enrolled as of a specific pupil enrollment count date, generally October 1 of each year. The new act uses a school district's or an institute charter school's average daily membership (ADM) as the basis for calculating total program. A district's or institute charter school's membership includes all of the pupils enrolled in the district or in the institute charter school, including students enrolled in preschool, but does not include on-line pupils or ASCENT pupils. Districts and institute charter schools must report membership and on-line pupil and ASCENT pupil enrollment on a quarterly basis, reporting the number of pupils enrolled each school day. The department will calculate each district's and each institute charter school's ADM for each quarter of the school year, for the entire school year, and for an entire school year plus the first quarter of the next school year (averaging period) by totaling the pupils enrolled each school day for the averaging period and dividing by the number of school days in the averaging period. The department will do the same for each district's and institute charter school's on-line pupil ADM and ASCENT program ADM.

For the 2015-16 and 2016-17 budget years, each district's and each institute charter school's total program is based on the district's or institute charter school's pupil membership and on-line and ASCENT program enrollment as of October 1 of the then-current budget year. Beginning with the 2017-18 budget year, each district's and each institute charter school's total program is based on the district's or institute charter school's ADM for the preceding budget year plus the first quarter of the then-current budget year (funding averaging period). Funding for a district or an institute charter school with declining enrollment continues to be based on the greater of the actual ADM or the ADM averaged for up to 5 years. For purposes of averaging over years, a district's ADM does not include preschool program enrollment. Pupil enrollment will substitute for ADM in averaging until

there are 5 years of ADM available. The department calculates the funding for each district and each institute charter school using the forecasted ADM then adjusts the funding as necessary after the first quarter of the then-current budget year based on the actual ADM.

**Funding for preschool and kindergarten pupils.** Under the 1994 act, the state funds a restricted number of 3-, 4-, and 5-year-old preschool program pupils who meet eligibility requirements. These preschool pupils are funded as half-day pupils. Each district and each institute charter school may include in its pupil enrollment only as many preschool pupils as it is allowed to enroll out of the total number of funded preschool positions. Under the new act, each district and each institute charter school may enroll all of the 3-, 4-, and 5-year-old preschool program pupils who apply for the program and meet the eligibility requirements. Preschool pupils are still funded as half-day pupils.

Under the 1994 act, kindergarten pupils are funded as half-day pupils, but a pupil who repeats kindergarten is funded as a full-day pupil in the second year. Each district and each institute charter school also receives supplemental kindergarten funding based on .08 of a pupil. Under the new act, all kindergarten pupils are funded as full-day pupils.

**Factors included in the formula for calculating total program.** Under the 1994 act, the formula for calculating total program adjusts the statewide base per pupil funding amount by a cost of living factor, personnel costs, nonpersonnel costs, and a size factor. After total program is calculated, the current act reduces each district's total program and the funding for each institute charter school through application of a negative factor.

Under the new act, the only factor that adjusts statewide base per pupil funding is the size factor, which is unchanged from the 1994 act, except that it applies only to districts with a funded membership of fewer than 4,300 pupils. The new act does not include a negative factor.

**The definition of at-risk pupils and the percentage increase in funding for at-risk pupils.** Under the 1994 act, at-risk pupils are defined to include pupils who are eligible for free lunch under federal law and pupils with limited English proficiency. A pupil who meets both criteria is counted only once for purposes of at-risk funding. The amount of increase for at-risk funding starts at 12% of per pupil funding and may increase to as much as 30% depending on the size of a district and the concentration of at-risk pupils within the district.

The new act creates separate formula weights for at-risk pupils and for English language learners (ELL). The new act defines an at-risk pupil as a pupil who is eligible for free or reduced-price lunch under federal law and defines an ELL as a pupil who is identified and receiving English language proficiency programs under the "English Language Proficiency Act", but a pupil may not be counted as an ELL for more than 5 years. An individual pupil may be counted and receive weighted funding as both an at-risk pupil and an ELL. The department calculates each district's and each institute charter school's at-risk pupil ADM and English language learner ADM. Each district and institute charter school receives at-risk funding starting at 20%, and increasing to as much as 40%, of statewide base per pupil funding multiplied by the at-risk pupil ADM. Each district and institute charter school receives ELL funding starting at 20%, and increasing to as much as 40%, of statewide base per pupil funding multiplied by the English language learner ADM. The increase in the percentage is based on the concentration of at-risk pupils and ELLs in the district or institute charter school. At-risk pupils and ELLs who are enrolled in multi-district on-line schools are included in the at-risk and ELL funding.



**Minimum per pupil funding.** Under the 1994 act, a district receives as total program the greater of total program calculated using the formula and at-risk funding, plus on-line funding and ASCENT program funding, or minimum per pupil funding multiplied by the district's funded pupil count, plus on-line funding and ASCENT program funding. The new act does not include minimum per pupil funding.

**On-line pupil funding and ASCENT program funding.** Under the 1994 act, a district receives funding for each on-line pupil and each pupil enrolled in the ASCENT program at the amount, starting in the 2007-08 budget year, of \$6,135 per pupil, which amount has been increased by inflation and decreased by the negative factor each budget year. Under the new act, the per pupil amount for on-line pupil funding and ASCENT program funding is equal to the statewide base per pupil funding for the applicable budget year. A multi-district on-line school receives at-risk funding and ELL funding in addition to the on-line pupil funding.

**Calculation of total program for and payment of state moneys to institute charter schools.** Under the 1994 act, the funding for an institute charter school is based on the total program of the district within which the institute charter school is physically located (accounting district). The department calculates the accounting district's total program, adding the institute charter school's pupil enrollment, and then subtracts the institute charter school's funding from the state share of the accounting district. Under the new act, the department will calculate the total program for each institute charter school using the per pupil funding amount of the accounting district, but using the institute charter school's funded membership, at-risk pupil ADM, English language learner ADM, on-line pupil ADM, if applicable, and ASCENT program ADM, if applicable. Each institute charter school's total program will also include a mill levy equalization per pupil amount that is equal to the accounting district's total mill levy override for the preceding budget year divided by the accounting district's funded membership, less the ASCENT program ADM, for the preceding budget year. The department will pay the total program for institute charter schools directly from the state public school fund to the state charter school institute (institute) for distribution to the institute charter schools.

**Calculation of state and local shares of total program.** Under the 1994 act, a district must levy the lesser of the number of property tax mills that it levied in the previous budget year, or the number of mills it can levy and not exceed the constitutional property tax revenue limits if the district remains subject to TABOR, or 27 mills. The amount of property tax and specific ownership tax that the district receives is the district's local share, and the district's state share is the difference between the district's local share and total program.

Under the new act, the department will recalculate each district's total program mill levy using statewide state and local shares of 60% and 40%. The department will apply these percentages in a formula for calculating each district's local share that takes into account the district's real property assessed valuation, median family income, and at-risk pupil percentage. The department will then translate the calculated local share into a number of mills that may increase up to 25 mills, except a district's mill levy cannot be less than the number of mills levied in the preceding budget year, or more than the number of mills that generates property tax revenue in excess of the constitutional property tax revenue limit if the district remains subject to TABOR. The amount generated by the district's total program mill levy plus the amount the district receives in specific ownership tax revenue is the district's local share, and the district's state share is the difference between the district's local share and total program. The department will recalculate each district's total program mill levy in 5 years and then every 6 years thereafter using the district's most recent assessed

valuation, median family income, and at-risk pupil percentage.

If a district's total program mill levy is greater than the number of mills assessed in the preceding budget year, the district may seek voter approval for a mill levy increase during the period in which the district is expected to assess the total program mill levy. If a district does not assess the full total program mill levy for any reason, the department will calculate the district's state share as if the district did assess the full total program mill levy, but the district will receive hold-harmless moneys in the amount of the district's 2014-15 state share, less the district's then-current year state funding, plus 2% of the district's combined total program and teaching and leadership investment moneys (TLI) for the then-current year. If a district's total program mill levy generates an amount of property tax revenue that, combined with the district's specific ownership tax revenue, exceeds the district's total program, and the district's total program is decreased under the new act, the district must consider the amount of excess revenue as a portion of the district's mill levy override for cost of living expenses, and the amount counts against the cap on the district's mill levy override for cost of living expenses. If the district's total program mill levy generates property tax revenues that exceed the district's total program plus this excess revenue amount, the district must use the amount received above the excess revenue to replace state categorical program funding that it would otherwise receive from the state.

**Authorized mill levy overrides.** Under the 1994 act, a district may levy a number of mills in addition to its total program mill levy (mill levy overrides). There are 3 types of mill levy overrides in the current act. One is for general operating expenses, and the amount of revenue that a district may generate from this override is capped at the greater of 25% of the district's total program or \$200,000. The second authorized mill levy override is for a supplemental cost of living adjustment, but to receive this override, a district must have received voter approval before June 2002. The third authorized mill levy override is for the excess costs of providing full-day kindergarten, including the capital construction costs associated with a full-day kindergarten program.

Under the new act, a district may continue collecting any mill levy overrides that it has prior authority to collect. In addition, there are 4 types of mill levy overrides that a district may seek. If a district is eligible for the per pupil supplemental payment, it must levy the required number of total program mills based on the recalculation before it can seek a mill levy override.

The first type is a mill levy override for general operating expenses. The amount of revenue that the district may generate from the override is limited to the greater of:

- 25% of the district's total program plus the teaching and TLI for the applicable budget year;
- 25% of the sum of: the district's total program for the 2014-15 budget year calculated without the negative factor; plus TLI for the applicable budget year; plus the total per pupil supplemental payment received for the applicable budget year; plus any amount received due to a cost of living override approved under the current act; plus the amount of categorical buyouts and state support received for categorical programs; or
- \$200,000.

A district may also seek a mill levy override to fund early childhood education programs, a mill levy override to fund technology and building maintenance and operation, and a mill levy override to help offset cost of living expenses incurred by employees. The

cost of living mill levy override is capped at an amount equal to the portion of the district's total program for the 2014-15 budget year that is attributable to the cost of living factor, calculated before the negative factor. This cap increases by inflation annually beginning with the 2016-17 budget year. The new act does not affect the mill levy authorizations that exist in current law outside of the current act.

**State moneys available to districts and institute charter schools in addition to total program.** Under the 1994 act, a district or an institute charter school may receive funding in addition to total program under several provisions, including hold-harmless full-day kindergarten funding, small attendance center aid limited to districts and institute charter schools that received the aid before the 2008-09 budget year, funding for national school meal programs, funding for declining enrollment districts with new charter schools, state assistance for charter schools for capital construction, and moneys through the contingency reserve fund. The new act includes all of these provisions except hold-harmless full-day kindergarten funding. In addition, under the new act, institute charter schools are not eligible for small attendance center aid, and the state assistance for charter schools for capital construction is distributed as a per pupil amount based on the type of building that the charter school uses and whether the charter school has capital construction costs.

Under the new act a district or an institute charter school may also receive state funding in addition to the state share of total program through one or more of several new provisions.

Each district and each institute charter school will receive TLI in the 2015-16 budget year in an amount equal to \$441 multiplied by the district's or institute charter school's ADM. In subsequent years, to the extent there are tax revenues available in excess of the amount approved on a statewide ballot (growth tax revenues), the per pupil TLI amount will increase up to \$600 per pupil, first for institute charter schools and districts that either do not receive supplemental payments or receive supplemental payments of less than \$159 per pupil, and then for the remaining districts and institute charter schools that receive supplemental payments. In budget years in which there are sufficient growth tax revenues for all institute charter schools and districts to receive more than \$600 per pupil, the amount will increase accordingly to the amount of growth tax revenues divided by the statewide total ADM. The per pupil calculation of the TLI does not include multi-district on-line school enrollment or ASCENT program enrollment.

If the recalculation of a district's state and local shares results in the district receiving less state funding than the district previously received, the district will receive hold-harmless moneys in an amount equal to the district's 2014-15 state share, less the district's then-current year state funding, plus 2% of the district's combined total program and TLI for the then-current year. However, the district's hold-harmless moneys are reduced if the combination of local share, state share, and hold-harmless moneys exceeds the greater of the district's total program for the applicable year or the district's total program for the 2014-15 budget year. The district continues receiving the hold-harmless moneys so long as the calculation results in a positive number.

If a district's or an institute charter school's per pupil revenue is less than 95% of the state average per pupil revenue, the district or institute charter school receives a per pupil supplemental payment that is equal to the difference between the district's or institute charter school's per pupil revenue and 95% of the state average per pupil revenue multiplied by the district's or institute charter school's funded membership for the applicable budget year.

If a district or an institute charter school that is eligible to receive per pupil supplemental payments has an at-risk pupil percentage that is equal to or greater than a percentage that is 10 percentage points less than the statewide average at-risk pupil percentage for the applicable budget year, the district or the institute charter school may receive at-risk supplemental payments equal to 23% of the district's or the institute charter school's at-risk funding for the applicable budget year.

A district may receive a mill levy equalization payment that is calculated as a specified dollar amount multiplied by the district's ADM in the budget year in which it receives voter approval for a property tax increase, minus the amount of property tax revenue received from 2.5 mills in a property tax year in which the district applies for the mill levy equalization payment. The dollar amount is equal to the per pupil amount that would be generated by a levy of 2.5 mills on the statewide assessed valuation for the budget year in which the district receives voter approval for the property tax increase. The district may apply for and receive the payment in each budget year in which the district payment would be greater than zero and the district has an ADM of fewer than 10,000 pupils.

A district that receives less in state share following recalculation of the state and local shares may apply to the department for reimbursement of election costs if the district holds an election to increase the total program mill levy to the newly required number of mills and the county clerk and recorder's office requires the district to pay election costs.

A district, a charter school, and an educator may apply for and receive moneys through the education innovation grant program created in the new act. The grant program is designed to provide money to teachers, principals, district administrators, public schools, school districts, and boards of cooperative services to implement innovations in the delivery of public education that are designed to eliminate the achievement and growth gaps among student groups disaggregated by race, improve student retention, reduce dropout rates, increase graduation rates, and improve student academic achievement. The department reviews applications and recommends grant recipients to the education innovation board (board) created in the new act. The governor, the president of the senate, and the speaker of the house of representatives appoint the members of the board, and the board is responsible for awarding the grants. The department must create metrics for measuring the success of the innovations that receive grants and must report to the education committees concerning the innovations and results received. A majority of the moneys appropriated for the grant program must be awarded to improvement, priority improvement, and turnaround districts and schools.

**Allocations of funding by districts to charter schools and other schools of the district.** Under the 1994 act and related provisions, each district charter school receives funding based on the authorizing district's per pupil revenues or adjusted per pupil revenues plus at-risk supplemental aid. Each district is required to use a percentage of its at-risk funding to provide programs for at-risk pupils, including English language proficiency programs. Otherwise, a district is not restricted in how it uses its operating moneys or in how it allocates them to schools of the district.

Under the new act, each district must annually calculate its per pupil at-risk funding by dividing the total amount of at-risk funding received by the number of at-risk pupils enrolled in the district each school day, totaled for the funding averaging period and divided by the number of school days in the funding averaging period. Each district must also annually calculate its per pupil ELL funding by dividing the total amount of ELL funding by the district's English language learner ADM. Each district must then allocate the at-risk

funding and ELL funding to each charter school, including a multi-district on-line charter school, by multiplying the per pupil at-risk funding by the charter school's at-risk pupil ADM and the per pupil ELL funding by the charter school's English language learner ADM.

The act changes other aspects of funding for charter schools as follows:

- The percentage reduction in funding due to overhead administrative costs will be applied to the district charter school's per pupil funding revenue only rather than to the total amount of per pupil revenue that a district charter school receives;
- Each district charter school will receive TLI moneys based on charter school's ADM;
- A district shall negotiate with each district charter school the percentage that the district charter school will receive of the district's mill levy override revenues that are approved after the effective date of the act. If the district and the charter school cannot agree on a percentage, the district charter school may apply to the institute to convert to an institute charter school. The department will annually publish a report of the amounts of mill levy override revenues received by districts and the amounts shared with district charter schools.

Each district must also allocate to each school of the district that is not a charter school the district's state-share portion of the per pupil at-risk funding multiplied by the school's at-risk pupil ADM and the district's state-share portion of the per pupil ELL funding multiplied by the school's English language learner ADM. The school principal will develop a budget for the moneys that is designed to assist the school in meeting the district-adopted achievement targets for at-risk pupils and English language learners enrolled in the district. The principal must submit the budget to the district superintendent. The superintendent will review the budget for alignment with the major improvement strategies identified in the school's performance, improvement, priority improvement, or turnaround plan for at-risk pupils and English language learners using the standards, curricula, programs, and interventions approved by the district board of education. If the budget does not align with the standards, curricula, programs, or interventions approved by the district board of education, the board may approve the standards, curricula, programs, or interventions included in the principal's budget. The principal may use the moneys to purchase programs or services from the district. The principal may also choose to forego control of the at-risk and ELL funding, in which case the district maintains control of the funding.

The requirement to distribute the ELL funding to non-charter schools does not apply in a district that is subject to a consent decree, court order, or settlement agreement that directs the district's implementation of English language acquisition programs. Each district, each charter school, and each public school must use the at-risk funding and the ELL funding for programs that primarily serve at-risk pupils and ELLs.

The department must provide professional development programs for principals, which programs address budgeting and curriculum and program development skills, especially with regard to programs for at-risk pupils and English language learners. The department will make the programs available for free or at reduced costs at locations throughout the state.

**Review of the return on the investment of funding and cost studies every 4 years.** The department must prepare a report (ROI report) analyzing the increases in academic growth and achievement, if any, achieved in programs, among student groups, or in areas of

the state, that received an increased investment of moneys under the new act. The department must also contract for cost studies that identify any deficits in funding and the amounts needed to remedy the deficits. The cost studies must apply 3 identified methods and attempt to correlate funding deficits with performance deficits. The department must prepare the first cost studies by January 2016 and must prepare cost studies and ROI reports every 4 years thereafter. The department must submit the cost studies and ROI report to the state board, the governor, and the education committees.

**Public financial reporting by districts and charter schools.** Before passage of the act, the state board implemented a statewide financial, student management, and human resource electronic data communications and reporting system (reporting system) as required by statute. Under the act, the reporting system, including the standard chart of accounts, must require the reporting of expenditures, including salary and benefit expenditures, at the school-site level. The reporting system must also require:

- Each district to report the total amount of additional local property tax revenues received from mill levy overrides and the amount of mill levy override revenues that the district distributes to the district charter schools;
- Each district, including each public school, board of cooperative services, and the institute to report the number and percentages of professional instructional staff disaggregated by race and the number and percentages of students disaggregated by race;
- Each public school that is not a charter school to report whether the principal retains or chooses to forego control of the at-risk and ELL funding.

The department will create, either directly or by contract, a web site view that translates the reported expenditures for schools, districts, boards of cooperative services, and the institute into a format that is readable by a layperson.

**Funding changes to certain categorical programs.** Beginning in the 2015-16 budget year, the act discontinues the general fund appropriations for the "English Language Proficiency Act" and the services for expelled and at-risk students grant program, and states the general assembly's intent that the amounts previously appropriated to those programs should be appropriated to fund the "Exceptional Children's Educational Act".

Beginning in the 2015-16 budget year, the general assembly will appropriate at least \$80 million from the amount of tax revenues received from an increase in state taxes that is approved by a citizen-initiated statewide ballot measure to increase the amount for tier B special education funding. Beginning in the 2015-16 budget year, if there are growth tax revenues available after fully funding total program for all districts and institute charter schools, the general assembly will appropriate from the growth tax revenues an amount necessary to increase the per pupil allocation for tier A special education funding to \$2,500.

**APPROVED** by Governor May 21, 2013

**EFFECTIVE** See Note

**Note:** This act takes effect upon approval of a statewide citizen-initiated increase in state tax revenues for the purpose of funding preschool through twelfth grade public education. For more detailed information regarding the effective date of the act, see page 1297 of Session Laws of Colorado 2013.

**S.B. 13-217** Alternative education campuses - accreditation criteria - appropriation. The act authorizes the state board of education to consider the unique circumstances and challenges posed by students enrolled in alternative education campuses when establishing the criteria applied in determining the appropriate accreditation category for each school district and the state charter school institute.

For the 2013 fiscal year, the act appropriates \$17,580 and 0.2 FTE to the department of education for accountability and improvement planning relating to the act.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**S.B. 13-260** School finance - base per pupil funding - district total program funding amount - negative factor - at-risk supplemental aid - charter school capital construction - facility schools - early literacy - educator effectiveness - special education - Colorado preschool program - public school fund - quality teacher recruitment - transfer of general fund surplus - national board certified teachers - appropriation. Funding for public schools from kindergarten through the twelfth grade, as determined by the "Public School Finance Act of 1994" (Act) is modified for the 2013-14 budget year and, in some circumstances, for budget years thereafter, as follows:

**Statewide base per pupil funding:** For the 2013-14 budget year, the statewide base per pupil funding is increased to \$5,954.28 to account for a 1.9% inflation rate.

**Funded pupil count:** Regardless of the statutory calculation of a district's funded pupil count, for the 2013-14 budget year and each budget year thereafter, a district's funded pupil count will not be less than 50 pupils.

**Negative factor:** For the 2013-14 budget year, the negative factor is applied to the annual appropriation to fund the state's share of total program funding for all school districts and the funding for institute charter schools (total program funding), but without an additional reduction in the amount of the annual appropriation to fund the state's share of total program funding. For the 2013-14 budget year, the total program funding amount is increased by approximately \$51.7 million compared with the amount previously required in law.

**Charter school at-risk supplemental aid:** The funding source for the at-risk supplemental aid funding (aid) for certain qualified school districts, district charter schools, and institute charter schools is changed. The aid is funded from the state public school fund rather than from the moneys recovered by the department of education (department) from school district and charter school audits.

**Charter school capital construction:** For the 2013-14 budget year and each budget year thereafter, the appropriation from the state education fund for charter school capital construction costs for qualified charter schools is increased from \$6 million to \$7 million.

**Facility school funding:** For the 2013-14 budget year and each budget year thereafter, each approved facility school and state program will receive 1.73 of the statewide base per pupil funding for each student enrolled in the approved facility school or state program for the applicable budget year, rather than 1.33 of the state average per pupil revenue for each student. Of the additional 73% of statewide base per pupil funding, 33% recognizes the increased costs of educating students in approved facility schools and state programs

year-round, and 40% offsets the increased costs inherent in providing education services to the students who are placed in approved facility schools and state programs.

In addition to the changes to the Act, other provisions related to funding for public schools are modified as follows:

**"READ Act" funding:** The authorization for the early literacy fund to receive up to \$16 million from the public school fund for the 2013-14 budget year and each budget year thereafter is eliminated. Instead, for the 2013-14 budget year and each budget year thereafter, the state treasurer will annually transfer \$16 million from the state education fund to the early literacy fund for purposes of the "READ Act".

**Educator effectiveness:** For the 2013-14 fiscal year, the state treasurer will transfer \$200,000 to the great teachers and leaders fund from the state education fund to implement the state council for educator effectiveness.

**"Tier B" special education funding:** "Tier B" special education funding is \$6,000 per child with one or more specific disabilities described in law. For the 2013-14 budget year and each budget year thereafter, the appropriation for special education is increased by \$20 million and must be used to increase "Tier B" special education funding.

**Colorado preschool program:** For the 2013-14 budget year and each budget year thereafter, the number of children who may participate statewide in the Colorado Preschool Program (CPP) is increased by 3,200 for a total of 23,360 children. School districts may serve the additional children with either a half-day or full-day of preschool through the CPP or with a full-day of kindergarten through preexisting school district full-day kindergarten programs.

**Public school fund:** The requirement that up to \$16 million from the interest or income earned on the public school fund be used for the "READ Act" is eliminated, and the amount of interest or income earned on the investment of the moneys in the public school fund that is credited to the state public school fund is increased from \$11 million to \$16 million.

**Quality teacher recruitment:** The department must contract with at least one organization (vendor) to create a quality teacher recruitment program (recruitment program) to recruit, select, train, and retain highly qualified teachers to teach in schools and school districts in Colorado that can demonstrate historic difficulty in recruiting and retaining highly qualified teachers. The department must select a vendor that:

- Commits to working with one or more districts in the state for at least 2 years to recruit highly qualified teachers;
- Has a documented history of recruiting, training, and retaining highly qualified teachers in areas of Colorado or in other states that have had historic difficulty in recruiting and retaining highly qualified teachers;
- Commits to hiring only teachers who are highly qualified as provided in the United States department of education guidelines;
- Can provide data to show that the teachers it previously worked with achieve high academic growth from their students;
- Has a documented history of providing professional development for educators; and
- Commits to matching 100% of the moneys paid through the contract.



A vendor that enters into a contract with the department to operate a recruitment program must submit a report to the department that includes specified data and performance metrics from the prior school year. In addition, the department must contract with a third party to evaluate the recruitment program and to submit a report to the department regarding the vendor's progress based on the same specified data and performance metrics.

**Transfer of general fund surplus to state education fund:** On the date that the state controller publishes the comprehensive annual financial report of the state for the 2013-14 fiscal year, after making a transfer required by law, the state treasurer must transfer 75% of the remaining general fund surplus to the state education fund.

**National board certified teachers:** The appropriation from the state education fund for annual stipends awarded to each publicly employed teacher or principal who holds a certification from the national board for professional teaching or principal standards is increased by \$1,339,200.

**Appropriation - adjustments to the 2013 long bill:** Appropriations made in the annual general appropriation act to the department for the fiscal year beginning July 1, 2013, are adjusted as follows:

- The state education fund appropriation for the state share of districts' total program funding is increased by \$40,240,757;
- The state education fund appropriation for the state share of districts' total program funding to support additional CPP participants is increased by \$11,602,977;
- The state education fund appropriation for hold-harmless full-day kindergarten funding is increased by \$51,248;
- The state education fund appropriation for state aid to charter school facilities is increased by \$1,000,000;
- The state education fund appropriation for special education programs for children with disabilities is increased by \$20,000,000;
- The state education fund appropriation for facility school funding is increased by \$2,506,290; and
- The state education fund appropriation for stipends for national board certified teachers is increased by \$1,339,200.

In addition, footnote 4 in the 2013 general appropriation act is amended to increase the amount of the 2013-14 fiscal year appropriation that the department may use for the Accelerating Students Through Concurrent Enrollment (ASCENT) program.

**Appropriation:** For the 2013-14 fiscal year, the following appropriations are made to the department:

- Appropriates \$16,000,000 from the early literacy fund to be allocated to the early literacy program. Of this amount, \$566,062 is allocated for the early literacy competitive grant program and \$15,433,938 is allocated for early literacy program per pupil intervention funding;
- Appropriates \$3,000,000 from the state education fund for the quality teacher recruitment program;
- Appropriates \$200,000 from the great teachers and leaders fund for educator effectiveness implementation; and
- Appropriates \$3,839,627 from the state public school fund for at-risk

supplemental aid.

In addition, for the 2013-14 fiscal year, appropriates \$43,898 and 0.7 FTE from the general fund to the department of human services to be allocated to the division of child care for child care licensing and administration activities.

**APPROVED** by Governor May 17, 2013

**EFFECTIVE** May 17, 2013

**S.B. 13-279** Construction - energy efficient standards. After January 1, 2014, each school district, institute charter school, and district charter school shall ensure that each project for a new or substantially renovated building or structure is designed and constructed to the highest energy efficiency standards practicable, including but not limited to the federal energy star label or the highest performance certification attainable as certified by an independent third party. A school that meets the construction or design high performance standards is encouraged to incorporate the measures adopted or standards met into its curriculum.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1006** Nutrition - breakfast in school. The act creates the "Breakfast After the Bell Nutrition Program" (program). Beginning with the 2014-2015 school year, the program requires every school with 80% or more students eligible for free or reduced-cost lunch to offer a free breakfast to each student in the school. Beginning in the 2015-2016 school year, the threshold requirement is changed to 70% or more students who are eligible for free or reduced-cost lunch. Individual schools may select a method and time to offer the breakfast, so long as it occurs after the first bell of the school day. Exemptions are made for small rural school districts, as defined by the department of education, and school districts and for public and charter schools that do not currently participate in the federal school lunch program.

**APPROVED** by Governor May 15, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1007** Early childhood and school readiness legislative commission - recreated. The general assembly originally created the early childhood and school readiness legislative commission (commission) in 2009, and the commission repealed on July 1, 2012. The act recreates the commission.

As recreated, the commission will have 6 legislative members: 3 from each house; 4 of whom must also serve on the education committee of the senate or the house of representatives; one of whom must also serve on the senate health and human services committee; and one of whom must also serve on the public health care and human services committee of the house of representatives. The members of the commission will not receive compensation or reimbursement for expenses incurred in serving on the commission. The commission may accept administrative support from one or more nonprofit organizations

rather than being staffed by the legislative staff agencies. The commission repeals July 1, 2018.

The commission must consult with the early childhood leadership commission on policies concerning early childhood and school readiness.

**APPROVED** by Governor June 5, 2013

**PORTIONS EFFECTIVE** June 5, 2013

**PORTIONS EFFECTIVE** July 1, 2013

**NOTE:** Certain sections of the act are contingent on House Bill 13-1117 becoming law. House Bill 13-1117 was signed by the governor May 7, 2013.

**H.B. 13-1021** Attendance - chronically absent - habitually truant - detention - GED - educational services in juvenile detention. The act encourages each school district to establish attendance procedures that will identify students who are chronically absent and implement best practices to improve the students' attendance.

Each school district's policies and procedures around attendance must include both elementary and secondary school attendance. Before passage of the act, a school district was required to adopt a plan to improve the attendance of each student who is habitually truant. The act encourages the school district to work with the local collaborative management group, juvenile support services group, or other local community services group in creating the plan.

If a student is habitually truant, a school district shall initiate court proceedings to enforce school attendance requirements but only if implementation of the student's plan to improve attendance is unsuccessful. If a school district initiates court proceedings, it must submit evidence of the student's attendance record, whether the student was identified as chronically absent, the efforts made to improve the student's attendance, and the student's plan and efforts to enforce the plan. If the court issues an order to compel attendance, the order must also require the parent and student to cooperate in implementing the plan. If the student and his or her parents do not cooperate with the plan, the court may order an assessment for neglect. The law existing before passage of the act authorizes the court to sentence the student to detention if the student does not comply with the valid court order. The act limits the term of detention to no more than 5 days.

The act allows a student who is 16 years of age and who is under the jurisdiction of the juvenile court to take the GED if the judicial officer or administrative hearing officer finds it is in the student's best interest to do so.

The act clarifies that a school district that must provide educational services to a juvenile detention facility must provide services that are designed to assist each juvenile in meeting the statewide content standards for the student's grade level, and the school district and facility personnel must cooperate to ensure services are available for a number of hours that aligns with the compulsory school attendance requirements.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1023** School districts - academic acceleration procedures - review. The act requires each local education provider to review its academic acceleration procedures for students that allows students to progress through an education program at a rate faster or at ages younger than the student's peers. The local education provider shall also consider procedures for academic acceleration listed in the act.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1047** School districts - extracurricular and interscholastic activities - student participation in an activity at a public school other than the student's school of attendance. Under current law, if a student's school of attendance does not offer an activity in which the student wishes to participate, the student may participate in the activity at another public school in the student's school district of attendance or in the student's school district of residence. If the activity is not offered at any public school in the school district of attendance or the school district of residence, the student may participate in the activity at a public school in a school district that is contiguous to the student's school district of residence or at the nearest public school that has the facilities for and offers the activity.

The act clarifies that, if a student chooses to participate in an activity at a public school other than his or her school of attendance because the school does not offer the activity, the school district in which the student chooses to participate shall choose the public school at which the student shall participate. The school district shall seek to maximize all students' opportunities to participate in extracurricular activities and shall consider certain factors, including but not limited to:

- Which public school of the school district offers the most activities in which the student wishes to participate;
- Which public school or schools of the school district are nearest to the student's residence;
- The preferences of the student's parents or legal guardians; and
- Such issues as may be presented for the school district's consideration by a statewide high school activities association.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1081** Comprehensive human sexuality education - grant program - standards. The act relocates and adds language to the content standards for the instruction of comprehensive human sexuality education.

The act creates the comprehensive human sexuality education grant program (program) in the department of public health and environment (department). An oversight entity will assess available funding opportunities and work with appropriate state departments to apply for federal and state grant moneys to fund the program. Once the program is funded, the oversight entity and the department shall work together to notify

school districts, boards of cooperative services, and the state charter school institute of the program. The oversight entity will develop criteria for grant applications and for determining who will receive grant moneys and for how long. The oversight entity shall review all of the grant applications and make recommendations to the department concerning the awarding of grants through the program. The moneys distributed through the program may only be used for the purpose of providing comprehensive human sexuality education programs that are evidence-based, culturally sensitive, medically accurate, age-appropriate, reflective of positive youth development approaches, and that comply with statutory content standards.

The state board of health shall promulgate rules for the implementation of the program.

Schools that receive funding for local comprehensive health education programs are required to implement an opt-out policy rather than an opt-in policy for comprehensive health and sexuality education programs.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1095** Nonpublic home-based educational programs - participation in extracurricular activities. Under the act, a school district, a public school, or an interscholastic organization cannot require a student who is enrolled in a nonpublic home-based educational program and who chooses to participate in an extracurricular activity at a school selected by the school district to enroll in or complete course credits as a condition of participating in the extracurricular activity, unless the activity is an extension of a course.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** April 26, 2013

**H.B. 13-1171** Epinephrine auto-injectors - administration by nurses and designated school personnel to students in public and nonpublic schools in emergencies - rules - limited immunity from liability for good-faith administration - amendments to professional licensing acts. The governing authority of public and nonpublic schools may adopt a policy to authorize the school nurse or other designated school personnel to administer an epinephrine auto-injector to any student that the school nurse or designated school personnel in good faith believes is experiencing anaphylaxis, in accordance with standing orders and protocols from a licensed physician, physician assistant, or advance practice nurse with prescriptive authority, and regardless of whether the student has a prescription for an epinephrine auto-injector. The act requires that designated school personnel must be trained on the administration of epinephrine auto-injectors and that a school nurse or other licensed medical professional must delegate to the designated school personnel the task of administering epinephrine auto-injectors.

Schools may acquire and maintain a stock supply of epinephrine auto-injectors. A governing authority of a school may enter into arrangements with manufacturers or third-party suppliers of epinephrine auto-injectors to obtain epinephrine auto-injectors at fair-market or reduced prices or for free. The distribution, donation, or sale by a manufacturer or wholesaler of a stock supply of epinephrine auto-injectors to schools for emergency use by designated school personnel is excluded from the definition of "wholesale distribution", thereby allowing the manufacturer or wholesaler of epinephrine auto-injectors to provide stock supplies to schools without a specific prescription.

The state board of education, with assistance from the department of public health and environment, is required to adopt rules on the management of students with life-threatening allergies, training of users of epinephrine auto-injectors, and reporting of incidences of anaphylaxis and the administration of epinephrine auto-injectors. The rules must include a requirement that a school nurse report on whether the school nurse has trained and designated any employees to administer epinephrine auto-injectors and the number of employees who have been trained and designated.

The act requires a school that obtains epinephrine auto-injectors to meet the rules on training, maintenance, and administration of epinephrine auto-injectors. The department of education shall develop and publish an annual report compiling, summarizing, and analyzing all incident reports submitted to the department.

The act limits the liability of a public or nonpublic school and a good-faith user of an epinephrine auto-injector in emergency situations in school settings when the school has adopted a policy on the administration of epinephrine auto-injectors in accordance with standing orders and protocols. To qualify for the limited immunity protection, a nonpublic school must follow the state board of education's rules on training, maintenance, and administration of epinephrine auto-injectors. The act provides limited immunity to a nonpublic school and its employees when a student self-administers an epinephrine auto-injector pursuant to an approved treatment plan. A school volunteer is removed from the protection under the limited immunity provision for administration of epinephrine auto-injectors in schools.

The "Colorado Medical Practice Act" is amended to state that a licensee shall not be subject to disciplinary action by the Colorado medical board for issuing standing orders and protocols regarding the use of epinephrine auto-injectors in schools or for the actions taken by a school nurse or any designated school personnel who administers epinephrine auto-injectors. The "Nurse Practice Act" is amended to state that such act does not prohibit the administration of epinephrine auto-injectors by a licensee in a school, the issuance by an advance practice nurse with prescriptive authority of standing orders and protocols for the use of epinephrine auto-injectors in schools, or for the training by a licensee and the delegation to designated school personnel on the recognition of anaphylactic shock and on the administration of epinephrine auto-injectors in schools.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1219** K-12 education statutes. The act makes several changes to existing statute concerning K-12 education, including:

- Directing the commissioner of education to establish and maintain an educator identifier system and to review the content of educator preparation programs, including the preparation of an annual report on the effectiveness of those programs;
- Authorizing the department of education (department) to collect data from school districts related to student-level course completion;
- Changing the student assessment statute to reflect the state's new summative assessment system as adopted by the general assembly in 2012;
- Removing obsolete reporting requirements for the accelerating students through concurrent enrollment (ASCENT) program;
- Requiring the department to designate only the number of ASCENT

- participants that the general assembly has approved for funding for the applicable budget year;
- Changing the name of the literacy instruction authorization to an adult basic education authorization;
- Extending continuous spending authority of the state's licensure system by one year to allow for continued refinements of the system; and
- Limiting the reporting and notice mandate on the department to rules that create a new mandate or an increase in the level of service for an existing state mandate.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1220 Educator evaluations - data collection.** The act clarifies that a school district or board of cooperative services may collect information concerning an individual educator's performance evaluation ratings and student assessments results linked to the educator for use in fulfilling duties required by law, including reporting of such information in the aggregate. Any information collected concerning an individual educator must remain confidential and may not be published in any way that would identify the individual educator. The department of education and state board of education may also collect data for bona fide research, so long as the data is collected per established protocol and is used in a manner that protects the identity of the educator.

The act clarifies that evaluation reports and information are available when reviewing certain appeals.

**APPROVED** by Governor May 3, 2013

**EFFECTIVE** May 3, 2013

**H.B. 13-1257 Employment - educator evaluation systems - appropriation.** The act establishes that if a local board of education or board of cooperative services develops its own distinctive personnel evaluation system for educators (local system), the local board or board of cooperative services or any interested party may submit to the department of education (department), or the department may solicit and collect, data related to the local system. If, upon initial review by the department, the data collected indicates that a school district or board of cooperative services is unable to implement a local system that meets statutory objectives, the department shall conduct a more thorough review of the processes and procedures for the local system to ensure that it is professionally sound; results in fair, adequate, and credible evaluations; satisfies the quality standards established by rule of the state board of education; and is consistent with statutory goals and objectives for educator evaluation systems.

If the department determines that one or more elements of a local system are not in compliance, the department shall notify the local board or board of cooperative services that it has 90 days after the date of the notice to come into compliance. If, at the end of the 90-day period, the local system is not substantially in compliance, the department shall determine the appropriate remedies to correct the areas that are not in compliance.

The act appropriates \$120,093 and 1.0 FTE from the state education fund to the department.

**APPROVED** by Governor May 17, 2013

**EFFECTIVE** May 17, 2013

**H.B. 13-1291** Early childhood education - infant and toddler quality and availability grant program - appropriation. The act creates the Colorado infant and toddler quality and availability grant program (grant program) in the department of human services (department). The goal of the grant program is to improve quality in infant and toddler care, provide tiered reimbursement to high-quality early childhood programs, and increase the number of low-income infants and toddlers served through high-quality early childhood programs. Applications must be made jointly by early childhood councils and county departments of social services. The department is directed to administer the grant program and establish an application process, including guidelines and award criteria for the grant program. In fiscal year 2013-14, grant proposals must be received on or before July 31, 2013, and grant awards must be made on or before September 1, 2013. For each subsequent fiscal year, subject to available appropriations, the proposal deadline is June 30, and grant awards are to be made on or before August 1. Grantees and the department are required to provide annual reports concerning the use of grant moneys.

The act appropriates \$3,000,000 and 1.0 FTE from the general fund to the department for the implementation of the grant program.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**NOTE:** Certain sections of the act are contingent on House Bill 13-1117 becoming law. House Bill 13-1117 was signed by the governor May 7, 2013.



## EDUCATION - POSTSECONDARY

**S.B. 13-33** Tuition - in-state classification - Colorado high school graduates. The act requires an institution of higher education (institution) in Colorado to classify a student as an in-state student for tuition purposes if the student:

- Attends a public or private high school in Colorado for at least 3 years immediately preceding graduation or completion of a general equivalency diploma (GED) in Colorado; and
- Is admitted to a Colorado institution or attends an institution under a reciprocity agreement within 12 months after graduating or obtaining the GED.

In addition to the above requirements, a student who does not have lawful immigration status must submit an affidavit stating that the student has applied for lawful presence or will apply as soon as he or she is able to do so. These students are not counted as resident students for any purpose other than tuition classification, but are eligible for the college opportunity fund stipend pursuant to the provisions of that program, and may be eligible for institutional or other financial aid.

The act creates an exception to the requirement of admission to an institution within 12 months after graduating or completing a GED for certain students who either graduated or completed a GED prior to a certain date and who have been continuously present in Colorado for a specified period of time prior to enrolling in an institution.

The act exempts persons from the requirement to provide documentation to prove lawful presence in the United States before receiving educational services or benefits from institutions of higher education.

**APPROVED** by Governor April 29, 2013

**EFFECTIVE** April 29, 2013

**S.B. 13-71** Office of information technology - government data advisory board - recommendation regarding assigning unique student identifier - adult education programs. The act requires the education data subcommittee of the government data advisory board in the governor's office of information technology to identify a method or methods, if feasible, for assigning a unique student identifier for each person enrolled in an adult basic education program or high school general equivalency diploma program.

**APPROVED** by Governor April 19, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-178** Red Rocks Community College - physician assistant studies program - graduate degree - authorization. The act authorizes Red Rocks community college to confer a graduate degree upon a student who completes the physician assistant studies program and to seek accreditation for the program.

**APPROVED** by Governor May 17, 2013

**EFFECTIVE** August 7, 2013

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

effective date, see page vi of this digest.

**S.B. 13-199** Higher education revenue bond intercept program - credit and coverage test for bond qualification. Bonds issued by a state-supported institution of higher education (institution) formerly qualified for the higher education revenue bond intercept program (program) only if, on the date of their issuance, the total amount of the annual payments on the bonds and any other bonds issued by the institution and secured under the program does not exceed the amount of the institution's fee-for-service contract revenue for the prior year. The act replaces these qualification criteria with a credit and coverage test that requires the governing body of the institution to have:

- A credit rating in one of the 3 highest categories, without regard to modifiers within a category, from at least one major credit rating organization and no credit rating that is in a category below the 3 highest categories, without regard to modifiers within a category, from any such organization; and
- A debt service coverage ratio of at least one and one-half to one.

The state treasurer may exempt an institution from the credit and coverage test if the revenue bonds to be issued are refunding bonds that result in cost savings to the institution.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** April 26, 2013

**H.B. 13-1005** Accelerated certificates program - adult education - skills training. The act authorizes the state board for community colleges and occupational education (state board) to collaborate with local district junior colleges, area vocational schools, the department of education, and local workforce development programs to design career and technical education certificate programs that combine basic education in information and math literacy with career and technical education. Each certificate program must be designed to allow an eligible adult to complete the program within 12 months, and each course in a certificate program must combine information and math literacy with career and technical skills. The certificate programs will be available to underemployed or unemployed adults who have insufficient levels of information or math literacy. The board may enter into memorandums of understanding with local district junior colleges, area vocational schools, adult education programs provided by the department of education, local workforce development programs, and other local adult education providers to implement the accelerated certificate programs locally.

A community college, a local district junior college, or an area vocational school may choose to offer the accelerated certificate programs. Each institution or program that offers one or more of the accelerated certificate programs must report data concerning student participation and results to the department of higher education.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1026** Western interstate commission for higher education compact - equipment and renovation fee - remove annual appropriation requirement. Legislation was enacted in 2009 to simplify the approval process for capital construction projects initiated by a state institution of higher education if the project is funded from cash funds held by the institution. Consequently, an appropriation from a cash fund is no longer necessary in the annual general

appropriation act for a capital construction project funded in such a way.

Existing statute related to the equipment and renovation fee assessed as a part of the western interstate commission for higher education compact still requires an appropriation to Colorado state university from such a fund. The act seeks to modernize this statute in accordance with the simplification process adopted in 2009.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** March 8, 2013

**H.B. 13-1165** State board of community colleges and occupational education - manufacturing career pathway - creation - appropriation. The act requires the state board for community colleges and occupational education (board), after consulting with local district junior colleges and area vocational schools, in conjunction with the department of labor and employment, the state workforce development council, the department of higher education, and the department of education, to design a manufacturing career pathway for the skills needed for employment in Colorado's manufacturing sector.

The manufacturing career pathway shall connect school districts, community colleges, local district junior colleges and area vocational schools, and 4-year institutions of higher education with adult education programs and local workforce development programs. At a minimum, the manufacturing career pathway must include the following components:

- Alignment with the skills and requirements necessary for high-demand occupations within the manufacturing sector;
- A full range of education options with a nonduplicative and clearly articulated progression through the educational programs;
- Technical skills assessments that lead to industry certification or other hiring benefits;
- Academic and career counseling resources and services, particularly at transition points along the career pathway; and
- Curriculum and instructional strategies that integrate learning with work.

The act requires information concerning the manufacturing career pathway to be posted on the College in Colorado web site.

For the 2013-14 fiscal year, the act appropriates \$559,165 to the department of higher education for allocation to the Colorado Commission on Higher Education and the college opportunity fund program, and \$474,600 and 1.5 FTE to the department of higher education for allocation to the state board for community colleges and occupational education.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1194** In-state tuition - dependents of armed forces member. The act extends in-state tuition at Colorado public institutions of higher education to all dependants, including spouses, of service members who moved to Colorado on a permanent change-of-station basis, and defines "dependent" as:

- A spouse who was married to the member at the time the member was stationed in Colorado and at the time the spouse applies for in-state tuition; and
- A child of the member who enrolls within ten years after the member was stationed in Colorado.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1263** Private postsecondary schools - regulation. Under the law as it existed before the act, private postsecondary schools that enroll a majority of their students for credentials that require 2 years or less to complete (private occupational schools) were authorized and regulated by the private occupational school board (board), but a nonprofit private occupational school did not have to be authorized. The act repeals this exemption and makes nonprofit private occupational schools subject to authorization and regulation by the board.

Before passage of the act, the board was required to include at least one member who is familiar with the Colorado student loan program. The act requires the member to be familiar with federal funds and loans instead. The act repeals the board's authority to accredit a private occupational school, but the board will continue to authorize private occupational schools.

Before passage of the act, a private occupational school that applied for authorization submitted a current balance sheet, an income and expense statement, and other supportive financial documentation. The act instead requires the private occupational school to provide documentation establishing the school's financial stability in accordance with statutory requirements.

Before passage of the act, a person who had a complaint against a private occupational school had to exhaust the complaint procedures at the school before filing a complaint with the board. The act repeals this requirement and allows a person to file a complaint directly with the board.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** May 11, 2013

**H.B. 13-1297** State universities and colleges - Colorado school of mines - Fort Lewis college - authority of board of trustees to invest school moneys. The board of trustees of Colorado school of mines and the board of trustees of Fort Lewis college (boards) are granted exclusive control and direction of all funds of and appropriations to their institutions. If a board elects to invest the assets of its institution, it must establish an investment advisory committee and a written investment policy. Unless otherwise restrained by the terms of a will, trust agreement, or other instrument of gift, a board may hold investments in one or more consolidated investment funds in which the participating trusts or accounts have undivided interests.

To the extent permitted by law, the Fort Lewis college board of trustees may also transfer money for investment in consolidated funds held by a related entity so long as the investments are separately accounted for. Under certain conditions, a board may hold certificates of stock in the name of a selected nominee without disclosing the fact that the certificates are held by the board or are held in a fiduciary capacity.

Each board must maintain a list of certificates of stock held in the names of nominees and make the list available for public inspection during normal business hours.

Each board must report to the joint budget committee at each regular legislative session regarding investments made and the earnings or losses derived therefrom. Neither board shall request from the general assembly any general fund appropriations to replace any losses incurred due to investment activities.

Under current law, all moneys that arise from the sale of lands, acquired other than by appropriation, belonging to the Colorado school of mines, or from the leasing of lands belonging to the said school, or from interest arising on the investment of such funds, shall be deposited in the Colorado school of mines fund. The act eliminates this requirement and states that such moneys are placed under the exclusive control of the board of trustees of the Colorado school of mines.

**APPROVED** by Governor May 23, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1320** Colorado scholar programs - in-state admissions requirements. Before passage of the act, state-supported institutions of higher education (institution) must generally maintain a required ratio of resident student admissions to nonresident student admissions. The act allows an institution to count a student who is admitted as a Colorado scholar as 2 in-state students for purposes of calculating this ratio.

To qualify as a Colorado scholar, an in-state student must graduate in the top 10% of his or her class, or graduate with at least a 3.75 grade point average, and meet any additional criteria that an institution may set. Each Colorado scholar that an institution counts as 2 in-state students must receive at least \$2,500 in annual financial aid or scholarship moneys through the institution's Colorado scholar program.

The university of Colorado system and Colorado state university are also required to ensure that the percentage of students who are admitted based on criteria other than the statewide admissions criteria does not fall below the average of the percentage of these students admitted for the 3 preceding years. Under the act, these institutions are considered to meet this requirement if the percentage of in-state students admitted based on the alternative criteria plus the percentage of in-state students enrolling as Colorado scholars is greater than the percentage of nonresident students admitted based on the alternative criteria.

The number of Colorado scholars that an institution counts in a year cannot be more than 8% of the total number of in-state students that the institution counts for that year.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

## ELECTIONS

**H.B. 13-1038** Voter registration - individuals committed to juvenile facilities and in custody of division of youth corrections - verification of identification - transmission of applications. In the case of any individual committed to a juvenile facility and in the custody of the division of youth corrections (division) in the department of human services (department) who is 18 years of age or older on the date of the next election, the act requires the administrator of the facility in which the individual is committed to facilitate the registration for voting purposes of, and voting by, the individual. In connection with this requirement, the act requires the administrator to provide the individual information regarding his or her voting rights and how the individual may register to vote and cast a mail or mail-in ballot, provide the individual with voter information materials upon the request of the individual, and ensure that any mail or mail-in ballot cast by the individual is timely delivered to the designated election official.

The act requires the administrator and the secretary of state (secretary) to post the type or kind of verification used to establish the identification of these individuals for voting purposes in a prominent place on the public web sites maintained by the department and the secretary, respectively. The secretary is required to provide notice to the county clerk and recorders as well as other designated election officials throughout the state that such verification constitutes an acceptable form of identification permitting the individuals possessing such identification to register to vote and cast a ballot.

The act exempts an administrator from any legal restriction on the number of mail or mail-in ballots an eligible elector may deliver in person to the designated election official.

The act requires the administrator to forward applications made under the act on a weekly basis, or on a daily basis during the last week allowed for registration prior to any election, to the county clerk and recorder of the county in which the facility is located, and, if the applicant resides in a different county from the facility, the application must then be forwarded to the county clerk and recorder of the county in which the applicant resides.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** March 15, 2013

**H.B. 13-1135** Voter registration - qualifications - preregistration for persons aged sixteen and seventeen - confidentiality. Previously, in order to register to vote, a person was required to be at least 18 years of age by the date of the next election. The act enables any person who has attained 16 years of age, but who will not reach 18 years of age by the date of the next election, and who is otherwise qualified to register, to preregister to vote using any means available to persons of voting age. Such registration automatically becomes active when the preregistrant will be 18 years of age on the date of the next election. A preregistrant's personal information is confidential until that time.

Preregistrants who will be 18 years of age on the date of the next election are also eligible to participate in early voting and to receive and vote via mail and mail-in ballots.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** January 1, 2014

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

**H.B. 13-1147** Voter registration - state institutions of higher education - electronic course registration - opportunity for students to be redirected to on-line voter registration system maintained by secretary of state - institutions not offering electronic course registration to post voter registration information in registrars' offices. The act requires a state institution of higher education (institution) that utilizes electronic course registration to provide its students, when a student so registers at the institution for each term or semester, the opportunity to be electronically directed to the web site maintained by the secretary of state in order to register to vote. This option must be offered to students as soon as practicable, but no later than the next regularly scheduled maintenance of an institution's electronic course registration process.

An institution that does not provide electronic course registration must provide voter registration information to students, including posting such information in the institution's office of the registrar.

**APPROVED** by Governor April 18, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1303** Voter Access and Modernized Elections Act - mail ballot elections required - elector qualifications and registration - reduction of minimum state and precinct durational residency requirements - registration permitted through date of election - voter service and polling centers - services offered - number required - elimination of category of voter inactivity due to failure to vote - electronic transmission of certain communications to electors authorized - periodic voter information updates - Colorado voter access and modernized elections commission created - repeal - appropriation. The act creates the "Voter Access and Modernized Elections Act", which implements various changes to the "Uniform Election Code of 1992" (code).

**Residency.** Previously, to be eligible to register to vote, a person must have resided both in the state and in the precinct in which he or she intended to register for at least 30 days prior to an election. The act shortens the time required for state residency to 22 days and eliminates the minimum time that an elector must have resided within a Colorado precinct.

**Registration.** Under previous law, voter registration was to be effected no later than 29 days before an election for a person to cast a ballot in that election. The act expands the time during which a person may register to vote in an election and describes the deadlines associated with the various methods of voter registration. Specifically, a person may register by:

- Submitting a voter registration application through the mail, a voter registration agency, or a voter registration drive no later than 22 days prior to an election;
- Appearing in person at his or her county clerk and recorder's office when registration is permitted at the office or submitting an application at a high school in accordance with high school registration procedures;
- Applying via a local driver's license examination facility or through the on-line voter registration system maintained by the secretary of state through 8 days prior to an election;
- Visiting a voter service and polling center during the time that such location

is open, including on or prior to the date of the election.

The act harmonizes the content of self-affirmations made in connection with registering to vote.

**Mail ballot elections.** Under the act, a mail ballot election is an election for which active registered electors receive a ballot by mail and may then cast the ballot by mail, deposit it at a drop-off location, or go to a voter service and polling center to cast a ballot in person. The act requires all general, primary, odd-year, coordinated, presidential, special legislative, recall, and congressional vacancy elections to be conducted as mail ballot elections. Consequently, the ability of an elector to apply for permanent mail-in status is removed from the code.

The act limits code provisions relating to early and mail-in voting to municipality and special district elections conducted under state law.

**Voter service and polling centers and ballot drop-off locations.** To complement the implementation of mail ballot elections, the act requires county clerk and recorders to establish a minimum number of voter service and polling centers, depending on the number of active registered voters in the county. Factors that county clerk and recorders must consider in designating voter service and polling centers are enumerated.

Each voter service and polling center must provide the following:

- The ability for an eligible elector to register to vote;
- The ability for an eligible elector to cast a ballot;
- The ability for an eligible elector to update his or her address;
- The ability for an eligible elector who has legally changed his or her name to have his or her name changed in the registration records;
- The ability for an unaffiliated registered elector to affiliate with a political party and cast a ballot in a primary election;
- Secure computer access; except that smaller counties may seek a waiver of this requirement upon demonstrating hardship and securing approval of a plan to access the statewide voter database and conduct real-time verification of voter eligibility via telephone or other means;
- Facilities and equipment for persons with disabilities, including direct record electronic voting machines or other voting systems accessible to electors with disabilities;
- Voting booths;
- Original and replacement ballots for distribution;
- Mail ballots to requesting electors;
- The ability to accept mail ballots that are deposited by electors; and
- The ability of a person to cast a provisional ballot.

In addition to voter service and polling centers, certain counties must also establish stand-alone drop-off locations.

**Inactivity by reason of failure to vote.** The act repeals the category of voter inactivity that is triggered by an elector's failure to vote and makes all such voters active. As a result, such voters will receive mail ballots in future elections.

**Electronic communications transmission.** Except for ballots and voter information



cards, upon request, county clerks and recorders are authorized to transmit electronically elections-related communications to voters.

**Colorado voter access and modernized elections commission.** The Colorado voter access and modernized elections commission (commission) is created for the purpose of evaluating implementation of the act and assessing systems used in the state for voting and registration. The composition, terms, and duties of the commission are specified, and the commission is directed to prepare and present 4 separate reports to the state, veterans, and military affairs committees of the house of representatives and the senate. The commission is subject to the sunset review process for newly created advisory committees.

**Accuracy of voter information.** Beginning July 1, 2013, the secretary of state must conduct a monthly national change of address search on all electors whose names appear in the statewide voter registration list. The secretary of state must transmit data gathered in such searches to county clerk and recorders, who are required to update electors' records pursuant to statutorily prescribed procedures.

Previously, the secretary of state and the department of revenue maintained a reciprocal information-sharing agreement that allowed each entity to verify information provided in connection with applications for voter registration. The act directs the secretary of state to enter into similar information accessibility agreements with the department of public health and environment and the department of corrections.

**Terminology.** The act alters various terms used in the code, including:

- Replaces "voter information card" with "confirmation card";
- Except in the case of municipal and special district elections, replaces "polling place" with "voter service and polling center", and creates the term "polling location" to refer to voter service and polling centers or polling places, as applicable;
- Changes the term used to describe overseeing election judges from "supply judge" to "supervisor judge"; and
- Uses "people first" drafting where applicable.

\$1,317,181 and 4.0 FTE are appropriated to the department of state for implementation of the act.

**APPROVED** by Governor May 10, 2013

**PORTIONS EFFECTIVE** May 10, 2013

**PORTIONS EFFECTIVE** May 18, 2013

**PORTIONS EFFECTIVE** August 7, 2013

**NOTE:** Certain sections of the act are contingent on House Bill 13-1079 and House Bill 1135 becoming or not becoming law. House Bill 13-1079 was signed by the governor May 18, 2013, and House Bill 13-1135 was signed by the governor May 10, 2013.

## FINANCIAL INSTITUTIONS

**S.B. 13-154** Division of banking - continuation under sunset law. The act implements the recommendations of the sunset review and report on the division of banking by:

- Extending the automatic termination date of the division, including the banking board, until September 1, 2024, pursuant to the provisions of the sunset law;
- Repealing industrial banks;
- Repealing the authority for and regulation of private family trust companies;
- Allowing interstate banks to establish a branch in Colorado by either the creation of a new financial institution or through the acquisition of an existing financial institution; and
- Specifying the existing laws that banks exercising trust powers must comply with to invest fiduciary funds within a reasonable time.

The act also makes a variety of amendments to facilitate compliance with changes in federal law and requires the directors of a trust company to have fidelity bonds for its officers and employees, to carry hazard insurance, and to annually specify the amount of the bonds and insurance in its minutes.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-159** Division of financial services - continuation under sunset law. The act implements the recommendations of the sunset review and report on the division of financial services by repealing outdated provisions concerning: An expired limit on the number of branches a credit union can have; surety bond requirements for the commissioner and deputy commissioner of the division of financial services (division); methods of verifying members' share, deposit, and loan accounts; and the power of the financial services board to issue subpoenas to small business development credit corporations, which are no longer regulated.

The automatic termination date of the division is extended until September 1, 2024.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** May 11, 2013

## GENERAL ASSEMBLY

**S.B. 13-82** Interim committee to address wildfire prevention and mitigation - meetings - duties - cooperation by state agencies and political subdivisions - membership - appointments. The act creates the wildfire matters review committee as an interim committee of the general assembly (committee) to address wildfire prevention and mitigation and to review and propose legislation relating to such matters. The committee is required to meet at least once during the interim of each year to review and to propose legislation or other policy changes relating to wildfire prevention and mitigation and all related matters. The act authorizes the committee to consult with experts in all fields relating to wildfire prevention and mitigation as may be necessary to achieve the committee's objectives. All personnel of any state agency or political subdivision of Colorado involved in wildfire prevention and mitigation, including the Colorado department of public safety and the Colorado state forest service, are required to cooperate with the committee and with any persons assisting the committee in carrying out its duties.

The act transfers any remaining powers, duties, and responsibilities delegated to and possessed by the lower north fork wildfire commission to the committee.

Membership of the committee consists of 10 members of the general assembly, equally divided between members of the house and senate. The act specifies the manner in which the appointments are to be made and additional requirements relating to the service of members of the committee.

The interim committee is repealed on July 1, 2018.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-148** Colorado youth advisory council - continuation under sunset law. The statute governing the Colorado youth advisory council (CoYAC) is updated, including changes to appointment dates for legislative and nonlegislative members and reporting requirements. CoYAC is directed to work with the director of the legislative council to use a request for proposal process to contract with one or more nonprofit organizations to assist with CoYAC operations. The act extends the Colorado youth advisory council for 5 years, with a sunset review.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-268** State funds - programs funded with gifts, grants, or donations - status. State agencies are required to submit a report to the general assembly when the state agency receives a gift, grant, or donation (grant) from the federal government or from a nongovernmental source and the grant provides funding for a bill enacted by the general assembly that created a program, service, study, interim committee, or other government function (program) that relies entirely or in any part on grant moneys as its funding source.

The act modifies the reporting requirement to apply only when a grant to a state agency is from a nongovernmental source and only when the bill creating the program relies entirely on grant moneys as the funding source for the program. The act also repeals the requirements that legislative staff track any bill enacted by the general assembly that relies on grant moneys, determine whether the state agency received the grant moneys, and prepare

a bill under the supervision and direction of the committee on legal services to repeal any program that has not received adequate grant moneys to support it.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1039** Legislative department cash fund - additional sources of moneys. The sources of moneys to be credited to the legislative department cash fund are expanded to include moneys collected or otherwise received by the general assembly, the house of representatives, the senate, and any legislative service agency, as well as any moneys transferred to the fund. Moneys collected or received from the following sources are excluded and not to be credited to the legislative department cash fund:

- Moneys generated from the sale of bill boxes, legislative directories, and other publications by the print shop;
- Moneys received from departments of state government for audits and studies; and
- Moneys generated from the sale of certain publications and memorabilia relating to the state capitol.

**APPROVED** by Governor April 19, 2013

**EFFECTIVE** April 19, 2013

**H.B. 13-1079** Joint technology committee - legislative oversight over information technology. The act creates the joint technology committee (committee) of the senate and house of representatives, which functions during the legislative session and during the interim. The committee oversees and may review:

- The office of information technology;
- The chief information security officer and his or her duties related to information security;
- Any telecommunications coordination within state government that the chief information officer performs pursuant to state law;
- The general government computer center;
- The actions of the statewide internet portal authority;
- Any information technology purchased or implemented by a state agency that is not being managed or approved through the office of information technology;
- Any information technology that a state agency has purchased or implemented that does not follow the standards as set by the office of information technology; and
- Any information technology that a state agency has purchased or implemented that will have the same function as information technology that the office of information technology has already created, purchased, or implemented.

The judicial department, the department of law, the department of state, and the department of the treasury are each required to submit a written report to the committee that details all information technology that such department purchased or implemented.

The act specifies that any legislative measure that is introduced during any legislative session on or after January 1, 2014, that deals with information technology must be reviewed by the committee so that the committee may make advisory recommendations about the

legislative measures.

The joint technology committee is required to submit a written report on its findings and recommendations to the joint budget committee for any operational budget item related to information technology and to the capital development committee for any capital budget item related to information technology.

The joint technology committee is allowed to recommend legislation that is exempt from the bill limitation specified in legislative rules that addresses any of the committee's findings and recommendations.

**APPROVED** by Governor May 18, 2013

**EFFECTIVE** May 18, 2013

**H.B. 13-1299** Department SMART presentations - joint committees of reference meetings during the interim - changes to performance definitions - interim study requests by legislative members. The act repeals and reenacts the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" of 2010 with certain amendments. The act repeals the annual SMART hearings at the commencement of each legislative session and instead requires the presentations to be made during the interim between legislative sessions between November 1 and the commencement of the following regular legislative session. At these same hearings the departments will present their regulatory agenda, budget request, and associated legislative agenda for the upcoming regular legislative session.

The Colorado commission on criminal and juvenile justice is required to present a progress report on any recommendations the commission anticipates will be made for the upcoming legislative session and any finalized recommendations for the upcoming legislative session to the joint judiciary committee of reference.

The act also changes to the strategic planning requirements found in the 2010 act so that departments are now required to prepare performance plans and performance evaluations that the joint budget committee may use to prioritize departments' requests for new funding that are expressly intended to enhance productivity, improve efficiency, reduce costs, and eliminate waste in the processes and operations that deliver goods and services to taxpayers and customers of state government.

The state auditor is required to notify the appropriate joint committee of reference when a department has not completed recommendations made by the state auditor within the time provided.

A legislative member may no longer request a legislative interim committee by bill or resolution. A legislative member may instead submit a request in writing to the legislative council regarding an issue that he or she wishes to study during the next interim between sessions. The act specifies certain things that the request must include. The legislative council must then review and prioritize the requests made by legislative members and determine whether the approved interim committees may create a task force.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

## GOVERNMENT - COUNTY

**S.B. 13-243** Boards of county commissioners - increase or decrease in number of board members - candidate signature requirements and designation of party by petition. Where the electors of a county have voted to increase the membership of the board of county commissioners from 3 to 5 or to decrease the membership of the board from 5 to 3, for the next 4 years immediately following an election at which the voters have approved such a change in the membership of the board, the act specifies the signature requirements governing petitions for candidates seeking the nomination of a major political party as well as for candidates who do not wish to affiliate with a major political party.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**H.B. 13-1010** Boards of county commissioners - procurement - stationery supplies - restrictions. The act eliminates the requirement that the board of county commissioners of each county in the state advertise annually in the official newspaper of the county for bids for supplying stationery supplies. In addition, the act eliminates the requirement that counties enter into a new contract for the provisions of stationery supplies annually and eliminates the prohibition of county officers purchasing stationery supplies.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1051** Office of the public trustee - public trustee for city and county of Denver. The city and county of Denver is the only local government that is classified as a county of the first class for purposes of the public trustee law. The act modifies the public trustee law to state that the public trustee for the city and county of Denver is an officer as specified in its charter or code rather than a person appointed by the governor. The act further modifies the public trustee law to eliminate references to a county of the first class in the portion of the law that specifies the salaries of the public trustees in the different classes of counties.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1097** Coroners - duties - responsibilities. In 2011, the general assembly enacted a law that requires coroners to perform a forensic autopsy or have a forensic autopsy performed under certain circumstances. As a result of that change, the act repeals a provision that allows a coroner to ask a physician to make a scientific examination of the body of the deceased.

The act also repeals the provision that allows a physician who is conducting a postmortem examination to remove the pituitary gland from the body of the deceased for medical research.

The act clarifies some of the circumstances when an autopsy must be performed and adds additional circumstances requiring an autopsy.

A coroner has additional legal duties when a person dies under certain circumstances that may require an investigation. The act adds several additional duties and responsibilities for coroners when a person dies under those circumstances. The act clarifies the responsibilities that are required of a coroner and law enforcement in a death investigation.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** April 4, 2013

**H.B. 13-1137** Boards of county commissioners - powers - weed and brush removal. The size and zoning restrictions on the lots over which the board of county commissioners of a county (board) has authority to provide for and compel weed and brush removal are eliminated; except that a board does not have the authority to compel weed and brush removal on agricultural land that is in agricultural use. Any lien on a piece of property in connection with assessments for weed and brush removal has priority based on its date of recording. In addition, a board is prohibited from compelling the removal of weeds and brush on any lot or tract of land within the county while a mortgage or deed of trust secured by the lot or tract of land is in foreclosure.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** August 7, 2013

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

## GOVERNMENT - LOCAL

**S.B. 13-25** Firefighters - right to collective bargaining - obligation to meet and confer - vote to obligate collective bargaining - employee organization as exclusive representative - good faith negotiations - impasse resolution - arbitration - strikes prohibited - right to sue. The act grants firefighters the right to:

- Organize, form, join, or assist an employee organization or refrain from doing so;
- Negotiate collectively or express a grievance through representatives of their choice;
- Engage in other lawful concerted activity for the purpose of collective bargaining or other mutual aid or protection;
- Be represented by their exclusive representative without discrimination; and
- Participate in the political process of their public employers while off duty and not in uniform.

Unless a public employer and its firefighters are already party to a collective bargaining agreement, a public employer is obligated to meet and confer with its firefighters or their employee organization to discuss policies and other employment matters if requested to do so.

If a valid petition asks a public employer to engage in collective bargaining with a named organization, the public employer must place on the ballot at the next general election a question asking if firefighters should be covered by this act. If the public answers "yes", the public employer is obligated to engage in collective bargaining.

An employee organization recognized or elected for collective bargaining becomes the exclusive representative of all firefighters for collective bargaining. The act prohibits a fire department from bargaining on matters covered by the act with any other employee or group. The act grants the exclusive representative the right to be present and express its views at the adjustment of a complaint made by a member of the bargaining unit without the intervention of the exclusive representative. An exclusive representative may have dues and other moneys deducted from the pay of firefighters who authorize the deduction.

A fire department and an exclusive representative have to bargain collectively in good faith. The act requires the term of a collective bargaining agreement to be for between one and 3 years unless a different date is agreed to by the parties. The parties must begin collective bargaining within a specified time after the notice. An impasse may be declared by either party any time after 30 days from the start the of collective bargaining process.

If an impasse exists, the act requires the parties to allow an arbitration organization to appoint an advisory fact finder to hold a hearing on the unresolved issues and make recommendations on which party's final offer on each issue should be accepted. The act specifies the factors that the advisory fact finder must consider. The parties have a specified time to consider the advisory fact-finder's recommendations and conduct further negotiations. If either party rejects the recommendations, the final offers of the parties on the unresolved issues will be submitted to the voters of the political subdivision of the public employer at a special election.

The act prohibits firefighters from striking.



The collective bargaining provisions of the act do not apply to home rule cities that have language in their charters that provide for a collective bargaining process for firefighters. Existing bargaining units, exclusive representatives, and bargaining relationships as of the effective date of the act remain in effect unless modified by agreement or election in accordance with the act.

The act grants a firefighter or an employee organization the right to sue to enforce the provisions of the act.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-226** Local law enforcement - agency policies and officer training - encounters with dogs during the course of duty - dog protection task force creation and duties. In order to prevent or reduce the number of dogs shot by officers of municipal police departments and sheriffs' offices (collectively, "local law enforcement officers"), the act requires local law enforcement agencies to:

- Develop training programs to prepare local law enforcement officers for encounters with dogs in the line of duty, which training must emphasize how to recognize common dog behaviors and how to employ nonlethal methods to control or respond to dogs; and
- Adopt policies and procedures setting forth the appropriate ways to handle dog encounters, including policies and procedures that allow dog owners to remove or control their dogs whenever circumstances warrant.

The act creates a dog protection task force to set minimum standards for qualified animal behavior experts or licensed veterinarians who provide the required training to local law enforcement officers, to develop minimum training curricula to be used by local law enforcement agencies, and to develop web- or video-based training that may be used by local law enforcement agencies.

**APPROVED** by Governor May 13, 2013

**EFFECTIVE** May 13, 2013

**S.B. 13-234** Old hire plan members' benefit trust fund - transfers - state education fund. The state treasurer is required to transfer \$132,409,339 from the general fund to the old hire plan members' benefit trust fund on May 31, 2013. This is the last payment the state will make to assist in amortizing the unfunded accrued liability of old hire pension plans affiliated with the fire and police pension association.

The transfer to the old hire plan members' benefit trust fund reduces the amount of the general fund surplus that would otherwise be transferred to the state education fund at the end of the state fiscal year 2012-13. In order to reimburse the state education fund for the reduced transfer, the state treasurer is required to make the following transfers from the general fund to the state education fund:

- \$45,321,079 on April 30, 2014;
- \$25,321,079 on April 30, 2015, April 30, 2016, April 30, 2017, and April 30, 2018; and

- \$24,991,739 on April 30, 2019.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** May 10, 2013

**S.B. 13-258** Land development - definition of development permit - requirement that land development be supported by adequate water supply. With respect to the definition of a "development permit" as used in connection with statutory provisions requiring that land development be supported by an adequate water supply, the act modifies the definition to clarify that each application included in the definition of the term constitutes a stage in the development permit approval process.

**APPROVED** by Governor May 23, 2013

**EFFECTIVE** May 23, 2013

**H.B. 13-1203** Political subdivisions - list of current contracts with other subdivisions - when provided. Previously, every political subdivision in the state was required to file an annual report with the division of local government (division) in the department of local affairs that lists the current contracts in effect with other political subdivisions. The act eliminates the requirement to file the lists annually and instead requires a political subdivision to provide such list within 30 days of receiving a written request to do so from the division.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1206** Property tax - business incentive agreement - existing business facility - possible relocation. The act expands the authority of a county, municipality, or special district (local government) to negotiate an incentive payment or credit with a taxpayer (BIA). A local government may enter into a BIA if:

- Based on verifiable documentation, the local government is satisfied that there is a substantial risk that the taxpayer will relocate an existing business facility out of state;
- The taxpayer identifies the specific reasons for considering the relocation; and
- The local government approves the BIA at a public meeting.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1258** Law enforcement - cooperation with federal immigration officials - repeal. The act repeals current law that:

- Prohibits local governments from enacting any policy that limits or prohibits a local peace officer, official, or employee from communicating or cooperating with federal officials with regard to the immigration status of any person in the state;

- Requires a peace officer who has probable cause to believe an arrestee is not legally present in the United States to report that person to the United States immigration and customs enforcement office; and
- Requires the governing body of each local government to provide notice to peace officers of the duty to cooperate with state and federal officials with regard to enforcement of state and federal immigration laws and to provide written confirmation that it has done so to the general assembly on an annual basis.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** April 26, 2013

## GOVERNMENT - MUNICIPAL

**S.B. 13-80** Fire and police pension association - new hire plans - statewide defined benefit plan - statewide death and disability plan - employer's failure to enroll - limitation on liability. Any municipality that offers police or fire protection services and any special district, fire authority, or county improvement district that offers fire protection services (employer) is required to provide pension benefits through the fire and police pension association's (FPPA) statewide defined benefit plan to its full-time employees and some qualified part-time employees (member). Members are also eligible for the benefits provided by the FPPA's statewide death and disability plan. The act states that if an employer that is otherwise required to enroll its members under the statewide defined benefit plan or the statewide death and disability plan fails to properly enroll a member, neither the FPPA nor the defined benefit system trust fund or death and disability trust fund, as applicable, is obligated or liable for any purpose to any person or employer arising from such failure.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-240** Fire - police - new hire pension plans - statewide defined benefit plan - modification of plan - voting requirements. The board of directors of the fire and police pension association may modify the pension benefits, the age and service requirements, or the member contribution rate for members in the statewide defined benefit plan. Previously, more than 65% of the active members (members) of the plan and more than 50% of the employers having active members covered by the plan (employers) were required to approve any such modification to the statewide defined benefit plan. The act specifies that more than 65% of members who vote in the election proposing the modification and more than 50% of employers who vote in the election proposing the modification are required to approve such modification to the statewide defined benefit plan.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** August 7, 2013

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

## GOVERNMENT - SPECIAL DISTRICTS

**S.B. 13-27** Regional transportation district - mass transit stations - authorization for parking facilities provided by third parties. The act authorizes any public or private entity to lease, own, or operate a public parking lot or structure at or near a regional transportation district (RTD) mass transit station. Such a lot or structure is only an RTD facility, as defined in existing law, if it is operated under a contract with the RTD that specifies the terms of its use and operation and provides the RTD with a share of its parking revenues. Other local governments and the district must consult with each other before establishing zoning, other authorization by a governmental body, or contracts required for privately owned or managed parking facilities intended for users of the RTD's mass transportation system.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** April 26, 2013

**S.B. 13-212** Colorado new energy improvement district - eligible improvements - commercial property - third-party financing - mortgage holder consent. The Colorado new energy improvement district (district) currently allows for financing of the completion of new energy improvements only for residential real estate. Section 2 of the act allows owners of commercial property to utilize the financing, repeals the maximum 95% loan-to-value requirement for qualified applicants, and repeals the percentage-of-value and dollar caps on allowable new energy improvements. Section 2 also includes fuel cells in the definition of "renewable energy improvement" and electric vehicle charging equipment, improvements that increase the overall illumination of a property or bring the property up to building code, and any other modification approved by the district are included as a utility cost-savings measure in the definition of "energy efficiency improvement".

Section 3 reduces the number of directors on the district's governing board from 9 to 7, directs the governor to appoint 6 members to the district board by September 1, 2013, modifies director qualifications, removes the legislative appointees from the board, and reduces the quorum from 6 to 4 members.

Section 4 directs the district to develop:

- A program for the financing of new energy improvements by private third-party financing in addition to by district bonds; and
- The parameters for requiring consent in all cases by existing mortgage holders to subordinate the priority of their mortgages to the priority of the district's lien.

Current law includes increased market value and decreased energy bills attributable to a new energy improvement in the calculation of the amount of the special assessment. Section 5 repeals these factors from that calculation and also prohibits the special assessment from exceeding the value of the eligible real property.

If district special assessments are attributable to new energy improvements that were financed by a private third party:

- Section 6 directs the board to credit the proceeds of the special assessments to the private third party; and
- Section 7 specifies that the district bonds are not payable from the special assessments.

Section 6 also prohibits county assessors from taking into account any increase in the market value of the eligible real property resulting from the completion of a new energy improvement when assessing the value of the property and requires all consents by existing mortgage holders and the assessment to be filed in the real estate records. Section 7 also affirms that the state will not impair the rights or remedies of private third parties that have financed new energy improvements.

Current law conditionally repeals the district on January 1, 2016. Section 8 continues the district indefinitely.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1036** County local improvement districts - inclusion of noncontiguous areas - authority to conduct public events - procedures for inclusion in or exclusion from a district. The act makes provisions of the law governing a county or city and county local improvement district (district) consistent with the law governing a municipal improvement district. A district may include noncontiguous areas within the same county. If the district levies a sales tax, the noncontiguous area may only be included if the owners of any property in the area petition to be included.

A district may use sales tax revenues for the organization, promotion, marketing, and management of public events. Procedures are specified for a property owner to petition for inclusion in or exclusion from a district.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1186** Water and sewer service - public meeting prior to setting fees - recording of public disclosure document. The act requires a special district that provides domestic water or sanitary sewer services to hold a public meeting before fixing or increasing fees or other charges for its services. Notice of the meeting must be provided in a specified manner at least 30 days prior to the public meeting.

Special districts are required to record a public disclosure document against all property within the district. The statement must include the name of the district, the powers of the district, information regarding the district's service plan or statement of purpose, and a statement of the methods authorized by law for the district to raise revenues for capital needs and operations costs.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1302** Consolidation proceedings - heightened statutory review - provision of new or different services. Under current law, a proceeding to consolidate special districts that is already governed by certain provisions of the "Special District Act" is not subject to

additional procedures referred to as the "Control Act" unless the proceeding results in the consolidation of a special district or the consolidation of services within the boundaries of any existing municipality or within a radius of 3 miles of the municipality. Under the act, in order for the provisions of the "Control Act" to apply to such consolidation proceedings, the proceedings will have to result in the creation of a consolidated district that will provide new or different services within the boundaries of any existing municipality as compared to the services either being provided or that are authorized to be provided to the municipality by one or more of the consolidating special districts as of the time of the commencement of the consolidation proceedings.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** August 7, 2013

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

## GOVERNMENT - STATE

**S.B. 13-13** Peace officer status - secret service agents. The act gives a special agent, uniform division officer, physical security technician, physical security specialist, or special officer of the United States secret service limited peace officer authority while working in Colorado. The authority is limited to:

- Responding to a felony or misdemeanor that is committed in the officer's presence;
- Responding to an emergency situation;
- Rendering assistance at the request of a Colorado peace officer; and
- Making an arrest or providing assistance as part of a task force.

**APPROVED** by Governor April 19, 2013

**EFFECTIVE** April 19, 2013

**S.B. 13-23** Colorado governmental immunity act - increase in maximum recovery amounts injury to one or more persons in any single occurrence - mandatory prospective inflation adjustment. Currently, the Colorado Governmental Immunity Act sets as a maximum amount that may be recovered by a person suing a public entity or public employee for loss or injury caused by the entity or employee in any single occurrence, whether from one or more public entities and public employees:

- For any injury to one person in any single occurrence, the sum of \$150,000; and
- For an injury to 2 or more persons in any single occurrence, the sum of \$600,000, and, in such circumstances, the act prohibits any single person from recovering in excess of \$150,000.

To ensure these limitations on damages reflect the effects of inflation since the specific limitations were last increased by the general assembly, the act increases the damages limitation for any injury to one person in any single occurrence to \$350,000. For an injury to 2 or more persons in any single occurrence, the act increases the damages limitation to \$990,000 and further specifies that, in such circumstances, a single person is precluded from recovering in excess of \$350,000.

The act further provides that the increased damages amounts are to be adjusted for inflation every 4 years. The act requires the secretary of state to make this required adjustment on an every 4-year basis commencing not later than January 1, 2018, to certify the amount of the adjustment, and to publish the amount of the adjustment on the secretary of state's web site.

**APPROVED** by Governor April 19, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-28** State buildings - high performance energy certification - requirement to monitor and track utility data. For all state-assisted facilities that started the design process on or after January 1, 2010, each state agency is required to monitor, track, and verify utility vendor bill data pertaining to the state-assisted facility and annually report to the office of the state architect. The annual report must include information related to building performance based on the state-assisted facility's utility consumption.



State-assisted facilities that have achieved the highest performance certification attainable and started the design process prior to January 1, 2010, are strongly encouraged to monitor, track, and verify utility vendor bill data pertaining to such state-assisted facility to ensure that the increased initial costs to achieve the highest performance certification attainable are recouped. If such data is not monitored, tracked, and verified, then the state agency or department must provide to the state architect, in writing, a reasonable explanation why such data is not monitored, tracked, and verified by the state agency or department.

The act defines "utility vendor bill data" as being limited to the usage data measured by the state agency or department or the information or data required to meet minimum program standards by an independent third party pursuant to the high performance standard certification program.

The act also removes a statute allowing a state-assisted facility to be exempted from complying with the high performance standard certification requirements upon a determination by the executive director that extenuating circumstances exist that preclude the implementation of the requirements.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**S.B. 13-30** Rule-making - identification of rules adopted as a result of legislation - notification of certain legislative members. For rules adopted on or after November 1, 2013, the staff of the committee on legal services are required to identify the rules that were adopted during each applicable one-year period as a result of legislation enacted during any legislative session commencing on or after January 1, 2013. After such rules have been identified, the staff of the committee on legal services are required to notify in writing any prime sponsors and cosponsors of the enacted legislation who are still serving in the general assembly, and the current members of the applicable committees of reference in the senate and house of representatives for that enacted legislation that a rule has been adopted as a result of the legislation.

The act also requires the posting of a completed cost-benefit analysis on the official web sites of the agencies completing the cost-benefit analysis and the official web site of the department of regulatory agencies.

**APPROVED** by Governor April 8, 2013

**EFFECTIVE** April 8, 2013

**S.B. 13-36** Annual revenue resolution - repeal. The act repeals the requirement that the general assembly annually pass a joint resolution by February 1 to certify to the state controller the general fund revenue estimate for the next state fiscal year.

**APPROVED** by Governor January 31, 2013

**EFFECTIVE** January 31, 2013

**S.B. 13-50** Recycling resources economic opportunity fund - use of moneys - solid waste disposal fee increases - extension of repeal dates - monofill tire landfills - extension of elimination deadline - appropriation. The "Recycling Resources Economic Opportunity Act", which was enacted in 2007 for the stated purpose of increasing recycling in the state, established the recycling resources economic opportunity fund (fund) to finance certain

activities consistent with that purpose. The principal source of moneys in the fund is a user fee imposed on commercial vehicles disposing of waste at attended solid waste disposal facilities.

The act:

- Incrementally increases, over a period of 3 years, the amount of said fee from \$.07 per cubic yard per load to \$.14 per cubic yard per load;
- Extends, from July 1, 2017, to July 1, 2026, the future repeal dates of statutes associated with the fund;
- Commits to the discretion of the pollution prevention advisory board assistance committee (committee) the amount of fund moneys used to pay rebates to local governmental, nonprofit, or for-profit entities that recycle any commodity, which amount may not to exceed 25% of the fund moneys collected in the previous fiscal year;
- Authorizes the pollution prevention advisory board (advisory board) to use moneys in the fund to finance studies deemed necessary by the advisory board, in consultation with the committee;
- Repeals the authority of the advisory board to make loans from the fund, which power was never exercised; and
- Withdraws an irrelevant provision from the list of permissible activities for which fund moneys may be granted.

The act also extends by 5 years the date by which all monofill tire landfills are eliminated in accordance with a plan developed by the department of public health and environment.

To implement the act, \$204,593 is appropriated from the fund to the department of public health and environment.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-70** Department of personnel - central services - state motor vehicle fleet system - alternative fuel vehicles - plug-in hybrid electric vehicles - purchase for state fleet. The executive director of the department of personnel (director) is required to purchase motor vehicles that operate on compressed natural gas (CNG) for the state's motor vehicle fleet system, subject to their availability and the availability of adequate fuel and fueling infrastructure. The act expands the requirement for the purchase of alternative fuels by requiring the director to purchase motor vehicles that operate on CNG or other alternate fuels or plug-in hybrid electric vehicles for the state's motor vehicle fleet system if either the increased base cost of such vehicle or the increased life-cycle cost of such vehicle is not more than 10% over the cost of a comparable dedicated petroleum fuel vehicle.

The act requires the director to submit an annual report to the transportation committees of the senate and the house of representatives and to the joint budget committee of the general assembly on or before November 1, 2013 and on or before November 1 each year thereafter regarding the purchase of vehicles that operate on CNG and other alternative

fuels.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** April 26, 2013

**S.B. 13-76** State archives - fees - general assembly and legislative service agencies - exemption. State archives currently charges all state agencies, including the general assembly and the legislative service agencies, various fees for responding to requests for information and research. The act exempts a member of the general assembly or anyone from a legislative service agency from these fees if the request is for legislative material and it relates to the requester's official duties.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-83** Prescribed burning - program administered by division of fire prevention and control - rules - fee - appropriation. House Bill 12-1283 transferred fire prevention, suppression, response, and risk-mitigation duties, including duties relating to prescribed burning, from the state forest service to the division of fire prevention and control (division) in the department of public safety. The act creates the "Colorado Prescribed Burning Act", which:

- Requires the division to implement a prescribed burning program (program);
- Excludes controlled ditch burns from the definition of "prescribed burning";
- Authorizes the director of the division (director) to promulgate rules to implement the program, including establishing a fee, at an amount not to exceed the amount necessary to recover the actual and direct costs incurred by the division in providing training and processing applications for prescribed burning manager certifications;
- Renames the previously established firefighter, first responder, and hazardous materials responder certification fund the "firefighter, first responder, hazardous materials responder, and prescribed fire training and certification fund";
- Instructs the director to conduct rulemaking with regard to certain program provisions, including the adoption of standards that will constitute the minimum criteria for prescribed burns conducted in the state and the processes for certifying persons as prescribed burn managers;
- Empowers the division to enter into agreements to conduct prescribed burning on wildland, and requires the director, prior to entering into such an agreements, to verify that the owner or other person having legal control of the wildland has evaluated all the alternatives to prescribed burning;
- Excludes private landowners conducting a prescribed burn on their own properties from the requirement to be certified by the division or otherwise qualified, and clarifies that such landowners are still subject to any applicable federal, state, and local open burning requirements;
- Exempts certified or qualified private landowners from civil liability for damage or injury resulting from prescribed burns conducted on their private property, except for acts that are grossly negligent or willful and wanton; and
- Establishes policies related to wildfires or potential wildfires resulting from the

escape of prescribed burns.

The act appropriates \$4,635 to the department of law for the provision of legal services to the department of public safety related to implementation of the act.

**APPROVED** by Governor May 23, 2013

**EFFECTIVE** May 23, 2013

**S.B. 13-109** State agency indirect costs recovery - indirect costs excess recovery fund - creation and use - reporting by state controller. In order to more efficiently account for annual fluctuations in the amount of indirect costs collected by state government agencies, the act:

- Creates the indirect costs excess recovery fund (fund) and separate departmental accounts within the fund for all principal departments of state government other than the department of higher education;
- Requires all moneys collected and unspent by an agency for indirect costs in excess of the actual indirect costs incurred during the fiscal year to be credited before the close of the state's accounting system for the fiscal year to the departmental account within the fund;
- Allows any moneys in a departmental account within the fund to be appropriated to the department to be used by the department for the purpose of paying for indirect costs in a year in which an under-collection occurs; and
- Requires the state treasurer to credit all interest and income earned on the deposit and investment of moneys in any account of the fund to the account.

The act also requires the state controller to report annually to the joint budget committee of the general assembly regarding the revenues, expenditures, and balance of each account of the indirect costs excess recovery fund.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** March 8, 2013

**S.B. 13-110** Wildland fire cost recovery fund - exemption from limit on advances authorized by controller. House Bill 12-1283 established the wildland fire cost recovery fund (fund), which is administered by the division of fire prevention and control in the department of public safety to finance personnel and operating expenses associated with wildland fire suppression activities. The act:

- Makes the fund noninterest-bearing;
- Exempts wildland fire cost recovery activities for which the fund is used from the \$12 million limit imposed on advances authorized by the controller; and
- Corrects an incorrect statutory citation relating to the fund.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**S.B. 13-112** Public school lands income - cap on 2012-13 transfer to state public school fund. The act caps the 2012-13 state fiscal year transfer of interest and income earned on the investment of moneys in the public school fund to the state public school fund at \$20 million and ensures that, for the 2012-13 state fiscal year, after the transfer for purposes of the "Building Excellent Schools Today Act" (BEST) program, the remaining interest and income

earned on the investment of moneys in the permanent school fund remain in the fund and become part of the principal of the fund.

The 2012-13 state fiscal year transfer from royalties and other payments for the depletion or extraction of a natural resource on public school lands to the state public school fund is capped at \$27 million, and a portion of the royalties and other payments for the depletion or extraction of a natural resource on the lands are ensured to be deposited into the permanent school fund to become part of the principal of the fund for the 2012-13 state fiscal year, after transfers to specific state land board funds and the BEST program.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**S.B. 13-113** Natural resource damage recovery fund - department of public health and environment - accept gifts, grants, or donations - repay loans from other funds. The act authorizes the department of public health and environment to expend the custodial moneys in the natural resource damage recovery fund (fund) without further appropriation for the existing purposes. It also permits the department to accept moneys from public or private sources for the purpose of repaying the loans from the fund to the hazardous substance response fund and the general fund. These payments will reduce the amount of interest from the fund that is required to be transferred to the hazardous substance response fund and the general fund.

**APPROVED** by Governor March 29, 2013

**EFFECTIVE** March 29, 2013

**S.B. 13-115** Waste tire fee administration cash fund - creation - department of revenue. The department of revenue currently collects a waste tire fee of \$1.50 on the sale of each new tire. The state treasurer is required to pay the department up to 1.66% of these fees for its direct and indirect costs associated with the administration of the fee. The act creates the waste tire fee administration cash fund for this portion of the fees that are already allocated to the department, and the general assembly is required to annually appropriate the moneys in the fund for the department's administrative expenses.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-127** Sales and use tax - receipts - older Coloradans cash fund - appropriation. The amount of state sales and use tax receipts that are credited to the older Coloradans cash fund is increased by \$2,000,000 and the allocation to the general fund is proportionally decreased.

\$2,000,000 is appropriated to the department of human services for state funding for senior services, and the general fund appropriation to the department made in this year's general appropriation for the same purpose is decreased by \$2,000,000.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-129** Review by office of state auditor of compliance with various statutory obligations - modification of obligations - appropriation. The act modifies certain statutory requirements directing the office of the state auditor (OSA) to review compliance with statutory obligations as follows:

- The state auditor is permitted to conduct a performance review of the administrative law judges in the office of administrative courts who hear cases relating to workers' compensation matters at the auditor's discretion.
- The act changes the cycle for regular audits by the OSA of the Colorado travel and tourism promotion fund and related activities of the Colorado tourism office from every 2 years to every 5 years.
- In connection with the existing program allowing a state employee to submit an innovative idea for cost savings improvements for which the employee may receive a monetary award, the act modifies existing requirements to require the OSA to review and verify the application only where the executive director of the applicable state agency has made a determination that the savings realized for the first 12 months of full implementation of the innovative idea equal \$10,000 or more.
- Under the "Secure and Verifiable Identity Document Act", the state auditor is no longer required to submit an annual executive summary of state agency and institution compliance with the requirements of such act based upon audits conducted during the year.
- The act changes the cycle for regular audits by the OSA of the Colorado auto theft prevention cash fund from every 2 years to every 5 years.

The act reduces the appropriation to the legislative department for the fiscal year beginning July 1, 2012, by approximately \$6,500 to reflect the modification of compliance requirements under the act.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**S.B. 13-133** Limited gaming moneys - limited gaming fund - transfers of the state share of limited gaming revenues. The act inserts dollar amounts instead of percentages for the transfers of the state share of limited gaming revenues as follows:

- \$15 million to the Colorado travel and tourism promotion fund;
- \$5.5 million to the bioscience discovery evaluation cash fund;
- \$5 million to the local government limited gaming impact fund;
- \$2.1 million to the innovative higher education research fund;
- \$2 million to the creative industries cash fund; and
- \$500,000 to the Colorado office of film, television, and media operational account cash fund.

The act also makes clear that any amount of limited gaming revenues over and above the transfers to these funds will be transferred to the general fund.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** June 15, 2013

**S.B. 13-158** Administrative procedure act - cost-benefit analysis of proposed rules - continuation under sunset law. The act extends the sunset review of the cost-benefit analysis of proposed rules of state agencies in the "State Administrative Procedure Act" until 2018.

Any person may, within 5 days after publication of the notice of proposed rule-making by a state agency, request that the department of regulatory agencies (DORA) require the state agency (agency) to submit a cost-benefit analysis of the proposed rules. The executive

director of DORA, or his or her designee, shall determine, after consultation with the agency, whether to require the agency to prepare a cost-benefit analysis. If the executive director or designee determines that a cost-benefit analysis is required, the agency is required to complete a cost-benefit analysis at least 10 days before the rule-making hearing, post the analysis on the agency's web site, and submit a copy to the executive director or his or her designee. By filing an additional notice in the Colorado register, the agency may postpone the hearing on the rules to comply with the requirement to complete the cost-benefit analysis at least 10 days before the hearing.

The executive director of DORA, or his or her designee, shall distribute the proposed rules submitted by an agency, the agency's statement of the subject matter or purpose of the proposed rule, and any cost-benefit analysis prepared to all persons who have requested to receive notices from DORA.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-174** Colorado food systems advisory council - continuation under sunset law - members - continuous appropriation. The act deletes the repeal date of the food systems advisory council (council) and continues the council until September 1, 2018, pursuant to the provisions of the sunset law. The act changes the make-up of the council and adds two additional members. The act continuously appropriates the moneys in the food systems advisory council fund to the department of agriculture for allocation to the council.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** May 11, 2013

**S.B. 13-176** State moneys - authorization to invest in Israeli debt. The act authorizes the state treasurer to invest state moneys in debt obligations backed by the full faith and credit of the state of Israel that are rated in one of the 2 highest rating categories by a nationally recognized rating organization.

**APPROVED** by Governor May 5, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-184** Discrimination in places of public accommodations - criminal penalties. The act repeals criminal provisions for violating the discrimination in places of public accommodation statutes.

**APPROVED** by Governor April 19, 2013

**EFFECTIVE** April 19, 2013

**S.B. 13-190** Colorado financial reporting system modernization project - authorize lease-purchase agreements for implementation costs - legislative oversight. The act authorizes the state to enter into one or more lease-purchase agreements for the implementation costs of the Colorado financial reporting system modernization project.

The act also requires the office of information technology (office) to ensure that the Colorado financial reporting system includes any functionality that the legislative branch

deems to be of particular importance, or promptly explain why such functionality cannot be incorporated. The office must also report to the joint budget committee regarding its progress on the project in a format and at time intervals specified by the joint budget committee in writing.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** April 4, 2013

**S.B. 13-192** Licensing - fingerprint-based criminal history record checks - delay in processing - extension of time. In statutes relating to licensing of taxicab drivers and other regulated professions, as well as other statutes, the regulatory agency is given a period of time to issue or deny an operating permit or take other action on the basis of a fingerprint-based criminal history record check through the Colorado bureau of investigation. When a backlog in processing these record checks occurs, the act allows an agency to extend the statutory time period for action in these situations upon finding that exigent circumstances exist.

**APPROVED** by Governor April 19, 2013

**EFFECTIVE** April 19, 2013

**S.B. 13-201** State emblems and symbols - state pets - designation. The act designates dogs and cats that are adopted from Colorado animal shelters and rescues as the state pets of the state of Colorado.

**APPROVED** by Governor May 13, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-214** Capital construction - state-funded public school capital construction projects - capital development committee review of prioritized list of projects recommended for funding. The act grants the capital development committee limited oversight over the building excellent schools today (BEST) program by:

- Allowing the committee to review a revised prioritized list of projects recommended by the public school capital construction assistance board (board) and the state board of education (state board) for BEST funding that involves lease-purchase agreements and to approve or disapprove the list. If the committee disapproves the list, the board may resubmit the list with modifications or additional information, or both, that address the committee's concerns, and the committee may approve the entire resubmitted list or may disapprove one or more projects on the resubmitted list. If the committee disapproves a project, it does not receive BEST funding that involves lease-purchase agreements and the remaining projects on the resubmitted list receive such funding as recommended by the state board.
- Requiring the board to report annually to the capital development committee and to include in its reporting, to the extent feasible, an estimate of the amount of BEST revenues for the current and next fiscal year and BEST funding to be provided during the next fiscal year.

The act also requires the board, in determining the amount of financial assistance that



it provides and in so doing managing the balance of the public school capital construction assistance fund, to ensure that the balance of the assistance fund is at least equal to the total amount of payments to be made by the state, less the amount of any school district matching moneys and federal moneys to be received for the purpose of making the payments, during the next fiscal year under the terms of any BEST lease-purchase agreements.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-232** Prevention, early detection, and treatment fund - extends transfers - appropriation. The act eliminates the repeal of a transfer of \$2 million from the prevention, early detection, and treatment fund (fund) to the department of health care policy and financing for medicaid disease management and treatment programs (programs).

The act reduces the general fund appropriations for the programs and replaces them with the transfers from the fund.

**APPROVED** by Governor April 29, 2013

**EFFECTIVE** April 29, 2013

**S.B. 13-233** Fiscal policies - repealed cash funds - transfer - general fund. The commission on mandated health insurance benefits cash fund was repealed on July 1, 2010, and the multiple employer welfare arrangement cash fund was repealed on July 1, 2008. At the time of their repeal, there were balances in both cash funds, but the moneys in those funds were prohibited from reverting to the general fund.

The act requires the state treasurer to transfer to the general fund the unexpended and unappropriated moneys from these repealed cash funds and any related interest and income. The total of the transfers is \$10,651.32.

**APPROVED** by Governor April 29, 2013

**EFFECTIVE** April 29, 2013

**S.B. 13-235** Colorado state veterans trust fund - transfer. The state treasurer is required to transfer \$3,860,429 from the general fund to the Colorado state veterans trust fund. This amount will be retained in the trust fund as principal, and the general assembly may annually appropriate the interest earned on it for allocation by the Colorado board of veterans affairs.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-236** Capital construction - transfers to the capital construction fund - capitol dome restoration. For the 2012-13 fiscal year, the act increases the transfer from the general fund to the capital construction fund from \$60,491,314 to \$60,911,498.

For the 2013-14 fiscal year, the act transfers \$186,215,493 from the general fund to the capital construction fund and \$500,000 from the general fund exempt account of the general fund to the capital construction fund.

The act repeals a statutory section that provides for a transfer of up to \$5 million from the state historical fund in the 2013-14 fiscal year for the capitol dome restoration because

that \$5 million is now appropriated from the capital construction fund as part of the total 2013-14 fiscal year general fund transfer.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** May 10, 2013

**S.B. 13-237** General fund - fiscal year reserve - increase - delay future increases. Under current law, 4% of the amount appropriated for expenditure from the general fund in a fiscal year must be retained in the fund at the end of the fiscal year as a reserve. However, once a personal income trigger occurs, which means that personal income grows by 5% from one calendar year to the next, the amount of the required general fund reserve increases by a one-half percent in each of the following 5 fiscal years.

The act changes the general fund reserve requirement by:

- Increasing the reserve to 5% of general fund appropriations for fiscal years 2012-13 and 2013-14;
- Establishing the reserve as 5% of general fund appropriations for all subsequent years until the percentage increases after the personal income trigger occurs;
- Eliminating the first 2 fiscal years of future reserve increases, as the reserve will already be 5% of general fund appropriations; and
- Delaying the remaining 3 fiscal years of future one-half percent reserve increases until the third fiscal year that begins after the personal income trigger occurs so that the timing of these increases does not change from existing law.

**APPROVED** by Governor April 29, 2013

**EFFECTIVE** April 29, 2013

**S.B. 13-245** Colorado firefighting air corps - creation under division of fire prevention and control - report. The act creates the Colorado firefighting air corps (C-FAC) under the division of fire prevention and control (division) in the department of public safety and describes the activities the division may undertake with regard to the C-FAC.

In 2014, the division is required to submit to the general assembly a report regarding the feasibility of continuing the C-FAC.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-247** Collection of debt owed to governmental entities - procedural requirements for offsets against state tax refunds - authorization for reciprocal debt collection agreements. The department of personnel may provide centralized debt collection services for debts owed to agencies, institutions, and political subdivisions of the state. The act specifies procedural requirements, including a hearing requirement, to be followed before the state controller may certify such a debt to the department of revenue to be offset against a tax refund. The act also authorizes the state to enter into reciprocal debt collection agreements with the federal government and other states. Under such agreements:

- The state uses moneys owed by the state to a person, including tax refunds, to pay debts that the person owes to the federal government or another state; and
- The federal government or another state uses moneys that it owes to another

person, excluding tax refunds in the case of the federal government, to pay debts that the person owes to the state of Colorado.

If multiple creditors have claims against the same person to be paid from moneys owed by the state to the person, such moneys must be used first to pay debts owed to agencies and institutions of the state, next to pay debts owed to political subdivisions of the state, and last to pay debts owed to the federal government and other states.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-254** Department of personnel - local governments - utility cost-savings measures - vehicle fleet maintenance and fuel cost-savings contracts. The act allows a state agency or political subdivision to enter into a contract for analysis and recommendations regarding energy conservation measures that would significantly increase vehicle operational and fuel cost savings in state or political subdivision fleet vehicles.

In addition, the act allows a state agency or political subdivision to enter into a vehicle fleet operational and fuel cost-savings contract if the energy analysis and recommendations indicate that the annual payments for vehicle fleet operational and fuel cost-savings measures are expected to be equal to or less than the sum of the vehicle fleet cost savings achieved by the implementation of such measures.

The act also clarifies that special districts are authorized to enter into such cost-savings contracts.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-263** Capitol complex - master plan development - evaluation of capital decisions against master plan. The "Performance Evaluation of State Capital Asset Management and Lease Administration Practices" audit conducted by the office of the state auditor and released in November 2012 recommended that the state complete a master plan for the capitol complex, with the goal of having a coherent plan or coordinated process for decision-making so that space and land within the capitol complex is used to the greatest possible efficiency. The act requires the department of personnel enter into competitive negotiations for the development of a comprehensive master plan for the capitol complex, with final approval from the office of state planning and budgeting and the capital development committee, and requires that all real estate-related capital requests by executive branch departments or the legislative branch for the capitol complex be evaluated by the office of state planning and budgeting and the capital development committee against the capitol complex master plan.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**S.B. 13-270** Wildfire - preparedness and response - funds - transfer of moneys. The act makes various changes regarding the wildfire emergency response fund (WERF) and the

wildfire preparedness fund, which funds finance, respectively, wildfire response and preparedness activities.

Previously, the WERF and the wildfire preparedness fund were housed under a single statute. The act bifurcates the funds' organic provisions into 2 distinct statutes and exempts them from statutorily mandated reporting requirements for funds that rely on gifts, grants, and donations.

With respect to the WERF, the act:

- Authorizes the governor to direct the state treasurer to transfer moneys from the disaster emergency fund to the WERF if the governor determines that a wildfire-related disaster emergency is imminent;
- Clarifies the sources of moneys in the fund;
- Establishes the minimum activities for which the WERF provides financing or reimbursement;
- Allows the governor to authorize funding or reimbursements beyond that statutory minimum, pursuant to the division of fire prevention and control (division) in the Colorado department of safety; and
- Specifies that the governor may increase or decrease the WERF usage as warranted by the actual severity of a wildfire.

With respect to the wildfire preparedness fund, the act:

- Authorizes the director of the division to enter into agreements to provide firefighting services to federal, state, and local agencies; and
- Changes the dates by which the annual wildfire preparedness plan must be developed and submitted to the general assembly.

The act allows the general assembly to appropriate revenues collected for insurance premium taxes to the WERF and the wildfire preparedness fund, and directs the state treasurer to transfer \$500,000 to the WERF by July 1, 2013.

**APPROVED** by Governor May 23, 2013

**EFFECTIVE** May 23, 2013

**NOTE:** Certain provisions in the act are contingent on House Bill 13-1031 becoming law. House Bill 13-1031 was signed by the governor June 5, 2013.

**H.B. 13-1001** Colorado office of economic development - advanced industries acceleration grant program - proof-of-concept grant - early-stage capital and retention grant - infrastructure grants - appropriation. The act creates the advanced industries acceleration grant program (program) in the Colorado office of economic development (office). The advanced industries are advanced manufacturing, aerospace, bioscience, electronics, energy and natural resources, infrastructure engineering, and information technology. The program includes the following types of grants:

- A proof-of-concept grant for an advanced industry research project to an eligible office of technology transfer;
- An early-stage capital and retention grant to an eligible company for the purpose of accelerating the commercialization of advanced industry products or services to be manufactured or performed in the state; and

- An infrastructure grant for an advanced industry project that builds or utilizes infrastructure to support or enhance the commercialization of advanced industry products or services or that contributes to the development of an advanced industry workforce.

The program absorbs the existing bioscience discovery evaluation grant program (bioscience program) and the clean technology discovery evaluation grant program (clean technology program), though the office will continue to administer the bioscience program until January 2, 2015.

In administering the program, the office is required to:

- Consult with the economic development commission about all of the potential grants and monetary incentives that a grant applicant is eligible for;
- Consult with Colorado-based advanced industries or representatives from advanced industries about the program;
- Ensure that bioscience projects and companies and clean technology projects and companies annually receive minimum amounts of grants; and
- Annually report to legislative committees about the program.

Each type of grant has its own eligibility requirements, preferences, and maximum grant amounts. If an applicant qualifies for a preference, the maximum grant amounts do not apply. All program grants are made from the advanced industries acceleration cash fund. The fund consists of \$5,000,000 transferred from the general fund; moneys transferred from the bioscience discovery evaluation cash fund prior to its repeal; limited gaming moneys that were previously used in the bioscience program; income tax withholdings that were to be split between the bioscience program and the clean technology program; gifts, grants, or donations; and any moneys that the general assembly appropriates to the fund in the future. The appropriation for the bioscience program in the annual general appropriations act is reduced by \$2,463,016 because the program will receive moneys previously designated for the bioscience program.

The act also adds 2 members to the Colorado economic development commission to represent the advanced industries.

**APPROVED** by Governor May 15, 2013

**EFFECTIVE** August 7, 2013

**NOTE:** Certain sections of the act are contingent on House Bill 11-1119 becoming law. House Bill 11-1119 was signed by the governor June 5, 2011.

**H.B. 13-1002** Colorado office of economic development - small business development centers - report - appropriation. The act requires the Colorado office of economic development (office) to expend \$200,000 for small business development centers (SBDCs) in each of the 2013-14, 2014-15, and 2015-16 state fiscal years. Appropriations made for this purpose are declared to be in addition to any other moneys the office receives. The state director of SBDCs in the office is directed to expend between 10% and 15% of these moneys per year to increase awareness of SBDCs and to equitably apportion the remainder for distribution to SBDCs across the state.

In accordance with the above, for the fiscal year beginning July 1, 2013, the act

appropriates \$200,000 from the general fund to the governor's office of state planning and budgeting for allocation to economic development programs for small business development centers' activities.

The office is required to report to the general assembly regarding the disbursement and the measurable results of the use of those moneys.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** May 10, 2013

**H.B. 13-1003** Economic gardening pilot project - Colorado office of economic development - fee - economic gardening pilot project fund created - report - appropriation. The act establishes an economic gardening pilot project in the Colorado office of economic development (office). Through the pilot project, staff members of the office and small business development centers (SBDCs) who have been trained and certified in economic gardening principles and practices provide 12 months of strategic assistance to at least 20 Colorado-headquartered second-stage companies and SBDC clients selected by the state director of SBDCs in the office. Participating companies pay a one-time fee to the office, which fees are deposited into the newly created economic gardening pilot project fund for reinvestment in the pilot project.

The state director reports annually on the results of the pilot project to the general assembly, and the pilot project terminates in 2016.

\$218,750 is appropriated for implementation of the act.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**H.B. 13-1008** Department of personnel - state personnel system - selection system - candidates - spouse of disabled veteran - veterans' preference. The act extends the veterans' hiring preference as outlined in the state constitution to the spouse of a veteran who is eligible for preference but has a military service-connected disability and is unable to work. If a numerical method is used for the comparative analysis of candidates, 5 points is added to the comparative analysis score of a candidate who is the spouse of such a veteran. If a nonnumerical method is used for the comparative analysis of candidates, a candidate who is the spouse of such a veteran is added to the interview eligible list. A candidate is not eligible to receive preference with respect to a promotional opportunity.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** March 8, 2013

**H.B. 13-1012** Wildfire - mitigation - financial incentives - extend income tax credit - continue bonds for watershed protection and forest health. Section 1 of the act continues an income tax deduction for a landowner who performs wildfire mitigation measures on private land in a wildland-urban interface area. Section 2 of the act continues the authority of the Colorado water resources and power development authority to issue bonds for the purposes of funding watershed protection and forest health projects.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** April 4, 2013

**H.B. 13-1031** Emergency management - statewide all-hazards resource mobilization plan - duties of division of homeland security and emergency management - reimbursement to agencies - resource mobilization fund - creation - appropriation. Previously, the office of emergency management (office) in the division of homeland security and emergency management (division) in the department of public safety (department) was charged with developing a statewide all-hazards resource mobilization plan (plan) to facilitate the interjurisdictional provision of disaster emergency assistance during disasters.

The act:

- Clarifies the duties of the office, the director of the office, and executive director of the department with respect to the plan;
- Establishes the means by which mobilized governmental entities may seek reimbursement for costs incurred by rendering interjurisdictional disaster assistance;
- Creates the resource mobilization fund, the moneys in which are used by the executive director of the department to reimburse state agencies and jurisdictions in accordance with the plan;
- Authorizes the governor to transfer moneys to the fund from the disaster emergency fund when he or she believes that a disaster is imminent; and
- Appropriates \$260,114 and 2.8 FTE to the department for implementation of the act.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**H.B. 13-1041** Colorado Open Records Act - methods of records transmission - prohibition on fees for transmission of records by electronic mail - transmission of records to requester upon either payment of costs and fees or arrangements for making such payment. Upon request for records transmission by a person seeking a copy of any public record under the "Colorado Open Records Act" (CORA), the act requires the records custodian to transmit a copy of the record by United States mail, other delivery service, facsimile, or electronic mail. The act prohibits the imposition upon the record requester of fees for transmitting public records via electronic mail.

Within the period specified in existing provisions of CORA, the act requires the custodian to notify the record requester that a copy of the record is available but will only be sent to the requester once the custodian either receives payment or makes arrangements for receiving payment for all costs associated with records transmission and for all other fees lawfully allowed, unless recovery of all or any portion of such costs or fees has been waived by the custodian. Upon either receiving such payment or making arrangements to receive such payment at a later date, the act requires the custodian to send the record to the requester as soon as practicable but no more than 3 business days after receipt of, or making arrangements to receive, such payment.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** March 8, 2013

**H.B. 13-1102** Unclaimed property act - unclaimed gift cards - exemption. The act specifies that the "Unclaimed Property Act" does not apply to unclaimed gift cards where the holder or issuer is a business association with annual gross receipts from the sales or issuance of all

gift cards totaling \$200,000 or less.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** March 15, 2013

**H.B. 13-1105** Colorado energy savings mortgage program - creation as statutory program - program requirements and funding - incentives for participating public utilities. The Colorado energy office (office) currently administers the Colorado energy star/energy saving mortgage program, which provides loan benefits in the form of interest rate buy-downs to persons who take out mortgages to finance purchases of new energy efficient homes or improvements that make existing homes more energy efficient. The act defines the Colorado energy saving mortgage program (program) as the Colorado energy star/energy saving mortgage program, as modified by the act or by any program changes implemented by the office within the limitations specified in the act; specifies requirements for program participation by borrowers, participating public utilities, and participating lenders; authorizes the office to adopt guidelines that specify additional participation requirements and other program requirements; and specifies limitations on the maximum amount of financial benefits that a borrower may receive from an energy saving mortgage.

An energy saving mortgage issued through the program may include funding from both a participating public utility and a participating lender, and the office may adopt guidelines to specify minimum percentages of the total funding for an energy saving mortgage that a participating lender and a participating utility must provide. The office may spend moneys contributed to the fund by a participating public utility only for energy saving mortgages for homes within the service area of the participating public utility. A participating public utility may receive credit against its demand side management program goals, and any greenhouse gas emission requirements that may be established in the future, for its participation in the program.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1136** Civil rights commission - employment discrimination cases - compensatory and punitive damages remedies - attorney fees and costs - procedural requirements - removal of cap on age discrimination claims - educational outreach to employers. Current law does not permit an award of compensatory or punitive damages or attorney fees and costs to a plaintiff who prevails in a complaint before the Colorado civil rights commission (commission) or in a lawsuit alleging a discriminatory or unfair employment practice under state law, even in cases of intentional discrimination. While federal employment antidiscrimination laws allow such damages in cases where intentional discrimination is found, and allows an award of reasonable attorney fees and costs, only employers who employ 15 or more employees are subject to federal law. Moreover, victims of employment discrimination on the basis of sexual orientation are not afforded protections under federal law. Thus, employees who work for employers with fewer than 15 employees or who claim employment discrimination on the basis of sexual orientation are not allowed compensatory or punitive damages and cannot recover reasonable attorney fees and costs when they prove a case of intentional employment discrimination.

The act establishes the "Job Protection and Civil Rights Enforcement Act of 2013", which allows the additional remedies of compensatory and punitive damages in employment discrimination cases brought under state law against employers where intentional discrimination is proven. These damages are in addition to the remedies allowed under



current law, namely, front pay, back pay, interest on back pay, reinstatement or hiring, and other equitable relief that may be awarded. Compensatory damages are to compensate a plaintiff for other pecuniary losses as well as emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses. If the plaintiff shows by clear and convincing evidence that the defendant engaged in a discriminatory or unfair employment practice with malice or reckless indifference to the rights of the plaintiff, the plaintiff may recover punitive damages. However, a plaintiff may not recover punitive damages against:

- The state or a political subdivision, commission, department, institution, or school district of the state;
- A defendant who demonstrates good-faith efforts to prevent discriminatory and unfair employment practices; or
- A defendant who demonstrates good-faith efforts to identify and make reasonable workplace accommodations for a person with a disability employed by the defendant.

The amount of compensatory and punitive damages is limited to the amounts specified in the federal "Civil Rights Act of 1991", but the following limits on damage awards apply to the following employers:

- For employers who employ between one and 4 employees, \$10,000; or
- For employers who employ between 5 and 14 employees, \$25,000.

When determining the amount of damages to award a victim, the court is to consider the size and assets of the defendant and the egregiousness of the intentional discriminatory or unfair employment practice. A plaintiff who asserts employment discrimination claims under both federal and state law is limited to recovery only once for the same injuries, damages, or losses. When a plaintiff claims discrimination based on age, the plaintiff may only recover relief authorized under federal law, which includes front pay, back pay, and liquidated damages but excludes compensatory and punitive damages.

When a plaintiff claims compensatory or punitive damages in a civil lawsuit, either party to the action is entitled to demand a jury trial. Additionally, the court may award the prevailing plaintiff reasonable attorney fees and costs, and, if the court finds that the action was frivolous, groundless, or vexatious, the court may award attorney fees and costs to the defendant.

When a person seeks damages for an intentional discriminatory or unfair employment practice, the person cannot obtain those damages from the commission or, for state employees, from the state personnel board (board); rather, the person must file a civil action in the appropriate district court to pursue a damage award. The bill establishes a process for a complaining party to pursue a damages claim in court after exhausting applicable administrative proceedings, under which process an order or written decision issued by the commission or board is stayed and cannot be appealed by the complaining party or respondent until the damages case is tried in district court and the court issues a decision. Claims for compensatory damages against the state are payable from the risk management fund.

The act removes the maximum age limit for purposes of age discrimination claims, thereby permitting persons 70 years of age or older to pursue a claim based on age discrimination.

The commission is to appoint a working group of employers and employees to assist in education and outreach efforts to foster compliance with laws prohibiting discriminatory or unfair employment practices.

The remedies available under the act apply to causes of action alleging discriminatory or unfair employment practices accruing on or after January 1, 2015.

**APPROVED** by Governor May 6, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1139** Obsolete statutory entities - repeal. The act repeals the following entities, which are each obsolete for various reasons, including significant period of inactivity, lack of appointees, fulfillment of duties, or prior transfer of functions to other bodies:

- The state standards and assessments development and implementation council in the department of education;
- The microenterprise development advisory council;
- The gulf war syndrome advisory committee;
- The statewide poison control oversight board;
- The panel of experts appointed by the governor to advise the state department of health care policy and financing regarding the creation of a centennial care choices program; and
- The minerals, energy, and geology policy advisory board in the department of natural resources.

**APPROVED** by Governor April 8, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1155** Transfer of duties and moneys relating to health facility compliance with building and fire codes - event upon which transfer occurs - correction. House Bill 12-1268 provided for the transfer from the Colorado department of public health and environment to the division of fire prevention and control (DFPC) in the Colorado department of public safety of the functions, personnel, and property directed principally for life safety code inspections of health care facilities. The transfer was scheduled to occur on July 1, 2013, and was expressly conditioned on the state receiving, prior to that date, a modification of its agreement with the United States department of health and human services (HHS) pursuant to section 1864 of the federal "Social Security Act" that would allow DFPC to perform those functions. However, that agreement (as modified and as further set forth in the associated operations manual) does not require modification in order for such reassignment of functions to occur. Instead, the secretary of the HHS (secretary) must merely approve of the transfer. The act therefore makes approval from the secretary the operative event upon which the House Bill 12-1268 transfers occur.

**APPROVED** by Governor March 14, 2013

**EFFECTIVE** March 14, 2013

**H.B. 13-1167** Secretary of state - collection of business information - appropriation. The act requires the secretary of state to request information from each business owner that files documents with the secretary of state regarding whether the business is owned by a woman, member of a minority group, veteran, or person with a disability and requires the secretary of state to make the information available to the public.

\$74,592 is appropriated from the department of state cash fund to the department of state for programming services related to implementation of the act.

**APPROVED** by Governor May 3, 2013

**EFFECTIVE** January 1, 2014

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

**H.B. 13-1179** State agencies - office of state budgeting - budget request - supplemental appropriation request - submission deadlines - joint budget committee. The act requires a state agency to submit a budget request or a budget request amendment to the joint budget committee (JBC) by the following deadlines:

- November 1 for a budget request;
- January 2 for a budget request amendment related to most supplemental appropriation requests; and
- January 15 for stand-alone budget request amendments and budget request amendments by the department of education (DOE) related to a supplemental appropriation request for current-year enrollment changes and by the department of corrections (DOC) and the division of youth corrections in the department of human services (DYC) related to a supplemental appropriation request for current-year caseload growth.

If a state agency intends to request a supplemental appropriation, it must submit the request to the JBC by the following deadlines:

- January 2 for most supplemental appropriation requests; and
- January 15 for DOE to request a supplemental appropriation related to current-year enrollment changes and for DOC and DYC to each request a supplemental appropriation related to current-year caseload growth.

A state agency may submit a budget request amendment or request a supplemental appropriation to the JBC after these deadlines if it is based upon circumstances unknown to, and not reasonably foreseeable by, the state agency prior to the applicable deadline. These deadlines apply to the office of state planning and budgeting if it submits a request on behalf of a state agency.

**APPROVED** by Governor April 18, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1180** Nurse home visitor program - restoration of most funding originally allocated - diversion of funding to tobacco settlement defense account - appropriations. Senate Bill

11-224 reduced the original allocations of tobacco litigation settlement moneys (settlement moneys) to the nurse home visitor program (program) for fiscal years 2011-12 through 2016-17 and required the settlement moneys saved by reducing the allocations to be transferred to the general fund. The act:

- Requires the settlement moneys saved by reducing the allocation for fiscal year 2012-13 to be transferred to the tobacco settlement defense account of the tobacco litigation settlement cash fund instead of the general fund;
- Generally restores the allocations to the program to their original levels for fiscal years 2013-14 through 2016-17, but reduces the original allocations for fiscal years 2013-14, 2014-15, and 2015-16 by \$1 million each and requires the settlement moneys saved by reducing the allocations to be transferred to the tobacco settlement defense account of the tobacco litigation settlement cash fund;
- For the fiscal year 2013-14, appropriates \$1,433,351 from the tobacco litigation settlement cash fund to the department of law for the implementation of the act and offsets that appropriation by reducing the 2013-14 long bill general fund appropriations to the department of law for various centrally appropriated line items in the administration section by \$29,556, for consumer protection and antitrust by \$153,795, and for tobacco litigation by \$1,250,000; and
- For fiscal year 2013-14, appropriates \$803,330 from the nurse home visitor program fund to the department of human services for allocation to the nurse home visitor program for the implementation of the act.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** May 11, 2013

**NOTE:** Certain sections of the act are contingent on House Bill 13-1117 becoming law. House Bill 13-1117 was signed by the governor May 7, 2013.

**H.B. 13-1181** Tobacco programs - rollover of allocated tobacco litigation settlement moneys in excess of appropriations. Current law allocates tobacco litigation settlement moneys (settlement moneys) for various programs (tobacco programs), and the allocation for many programs is a statutorily specified percentage of the total amount of settlement moneys annually received by the state. The general assembly typically appropriates the entire estimated amount of the statutory allocation for such a program based on a projection of the amount of settlement moneys that the state will receive. But if the actual amount of settlement moneys received by the state exceeds the projected amount, the annual appropriation for a program will be less than the statutory allocation to the program. In many cases, the portion of the statutory allocation in excess of the annual appropriation that cannot be spent reverts to the general fund or the tobacco litigation settlement cash fund at the end of the fiscal year and is lost to the program.

The act helps ensure that a program affected as described above can spend its entire statutory allocation of settlement moneys by:

- Creating separate dedicated cash funds for those tobacco programs that do not already have such cash funds; and
- Requiring the lesser of all unexpended and unencumbered moneys remaining in the cash fund of a tobacco program at the end of any fiscal year or an amount of such moneys equal to 5% of the amount appropriated from the cash

fund for the fiscal year to remain in the cash fund instead of being transferred.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**H.B. 13-1182** Legislative digital policy advisory committee - legislative recordings - "Uniform Electronic Legal Material Act" - recommendations. The legislative digital policy advisory committee (advisory committee) is created. The advisory committee consists of the state archivist, the librarian of the supreme court library, the state librarian, the director of research of the legislative council staff, the director of the office of legislative legal services, the chief clerk of the house of representatives, and the secretary of the senate, or any of their designees. The advisory committee is required to develop plans for digitizing archived recordings of legislative proceedings and for implementing the "Uniform Electronic Legal Material Act". Its report to specified legislative committees is due by November 1, 2013.

**APPROVED** by Governor May 23, 2013

**EFFECTIVE** May 23, 2013

**H.B. 13-1184** State procurement - supplier database cash fund - statewide centralized electronic procurement system - fees credited to cash fund. Beginning on July 1, 2013, the act requires the state treasurer to credit the fees and other moneys collected in connection with the statewide centralized electronic procurement system operated by the department of personnel to the supplier database cash fund (fund). The state treasurer is required to transfer any moneys remaining in the electronic program procurement account within the fund on June 30, 2013, to the fund. In addition, the act requires that the interest and all unexpended or unencumbered moneys in the fund remain in the fund rather than be credited to the general fund.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**H.B. 13-1193** Colorado international trade office - advanced industries export acceleration program - international export development expense reimbursement - export training - global network consultation. The act creates the advanced industries export acceleration program to be administered by the Colorado international trade office (office). The program, which lasts for 5 years, is for the benefit of the following advanced industries: advanced manufacturing, aerospace, bioscience, electronics, energy and natural resources, infrastructure engineering, and information technology. The program consists of 3 components:

- International export development expense reimbursement;
- Export training; and
- Global network consultation.

Under the first program component, the office may reimburse a qualifying business for up to one-half of its international export development expenses. The maximum amount that a business may be reimbursed is \$15,000. The office may conditionally approve an expense prior to the business incurring it and may establish conditions based on export sales under which the office receives payments from reimbursement recipient.

Next, the office is required to provide export training for advanced industry businesses about exporting fundamentals. The office may collaborate with private trade organizations

and federal export assistance organizations to conduct the training. The office is permitted to charge reasonable fees for a business to attend a training session.

The final aspect of the program requires the office to develop a network of trade consultants in key international markets to assist the office in accelerating advanced industry exports. The office may work with the consultants to increase its knowledge about the market and make the consultants available for Colorado businesses to access. The office may pay for these services on behalf of a business, and if so, recoup some of the costs from the business.

The act also creates the advanced industries export acceleration cash fund. The state treasurer will annually transfer \$300,000 from the general fund to the fund over the next 5 years. Moneys in the fund are continuously appropriated to the office for the administration of the program.

**APPROVED** by Governor May 23, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1198** Colorado commission of Indian affairs - powers and duties - members - terms - reimbursement. The act makes the following changes with respect to the Colorado commission of Indian affairs (commission):

- Bifurcates the commission's existing functions into "powers" and "duties" and adds the power to form committees as needed;
- Increases the length of the terms of the at-large commission members from one year to 3 years;
- Allows the governor to add nonvoting ex officio and advisory members to the commission, as appropriate, to address the needs of tribal governments and Indian peoples of the state;
- Directs the commission to consult with other persons as it deems appropriate;
- Withdraws compensation, including reimbursement of expenses, for commission members; and
- Changes the title of the person employed to handle the day-to-day responsibilities and business of the commission from "executive secretary" to "executive director".

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**H.B. 13-1205** Investment of state moneys - exchange and sale of public school fund investments that have lost value - lawful investments. In order to provide the state treasurer with additional flexibility in investing state moneys and disposing of public school fund investments that are losing money, the act:

- Allows the state treasurer to exchange or sell an investment at a loss of principal to the public school fund so long as the loss is offset by a gain on an exchange or sale in the fund within 12 months;
- In accordance with a recommendation of the state auditor, updates statutory language that currently allows the state treasurer to invest state moneys in

- domestic securities to allow investment in securities denominated in United States dollars; and
- Allows the state treasurer to invest state moneys in municipal bonds and covered bonds that rated in one of the 2 highest rating categories by a nationally recognized rating organization.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1208** Creative districts - need-based funding for infrastructure development. The act authorizes the creative industries division of the Colorado office of economic development to offer incentives in the form of need-based funding for infrastructure development in creative districts and to provide such funding from any moneys appropriated to the creative industries cash fund for that purpose. "Infrastructure development" includes, but is not limited to:

- Installation and maintenance of temporary and permanent art in public spaces;
- Professional services related to the development of a creative district;
- Support of networking, resource, and professional development and branding and marketing skill development training; and
- Community engagement and coalition-building strategies.

**APPROVED** by Governor April 19, 2013

**EFFECTIVE** April 19, 2013

**H.B. 13-1234** Capital construction - department of agriculture - office consolidation - authority to enter into lease-purchase agreement. The act authorizes the state to enter into one or more lease-purchase agreements for the department of agriculture's office consolidation, and authorizes the use of moneys from the agricultural management fund for expenses related to such consolidation.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** May 10, 2013

**H.B. 13-1235** Real property purchased by the state - contract to purchase - appraisal required - option to purchase - opinion of value required. The act makes clarifications to existing law regarding appraisal requirements for contracts to purchase and options to purchase real property.

Specifically, a contract to purchase real property that has a purchase price of more than \$100,000 must contain a contingency clause that requires the state to secure an appraisal of the subject real property or interest therein by an appraiser licensed in the state to substantiate the purchase price and that makes the closing of the purchase contingent on the approval of the contract by the state controller.

When the state department, institution, or agency entering into the contract receives the appraisal, the state department, institution, or agency is required to provide a copy of the appraisal to the state controller.

If a state department, institution, or agency enters into an option to purchase real property that has a total purchase price of more than \$100,000, the same appraisal contingency must occur prior to closing on the purchase of the real property.

Prior to a state department, institution, or agency entering into an option to purchase real property or any interest therein that has a total purchase price of more than \$100,000, the state department, institution, or agency is required to obtain a written broker opinion of value completed by a broker licensed in the state of Colorado or an appraisal by an appraiser licensed in the state of Colorado of the subject property in order to complete a thorough analysis of the property or interests therein being considered. The act specifies that the opinion of value or the appraisal must be forwarded to the state controller prior to the state controller approving the option to purchase contract.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**H.B. 13-1241** Statewide automated victim information and notification system - appropriation. The act authorizes the general assembly to appropriate, and directs the division of criminal justice in the department of public safety to distribute, moneys for a statewide victim information and notification system (system).

The act appropriates \$434,720 to the department of public safety to pay for expenses of the system.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1274** State board of land commissioners - investment in commercial real property - authority to enter into lease-purchase agreements. The act ensures that any lease payments and rental payments for land, including by definition any lease payments from commercial real property, would be distributed in the same way that all revenues generated from state trust lands are currently distributed.

The act grants the state board of land commissioners the authority to instruct the state treasurer to enter into lease-purchase agreements on behalf of the state school lands for the acquisition, construction, renovation, and improvement of commercial real property that the board will then offer as lease space for state agencies or other tenants only if:

- The state board of land commissioners has reviewed the leased space needs for state agencies with the department of personnel;
- The state board of land commissioners has evaluated the project with the assistance of the department of personnel and the office of state planning and budgeting against the capitol complex master plan if the project is related to capitol complex leased space needs;
- The projected annual rent costs of the state agencies that will be located in the property plus any current rental payment or rental payment projected to be received from other nonstate agency tenants for each fiscal year during the maximum term of the proposed lease-purchase agreement will exceed the annual lease-purchase payment for the property;
- A financial plan for the lease-purchase transaction that includes such things as leased-space needs, subleasing agreements, income, expenses, capital maintenance costs, interest rates, reserve requirements, amortization, expected



return on investment, and overall benefit to the permanent school fund as related to the state board's duties enumerated in section 10 of article IX of the state constitution, has been approved by the office of state planning and budgeting and reviewed and recommended by the capital development committee of the general assembly;

- The state board of land commissioners approves the terms of the lease-purchase agreements and any ancillary agreements;
- The state board of land commissioners ensures that the agreements for the lease-purchase transaction accurately reflect the financial plan approved by the office of state planning and budgeting and the capital development committee; and
- The state controller has approved all agreements pursuant to section 24-30-202, C.R.S.

The act also:

- Limits the total amount of annual lease payments payable by the state in any fiscal year;
- Requires that annual payments on lease-purchase agreements be made solely from the state board of land commissioners lease-purchase fund with transfers first from the commercial real property operating fund, second from the reserve, and, in the event of any shortfall, from the state board of land commissioners investment and development fund.
- Specifies additional procedural and legal requirements relating to the lease-purchase agreements; and
- Creates the state board of land commissioners lease-purchase fund.

The act makes clear that any interest earned on damage deposits that the state board of land commissioners receives from a lessee related to leases on state lands for nonagricultural purposes may be retained by the state board of land commissioners.

The act makes a change to the state board of land commissioners' investment and development fund to allow for annual payments on any lease-purchase agreements to be made from the fund if necessary.

The act creates the commercial real property operating fund to properly establish how to account for lease revenues generated from all commercial real property investments held by the state board of land commissioners on behalf of any of the state trust funds.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**H.B. 13-1280** Building regulation fund - target reserve requirement - waiver. For the 2012-13 and 2013-14 fiscal years, the act waives the target reserve requirement, which is equal to 16.5% of the amount expended from the cash fund during the fiscal year, for the building regulation fund.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**H.B. 13-1282** Disaster emergency fund - governor authorized to repay transferred moneys. Currently, when the costs of coping with a particular disaster exceed the moneys available

in the disaster emergency fund (fund), the governor is authorized to transfer to and expend from the fund moneys that were appropriated for other purposes. The act allows the governor to repay those transferred moneys when the state receives reimbursements for expenditures for which the moneys were transferred originally.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** May 11, 2013

**H.B. 13-1286** State recovery audits - suspension until 2017 - appropriation. Current law requires the state controller to contract with one or more experienced consultants to conduct recovery audits on or before:

- July 1, 2014, for recovery audits for the 2010-11, 2011-12, and 2012-13 fiscal years; and
- On or before July 1 of every third year thereafter to conduct recovery audits for the period of 3 fiscal years that ends on the immediately preceding June 30.

In order to allow the Colorado Financial Reporting System (COFRS) modernization project to be completed and all relevant data to be entered into the modernized COFRS system before the next series of recovery audits is conducted, the act extends the deadline for the state controller to contract with one or more experienced consultants to conduct recovery audits until:

- July 31, 2017, for recovery audits for the 2014-15, 2015-16, and 2016-17 fiscal years; and
- July 31 of every third year thereafter for recovery audits for the period of 3 fiscal years that ends on the immediately preceding June 30.

The fiscal year 2013-14 general fund appropriations for the office of the state controller, personal services, and the office of the state controller, operating expenses, are respectively reduced by \$58,064 and 0.8 FTE, and \$713.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1292** Procurement requirements - government contracts - Colorado labor requirement - nonresident bidder reciprocity - competitive sealed best value bidding - disclosure of outsourcing contract duties by vendor - disclosure of foreign-produced iron, steel, and related manufactured goods - public utilities commission consideration of best value metrics - appropriation. Procurement requirements for government contracts are modified as follows:

**Colorado hiring on public works projects.** A contractor is required to use at least 80% Colorado labor for any public works contract that is financed in whole or in part by state, county, school district, or municipal moneys (Colorado labor requirement). The criminal penalties for a violation of the Colorado labor requirement are repealed and the department of labor and employment (CDLE) is required to enforce the Colorado labor requirement. In connection with its enforcement duties, CDLE is required to receive complaints about potential violations of the Colorado labor requirement, investigate such complaints, and impose fines for violations. If a contractor has violated the Colorado labor requirements multiple times, the executive director of CDLE may, in his or her discretion,

initiate proceedings to debar the contractor. The general assembly is required to appropriate any revenue from the fines collected by CDLE to CDLE to be used for its enforcement of the Colorado labor requirements.

A governmental body financing a public works project is required to waive the Colorado labor requirement if there is reasonable evidence to demonstrate insufficient Colorado labor to perform the work of the project and if compliance with the requirement would create an undue burden that would substantially prevent a project from proceeding to completion. Compliance with the requirements of the Colorado labor requirement will be calculated on the total taxable wages and fringe benefits, minus any per diem payments, paid to workers employed directly on the site of the project and who satisfy the definition of Colorado labor.

**Nonresident bidder reciprocity.** Colorado is one of many states that requires reciprocal treatment for a non-resident bidder who is from a state that offers a preference for resident bidders of that state (non-resident bidder reciprocity). The nonresident bidder reciprocity law is clarified by specifying that in any bidding process for public works in which a bid is received from a nonresident bidder who is from a state that provides a percentage bidding preference, a comparable percentage disadvantage shall be applied to the bid of that bidder.

The department of personnel (DPA) is required to determine which states provide a bidding preference on public works contracts for their resident bidders and to submit a report to the general assembly that includes the list as well as recommendations for the implementation and enforcement of the nonresident bidder reciprocity law. In addition, any request for proposals issued by a state agency or political subdivision of the state is required to include notice of Colorado's nonresident bidder reciprocity law.

**Competitive sealed best value bidding for construction contracts for public projects.** A competitive sealed best value bidding process is created and construction contracts that do not receive federal moneys are authorized to be awarded through such process. A contract under competitive sealed best value bidding must be solicited through an invitation for bids that identifies the evaluation factors upon which the award shall be based. A contract shall be awarded to the bidder whose bid is determined in writing to be the most advantageous to the state and that represents the best overall value to the state, taking into consideration the price and other evaluation factors set forth in the invitation for bids.

The executive director of a governmental agency or the president of an institution of higher education (institution), as applicable, that enters into a construction contract for a public project is required to disclose to the public the agency or institution's rationale for selecting the competitive sealed bidding process, the competitive sealed best value bidding process, or the integrated project delivery process. The agency or institution is required to post the disclosure on its web site.

To ensure that the best value bidding process is open and transparent to the public, after the selection of qualified participants, all statements of qualification shall be made available to the public. In addition, after the contract has been awarded all requests for proposals shall be made public along with the score sheets used to make the bid selection.

**Disclosure of outsourcing contract duties by vendor.** Each contract entered into or renewed by a governmental body is required to contain a clause that requires the vendor to provide written notice to the governmental body if the vendor decides, after the contract is

awarded, to perform services under the contract outside the United States or the state or to subcontract any part of the contract to a subcontractor that will perform such duties outside the United States or the state. The notice must include the type of services that will be outsourced and the reason for the outsourcing. The governmental body is required to provide the written notice from a vendor to the director of DPA (director), and the director is required to post the notice on the official web site of DPA. If a vendor fails to notify the governmental body that is a party to the contract of outsourcing, the governmental body may, in its discretion, void the contract.

Beginning in January, 2014, each governmental body that entered into one or more contracts with a vendor during the previous year and received written notice from a vendor that the vendor or a subcontractor would perform services under the contract outside the United States or the state is required to submit an annual report that includes specified information to the general assembly.

**Disclose use of foreign-produced iron, steel, and related manufactured goods.** The contractor for any public works project that is funded by a state agency, that does not receive any federal moneys, and that costs more than \$500,000 is required to disclose to DPA the 5 most costly goods incorporated into the contract; except that for a public project under the supervision of the department of transportation, the contractor is required to disclose such information to the department of transportation.

In the case of an iron or steel product, the product will be considered manufactured in the United States if all of the manufacturing processes for the final product take place in the United States, and in the case of a manufactured good, a good will be considered manufactured in the United States if all of the manufacturing processes for the final product take place in the United States. In order for a manufactured good to be considered subject to disclosure, the product must be manufactured predominantly of steel or iron.

DPA is required to issue an annual report detailing the information that the contractor submitted to the department and the department of transportation.

**Public utilities commission consideration of best value metrics in request for proposal process.** In addition to certain best value employment metrics that the public utilities commission is required to consider when it evaluates electric resource acquisitions, the public utilities commission also required to consider the best value employment metrics in connection with requests for a certificate of convenience and necessity for construction or expansion of generating facilities, including pollution control or fuel conservation upgrades and conversion of existing coal-fired plants to natural gas plants.

**Appropriation.** Appropriates \$98,519 and 1.0 FTE from the general fund to CDLE for the implementation of the act, including the purchase of legal services from the department of law in connection with the implementation of the act. In addition, appropriates \$36,588 from the general fund to the department of personnel for the implementation of the act, including the purchase of legal services from the department of law in connection with the implementation of the act.

**Applicability.** This act applies to new contracts for which the invitation for bids or the request for proposals was issued on or after January 1, 2014.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**H.B. 13-1293** Climate change - position in executive branch - creation by governor - annual report. The act directs the governor to establish a position for climate change issues. The person appointed to that position is required to develop climate action plans and to report annually to the general assembly regarding how climate change affects the state.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1294** Colorado governmental immunity act - clarification that judicial department is included within definition of public entity. In 2012, the general assembly enacted legislation that had the inadvertent effect of removing the state's judicial department from the definition of "public entity" for purposes of the "Colorado Governmental Immunity Act" (CGIA). The act modifies the definition of "public entity" under the CGIA to clarify that it includes the state's judicial department.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1298** State personnel system - exemptions - senior executive service - departmental positions - employment policies. The act makes the following changes to the employment policies related to people in the senior executive service and specified departmental positions who are not in the state personnel system:

- Their salaries are based on policies established by the state personnel director;
- If an employee in the senior executive service is dismissed for failure to perform, he or she is not permitted to appeal directly to the state personnel board;
- Senior executive service employees have no right to any position within the state; and
- The departmental employees are not entitled to anniversary-based merit increases.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1301** Office of economic development - procurement technical assistance centers - operation - task force - appropriation. Procurement technical assistance programs offer education, counseling, and technical assistance to businesses and entrepreneurs to compete for government contracts. The act creates a procurement technical assistance task force to discuss and determine the future structure and oversight of procurement technical assistance centers in Colorado and specifies the membership of the task force.

The act requires the task force to meet as necessary after the first regular session of the 69th general assembly. All staff needed to assist the task force in conducting its duties shall be provided by the Colorado office of economic development (office). The nonlegislative members of the task force are required to serve without compensation. The legislative members of the task force shall be compensated for attendance at the meetings of the task force and reimbursed for the actual and necessary expenses incurred in connection with their duties on the task force.

The act requires the office to provide financial assistance for the 2013-14 fiscal year

to an organization in the state that offers procurement technical assistance to businesses and entrepreneurs to help the organization satisfy its financial obligations to receive matching moneys from the federal government for the purpose of providing procurement technical assistance.

The act makes an appropriation to the office to be used for costs incurred in connection with the task force and to provide financial assistance to an organization in the state that offers procurement technical assistance to businesses and entrepreneurs. In addition, the act makes an appropriation to the legislative department to be used to reimburse and compensate the legislative members of the task force.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**H.B. 13-1305** Tobacco litigation settlement cash fund - transfer of general fund moneys - limited authorization for governor to order transfer if tobacco litigation settlement payments are reduced due to an adverse arbitration ruling. The state is currently engaged in arbitration with participating manufacturers to the tobacco litigation settlement. If an arbitration panel rules against the state, one or more payments of tobacco litigation settlement moneys to be made to the state are likely to be reduced in order to effectuate the refund of disputed payments.

If one or more tobacco litigation settlement payments are reduced, it may be necessary or advisable to use general fund moneys to backfill tobacco litigation settlement moneys lost to tobacco settlement programs. Because there is no current statutory authority to use general fund moneys in this manner, if the general assembly is not in session when such a ruling is made, it may not be possible to accomplish the backfill quickly enough to allow the tobacco litigation settlement programs to meet critical state obligations and to begin reducing program expenditures in an orderly manner. To address this difficulty, the act provides limited authorization to the governor to order up to \$40 million of general fund moneys to be transferred from the general fund to the tobacco litigation settlement cash fund and further transferred to programs and funds that receive tobacco litigation settlement moneys as directed by the governor if an arbitration panel rules against the state while the general assembly is not in session.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1317** Retail marijuana - marijuana enforcement division - marijuana cash fund - regulatory framework - licensing - rule-making - prohibited licensees - sale requirements - appropriations. The act converts the medical marijuana enforcement division in the department of revenue to the marijuana enforcement division and gives the division the authority to regulate medical marijuana and retail marijuana. The act allows the division to receive moneys from the general fund. The act deposits all of the application and licensing fees and sales, excise, and special marijuana sales taxes from retail and medical marijuana into a cash fund and permits supplementing the fund with moneys from the general fund to allow the division to operate. Once the division achieves a balance of cash funds sufficient to support the division, any excess revenue up to the amount of general fund moneys provided must be transferred to the general fund. The fund may be used for the costs associated with the regulated industry and pay for the various studies authorized by Senate Bill 13-283. The act sets the application fees for applicants who are current medical marijuana licensees or applicants at \$500 and at \$5,000 for new applicants. One half of the

fee is transferred to the local jurisdiction. On April 1, 2014, and each year thereafter, the state licensing authority must provide a report to the finance committees regarding specified items, including the amount of revenue generated by retail marijuana, expenses of the division, and its regulatory work.

The act creates the regulatory framework for retail marijuana. The act allows an existing medical marijuana licensee or an existing medical marijuana applicant the opportunity to apply for a retail marijuana establishment license with the option of converting its operation to a retail marijuana business or retaining a medical marijuana business and adding a retail marijuana business. The act places a 9-month moratorium on retail marijuana license applications from individuals who are not currently licensed for medical marijuana or an applicant for a medical marijuana license. During the 9-month period, the retail marijuana establishments are subject to requirements of vertical integration similar to the existing requirements for medical marijuana. Starting January 1, 2014, persons who are not medical marijuana licensees or applicants may submit notice of intent to submit an application, and as of July 1, 2014, such applications may be submitted. Preference is to be given persons who have submitted notices of intent. The state licensing authority must act upon the applications no sooner than 45 days after receipt and no later than 90 days after receipt. The following businesses must be licensed to operate a retail marijuana establishment: retail marijuana stores, retail marijuana products manufacturers, retail marijuana cultivation facilities, and retail marijuana testing facilities. The act creates an independent testing and certification program, requiring licensees to test marijuana to ensure at a minimum that products sold for human consumption do not contain contaminants that are injurious to health and to ensure correct labeling. The act allows the state licensing authority to issue a state license that is conditioned on the local jurisdiction's approval.

The act requires the state licensing authority to promulgate rules as required by the constitution and requires the state licensing authority to promulgate other rules with the assistance of the department of public health and environment.

The act describes persons who are prohibited from being licensees and requires license applicants to undergo a background check. The act also limits the areas where a licensed operation may be located. The state licensing authority may set fees for the various types of licenses it issues. The act requires all officers, managers, and employees of a retail marijuana business to be residents of Colorado. All owners must be residents of Colorado for at least 2 years prior to applying for licensure.

On and after September 1, 2014, a licensed retail marijuana store and licensed retail marijuana products manufacturer may either grow its own marijuana or purchase it from a retail marijuana cultivation facility.

A retail marijuana store may only sell one-fourth of an ounce of marijuana to a nonresident during a single transaction. A retail marijuana store may not sell any retail marijuana product that contains nicotine or alcohol. A retail marijuana store must place each sold item in a sealed nontransparent container at the point of sale.

The act appropriates the following for implementation of the act:

- \$1,227,026 and 2.7 FTE to the department of revenue;
- \$73,000 to the office of information technology;
- \$70,684 and \$76,000 to the department of law;
- \$87,615 to the department of public health and environment; and

- \$155,760 and 0.7 FTE to Colorado bureau of investigation.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**NOTE:** Certain sections of the act are contingent on Senate Bill 13-283 becoming law. Senate Bill 13-283 was signed by the governor May 28, 2013.

**H.B. 13-1324** Statewide internet portal authority - expansion of membership of board of directors to include 2 new legislative members. The act enlarges the board of directors of the statewide internet portal authority from 13 to 15 members by adding a member who is appointed by the minority leader in the senate and a member who is appointed by the minority leader in the house of representatives. The act also specifies when the appointments are to be made and when the terms of the new board members begin and end.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013



## HEALTH AND ENVIRONMENT

**S.B. 13-10** Commission on family medicine - membership. Under current law, the commission on family medicine (commission) comprises the following members:

- The dean of the university of Colorado school of medicine or the dean's designee;
- The director of accredited family medicine programs in the state;
- A representative of the Colorado academy of family physicians; and
- A health care consumer appointed by the governor from each congressional district in the state.

The act adds as members of the commission the deans of all accredited allopathic and osteopathic schools of medicine in the state or their designees. Additionally, the act clarifies that the limitation on the number of commission members from that same major political party applies only to governor appointees from each of the 7 congressional districts in the state and reduces that limitation from 8 to 4 members.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-46** Regulation of dialysis clinics - outpatient treatment. The act prohibits a dialysis treatment clinic from providing outpatient hemodialysis treatment to a non-end-stage renal disease patient without a referral for treatment from a board-certified or board-eligible nephrologist licensed as a physician in Colorado. It also eliminates the existing requirement that home dialysis only be used in cases of end-stage renal disease.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**S.B. 13-73** Water quality control - new or amended general permit requirements - notice and comment - appeal. The act requires the division of administration (division) in the department of public health and environment to provide a statement of basis and purpose, evidence, and a notice and comment process when the division proposes new or amended permit requirements with respect to general permits related to water quality control. The act also requires the division to consider and give due weight to a cost-benefit analysis if the cost-benefit analysis is:

- Requested and paid for by an affected party;
- Received by the division during the comment phase of the notice and comment process;
- Related to one or more proposed permit requirements not already required by federal or state statute or rule; and
- Prepared by a third party chosen from an approved list of analysts.

A party may appeal a general permit subject to these requirements through the appeals process set forth in the "State Administrative Procedure Act".

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-150** Environmental control - water and wastewater facilities - certification - board - continuation under sunset law. The automatic termination date of the water and wastewater facility operators certification board (board) is extended until September 1, 2020, pursuant to the provisions of the sunset law.

The act implements the following recommendations in the department of regulatory agencies' sunset report:

- Currently, one member of the board represents the Colorado rural water association. This member is replaced with a representative of rural water facilities.
- The board may contract with one or more independent nonprofit corporations to carry out the administration of a training program to aid applicants in acquiring necessary knowledge to meet certification requirements and administration of examinations.
- Currently, the board may exempt industrial wastewater facilities from having a certified operator if the exemption does not endanger public health or the environment. This authority is expanded to include nonindustrial facilities and water facilities.
- The water quality control division within the department of public health and environment is empowered to investigate allegations of misconduct by water and wastewater facility operators and report the findings to the board.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-152** Asbestos abatement certification program - sunset. The act implements the recommendations of the department of regulatory agencies' review of the Colorado department of public health and environment's certification process in connection with asbestos abatement by:

- Continuing the certification process for 9 years, until 2022; and
- Requiring property owners applying for permits to renovate or demolish property to disclose knowledge of whether the building materials that will be disturbed by a renovation or demolition project have been inspected for asbestos. A local government entity need not require a property owner applying for a property renovation or demolition permit to make the disclosure until the entity has updated its application forms, which it may do when it otherwise creates and disseminates updated application forms pursuant to its standard practice.

**APPROVED** by Governor March 29, 2013

**EFFECTIVE** March 29, 2013

**S.B. 13-160** Dental advisory committee - membership - repeal - continuation under sunset law. The act reduces the number of members on the dental advisory committee (committee) from 10 members to 7 members by eliminating one of 2 dentists providing dental care to seniors and one senior eligible for benefits, and by authorizing one member of the committee to represent either the department of human services or an agency that coordinates dental services to low-income seniors rather than each having a member.

The act eliminates the repeal of the committee under the sunset law and continues the committee indefinitely.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**S.B. 13-163** Hearing in newborn infants - advisory committee - continuation. The act implements the recommendation of the department of regulatory agencies, as contained in the sunset report, to continue the advisory committee on hearing in newborn infants indefinitely.

**APPROVED** by Governor March 29, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-166** Medical clean claims - task force - development of standardized rules for processing claims - deadline extension - appropriation. In 2010, the department of health care policy and financing (department) was charged with creating a task force to help develop a standardized set of payment rules and claims edits for use by health care providers and payers in the processing of medical claims. The task force is to submit a final report and recommendations concerning the standardized set by December 31, 2013. Commercial health plans are then required to implement the standardized set by January 1, 2015, or according to a schedule outlined by the task force, and domestic, nonprofit health plans must implement the standards by January 1, 2016. The act extends each of those deadlines by one year.

Additionally, under current law, the task force, through an organization designated by the executive director of the department, is allowed to seek and accept monetary and in-kind gifts, grants, and donations to use in performing its functions. No state funds have been appropriated to fund the work of the task force.

The act authorizes the general assembly to appropriate moneys to the department for use in developing the standardized payment and edits rules and appropriates \$100,000 from the general fund to the department for use by the task force in performing its functions.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**S.B. 13-219** Contaminated property - illegal drug laboratories - state board of health - rules - appropriation. Currently, the state board of health (board) may promulgate rules for the cleanup of illegal drug laboratories. The act requires the board to adopt, and the department of public health and environment (department) to implement, rules addressing the following:

- Testing and evaluating contamination;
- Training and certifying people to assess and clean up illegal drug laboratories;
- Approval of consultants' or contractors' trainers; and
- Certifying that property meets the cleanup standards established by the board.

The board is also directed to establish fees and administrative penalties to implement these standards.

Currently, a person who documents cleaning up an illegal drug lab to the board's standards is immune from a lawsuit, but the manufacturer of the illegal drugs is not immune. The act adds, as a person who is not immune, a person convicted of possession of chemicals,

supplies, or equipment with intent to manufacture the illegal drugs.

A person who violates a board rule is subject to a penalty of up to \$15,000 per day. The act sets procedures for the department to notify a person of an alleged violation and issue an order and establishes standards for taking administrative action and determining the penalty.

The act creates the illegal drug laboratory fund and appropriates \$61,491 and 0.5 FTE from the fund to the hazardous materials and waste management division to implement the act, \$15,450 of which is reappropriated to the department of law for legal services.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-222** Childhood immunizations - authority for universal purchasing system - stakeholder task force - state board of health rules - appropriation. Current law prohibits the department of public health and environment (department) from establishing a universal purchasing system for procuring vaccines for insured individuals in the state.

The act removes the barrier to establishing a vaccine purchasing system and authorizes the department, for purposes of increasing access to immunizations, to examine mechanisms for statewide purchase of vaccines, including childhood immunizations, and options for the state to more effectively purchase and distribute vaccines for insured individuals in the state. Additionally, the department is to explore authorizing the department of health care policy and financing to purchase vaccines recommended by the federal advisory committee on immunization practices (ACIP).

The act also:

- Requires the department to convene a stakeholder task force to make recommendations regarding the financing and delivery of childhood immunizations, including through a vaccine purchasing system; and
- Authorizes the state board of health to adopt rules to implement the task force's recommendations.

The department is authorized to expend moneys in the immunization fund to purchase vaccines through a vaccine purchasing system, if developed. The act also permits the department of health care policy and financing to purchase vaccines recommended by the ACIP through a vaccine purchasing system, if developed, for children enrolled in the children's basic health plan.

The act appropriates \$68,054 and 1.0 FTE from the general fund to the department of public health and environment, for allocation to the disease control and environmental epidemiology division to implement the act. The appropriation is allocated as follows:

- \$62,401 and 1.0 FTE for immunization personal services; and
- \$5,653 for immunization operating expenses.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**S.B. 13-225** Stroke and STEMI heart attack care - study groups created in department of public health and environment - reports to general assembly - repeal - hospital designations in stroke or STEMI care - appropriation. The act creates, within the department of public health and environment (department):

- The STEMI task force to study and make recommendations for developing a statewide plan to improve quality of care to ST-elevation myocardial infarction (STEMI) heart attack patients; and
- The stroke advisory board to study and make recommendations for developing a statewide plan to improve quality of care for stroke patients.

The governor is to appoint members to the STEMI task force and stroke advisory board, respectively, by August 1, 2013. Members of the STEMI task force must represent various aspects of STEMI care, including cardiologists from both rural and urban settings, an emergency medical service provider, a registered nurse involved in cardiac care, hospital administrators from both rural and urban settings, a STEMI heart attack victim, cardiovascular data registry experts, and representatives from statewide and national associations. The STEMI task force is to submit an initial report to the general assembly by January 31, 2014, and its final report by July 31, 2015, specifying its findings and recommendations. The STEMI task force is repealed on August 1, 2015.

Members of the stroke advisory board must represent various aspects of stroke care, including physicians actively involved in stroke care, an emergency medical service provider, a registered nurse involved in stroke care, hospital administrators from rural and urban settings, a representative of a stroke rehabilitation facility, a physical or occupational therapist involved in stroke care, a stroke victim or caregiver of a stroke victim, an expert in stroke database management, and representatives of statewide and national associations. The stroke advisory board is to submit annual reports to the general assembly starting January 31, 2014, and is subject to sunset review and repeal on September 1, 2018.

Members of the STEMI task force and stroke advisory board serve without compensation and are not reimbursed their expenses incurred while serving on the task force or advisory board.

The act permits hospitals that have an accreditation, certification, or designation in STEMI or stroke care from a nationally recognized accrediting body to send information and supporting documentation to the department, and the department must make a hospital's national accreditation, certification, or designation available to the public and deem the hospital as satisfying requirements for recognition and publication by the department. The department may delist a hospital if it determines, after notice and hearing, that the hospital no longer holds an active national accreditation, certification, or designation.

The act appropriates \$41,402 and 0.6 FTE to the emergency preparedness and response division in the department to implement the act.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**S.B. 13-261** Consolidated oral health community grants program - school dental sealants program - water fluoridation systems - repeal of dentist oversight of dental assistance program for seniors. The act restructures the oral health programs administered by the

department of public health and environment (department) by repealing the current dental assistance and water fluoridation programs and replacing them with a consolidated oral health community grants program. Under the program, the department will award grants to communities to assist with implementing oral health strategies, including school dental sealant programs and water fluoridation systems.

The act also repeals the oversight provided by a designated group of dentists for the dental assistance program for seniors.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-264** Commission on family medicine - support rural family medicine residency programs - appropriation. The act requires the commission on family medicine to support the development of rural family medicine residency programs. This specific duty of the commission repeals, effective July 1, 2016.

For state fiscal year 2013, the act increases the general fund appropriation to the department of health care policy and financing (department) by \$500,000 for allocation to other medical services, for the commission on family medicine residency training programs, for the development of family medicine residency programs in rural areas. The department anticipates receiving \$500,000 in federal funds for the same purpose.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1063** Emergency medical service providers - critical care endorsement. The director of the department of public health and environment (director) or, if the director is not a physician, the chief medical officer, shall adopt rules establishing standards for a critical care endorsement for emergency medical service providers. The director or chief medical officer must adopt these rules by August 1, 2014.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** March 8, 2013

**H.B. 13-1074** Primary care office - reallocation from prevention services division to department of public health and environment.. The act moves the primary care office and its powers, duties, and functions from the prevention services division in the department of public health and environment to the department itself. The act makes the law consistent with federal requirements for programs operated by the primary care office. The act reduces the number of members of the Colorado health service corps advisory council and clarifies the moneys included in the Colorado health service corps fund.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1088** Office of health equity - health equity commission - duties - continuation under the sunset law. The act changes the name of the office of health disparities in the department of public health and environment to the office of health equity (office) and adds duties to the office that include promoting health equity and including more diverse groups that may be affected by health equity and health disparity issues. The act also replaces the minority health advisory commission with the health equity commission (commission). The purpose of the commission is to serve as an advisor to the office on health equity issues. The commission representation is changed from 13 to 15 members and includes the executive directors of the department of human services and department of health care policy and financing. The members of the commission must represent diverse populations in Colorado that include those whose health equity may be affected due to ethnicity, sexual orientation, gender identity, disability, aging population, and socioeconomic status and also must have expertise in at least one specified area. The commission's new duties include aligning the departments' health equity efforts and health disparities grant program and strengthening partnerships with communities impacted by health disparities.

The automatic termination date of the commission is extended until September 1, 2023, pursuant to the provisions of the sunset law.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1158** Cottage Foods Act - course requirements - sale of eggs. The act amends the "Colorado Cottage Foods Act" to clarify the food safety course requirement for producers. Food producers under the act are exempted from regulation under the "Farm Products Act". A person is allowed to sell up to 250 dozen eggs per month under the act. The egg package label must specify that the eggs do not come from a government-approved source.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** April 4, 2013

**H.B. 13-1191** Water quality control - nutrients regulation - infrastructure grant program - creation of fund - appropriation. The act creates a nutrients grant fund and directs the division of administration in the department of public health and environment to award grants from the fund to local governments pursuant to rules promulgated by the water quality control commission for the planning, design, construction, or improvement of domestic wastewater treatment works owned or operated by a local government that are needed to comply with the commission's nutrients management control regulation. Moneys in the fund are continuously appropriated to the department to implement the act. The fund is repealed on September 1, 2016.

\$15,000,000 is appropriated from the general fund to the nutrients grant fund.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** May 10, 2013

**H.B. 13-1221** Pharmacy benefit managers - standards for auditing claims - definition. The act sets standards for a pharmacy benefit manager, carrier, or entity acting on behalf of a pharmacy benefit manager (auditing entity) to follow when auditing a pharmacy or other

dispensing entity. The auditing entity shall:

- Give written notice prior to conducting an audit;
- Conduct an audit in consultation with a licensed pharmacist when required;
- Not use certain techniques in calculating the amount of recoupment or penalty;
- Allow a pharmacy to produce additional claims documentation if an audit results in the dispute or denial of a claim;
- Establish a written appeals process that includes procedures to allow a pharmacy to appeal to the pharmacy benefit manager the preliminary reports and final reports resulting from the audit; and
- Not subject a pharmacy to the recoupment of funds for a clerical error unless the error resulted in financial harm to another entity.

An audit may only cover the 24-month period prior to the date that the prescription was submitted to or adjudicated by the auditing entity. The act specifies what documents may be used to validate claims and the pharmacy record and delivery.

**APPROVED** by Governor April 8, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1238** Medical marijuana licensing - report on application progress - conditional state license. The act directs the state licensing authority to report on the number of applications for medical marijuana operations granted, denied, pending, and withdrawn.

The act eliminates the requirement that a state license may not be issued until a local license is issued but makes a state license issued prior to a local license conditional on the local license. The act clarifies that a medical marijuana operation must receive both state and local licensing approval but that an operation that was established on July 1, 2010, may continue to operate while the local application is pending. The act specifies that a local licensing authority's denial of a license is grounds for the state licensing authority to revoke the state license. Current law requires a licensee to notify the state licensing authority of all persons employed at an operation and when the employee ceases to be employed. The act limits this to employees who manage an operation. It clarifies that transfers of location require both state and local approval.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1239** Children and youth - statewide youth development plan - appropriation. The act directs the state department of human services, in collaboration with the Tony Grampsas youth services board (board), to convene, subject to available funding, a group of interested parties to create a statewide youth development plan and a baseline measurement of youth activities, based on available data and resources. The board is authorized to spend up to \$300,000 of the moneys available to it for grants to award technical assistance grants for community-based prevention and intervention organizations that work with youth to assist those organizations in developing evidence-based programs.

The annual appropriation made to the department of public health and environment is decreased by \$133,284 and 2.0 FTE. There is appropriated to the department of human



services the sum of \$133,284 and 2.0 FTE for implementation of the act.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** July 1, 2013

**NOTE:** Certain sections of the act are contingent on House Bill 13-1117 becoming law. House Bill 13-1117 was signed by the governor May 7, 2013.

## HEALTH CARE POLICY AND FINANCING

**S.B. 13-8** Children's basic health plan - eligibility - comparable health plan. A child is eligible for children's basic health plan benefits if he or she has not been on a comparable health plan with an employer paying at least 50% of the cost for at least 3 months. The act makes any child who is not insured through an employer-based health plan eligible.

**APPROVED** by Governor March 29, 2013

**EFFECTIVE** March 29, 2013

**S.B. 13-44** Prepaid inpatient health plans - quality incentive payments. The act changes the time when a quality incentive payment is made under a prepaid inpatient health plan agreement from within 6 months to within a reasonable period of time as specified in the contract.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**S.B. 13-137** Medicaid - request for information - waste, fraud, and abuse detection. The act requires the department of health care policy and financing (department), by September 30, 2013, to issue a request for information (ROI) seeking input from potential contractors concerning a system for waste, fraud, and abuse detection in the medicaid program that uses advanced predictive modeling and analytics technologies. The act includes specific information that a potential contractor must include in a response to the ROI. Under certain conditions, based upon the response to the ROI, the department is encouraged to create formal requests for proposals relating to the use of advanced predictive modeling and analytics technologies as part of the department's medicaid waste, fraud, and abuse programs.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-149** Advisory committee to oversee all-payer health claims database - appointments - duties - report of administrator. In 2010, the general assembly created an advisory committee to establish an all-payer health claims database (database). The act repeals the committee as it currently exists and requires the executive director of the department of health care policy and financing (executive director) to appoint a new committee no later than August 1, 2013. The new charge of the committee is to oversee the database and make recommendations to the executive director and the administrator of the database. The act requires the administrator to prepare and file an annual report concerning the activities of the database to the legislature by March 1 of each year.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-167** Intermediate care facilities for individuals with intellectual disabilities - provider fee - appropriation. The act changes statutory references from intermediate care facilities for the mentally retarded to intermediate care facilities for individuals with intellectual disabilities (facilities). The act changes the responsibility for administering the provider fee paid by facilities from the department of human services to the department of

health care policy and financing. For the 2012-13 and 2013-14 long bills, the act reduces appropriations to the department of human services and increases appropriations to the department of health care policy and financing in equal amounts.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-200** Medicaid - eligibility - optional groups - adults to 133% FPL - hospital provider fee - expanded use - appropriation. The act amends the optional eligibility groups in Colorado's medicaid program to increase the income eligibility levels for parents and caretaker relatives of medicaid children from 100% to 133% of FPL and for childless adults or adults without dependent children as described in federal law to 133% of FPL.

In addition, the act allows moneys in the hospital provider fee cash fund to be used to meet the state share of funding for the increase in income eligibility for parents and caretaker relatives of medicaid children from 61% to 133% of FPL and the increase in income eligibility for childless adults or adults without a dependent child to up to 133% of FPL.

The act adjusts the appropriations to the department of health care policy and financing (department) in the fiscal year 2013 long bill as follows:

- Appropriates to the department's executive director's office \$6,718,133 and 19.0 FTE, from the general fund, the hospital provider fee cash fund, and federal funds;
- With respect to the appropriation to the department for medical service premiums:
  - Decreases the general fund appropriation by \$934,367;
  - Decreases the hospital provider fee cash fund by \$138,501,252;
  - Increases the appropriation from the old age pension health and medical care fund by \$1,745,639; and
  - Increases the federal funds appropriation by \$412,433,097;
- With respect to the appropriation to the department for behavioral health community programs for behavioral health capitation payments:
  - Increases the general fund appropriation by \$76,907;
  - Decreases the appropriation from the hospital provider fee cash fund by \$19,260,944; and
  - Increases the federal funds appropriation by \$52,601,870;
- Appropriates to the department for allocation to the indigent care program for children's basic health plan medical and dental costs, \$2,007,812, comprised of general funds, moneys from the children's basic health plan trust, and federal funds; and
- Decreases the appropriation to the department for other medical services, for the old age pension state medical program, by \$1,745,639 from the old age pension health and medical care fund.

In addition, for the fiscal year 2013, the act makes the following appropriations:

- Appropriates to the department of corrections to be allocated to management for the executive director's office subprogram, \$28,249 of general funds and 0.4 FTE and decreases the general fund appropriation for purchase of medical services from other medical facilities by \$2,500,000; and

- With respect to the department of human services, decreases the general fund appropriation for mental health services for the medically indigent by \$651,875.

**APPROVED** by Governor May 13, 2013

**EFFECTIVE** May 13, 2013

**S.B. 13-205** Colorado Medicaid False Claims Act. The act amends the "Colorado Medicaid False Claims Act" to make it at least as effective as federal law in rewarding and facilitating qui tam actions for false and fraudulent claims.

The act makes the following amendments to bring the "Colorado Medicaid False Claims Act" into compliance with federal law:

- References federal law to determine the amount of and adjustments to the penalty;
- Amends statutory language regarding to whom a claim is presented;
- Clarifies that once a relator brings an action, persons other than the state are barred from intervening in these actions based upon the underlying facts;
- Clarifies that the court does not have jurisdiction over an action brought against members of the General Assembly, state judiciary, or an elected executive branch official if the action is based upon information or evidence already known to the state;
- Clarifies that an action cannot be based upon allegations or transactions that are the subject of a civil suit or administrative civil money penalty proceeding in which the state is already a party;
- Requires the court, with certain exceptions, to dismiss an action that is based upon allegations or transactions publicly disclosed in certain ways, unless the person bringing the action is the original source of the information;
- Clarifies who can bring an action under the act for retaliation relating to employment within 3 years after the date the retaliation occurred; and
- Amends the definitions of "obligation" and "original source".

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-242** Medicaid - adult dental benefit - adult dental fund - creation - appropriation. The act requires the department of health care policy and financing (department) to design and implement a limited dental benefit for adults in the medicaid program by April 1, 2014. The department will use a collaborative stakeholder process to consider the components of the adult dental benefit. Additionally, the act includes certain provisions that must be contained in any contract with an administrative service organization should the department choose to use an administrative service organization to administer the dental benefit. The act creates the adult dental fund.

Further, the act authorizes the treasurer to transfer principal and interest from the unclaimed property trust fund to the adult dental fund sufficient to implement the dental benefit. The treasurer shall retain a sufficient reserve in the unclaimed property trust fund for anticipated claims and other purposes of that fund.

For the 2013 fiscal year, the act appropriates \$999,490 and 1.3 FTE to the department of health care policy and financing, executive director's office, of which \$272,112 is from the adult dental fund and \$727,378 is from federal funds.

Additionally, the act adjusts the appropriations to the department in the 2013 long bill for medical services premiums by:

- Decreasing the general fund appropriation by \$738,262;
- Appropriating \$11,185,718 from the adult dental fund;
- Decreasing the cash funds appropriation from the hospital provider fee cash fund by \$213,659; and
- Increasing the federal funds appropriation by \$22,625,118 or by \$13,425,002 if the bill becomes law.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1068** Medicaid - providers - on-site inspections. The act requires medicaid providers to permit the centers for medicare and medicaid services, or its agent or designated contractors, and the department of health care policy and financing (department), or its agent, to conduct unannounced, on-site inspections of all provider locations.

The act also requires the department to conduct pre-enrollment and post-enrollment site visits of medicaid providers who are designated as moderate or high categorical risks to the medicaid program to verify the accuracy of information submitted to the medicaid program and to determine compliance with state and federal regulations. These site visits may be waived pursuant to rules of the medical services board (state board) if medicare or other federally designated entities have conducted site visits. The state board shall promulgate rules establishing risk categories for medicaid providers who do not already have a risk category designated under the medicare program or federal regulations.

**APPROVED** by Governor April 8, 2013

**EFFECTIVE** April 8, 2013

**H.B. 13-1152** Medicaid - nursing facilities - per diem rate - appropriation. The act reduces the general fund portion of the per diem rate paid to nursing facilities commencing in the 2013-14 fiscal year and continuing in each fiscal year thereafter.

Additionally, for the 2013-14 fiscal year, the act reduces the appropriation to the department of health care policy and financing for medical services premiums by \$4,867,854 of general funds and by the same amount of federal funds.

**APPROVED** by Governor May 3, 2013

**EFFECTIVE** May 3, 2013

**H.B. 13-1196** Medicaid - care coordination - efforts to reduce medicaid waste - reporting. The act requires the state department of health care policy and financing (state department), as part of its annual report to the general assembly, to report concerning:

- Specific efforts within the medicaid program accountable care collaborative (ACC) to identify best practices for cost containment and cost savings relating to reducing avoidable or duplicative services, and the outcome of these best practices;
- Statutes, policies, or procedures that prevent providers in the ACC from reducing waste within the medicaid system; and
- Other efforts by providers in the ACC or the state department to ensure that providers are aware of and actively participate in reducing waste in the medicaid system.

The reporting requirement repeals, effective July 1, 2018.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1199** Nursing home provider fee - continuing care retirement communities. The act clarifies what types of continuing care retirement communities are exempt from paying the nursing home provider fee (fee), and clarifies the authority of the department of health care policy and financing (department) to collect the fee and the timing of the fee. The act includes a legislative declaration finding that the changes to the fee statute are not intended to change the existing intent of the statute or the department's implementation. The act changes the frequency of when nursing facility providers are required to report certain information from monthly to annually.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**H.B. 13-1202** Medicaid - program - optional services - counseling relating to scope of treatment. Subject to the receipt of federal approval and funding, the act authorizes reimbursement under Colorado's medicaid program for primary care providers and specialty providers who provide counseling relating to medical orders for scope of treatment to persons with serious, chronic, or terminal illnesses.

**APPROVED** by Governor April 8, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1281** Medicaid management information system - appropriation - availability - additional year. The act permits unexpended and unencumbered moneys from an appropriation in the annual general appropriation act to the department of health care policy and financing (department) for the medicaid management information system to remain available for expenditure by the department in the next fiscal year without further appropriation.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** May 11, 2013

**H.B. 13-1314** Developmental disabilities - long-term services - transfer of administration. The act transfers the powers, duties, and functions of the department of human services (DHS) relating to the programs, services, and supports for persons with intellectual and developmental disabilities to the department of health care policy and financing (HCPF) on March 1, 2014. Specifically, the act repeals and relocates, with amendments, provisions relating to the rights of the developmentally disabled, family support services, and the Colorado family support loan fund. Additionally, the act changes certain terminology used in the statutes, including changing the phrase, "developmental disabilities" to "intellectual and developmental disabilities". Further, the act amends certain statutory provisions to conform with the services that will continue to be administered by DHS.

The act creates the office of community living (office) in HCPF and the division of intellectual and developmental disabilities (division) in the office. The office is created as of July 1, 2013.

The act requires HCPF, in conjunction with intellectual and developmental disability advocates and service providers, to report to the joint budget committee of the general assembly in 2013 concerning any issues relating to the set up of the office and the upcoming transfer of programs. Additionally, quarterly, commencing after the March 2014 transfer and concluding in December 2014, HCPF, along with the above-referenced advocates and providers, must report to the joint budget committee and the health care committees of the general assembly concerning the operation of the division and its administration of the transferred programs, services, and supports.

**APPROVED** by Governor May 28, 2013

**PORTIONS EFFECTIVE** May 28, 2013

**PORTIONS EFFECTIVE** July 1, 2013

**PORTIONS EFFECTIVE** March 1, 2014

## HUMAN SERVICES - BEHAVIORAL HEALTH

**S.B. 13-266** Crisis response system - request for proposals - appropriation. The act directs the department of human services (department) to issue a request for proposals to entities with the capacity to create a statewide coordinated and seamless behavioral health crisis response system (crisis system). Proposals will be accepted for each of 5 specific components of a crisis system: a 24-hour crisis telephone hotline, walk-in crisis services and crisis stabilization units, mobile crisis services, residential and respite crisis services, and a public information campaign. The department is directed to establish and work with a committee of interested stakeholders, including the department of health care policy and financing, to develop the request for proposals and the selection criteria. The committee will also be responsible for reviewing proposals and awarding contracts. The request for proposals is scheduled to go out on or before September 1, 2013, and contracts must be awarded on or before January 1, 2014. The department is required to make annual reports to the general assembly on the progress toward implementing the crisis system.

The act appropriates from the general fund to the department of human services for the fiscal year beginning July 1, 2013, \$19,792,028 and 0.9 FTE for implementation.

**APPROVED** by Governor May 16, 2013

**EFFECTIVE** May 16, 2013

**S.B. 13-276** Persons with disabilities - disability investigational and pilot support fund - appropriation. The act relocates the coordinated care for people with disabilities fund and renames it the disability investigational and pilot support fund (fund). The fund must be used to award grants and loans to projects or programs that study or pilot new and innovative ideas, which will lead to an improved quality of life or increased independence for people with disabilities. The disability-benefit support contract committee will accept and review proposals for use of the moneys in the fund and award grants and loans accordingly. The act increases the membership of the disability benefit support contract committee from 9 to 13. Two additional persons with disabilities are added to the committee, plus a member with business experience and a member with grant program experience. The state registration number fund is given the authority to accept gifts, grants, or donations.

The act adjusts the appropriation to the department of health care policy and financing by \$163,649 for the implementation of the act. The act appropriates, out of any moneys in the disability investigational and pilot support fund, the sum of \$1,173,976 to the department of personnel. The act appropriates, out of any moneys in the registration number fund, to the offices of the governor - lieutenant governor - state planning and budgeting the sum of \$300,000 for allocation to the license plate auction group.

**APPROVED** by Governor May 23, 2013

**EFFECTIVE** May 23, 2013

**H.B. 13-1065** Treatment of persons with a mental illness - professional persons - federal treatment facilities. The act amends the definition of "professional person", for purposes of providing care and treatment to persons with a mental illness, to include a person who is:

- Licensed to practice medicine or a certified psychologist in another state; and
- Providing medical or clinical services at a treatment facility in Colorado that



is operated by the armed forces of the United States, the United States health service, or the United States department of veterans affairs.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** March 15, 2013

**H.B. 13-1296** Civil commitment - civil commitment statute review task force - definitions - appropriation. The act creates the civil commitment statute review task force (task force). The membership and duties of the task force are detailed. Effective July 1, 2014, the act also adds a definition of "danger to self and others" and amends the current definition of "gravely disabled", as those definitions relate to civil commitments. The act provides that the new definition of "danger to self and others" only takes effect if approved by a majority of the task force.

The act reappropriates \$5,000 from funds appropriated to the department of human services' executive director's office to legislative council for reimbursement and compensation of task force members.

**APPROVED** by Governor May 16, 2013

**PORTIONS EFFECTIVE** May 16, 2013

**PORTIONS EFFECTIVE** July 1, 2014

## HUMAN SERVICES - SOCIAL SERVICES

**S.B. 13-47** Youth in foster care - identity theft protections - appropriation. The act amends the statute for protection of youth in foster care against identity theft by:

- Removing the exclusion of youth who are in the custody of the division of youth corrections or a state mental hospital;
- Expanding the ages of the youth covered to any youth who is at least 16 years of age or older and in foster care; and
- Requiring the department of human services or a county department of human or social services to obtain annual credit reports rather than a single report.

The act appropriates the sum of \$24,334 out of the general fund to the department of human services for the implementation of the act.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**S.B. 13-111** Wrongs to at-risk adults - mandatory reports of abuse and exploitation of at-risk elders - penalties - appropriation. Current law states that specified professionals who have reasonable cause to believe that a person 18 years of age or older who is susceptible to mistreatment, self-neglect, or exploitation because the individual is unable to perform or obtain services necessary for his or her health, safety, or welfare or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his or her person or affairs (at-risk adult) should report that fact to a county department of social services (county department) or a local law enforcement agency.

Under the act, on and after July 1, 2014, certain professionals (mandatory reporters) who observe the abuse or exploitation of a person who is 70 years of age or older (at-risk elder) or who have reasonable cause to believe that an at-risk elder has been abused or has been exploited and is at imminent risk of abuse or exploitation are required to report such fact to a law enforcement agency within 24 hours after making the observation or discovery. A mandatory reporter who willfully fails to report and a person who submits a false report commit a class 3 misdemeanor.

The act specifies the duties of law enforcement agencies upon receipt of a report. The act establishes certain civil immunity and does not establish a duty or standard of care.

The act adds physical therapists, emergency medical service providers, chiropractors, and clergy to the list of professionals who are currently urged to report the mistreatment, self-neglect, or exploitation of an at-risk adult. These professions are also included within the new list of mandatory reporters.

A person who exercises undue influence to convert or take possession of an at-risk elder's money, assets, or other property commits statutory theft.

The act requires the peace officers standards and training board to establish a training curriculum on at-risk elders and requires law enforcement agencies to employ at least one peace officer who has completed the training.

On or before December 31, 2016, the state department shall prepare and deliver to the joint budget committee and to the health and human services committee of the senate; the

health, insurance, and environment committee of the house of representatives; and the public health care and human services committee of the house of representatives, or to any successor committee, a report concerning the implementation of mandatory reports of abuse and exploitation of at-risk elders.

The act directs the department of human services to implement a program to generate awareness of mistreatment of at-risk adults and statutory provisions

Under current law, for the purposes of enhanced penalties for offenses committed against at-risk adults, an at-risk adult is defined as any person 60 years of age or older or any person 18 years of age or older who is a person with a disability. The act changes this definition to raise the minimum age of 60 years of age to 70 years of age.

The act repeals provisions concerning protection against financial exploitation of at-risk adults and the elder abuse task force.

The act appropriates \$3,171,208 to the department of human services.

**APPROVED** by Governor May 16, 2013

**EFFECTIVE** May 16, 2013

**S.B. 13-231** Title IV-E waiver demonstration project - cash fund - rule-making authority. The act creates the Title IV-E waiver demonstration project (project) in the department of human services (department). The department is authorized to enter into performance agreements with individual counties or groups of counties for the purpose of the project. The act creates the Title IV-E waiver demonstration project cash fund to defray costs associated with complying with performance agreements. The state board of human services is authorized to promulgate rules for the implementation of the project and is required to submit a report on the outcomes of the project.

**APPROVED** by Governor May 14, 2013

**EFFECTIVE** May 14, 2013

**S.B. 13-255** Child fatality review teams - duties - appropriation. The act requires county or district public health agencies to establish or arrange to be established local or regional child fatality prevention review teams operating under the purview of the department of public health and environment (local or regional review team). County or district public health agencies may collaborate to form a regional child fatality prevention review team.

It details the responsibility of local or regional review teams. The local or regional review teams are required to report case review findings to public and private agencies that have responsibilities for children and make prevention recommendations. The local and regional review teams shall also enter data into the web-based data-collection system utilized by CDPHE.

The act revises and updates language in the legislative declaration for the Colorado department of public health and environment (CDPHE) child fatality review teams and adds a definition of a "local or regional review team".

It amends the membership of CDPHE's state-level child fatality prevention review team (CDPHE state review team) to include a member from the office of Colorado's child

protection ombudsman and to make numerous currently nonvoting positions into voting positions. The act tasks the CDPHE state review team with the following duties:

- To conduct an individual case-specific review of every child abuse or neglect fatality in Colorado, if a local or regional review team has not conducted such a review;
- To conduct a review of systemic child welfare issues;
- To utilize a child fatalities data-collection system;
- To collaborate with the Colorado department of human services child fatality review team (CDHS review team) to make joint recommendations for the prevention of child abuse and neglect fatalities;
- To work directly with professionals who have information regarding the cause or circumstances leading to a child's fatality;
- Subject to available appropriations, to administer moneys to county and district public health agencies to support local and regional review teams;
- To provide training and technical assistance to local and regional review teams regarding the facilitation of a child fatality review process, data collection, evidence-based prevention strategies, and the development of prevention recommendations, as well as strategies for convening a local or regional review team, establishing methods of notification after a child fatality, and strategies to address conflicts of interest; and
- To provide an annual data report to local and regional review teams.

Prior to the act, the CDHS review team is required to conduct an in-depth case review after an incident of egregious abuse or neglect against a child, a near fatality, or a child fatality that involves a suspicion of abuse or neglect (incident) when the child or family has had previous involvement with the state or county within the previous 2 years. The act changes that time frame to 3 years.

The CDHS review team is given the additional duty to make annual policy recommendations that address systems involved with children and to follow up on specific system recommendations. The CDHS review team is required to make annual reports to both the public and the legislature concerning such recommendations.

Prior to the act, the CDHS review team was required to complete a draft, confidential, case-specific review report and submit the draft to any county department of social services with previous involvement with the child or family related to the incident within 30 days. That 30-day period is extended to 55 days.

Language is added to ensure that any information released to the public by the CDHS review team is not contrary to the best interests of the child who is the subject of the report, or his or her siblings, is in the public's interest, and is consistent with the federal "Child Abuse Prevention and Treatment Reauthorization Act of 2010".

The act appropriates \$456,966 and 4.0 FTE to the department of public health and environment and \$63,755 and 1.0 FTE to the department of human services from the general fund for costs related to the implementation of the child fatality review teams in each department.

**APPROVED** by Governor May 14, 2013

**EFFECTIVE** May 14, 2013

**H.B. 13-1055** Works program - redetermination of eligibility. The act removes the requirement that annual redetermination of eligibility for the Colorado works program be done in person and allows the department to use other methods to determine continued eligibility for the program.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1084** Child care licensing - issuance of a new FEIN to a licensee - treatment as a renewal. When a child care center or similar entity previously licensed under the "Child Care Licensing Act" is issued a new federal employee identification number (FEIN), the state department of human services is required to treat the licensee's status as a renewal instead of requiring submission of an original application when:

- The reason for the new FEIN is solely due to a change in the corporate structure;
- Either the management or governing body of the entity remains the same as originally licensed; and
- The facility or facilities are the same as those originally licensed.

In that circumstance, only newly hired employees shall be required to undergo criminal background checks.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1087** Child welfare allocation committee - works allocation committee - membership. The act increases the membership of the child welfare allocation committee and the works allocation committee to 11 members each and allocates the appointment of members between a statewide association of counties and the state department of human services.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** March 15, 2013

**H.B. 13-1117** Child development programs - alignment - early childhood leadership council - transfer of programs to department of human services - appropriation. The act states the general assembly's finding that it is in the state's best interest for a specific office within the department of human services (department) to administer early childhood programs. The department has the responsibility to administer early childhood programs and to assist the state board of human services in awarding grants. Participation in any early childhood program is voluntary and is not intended to interfere with parental rights.

The act moves the early childhood leadership council (ECLC) from the governor's office to the department. The overall ECLC membership is reduced from 35 to 20 members by removing representatives of the office of information technology, the office of economic

development, the state workforce development council, and the legislature. The reconstituted ECLC includes representatives from the local public health community. The ECLC's duties are changed to include more advising and monitoring of efforts around early childhood programs. The ECLC was scheduled to repeal July 1, 2013; this date is extended to September 1, 2018.

The act relocates several boards and programs from the department of public health and environment to the department of human services without substantive change:

- The nurse home visitation program;
- The Tony Grampas youth services program, the Colorado youth mentoring services program, the Colorado student dropout prevention and intervention program, and the Colorado student before-and-after-school project;
- The Colorado Children's Trust Fund and its board; and
- The family resource center program.

The act adjusts the general appropriations act for the 2013-14 budget year by moving appropriations from the department of public health and environment to the department of human services based on the transfer of the programs.

**APPROVED** by Governor May 7, 2013

**EFFECTIVE** July 1, 2013

**H.B. 13-1271** Child welfare - child abuse reporting hotline system - steering committee - implementation - rules on consistent screening, assessment, and decision-making in response to reports of child abuse and neglect and to inquiries made to county departments and to the hotline system - appropriations. The act authorizes the creation of a child abuse reporting hotline system (hotline system) that provides a uniform method of contact that directly, immediately, and efficiently routes the person to the applicable entity responsible for accepting a report about possible child abuse or neglect and that is advertised to the public as a place for reporting known or suspected child abuse or neglect (report) or for making a request for information or services (an inquiry). The hotline system will be developed through a statewide child abuse hotline steering committee (steering committee) that includes state, county, and comprehensive and appropriate stakeholder representation. The state department of human services (state department) is required to appoint a person to the steering committee who is a primary provider of emergency services and is familiar with the emergency telephone system that uses the single 3-digit number 9-1-1 for reporting police, fire, medical, or other emergency situations.

The act declares that the purpose of the hotline system is to enhance the current child welfare system and to provide an additional option for the public to make an initial report or inquiry. A county department of social services (county department) will retain screening responsibilities, unless the board of county commissioners of that county has approved the use of the hotline system on behalf of the county and such arrangement has been approved by the state department.

The steering committee will develop an implementation plan for the hotline system to be advertised to the public and make recommendations for rules relating to the hotline system and providing consistent practices in response to reports and inquiries. The steering committee shall submit a report no later than July 1, 2014, containing its recommendations to the executive director of the state department, who shall provide the report to the state board of human services (state board).

The hotline system will provide some method of contact to the public that is available 24 hours a day, 7 days a week. The hotline system shall be operational and publicized to the public statewide no later than January 1, 2015.

With the express written consent of the board of county commissioners, a county department may request that the state department assist that county department with taking reports of possible child abuse and neglect and inquiries from the public. The executive director must approve of this arrangement in writing.

The state board is given rule-making authority to adopt rules, based upon the recommendations of the steering committee, governing the following:

- The type of technology that may be used by the hotline system for directly routing initial contacts from the hotline system to the applicable entity responsible for taking a report or responding to an inquiry, including but not limited to a single statewide toll-free telephone number, and including technologies for language translation and for communicating with people who are deaf or have hearing impairments, with flexibility to adapt the methods to changing and emerging technologies as appropriate;
- The operation of the hotline system, including the central record-keeping and tracking of reports and inquiries statewide, and a requirement that record-keeping and tracking of reports and inquiries be accessible to all counties;
- Standards and steps for information and referral (instances where there is no report of abuse or neglect but the person contacting the county department or the hotline system is making an inquiry);
- How an initial contact to the hotline system is directly routed to the applicable entity responsible for taking a report or responding to an inquiry;
- A formal process for a county department to opt to have the state department receive reports or inquiries on behalf of the county department after hours, subject to a requirement that the board of county commissioners must officially approve the use of the hotline system on behalf of the county and that the arrangement must be approved by the executive director;
- A process for a county department to opt to have another county department receive reports or inquiries on behalf of the county department after hours or on a short-term basis with notification of such arrangement to the executive director;
- Standardized training and certification standards for all staff prior to receiving reports and inquiries;
- A consistent screening process with criteria and steps for the county department to respond to a report or inquiry;
- A consistent decision-making process with criteria and steps for a county department to follow when deciding how to act on a report or inquiry and when to take no action on a report or inquiry.

The state department will make periodic reports about the hotline system and the adoption of rules to the appropriate legislative committee of the general assembly.

The act appropriates \$200,000 to the department of human services for fiscal year 2012-13 to implement the act. The act appropriates \$529,800 to the department of human services for fiscal year 2013-14 to obtain computer center services to implement the act.

**APPROVED** by Governor May 14, 2013

**EFFECTIVE** May 14, 2013

## INSURANCE

**S.B. 13-32** Life and health insurance protection association. The act makes changes to the law governing the life and health insurance protection association (association) as follows:

- Allocated funding agreements, structured settlement annuities, and any immediate or deferred annuity contracts are included in annuity contracts and certificates under group annuity contracts. The association is not obligated to provide coverage for amounts in excess of \$5 million for an owner of multiple nongroup policies of life insurance and \$300,000 for long-term care insurance.
- A majority vote of the board is required to make meetings or records of the association open to the public;
- The association may guarantee, assume, or reinsure or cause to be guaranteed, assumed, or reinsured any or all of the policies or contracts of an impaired insurer or provide such moneys, pledges, loans, notes, guarantees, or other means as proper to assure payment of the contractual obligations of the impaired insurer. The protection does not apply when any guaranty protection is provided to residents of this state by the laws of the domiciliary state or jurisdiction of the impaired or insolvent insurer other than this state;
- If 2 or more assessments are authorized in one calendar year with respect to insurers who become impaired or insolvent in different calendar years, the average annual premiums for purposes of the aggregate assessment percentage limitation is equal and limited to the highest of the 3-year average annual premiums for the applicable account. Procedures for the protesting of an assessment are established.
- The association's plan of operation must establish procedures whereby a director may be removed for cause, and a policy to address conflicts of interest;
- The board of directors of the association may notify the commissioner of any information indicating that a member insurer may be impaired or insolvent; and
- The association must keep records of all meetings of the board of directors and is entitled to receive a disbursement of assets to reimburse it as a credit against contractual obligations.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** March 15, 2013

**S.B. 13-119** Issuance of owner's policy of title insurance for residential real property - tax certificate requirement - authorization for limited use of alternative documentation. The act clarifies the requirement that a title insurance agent or title insurance company obtain a tax certificate when issuing an owner's policy of title insurance by:

- Clarifying that the requirement only applies with respect to the sale of residential real property; and
- Requiring the commissioner of insurance to promulgate rules that identify alternative documentation that a title insurance agent or title insurance company may use and rely upon when a certificate of taxes due cannot be obtained from the county treasurer or the county treasurer's authorized agent



during the period in which the county treasurer is certifying the tax rolls.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** January 1, 2015  
**PORTIONS EFFECTIVE** October 1, 2013

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

**S.B. 13-125** Preneed funeral contracts - regulation by commissioner of insurance - required contract terms - conditions for transfer of contract - notices and disclosures - approval - financial responsibility - appropriation. Preneed contract sellers are required to be licensed by the commissioner of insurance, and under current law must be audited at least once every 5 years. The act removes the 5-year requirement but retains the commissioner's authority to examine the books, accounts, and records of preneed contract sellers as often as necessary to ensure compliance with regulatory requirements.

Currently, selling unsold lots in an undeveloped cemetery is exempt from regulation. For the exemption to apply, the act requires the sales contract to provide for a comparable resting place or a full refund if the original becomes unavailable.

Notwithstanding a contract, the preneed buyer or the person directing final disposition is authorized to transfer the contract to another provider, but the original provider may retain up to 15% of the original preneed contract price. The act requires the contract seller to notify the buyer when the funds are deposited in trust and to advise the buyer that if confirmation of the deposit is not received by a specified time, he or she should contact the commissioner.

A preneed contract cannot be sold without the commissioner's approval. Procedures are set for approval of the sale. If the commissioner determines that the finances of the buyer will support performing the contracts, then the sale is approved. The new owner is required to send a notice to the preneed contract buyer of the sale.

When a contract seller surrenders a license, the commissioner must approve the financial ability of the contract seller to perform the contracts. The commissioner retains jurisdiction over the contracts of an inactive contract seller until all contracts are fulfilled. In an emergency, the commissioner may administer the preneed contracts and accounts if a seller goes out of business due to financial insolvency, criminal activity, or a license suspension.

Crematories and funeral homes are required to notify the division of professions and occupations if they sell preneed contracts.

The cash fund appropriation from the division of insurance cash fund in the 2013 long bill to the division of insurance for personal services is reduced by \$2,400.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-277** Drug benefits - prior authorization process - insurance commissioner to develop - input from stakeholder group - required use of process - deemed approval - duration of approval - appropriation. The act requires the commissioner of insurance (commissioner) to develop, by July 31, 2014, and prescribing providers, carriers, and, if applicable, pharmacy benefit management firms (PBMs) to use, by January 1, 2015, a uniform prior authorization process for purposes of submitting and receiving requests for prior coverage approval of a drug benefit.

The commissioner is directed to adopt rules to establish the prior authorization process, which is to include specified components aimed at creating uniformity and reducing administrative burdens on prescribing providers, carriers, and PBMs, as well as making the criteria used for deciding prior authorization requests transparent. The commissioner is also directed to develop a standardized prior authorization form for use in submitting electronic and nonelectronic prior authorization requests.

To assist in developing the process, the commissioner is to appoint a work group of various stakeholders to make recommendations on specified aspects of the process that the commissioner is to consider, including national standards for electronic prior authorization.

Once the prior authorization process is established, a request submitted by a prescribing provider to a carrier or PBM is deemed granted if a carrier or PBM:

- Fails to use the prior authorization process;
- For electronically submitted requests, fails to notify the prescribing provider within 2 business days that the request is approved or denied or that additional information is required to process the request, or fails to notify the prescribing provider within 2 business days after receipt of the required additional information that the request is approved or denied;
- For nonurgent requests submitted orally or by facsimile or electronic mail, fails to notify the prescribing provider within 3 business days that the request is approved or denied; or
- For urgent requests submitted orally or by facsimile or electronic mail, fails to notify the prescribing provider within 1 day that the request is approved or denied.

A request is "urgent" if, based on the reasonable opinion of the prescribing provider with knowledge of the covered person's medical condition, the determination of the request in 3 business days could seriously jeopardize the covered person's life, health, or ability to regain maximum function or could subject the covered person to severe pain that cannot be adequately managed without the requested drug benefit. A request is submitted "electronically" if the prescribing provider submits the request through a secure, web-based internet portal; submission by electronic mail does not constitute electronic submittal.

An approved prior authorization is valid for at least 180 days after the date of approval.

The act appropriates \$8,756 and 0.1 FTE from the division of insurance cash fund to the division of insurance in the department of regulatory agencies for personal services related to implementing the act.

**APPROVED** by Governor May 15, 2013

**EFFECTIVE** May 15, 2013

**H.B. 13-1015** Mental health claims information - disclosure. Current law prohibits small group health plans from disclosing mental health history, diagnosis, or treatment services information received in an initial application for coverage, or in subsequent claims for benefits, without the written consent of the insured person.

The act repeals this prohibition, thereby enabling small group carriers to report mental health claims data to the all-payer claims database.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** March 15, 2013

**H.B. 13-1062** Insurance producers - public adjusters - authority of insurance commissioner - financial responsibility - compensation - ethics - rules. The "Colorado Producer Licensing Model Act" for insurance licensees requires public insurance adjusters, who adjust insurance claims solely on behalf of insureds under property damage insurance policies, to be licensed in this state. But it does not otherwise authorize the insurance commissioner (commissioner) to regulate public insurance adjusters, including taking disciplinary action in cases of misconduct.

The act makes the following changes to enhance the regulatory authority of the commissioner with respect to public insurance adjusters:

- Includes public adjusters as "insurance producers" so that the "Colorado Producer Licensing Model Act" fully applies to public adjusters;
- Extends existing continuing education requirements to public adjusters in order for them to maintain licensure in the same manner as other licensed insurance producers;
- Confirms that previously licensed public adjusters continue to be licensed and are subject to financial responsibility requirements, including the requirement to post a surety bond;
- Sets standards for compensation of public adjusters by insureds, including a limit on compensation in cases of catastrophic disasters;
- Sets standards for the holding of funds of insureds by public adjusters;
- Sets general ethical standards for the conduct of public adjusters; and
- Authorizes the commissioner to promulgate rules relating to requirements for written contracts between public adjusters and insureds and the retention of records by public adjusters.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** January 1, 2014

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

**H.B. 13-1115** Health insurance - CoverColorado - termination. This act recognizes that as a result of the passage of health care reform by the federal government, Colorado residents termed "high risk" for purposes of health insurance coverage will be able to obtain health insurance coverage regardless of preexisting medical conditions. Therefore, there is no reason for the continued existence of the CoverColorado program. The act specifies that loss of coverage under CoverColorado due to the termination of CoverColorado constitutes an event that allows a person to obtain health insurance coverage through the Colorado health benefit exchange or other health insurance plans offered in Colorado.

The act provides for the repeal of CoverColorado, effective March 31, 2015. Before the repeal, the act requires the board of directors of CoverColorado to develop an orderly plan for cessation of the program including:

- Cessation of enrollment of new participants for coverage after December 1, 2013;
- Termination of health care coverage for existing participants, effective April 1, 2014;
- Payment or settlement of claims for covered services and all other outstanding liabilities by December 31, 2014; and
- By March 31, 2015, final disposition of all remaining funds in any account of the program, with the payment of 25% of the remaining funds to the Colorado health benefit exchange and any remaining funds to a Colorado nonprofit foundation with specific instructions for the statewide distribution of the funds to promote access to health care and improve health outcomes for populations in Colorado with high health care needs.

The act specifies that effective May 1, 2013, the state treasurer will end the transmission of moneys from the unclaimed property trust fund to CoverColorado. The act requires that on July 1, 2013, the board of directors of CoverColorado will transmit \$15 million dollars from the accounts of CoverColorado to the state treasurer for deposit into the unclaimed property trust fund. The act ends tax credits available to insurance companies making contributions to CoverColorado after the 2012 tax year rather than the 2014 tax year.

The act reduces the cash funds figure shown for informational purposes in the appropriations made to the department of the treasury in the annual general appropriation act for the fiscal year beginning July 1, 2013, by \$36,511,694.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1223** Carriers - cost information reporting - rules. The act allows the commissioner of insurance to promulgate rules to establish qualifications for a carrier to meet in order to be required to report cost information and provide a list of intermediaries with whom the carrier has a contractual relationship.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** April 26, 2013

**H.B. 13-1225** Homeowner's insurance - additional coverages and requirements. The act makes the following changes to the laws regulating homeowner's insurance for owner-occupied, single-family homes other than mobile homes, condominiums, and manufactured homes:

- Requires insurers to offer extended replacement cost coverage and law and ordinance coverage, with an explanation of the terms of this coverage;
- Requires insurers to include at least one year of additional living expense coverage and to offer a total of 24 months of additional living expense coverage, with an explanation of the terms of this coverage;
- Requires an insurer to consider an estimate from a licensed contractor or licensed architect submitted by the policyholder as the basis for establishing the replacement cost.

With respect to homeowner's insurance policies in general, the act:

- Requires homeowner's insurance policies, endorsements, and summary disclosure forms be written in plain language and revised by January 1, 2015, to comply with this requirement;
- Specifies that policyholders have the right to a written notification, at renewal, describing changes in their insurance contract language that are applicable to the renewal period;
- Requires insurers to provide an electronic or paper copy, as specified by the policyholder, of the policyholder's insurance policy, including the declaration page and endorsements, within 3 business days after a request from an insured. Also requires insurers to provide a certified copy of the policyholder's insurance policy within 30 days after a request from the policyholder;
- With respect to contents coverage in total loss claims, requires insurers to:
  - Offer to pay a minimum of 30% of contents coverage reflected in the policy declaration, or a larger percent by mutual agreement of the policyholder and insurer, subject to policy limitations, without requiring a contents inventory;
  - Provide the basis for depreciation when applicable; and
  - Allow the policyholder up to 365 days after a total loss claim to submit an inventory of lost or damaged property; and
  - Allow a policyholder up to 365 days after expiration of alternative living expense coverage to replace property and receive recoverable depreciation on that property;
- Requires a summary disclosure to be given to policyholders annually;
- Implements a continuing education requirement for insurance producers offering homeowner's insurance policies to take at least 3 hours of continuing education on homeowner coverages during a 2-year period;
- Prohibits the enforcement of terms in homeowner's insurance policies that require policyholders to sue insurers in cases of disputes within a shorter period of time than allowed for by the applicable statute of limitations.

**APPROVED** by Governor May 10, 2013

**PORTIONS EFFECTIVE** May 10, 2013  
**PORTIONS EFFECTIVE** January 1, 2014

**H.B. 13-1233** Insurance policies - language other than English. The act allows an insurer to conduct transactions in a language other than English through an interpreter. An insurer may offer materials to an insured in a language other than English. The insurer must also provide the English version of the materials at the same time. In the event of a dispute, the English language version of a document controls the resolution of the dispute. The act states that a non-English language policy is deemed to be in compliance with the property and casualty and health care coverage provisions of law if the insurer certifies that the policy is translated from an English language policy that is in compliance with relevant provisions of law.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1245** Colorado health benefit exchange - powers of the board - funding - special fee assessment - tax credit for insurers - unclaimed property trust fund transmittal - definitions. The act allows the board of directors (board) of the Colorado health benefit exchange (exchange) to:

- Create a separate program that shares resources and infrastructure with the exchange to offer ancillary products; and
- Enter into an agreement with the department of personnel and administration to authorize administrative law judges to hear and decide matters from the exchange.

The act requires the legislative health benefit exchange implementation review committee (committee) to meet at least twice each calendar year. The board must send the committee an annual report that contains the financial and operational plans of the exchange.

On and after January 1, 2014, through December 31, 2016, in order to fund the exchange, the act allows the board to assess against small group and individual health insurers and any entity that provides stop-loss or excess loss insurance an amount necessary to provide funding for the exchange. The amount assessed may not exceed \$1.80 per number of lives insured per month; except that the amount may not exceed 18¢ per number of lives insured per month under dental plans.

For the tax year 2013 and each tax year thereafter, the act allows a credit against the tax imposed against insurance companies to any insurance company that becomes a qualified taxpayer by making a contribution to the exchange. The total amount of all tax credits may not exceed \$5 million. The commissioner of insurance must allocate the tax credits to the insurers who contribute to the exchange.

The act exempts the exchange from any tax levied by the state or its political subdivisions.

On July 1, 2013, the state treasurer must transmit \$15 million to the exchange from the unclaimed property trust fund.

**APPROVED** by Governor May 23, 2013

**EFFECTIVE** May 23, 2013

**H.B. 13-1262** Fraudulent fire claim - Reports - secondary agencies. The act allows a secondary agency, designated by the commissioner of insurance and funded by insurers, to file a report to an authorized agency when a fire may have been intentionally started or when a fire claim may be fraudulent. A secondary agency must hold information received confidential as a result.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1266** Health care coverage - alignment of state health insurance laws with federal "Patient Protection and Affordable Care Act". The act aligns the "Colorado Health Care Coverage Act" (Colorado law) with the federal "Patient Protection and Affordable Care Act

of 2010" (PPACA) and the federal "Health Care and Education Reconciliation Act of 2010" (federal law).

Section 1 of the act:

- Eliminates obsolete definitions, including "basic health benefit plan"; "business group of one"; "capped employees"; "late enrollee" (addressed in new section of Colorado law on enrollment periods; "mandatory coverage provision"; "new business premium rate"; "qualifying event" (addressed in new section on special enrollment periods); and "standard health benefit plan";
- Modifies the definition of "case characteristics" used by carriers in determining premium rates to eliminate demographic characteristics no longer allowable under PPACA;
- Modifies the definition of "dependent" to include a partner in a civil union;
- Modifies the definition of "eligible employee" to specify that employees eligible for coverage under employer plans must be full-time employees in a bona fide employer-employee relationship with an employer that was not established for the purpose of obtaining small group health care coverage. The definition of "eligible employee" excludes temporary or substitute employees; sole proprietors; and partners in a partnership, but a partner can participate in a small group plan established for employees of the partnership.
- Adds a definition of "essential health benefits" (EHBs) to mirror the definition in PPACA and lists the minimum services included in the definition;
- Adds a definition of "essential health benefits package", which is the package required by PPACA and includes coverage for the essential health benefits; limits cost-sharing as required by PPACA; and provides the bronze, silver, gold, and platinum (metal) levels of coverage specified in PPACA;
- Adds a definition of "catastrophic plan", which is a plan authorized by PPACA that does not include one of the metal levels of coverage and is available only to individuals under 30 years of age or who meet eligibility requirements specified in PPACA;
- Adds a definition of "grandfathered health benefit plan", which is a plan provided to an individual or small employer on or before March 23, 2010, for as long as the plan maintains that status; the term includes extension of coverage under this plan to a dependent or a new employee;
- Modifies the definition of "index rate" to mean the premium rate established for a market segment based on the total combined claims costs for providing EHBs within the single risk pool of that market segment;
- Modifies the definition of "small employer" so that, as of January 1, 2016, in accordance with PPACA, "small employer" will apply to persons employing one to 100 employees (currently "small employer" applies to persons employing 50 or fewer employees); and adds language to the definition from federal regulations pertaining to how the number of employees are calculated; and
- Adds a definition of "student health insurance coverage", which is used in connection with an exception to the "guaranteed issuance" of health benefit plans for carriers that only offer student health insurance coverage.

Section 2 creates provisions for the new EHBs and requires:

- Carriers offering individual and small group health benefit plans (HBPs), other than grandfathered HBPs, to ensure those plans include coverage for EHBs;

- Carriers to offer at least one of the metal coverages: Bronze level, which is 60% of the full actuarial value of the benefits under the plan; silver level, which is 70% of the full actuarial value of the benefits under the plan; gold level, which is 80% of the full actuarial value of the benefits under the plan; or platinum level, which is 90% of the full actuarial value of the benefits under the plan. But, carriers offering a "catastrophic plan" need not offer the metal coverage levels.
- Carriers offering an individual health benefit plan with a metal level of coverage to also offer that level of coverage in child-only plans; and
- Carriers offering small group HBPs to comply with cost-sharing and annual deductible limitations specified in PPACA.

Section 2 also allows the commissioner of insurance (commissioner) to adopt rules to implement and administer the section.

With regard to mandatory coverage provisions in Colorado law, section 3:

- Except for most existing HBPs, in which dollar limits are grandfathered, amends the following existing Colorado mandates containing a dollar limit to exclude those limits with regard to HBPs subject to PPACA, allows the commissioner to adopt rules to establish a number of services or visits actuarially equivalent to the dollar limit on services, and requires coverage of one mammogram per year, whether preventive or diagnostic:
  - Early intervention services, which mandate an annual limit of \$5,725, adjusted annually based on the consumer price index;
  - Autism spectrum disorders, which mandate a \$34,000 annual maximum benefit for applied behavioral analysis for autism spectrum disorders for a child from birth to age 8 and the \$12,000 annual maximum benefit for a child ages 9 through 18;
  - Mammography services, which mandate a \$100 limit, as annually adjusted for inflation;
- Repeals the mental illness mandate that only applies to small group plans and provides coverage for a specified number of days. The coverage for biologically based mental illness and mental disorders, which is currently only applicable to group plans, is amended to apply to all HBPs (i.e., individual and group plans), and must be coverage comparable to that for a physical illness (i.e., parity).
- Prohibits the use of copayments for preventive health care services, but copayments are still permitted in grandfathered HBPs. Current law already prohibits deductibles and coinsurance for these services.
- Adds a catch-all under the preventive services mandate so that if additional preventive services are recommended by the United States preventive services task force or required by federal law, carriers shall cover those services.

Section 4 increases health coverage for persons under 26 years of age by:

- Requiring carriers offering HBPs that include dependent coverage for children to make the coverage available to a child under age 26;
- Prohibiting carriers from denying or restricting the coverage based on factors such as residency with or financial dependence on the policyholder; marital, student, or employment status; or any combination of those factors;
- Prohibiting carriers from denying or restricting the dependent coverage based



on the child's eligibility for other coverage and from varying the terms of the coverage based on age, except for premium rates for children 21 years of age or older; and

- Requiring grandchild coverage only if the grandparent becomes the legal guardian or adoptive parent of the grandchild.

Section 5 increases the age limit for applicants for child-only plans from under 19 to under 21 years of age.

With respect to guaranteed issuance of HBPs, section 6:

- Eliminates all reference to standard and basic health benefit plans and requirements particular to small group plans and how premium rates are set and relocates and consolidates rating provisions to a separate provision of Colorado law governing rates;
- Requires carriers offering individual and small group HBPs to issue a plan to any eligible individual who applies for the plan and agrees to make required premium payments;
- During any period of open enrollment, requires a carrier offering individual HBPs to offer child-only plan coverage to all applicants under 21 years of age on a guaranteed-issuance basis;
- Allows carriers to restrict enrollment in a plan to open or special enrollment periods;
- Prohibits carriers offering small group HBPs from:
  - Imposing a waiting period that exceeds 90 days;
  - Applying any requirements used to determine whether to provide coverage to a small employer, including requirements for minimum participation of eligible employees and minimum employer contributions, other than uniformly among all small employers with the same number of eligible employees;
  - Varying the application of minimum participation requirements and minimum employer contribution requirements based on the size of the small employer group and by product only to apply minimum participation requirements, but not considering employees or dependents who have creditable group coverage or individual coverage; and
  - Increasing any requirement for minimum employee participation or for minimum employer contribution once the carrier accepts the small employer for coverage;
- Sets forth several scenarios under which a carrier would not have to offer or issue coverage such as:
  - For a managed care plan, carriers aren't required to offer coverage in an area outside of the carrier's established geographic service area for the plan;
  - If the carrier demonstrates, and the commissioner determines, that the carrier does not have the financial reserves necessary to underwrite additional coverage; or
  - If the carrier only offers student health insurance coverage consistent with federal law; and
- Moves the prohibition against denying or refusing to continue coverage to a person based on his or her membership in the uniformed services from the mandatory coverage provisions to the guaranteed issuance provisions.

Section 7 requires a carrier providing coverage under a health benefit plan to renew or continue the coverage at the option of the policyholder. A carrier is excepted from this requirement for reasons including: The policyholder's failure to make premium payments or to timely pay premiums; fraud or intentional misrepresentation of a material fact by the policyholder; or a small employer's failure to comply with minimum participation or employer contribution requirements.

Section 8 repeals language in Colorado law only applicable to business groups of one since that type of coverage is eliminated.

Section 9 specifies restrictions and permitted practices relating to rate usage, such as prohibiting carriers from requiring different premium rates based on a health-status-related factor; allowing carriers to establish premium discounts or rebates for adherence to health promotion and disease prevention programs or wellness and prevention programs; and allowing carriers to apply a surcharge on small employers who, in the previous 12 months, were covered under a self-funded plan or through a plan that was not a small group plan or whose coverage was discontinued for nonpayment of premiums or fraud.

Section 10 authorizes the commissioner to adopt rules to allow individuals enrolled in an exchange HBP to enroll in or change from one HBP to another HBP and establishes open enrollment and special enrollment periods. For carriers offering individual HBPs:

- Initial open enrollment period is October 1, 2013, through March 31, 2014. For plan years beginning on or after January 1, 2015, enrollment periods are from October 15, 2014, through December 7, 2014.
- Special enrollment periods include a "triggering event", including involuntary loss of existing coverage; gaining or becoming a dependent through marriage, civil union, birth, or adoption; or new determination of eligibility or ineligibility for a federal advance payment tax credit or cost sharing reductions available through the exchange.

For carriers offering group HBPs:

- Carriers must allow small employers to purchase a plan at any time during the year; and
- Carriers must establish special enrollment periods for individuals for whom a "qualifying event" has occurred, including loss of coverage due to death of, termination of employment of, reduction in work hours of, or divorce or legal separation from a covered employee; the covered employee becoming eligible for Medicare; becoming eligible for the group HBP due to marriage, civil union, birth, or adoption; or loss of eligibility for Medicaid or CHP+.

Section 11 amends prompt payment of claims provisions to exclude from these requirements a claim for an individual who is entitled to a 3-month grace period (i.e., a person enrolled in a HBP who is eligible for a subsidy), when the claim is for services rendered after the first month of the 3-month grace period.

Section 12 amends rate filing provisions to:

- Maintain the prohibition against carriers establishing rates that are excessive, inadequate, or unfairly discriminatory; authorize the commissioner to adopt

rules requiring carriers to submit adequate documentation and supporting information to justify rates; and grant the commissioner prior approval of rate increases;

- Adjust the "benefits ratio" (which is Colorado terminology; PPACA uses the term "medical loss ratio" or "MLR") to comply with PPACA, i.e., for large group plans, carriers must achieve a benefits ratio of 85%; for small group plans, carriers must achieve an 80% benefits ratio; and for individual plans, increases the benefits ratio from 65% to 80%;
- Authorize the commissioner to adopt rules to establish the benefits ratio for carriers to use for rate filings that are not grandfathered HBPs that include activities to improve health care quality and expenditures related to health information technology and meaningful use as specified by federal regulations;
- Repeal and relocate provisions in current Colorado law that do not address or pertain to rates;
- Limit the ability of carriers to use specified case characteristics when developing premium rates, which case characteristics may only include: Whether the plan covers an individual or family; the geographic rating area; age, limited to a rate variation of not more than 3 to 1 for adults; and tobacco use, limited to a rate variation of not more than 1 1/15 to 1;
- Allow carriers to only adjust premiums annually, except to reflect changes in enrollment of a small employer; in family composition; in the policyholder's geographic area; in tobacco use; in the HBP requested by the policyholder to the small employer; or required by federal law, or as permitted by state law or commissioner rule;
- Authorize the commissioner to adopt rules regarding premium rates and variations based on case characteristics;
- Require a carrier to disclose, as part of its solicitation and sales materials, how it establishes and modifies premium rates, and benefits and premiums for all HBPs offered by the carrier for which a person qualifies.

For purposes of filing health policies, section 13:

- Continues the requirement that all carriers submit an annual report to the commissioner by December 31 listing any policy form, endorsement, or rider for policies it issued or delivered in the state and including a certification that, to the best of the carrier's good faith knowledge and belief, each policy form, endorsement, and rider complies with Colorado law;
- Continues the requirement that carriers submit to the commissioner a list of new policy forms, applications, endorsements, or riders at least 31 days before using the new document; and
- Relocates requirements pertaining to a uniform application form for HBPs.

Section 14 contains the relocated provisions requiring the commissioner to develop, and all carriers issuing HBPs to use, a uniform application form for HBPs and authorizes the commissioner to allow carriers to use an electronic version of the uniform form.

Section 15 prohibits carriers from discriminating against a provider acting within the scope of his or her license or certification under state law with respect to participation under an HBP the carrier offers. Section 15 also clarifies that carriers are not required to contract with any willing provider and may establish varying reimbursement rates based on quality or performance measures.

Section 16 continues requirements under current law that permit employees whose employment is terminated to elect to continue coverage under the employer plan for the employee and dependents and repeals provisions pertaining to conversion of policies since they no longer apply under PPACA.

Section 17 amends the fair marketing standards under Colorado law to:

- Eliminate the requirement that carriers actively market standard and basic HBPs since those plans are repealed;
- Apply marketing requirements currently applicable only to small employer carriers to carriers offering individual HBPs;
- Replace the current requirement that carriers make available a Colorado health benefit plan description form with a requirement that carriers provide a summary of benefits and coverage form in compliance with federal law and when required pursuant to commissioner rules; but the commissioner may adopt and require carriers to provide a "supplemental health benefit plan description form" if consistent with the forms required under federal law. The supplemental form must be designed to facilitate comparison of different HBPs.

Section 18 expands the commissioner's general rule-making authority to allow the commissioner to adopt rules necessary to align state law with the requirements imposed by federal law regarding health care coverage in the state.

Section 19 amends procedures for the internal review of the denial of benefits by:

- Defining "adverse determination" to include a: Denial of a preauthorization for a covered benefit; denial of a request for benefits on the grounds that the treatment or covered benefit is not medically necessary, appropriate, effective, or efficient or is not provided in or at the appropriate health care setting or level of care; rescission or cancellation of coverage, applied retroactively, where the action is not attributable to failure to pay premiums; denial of a request for benefits for "experimental or investigational" treatment or services; or denial of coverage based on an initial eligibility determination for all individual HBPs;
- Specifying that the current 2-level internal review process applies only to group HBPs;
- For individual HBPs, requiring carriers to institute a single level of internal review, akin to the first level of review for group HBPs, which is to be evaluated by a physician who shall consult with appropriate clinical peers. Carriers must allow the individual to be present for the appeal; bring counsel, advocates, and health care professionals; and present materials to the evaluating physician before and during the review. The carrier and individual shall share materials at least 5 days before the review. If the carrier makes a video or audio recording of the review, the carrier shall make the recording available to the individual and, if requested, include it in any material provided to a reviewing entity in the event of an external review. If a carrier fails to "strictly adhere" to requirements regarding a coverage request, the individual is deemed to have exhausted internal review and appeals and may initiate external review.
- Requiring carriers to maintain records of requests and notices associated with internal claims and appeals for 6 years and to make the records available, upon

request, for review by the individual, the division of insurance, or the federal government. The commissioner may adopt necessary rules to implement and administer the Colorado laws pertaining to internal review of denials.

Section 20 amends the independent external review provisions by:

- Defining "adverse determination" as a denial of a: Preauthorization for a covered benefit, request for benefits on the grounds that the treatment or covered benefit is not medically necessary, appropriate, effective, or efficient or is not provided in or at the appropriate health care setting or level of care; request for benefits for "experimental or investigational" treatment or services; or benefit that is excluded but for which the claimant presented evidence from a medical professional that there is a reasonable medical basis that the contractual exclusion does not apply;
- Adding to the current standard for employing an expedited review of an adverse determination that an expedited review is available if the adverse determination concerns an admission, availability of care, continued stay, or health care services for which the individual receives emergency services, and the individual has not been discharged from a facility;
- Requiring an independent external review entity to be accredited by a nationally recognized private accrediting organization;
- Requiring the individual seeking external review to submit his or her request to the carrier within 4 months, rather than 60 calendar days, after receipt of notice of a denial of an internal appeal;
- Specifying that a claim need not meet a minimum dollar amount to be eligible for independent external review;
- Allowing an individual to request an independent external review or expedited external review of a claim involving denial of coverage of a recommended experimental or investigational medical service if the treating physician certifies that the treatment would be significantly less effective if not promptly initiated; and
- Permitting the individual requesting the external review to submit additional information directly to the review entity within 5 business days after the carrier notifies the individual which review entity will conduct the external review, and the entity must provide the additional information to the carrier within one business day after receipt. The reviewing entity must submit its determination within 45 calendar days, rather than 30 working days, after receipt of the external review request; in the case of an expedited review, the entity must submit its determination as expeditiously as possible and no more than 72 hours after receipt of the request rather than the 7 working days currently required. If the determination is not submitted in writing, the entity must provide written confirmation of the determination within 48 hours. Review entities must maintain written records of reviews for at least 3 years.

21: With respect to catastrophic health insurance and health savings account plans, section

- Consolidates these laws into a single section of law;
- Repeals references to business groups of one, conversion coverage, preexisting condition exclusions, and other obsolete provisions; and
- Clarifies that these laws do not apply to or include a catastrophic plan, as authorized by PPACA, that does not provide the metal coverage levels.

Section 22 eliminates all references to preexisting condition exclusions and instead prohibits carriers from imposing any preexisting condition exclusions with respect to coverage under an individual or small employer HBP.

Section 23 eliminates the ability of health savings account plans to apply deductible amounts to mandatory health benefits for mammography and child health supervision services since, under PPACA, carriers may not apply deductibles to preventive health services.

Section 24 eliminates a reference to a specific percentage amount as a cap on incentives available for satisfaction of a standard related to a health risk factor under a wellness and prevention program and instead requires the commissioner to adopt a rule, consistent with federal law, establishing the maximum amount of the incentive. Section 24 also eliminates references to business groups of one in these laws.

With respect to access to care for persons in HBPs, section 25 requires:

- Plans that cover reproductive health or gynecological care to provide covered women direct access to a participating obstetrician, gynecologist, or certified midwife, and prohibits the plans from requiring a referral for such care; and
- Carriers offering HBPs that require or allow designation of a participating primary health care professional to allow the parent of a covered child to designate a participating pediatrician as the child's primary care provider.

Section 25 also relocates current law regarding coverage for eye care services and coverage for treatment of intractable pain without any substantive changes in current law.

With respect to grace periods, section 26:

- Requires the commissioner to adopt a rule, applicable to HBPs issued to persons eligible for a subsidy under PPACA on or after January 1, 2014, requiring the plans to contain a 3-month grace-period provision for the payment of any premium due, other than the first premium, and the plan must continue in force during the grace period; and
- Requires the commissioner to adopt a rule applicable to all other HBPs issued on or after January 1, 2014, specifying a 31-day grace period.

Section 29 amends required provisions in individual plans to:

- Prohibit the retroactive termination of an individual policy except in cases of fraud or intentional misrepresentation and require the carrier to provide 30 days' advance notice of cancellation of the policy;
- Eliminate language referring to preexisting condition exclusions; and
- Allow a different grace period than that specified for policies that are not subject to PPACA grace-period requirements.

Section 30 amends the group policy provisions to eliminate references to business groups of one exclusions and allow a different grace period than that specified for policies that are not subject to PPACA grace-period requirements.

Sections 31 and 32 enact new provisions and relocate other provisions governing the termination of policies to prohibit retroactive termination of a sickness and accident

insurance policy except in cases of fraud or intentional misrepresentation and require the carrier to provide 30 days' advance notice of cancellation of the policy. These sections also prohibit retroactive termination of a hospital plan or contract except in cases of fraud or intentional misrepresentation and require the corporation to provide 30 days' advance notice of cancellation of the policy.

Section 33 relocates the evidence of coverage provisions for health maintenance organizations (HMOs) and authorizes the commissioner to establish by rule the required elements of the evidence of coverage.

Section 34 prohibits an HMO from retroactively terminating a policy or contract except in cases of fraud or intentional misrepresentation and requires the HMO to provide 30 days' advance notice of cancellation of the policy.

Section 35 relocates provisions pertaining to prepaid dental plans with no substantive changes.

With respect to network adequacy provisions in Colorado law, section 36:

- Requires the commissioner to adopt rules requiring carriers providing managed care plans to include essential community providers in the network;
- Specifies that "essential community providers" include providers that serve predominantly low-income, medically underserved individuals, such as Medicaid providers;
- Permits the commissioner to adopt rules to require carriers to be accredited by an accrediting entity recognized by the United States department of health and human services; and
- If a carrier provides benefits for services in an emergency department of a hospital, requires the carrier to cover emergency services: Without the need for a prior authorization; regardless of whether the provider is a participating provider; for services provided out of network; without imposing any administrative requirement or limit on coverage that is more restrictive than services provided by an in-network provider; and with the same cost-sharing requirements as would apply for in-network providers.

The act is effective upon passage and applies to health coverage plans issued or renewed on or after January 1, 2014. Health coverage plans in effect when the act goes into effect continue to be governed by Colorado law as it existed prior to the effective date of this act until those health coverage plans are issued or renewed on or after January 1, 2014.

**APPROVED** by Governor May 13, 2013

**EFFECTIVE** May 13, 2013

**H.B. 13-1290** Health insurance - stop-loss health insurance. The act makes the following changes to the law regulating stop-loss health insurance used in conjunction with self-insured small employer benefit plans for employers of not more than 50 employees:

- Makes terminology used in the Colorado law consistent with that used by the national association of insurance commissioners by changing the term "excess loss" to "stop-loss";
- Sets requirements for the issuance of stop-loss health insurance, including a minimum dollar amount for claims incurred beyond which and insurer incurs

- a liability for payment (the "attachment point") and a prohibition against attachment points that vary by individual within a group for claims incurred per individual; and
- Requires insurers to prepare a separate exhibit to be included with each stop-loss health insurance policy to inform the insured about specified components of the stop-loss health insurance policy.

For calendar years 2013 through 2018, the act requires insurers issuing excess or stop-loss health insurance policies to file specified information with the commissioner on those policies.

**APPROVED** by Governor May 28, 2013

**PORTIONS EFFECTIVE** July 1, 2013  
**PORTIONS EFFECTIVE** January 1, 2014

**H.B. 13-1315** Student health care services - higher education - purchase of coverage by undergraduates. Under current law, the governing board of an institution of higher education may not require an undergraduate student to purchase health care insurance. The act repeals this prohibition and also provides that, if a student is required to purchase health care insurance, the board must allow the same exemption for those participating in a health care sharing ministry as specified in the federal "Patient Protection and Affordable Care Act".

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013



## LABOR AND INDUSTRY

**S.B. 13-147** Workers' compensation - liability as a statutory employer. The act presumes that a buyer of goods is not liable as a statutory employer for the payment of workers' compensation benefits when a person who is not an employee of the buyer is injured while he or she is delivering goods to the buyer but is not on the buyer's premises. The presumption may be overcome by a showing that the person delivering goods was performing a job function that would normally be performed by an employee of the buyer of goods.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-157** Labor and employment - unemployment compensation benefits - Colorado work share program. The act makes changes to the Colorado work share program (program) to bring it into compliance with federal law, including changes to the required features of a work share plan to make it eligible for approval by the director of the division of unemployment insurance. The act also allows eligible employees to participate in certain job training programs. The act extends the program indefinitely and eliminates a mechanism that triggers a repeal of the program.

The act clarifies that an employer's account will only be charged for unemployment compensation benefits if federal money from the federal "Layoff Prevention Act of 2012" is not available. The act also increases the cap on the number of weeks that employees may be paid benefits under the program from 18 to 26 weeks.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-249** Workers' compensation - independent medical examiners' reports. The act requires the division of workers' compensation (division) in the department of labor and employment to review an independent medical examiner's (IME) report within 5 days after its receipt and either issue a notice to all parties in the case that it has received the report or notify the IME and all parties that there are deficiencies in the report. If the IME's report is deficient, the IME has 20 days to remedy the defects and resubmit the report. If the IME does not timely respond to the notice of deficiencies, the division shall issue a notice that it has received the IME's report and the insurer or self-insured employer shall file an admission of liability or request a hearing to contest the findings in the IME's report within 20 days.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**S.B. 13-285** Workers' compensation - reimbursement for claims - recalculation of wages - payment of temporary partial disability - request for attorneys fees and costs - request for independent medical examiner - appropriation. The act requires a claimant to be reimbursed by the employer or workers' compensation carrier for medical treatment provided if the employer, after notice of the injury, fails to provide medical treatment.

After notice of termination of a fringe benefit or other advantage, the employer, carrier, or third-party administrator is required to recalculate the average weekly wage and begin payment of the wages based on the recalculated amount.

The act requires temporary partial disability to be paid at least once every 2 weeks and

requires an employer, carrier, or third-party administrator to provide a claimant a complete copy of the claim file within 15 days after the mailing of a written request.

In order to request attorney fees and costs when an opposing attorney requests a hearing for an unripe issue, the requesting party must prove that it attempted to have any unripe issues stricken by a prehearing administrative law judge. Fees and costs may only be awarded if they are directly caused by the listing of the unripe issue.

The act extends the amount of time that must pass before an employer or insurer may request an independent medical examiner if the treating physician has not determined that an injured worker has reached maximum medical improvement from 18 to 24 months. If the independent medical examiner selected determines that the worker has reached maximum medical improvement, the independent medical examiner shall also determine the worker's permanent medical impairment.

The act appropriates \$100,000 from the state employee workers' compensation account in the risk management fund to the department of personnel for allocation to the division of human resources, risk management services, workers' compensation, workers' compensation claims for claims related to the implementation of the act.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** July 1, 2013

**H.B. 13-1004** Transitional jobs program - requirements - Colorado first customized job training program - appropriation. The act directs the department of human services (department) to administer a transitional jobs program to provide transitional jobs. The department shall:

- Define eligibility requirements for the program;
- Implement the program throughout the state, potentially with a gradual phase-in through 2014; collect data on performance outcomes and evaluate the data in order to present the results of the program in a timely and structured manner;
- Define the process to select local agency contractors for the program; and
- Define allowable uses of funding from the program.

The transitional jobs program is repealed, effective July 1, 2017.

The act appropriates \$2,400,000 to the department of human services for the transitional jobs program. The act also appropriates \$1,500,000 to the department of higher education for the Colorado first customized job training program.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** July 1, 2013

**H.B. 13-1025** Workers' compensation - insurance - policies - deductibles. Current workers' compensation law allows employers a deductible of up to \$5,000 in a workers' compensation policy. The act increases the amount of the authorized deductible up to the amount of the workers' compensation insurance rate split point approved by the commissioner of insurance. The act specifies that it does not abrogate an employer's responsibility to pay the full amount of workers' compensation benefits, and that it is a violation of the workers' compensation laws for an employer to require an employee to pay any part of workers' compensation

benefits due or to require an employee to use any other type of insurance to pay any part of workers' compensation benefits. In addition, the act specifies that it does not allow a workers' compensation insurance carrier to stop offering no-deductible workers' compensation insurance policies.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** July 1, 2013

**H.B. 13-1046** Electronic communications devices and social media - employer access - prohibitions - investigations - appropriation. The act prohibits an employer from suggesting, requesting, requiring, or causing an employee or applicant for employment to disclose a user name, password, or other means for accessing a personal account or service through an electronic communications device. The act also prohibits an employer from compelling an employee or applicant to add anyone, including the employer, to the employee's or applicant's list of contacts associated with a social media account or from requiring, requesting, suggesting, or causing an employee or applicant to change a privacy setting. This does not include access to nonpersonal accounts or services that provide access to the employer's internal computer or information systems. The act also prohibits an employer from discharging, disciplining, penalizing, or refusing to hire an employee or applicant who does not provide access to personal accounts or services.

The act clarifies that an employer may investigate an employee to ensure compliance with securities or financial law or for suspected unauthorized downloading of proprietary information based on the receipt of information about these activities.

The act allows a person who is injured by an employer's violation to file a complaint with the department of labor and employment. The department is required to investigate the complaint and issue findings. The department may promulgate rules regarding penalties.

\$23,064 and 0.3 FTE are appropriated to the department from the employment support fund for implementation of the act.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** May 11, 2013

**H.B. 13-1054** Unemployment compensation - benefits - reduction - retirement plan withdrawals. Under current law, if an unemployment claimant withdraws any amount from a retirement plan contributed to by an employer, the amount of the claimant's full balance in the plan is used to determine the length of time the claimant will not be eligible to receive unemployment insurance benefits, delaying benefits for individuals otherwise entitled to benefits because of job separation. The act specifies that only the amount withdrawn from the retirement plan by the claimant, not the total balance in the plan, is considered in determining the length of time the claimant is not eligible to receive benefits.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** April 4, 2013

**H.B. 13-1123** Division of employment and training - waiver of confidentiality for employment purposes. The act allows the division of employment and training in the department of labor and employment to offer persons seeking employment the opportunity to waive the confidentiality of certain personal information and make the information

available to employers seeking employees.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1124** Unemployment insurance - erroneous benefit payments - employer account charges - fraudulent overpayment penalty - increase - appropriation. As a result of amendments made to the federal "Unemployment Tax Act" and "Social Security Act" by the federal "Trade Adjustment Assistance Extension Act of 2011", in order to keep Colorado's unemployment insurance system in compliance with federal law, the act makes the following changes to the state unemployment insurance laws:

- Employer accounts are charged when an individual is erroneously paid benefits if the overpayment occurred as a result of an employer's failure to provide timely information and the division of unemployment insurance establishes a pattern of this behavior by the employer; and
- The penalty on fraudulent overpayments is increased, and 23% of the penalty is deposited in the unemployment compensation fund and the remainder into the unemployment revenue fund.

\$144,564 from the unemployment revenue fund is appropriated to the division of unemployment compensation in the department of labor and employment for the implementation of the act.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1222** Family and medical leave - expanded eligibility - civil union partners - domestic partners. Under the federal "Family and Medical Leave Act" (FMLA), an employee is entitled to 12 workweeks of leave during a 12-month period to care for a spouse, child, or parent of the employee who has a serious health condition. Current Colorado law is silent with regard to required family and medical leave, so Colorado employees are entitled to leave as specified in the FMLA.

The act expands the group of family members for whom employees in Colorado may take FMLA leave when the family member has a serious health condition to include a person who is the employee's partner in a civil union or is the employee's domestic partner and either:

- Has registered the domestic partnership with the municipality in which the person resides or with the state, if applicable; or
- Is recognized by the employer as the employee's domestic partner.

An employer may require the employee requesting leave to provide reasonable documentation or a written statement of family relationship, in accordance with the FMLA, and to submit the same certification of the family member's serious health condition as the

employer may require under the FMLA.

FMLA leave taken by an employee pursuant to this section runs concurrently with leave taken under the FMLA and does not increase the total amount of leave to which an employee is entitled during a 12-month period under the FMLA, this act, or both.

An employee who is denied leave to care for a partner in a civil union or domestic partner may recover damages or equitable relief, as is currently the case for persons denied leave to care for a family member for whom leave is permitted under the FMLA.

If the FMLA is expanded to allow leave for an employee's partner in a civil union or domestic partner, the act is repealed.

**APPROVED** by Governor May 3, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1252** Oil and public safety - petroleum cleanup and redevelopment fund - fire suppression system. The act creates the petroleum cleanup and redevelopment fund, consisting of civil penalties collected for violations of the petroleum storage tank laws, as well as any gifts, grants, and donations received or appropriations made by the general assembly. The department of labor and employment may use moneys in the redevelopment fund for administration, investigation, abatement action, and preparing and implementing corrective action plans for petroleum releases not covered by the petroleum storage tank fund if, in the opinion of the director of the division of oil and public safety, such actions would enhance environmental protection and beneficial use of the property affected by the releases.

During the 2013-2014 fiscal year, the treasurer will transfer \$5,000,000 from the redevelopment fund to the state highway fund to be used for a fire suppression system at the Eisenhower-Johnson tunnels.

**APPROVED** by Governor May 18, 2013

**EFFECTIVE** May 18, 2013

## MILITARY AND VETERANS

**S.B. 13-40** State and veterans nursing homes - Homelake military veterans cemetery - cemetery expansion project - appropriation. The act clarifies that the cemetery at the Colorado state veterans center at Homelake includes the 2 triangular areas that are adjacent to, and to the northeast and northwest of, the circular cemetery proper.

The act directs the state department of human services (state department), on or before January 1, 2014, to establish a phased plan for expansion of the cemetery. On or before July 1, 2014, the state department shall complete the expansion of the cemetery and make available new cemetery plots for eligible veterans of the United States armed forces and their spouses.

The act directs the state department to submit on or before January 1, 2015, to the state, military, and veterans affairs committees of the house of representatives and senate a report concerning:

- The status of the phased plan to expand the existing cemetery;
- The day-to-day and yearly requirements that are involved in the maintenance of the cemetery;
- The extent to which the state department relies upon state employees for the actual maintenance of the cemetery; and
- The extent to which the state department contracts with other public or private entities for the actual maintenance of the cemetery.

The act appropriates \$99,575 for construction costs related to the cemetery expansion.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

## MOTOR VEHICLES AND TRAFFIC REGULATION

**S.B. 13-4** Identification cards - mail or electronic renewal for persons age 65 or older - appropriation. The act authorizes a person over 64 years of age to renew an identification card issued by the department of revenue either by mail or electronically upon paying any required fees and attesting to being lawfully present in the United States and a Colorado resident.

\$4,588 is appropriated to the department of revenue and the governor's office to implement the act.

**APPROVED** by Governor May 16, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-58** Registration - license plates - person with disabilities - identifying plates and placards - parking privileges - verification of disability. Current law requires a person with a disability who obtains a license plate or placard authorizing parking privileges from the department of revenue to verify the disability every 3 years when renewing the license plate or placard. The act specifies that a person with a permanent disability may either submit by mail an updated verification of disability form or appear in person in the office of an authorized agent of the department and present a driver's license or identification card. A parent or guardian of a person with a disability under 16 years of age may provide the parent's or guardian's driver's license or identification card in lieu of the minor with a disability. A person with a permanent disability must submit a verification form at least every third time a verification is required.

The act also allows chiropractors and physical therapists to provide verifications of a temporary disability.

This act applies to motor vehicle registrations expiring on or after January 1, 2014.

**APPROVED** by Governor April 19, 2013

**EFFECTIVE** April 19, 2013

**S.B. 13-60** Taxation - license plates - civil air patrol - appropriation. The act creates the civil air patrol license plate. In addition to the normal motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

To implement the act, \$2,972 is appropriated to the information technology division in the department of revenue, then reappropriated to the state planning and budgeting office for computer center services for the department of revenue, and \$633 is appropriated to the division of motor vehicles.

**APPROVED** by Governor May 13, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-81** Vehicle registration - registration card notice - repeal of retired license plates. The act requires the department of revenue to include a notice on a motor vehicle registration card listing the minimum and maximum statutory penalties for failure to carry motor vehicle insurance. The act also repeals the statutory provisions for 2 retired special license plates.

**APPROVED** by Governor April 8, 2013

**EFFECTIVE** April 8, 2013

**S.B. 13-120** Registration - special license plates - Navy SEAL license plate - fees - appropriation. The act creates the Navy SEAL license plate. A person must demonstrate his or her current or former status as a Navy SEAL by submitting a DD214 and certification from the UDT-SEAL Association, Inc. In addition to the normal motor vehicle fees, the plate requires 2 one-time fees of \$25, one of which is credited to the highway users tax fund and the other to the licensing services cash fund.

\$355 is appropriated to the division of motor vehicles to implement the act, and \$2,960 is appropriated to the information technology division for computer services from the office of information technology.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-170** Registration - license plates - valuable letter/number combinations - sale at auction - proceeds - tax credits - appropriation. Currently, the state has a program to sell valuable license plate numbers at auction. Proceeds of these sales go to both the general fund and certain disability-benefit programs. The program is administered by the license plate auction group (group).

The act allows use of special characters, as well as letters and numbers, in the creation of license plates available under the program. The act also increases the membership of the group by adding 3 representatives of the public and a representative of a disability-benefit entity. In addition, the group is given authority to:

- Allow an auctioneer to retain a commission of up to 20%;
- Make business decisions to implement the program;
- Create incentives for holders to turn in currently issued registration numbers for auction if any actual costs are reimbursed to the state from the sale;
- Sell license plates made of alternative materials if approved by the department of revenue; and
- Certify that a portion of the purchase price of a registration number is a charitable donation because it exceeds the value of the registration number.

The act allows the purchaser of a registration number to take a 20% tax credit on the portion of the sale price that exceeds the value of the registration number if the group returns to the general fund an amount equal to the tax credit.

The act appropriates \$16,000 to the department of revenue for computer programming



services to implement the changes to the program.

**APPROVED** by Governor May 23, 2013

**EFFECTIVE** May 23, 2013

**S.B. 13-224** Motor vehicle registration - special license plates - "Protect Our Rivers" license plate - appropriation. The act creates the "Protect Our Rivers" license plate. A person becomes eligible to use the plate by donating \$25 to Colorado trout unlimited. This donation may not be used for litigation or lobbying. In addition to the normal motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

\$5,920 is appropriated from the license plate cash fund to the department of revenue (department) for allocation to the division of motor vehicles to purchase special license plates, and \$2,972 is appropriated from the Colorado state titling and registration account of the highway users tax fund to the department for allocation to the office of information technology for computer services.

**APPROVED** by Governor May 18, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-251** Drivers' licenses - identification cards - requirements - lawful presence - issuance - appropriation. The act creates a new class of driver's licenses and identification cards that may be issued to people who are not lawfully present in the United States. This does not apply to commercial driver's licenses. Other than the status of legal presence, a person must meet the same qualifications to get the document as for a regular driver's license or identification card, and the person must show:

- Residence in Colorado for the past 24 months or proof of filing a tax return last year, issued by the department of revenue;
- An individual taxpayer identification number issued by the United States internal revenue service; and
- A passport, consular identification card, or military identification document.

The driver's license or identification card issued under the act will state "Not valid for federal identification, voting, or public benefit purposes" and be distinguishable from other types of driver's licenses or identification cards. An individual whose authority to be present in the United States is temporary must be qualified and have the person's status confirmed through the SAVE or SOLVE system. The document expires after 3 years.

The department of revenue must generally keep the taxpayer identification number confidential. The department may impose an additional issuance fee.

The act clarifies that a peace officer is not authorized to arrest an individual merely for possessing an identification document issued under the act.

\$855,686 and 6.2 FTE are appropriated to the department of revenue to implement the

act.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-280** Off-highway vehicles - titles - exemptions - applicability of bond requirement - appropriation. The act requires off-highway vehicles to be titled in the same manner as motor vehicles except under statutory provisions that apply to salvage vehicles and assume that the vehicle will be registered with the department of revenue. Off-highway vehicles sold before July 1, 2014, are exempt until they are sold to a dealer. Off-highway vehicles that are used exclusively for agricultural purposes on private land are exempt.

The act exempts certain categories of off-highway vehicles from the bonding requirement that would otherwise apply to applications for new certificates of title for previously owned vehicles. It also specifies that a current registration issued by the department of parks and wildlife is sufficient evidence of ownership to support the issuance of a title.

The act appropriates \$25,900 from the Colorado state titling and registration account in the highway users tax fund to the information technology division of the department of revenue to implement the act.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**NOTE:** Certain sections of the act are contingent on House Bill 13-1289 becoming law. House Bill 13-1289 was signed by the governor June 5, 2013.

**H.B. 13-1011** Fee for armed services identifier - appropriation. The act repeals the fee currently charged to a current or past member of the armed services for the branch-of-service identifier on a Colorado driver's license or state identification card.

\$5,000 is appropriated from the licensing services cash fund to the department of revenue for implementation of the act.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1022** Proof of motor vehicle insurance - false evidence of insurance - traffic infraction. The act makes providing false evidence of proof of motor vehicle insurance a class B traffic infraction punishable by a fine of \$500. The act also allows a court clerk's office to dismiss a charge of violation of the compulsory auto insurance requirement if it verifies there was a policy in effect at the time of the alleged violation using the uninsured motorist database. A person who is convicted of, who admits liability for, or against whom

a judgment is entered for providing false evidence of motor vehicle insurance cannot be prosecuted for multiple counts of the same violation.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1071** Vehicle registration - collector vehicles - taxation - emissions - appropriation. Currently, a motor vehicle qualifies to be registered as a collector's item if it is of model year 1975 or older or has been grandfathered in. The act includes vehicles that are 32 years old, but if the vehicle is being registered where an emissions test is required, then the vehicle must pass an emissions test every 5 years and the owner must sign an affidavit that the vehicle will not be driven for more than 4,500 miles each year.

\$193,489 is appropriated from the license plate cash fund and the Colorado state titling and registration account to the department of revenue to implement the act.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1077** Drivers' licenses - administrative proceeding for revocation of license - driver's right to challenge validity of law enforcement officer's initial contact. In an administrative proceeding for a revocation of a driver's license, where the hearing officer is engaged in finding facts and applying law for an incident or offense reported directly to the department by a law enforcement officer, and where the revocation was not triggered in whole or in part by a record of a conviction, a driver may challenge the validity of the law enforcement officer's initial contact with the driver and the driver's subsequent arrest, including but not limited to an arrest for DUI, DUI per se, or DWAI. The hearing officer shall consider such issues when a driver raises them as defenses.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** May 11, 2013

**H.B. 13-1091** Emissions inspection - heavy-duty diesel fleet - alternative testing - rules. Currently, fleet owners participating in the heavy-duty diesel fleet inspection and maintenance program are required to test the opacity of their vehicles through self-certification. The act authorizes the air quality control commission to promulgate rules to allow, and to determine eligibility for, an alternative method for demonstrating compliance with opacity standards in which fleet owner participants follow and submit proof of exemplary maintenance practices.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** January 1, 2014

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

**H.B. 13-1119 Drivers' licenses - identification cards - veterans - appropriation.** The act requires the department of revenue to place the word "veteran" on a driver's license or identification card if the person presents the proper documentation. It is not necessary to present documentation for the renewal or reissuance of a license or identification card. A dishonorable discharge does not qualify. The veteran identifier serves as documentation that the person is a veteran for the purposes of state and local benefits and preferences.

\$72,800 is appropriated to the division of motor vehicles to implement the act. Of that amount, \$7,800 is allocated to the information technology services division for the purchase of computer center services.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1132 Vehicle weight limits - federal standards.** The act amends state law regarding maximum vehicle weight on highways to conform to federal requirements for continued highway funding.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**H.B. 13-1153 Special mobile machinery - taxation - registration - appropriation.** The act directs the department of revenue to set up an electronic system to receive tax reports filed by the owners of rental special mobile machinery. The department will make the reports available to the counties.

\$98,411 and 0.4 FTE is appropriated from the general fund to the taxation business group in the department of revenue for personal services and contract programming services to implement the act.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1159 Compulsory insurance - use of an electronic device to present evidence of automobile insurance.** When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, an owner or operator of a motor vehicle or low-power scooter (driver) must present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect. The act allows a driver to use a cell phone or other electronic device to present such evidence.

If a driver uses a cell phone or other electronic device to present evidence of insurance:

- The law enforcement officer to whom the operator presents the device shall not explore the contents of the cell phone or other electronic device other than

- to examine the driver's policy or certificate of self-insurance; and
- The law enforcement officer to whom the operator presents the device, and any law enforcement agency that employs the officer, are immune from any civil damages resulting from the officer dropping or otherwise unintentionally damaging the cell phone or other electronic device.

If an insurer issues or renews a policy of insurance, the insurer must provide the insured a proof of insurance certificate or insurance identification card to accompany the insured's registration application or renewal card or provide other proof of insurance. The act allows an insurer to provide such proof of insurance or insurance identification card in either paper or electronic format.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1240** Drivers' licenses - administrative penalties for persistent drunk drivers appropriation. In current law, the definition of "persistent drunk driver" includes a person who drives a motor vehicle with a BAC of 0.17 or more. The act lowers this threshold to 0.15 or more. The act also amends the definition of "persistent drunk driver" to include a person who refuses to take or complete, or to cooperate in the completing of, a test of his or her blood, breath, saliva, or urine as required by law.

In current law, if a person is designated a persistent drunk driver, the state department of revenue (department) requires the person to complete a level II alcohol and drug education and treatment program. Under the act, the department shall also require the person to hold a restricted license requiring the use of an ignition interlock device upon the restoration of his or her driving privileges.

In current law, a person whose privilege to drive was revoked for one year or more because of a second or subsequent DUI, DUI per se, or DWAI conviction; for excess blood alcohol content (BAC); or for refusal may apply for an early reinstatement with an interlock-restricted license after the person's privilege to drive has been revoked for one year. The act reduces this one-year waiting period to one month for persons 21 years of age or older at the time of the offense; except that, for a person 21 years of age or older at the time of the offense whose privilege to drive was revoked because of a refusal, the waiting period is reduced to 2 months.

The act amends the purposes of the first time drunk driving offender account in the highway users tax fund to include appropriations to the department to pay:

- A portion of the costs for an ignition interlock device for a persistent drunk driver who is unable to pay the costs of the device and who installs the ignition interlock device on his or her vehicle on or after January 1, 2014; and
- The department's costs associated with the implementation of the act.

In current law, with certain exceptions, a license revocation must run consecutively and not concurrently with any other revocation. The act provides that, for an offense committed on or after January 1, 2014, with certain exceptions, a license revocation can run concurrently with any other revocation.

In current law, if a license is revoked for refusal, the revocation may not run concurrently, in whole or in part, with any previous or subsequent suspensions, revocations, or denials that may be provided for by law. The act provides that, for a refusal committed on or after January 1, 2014, with certain exceptions, a license revocation can run concurrently with any other revocation.

The act makes an appropriation.

**APPROVED** by Governor May 28, 2013

**PORTIONS EFFECTIVE** May 28, 2013  
**PORTIONS EFFECTIVE** January 1, 2014

**H.B. 13-1289** Electronic registration and titling of vehicles - authority - gifts, grants, and donations. The act authorizes the department of revenue to establish a system to allow the electronic registration and titling of motor vehicles and off-highway vehicles and the electronic transmission of vehicle lien information. The title certificate is considered to be held by the mortgage or lien holder when an electronic mortgage or lien is used. A copy of the electronic mortgage or lien is admissible as evidence in judicial or administrative proceedings.

The department is authorized to accept gifts, grants, or donations for the purpose of implementing the act but may not accept them from a vendor who responds to a request for proposal from the department concerning the new system for electronic registration and titling of motor or off-highway vehicles. Moneys contributed for the registration and titling system must be tracked separately from other moneys and used only for implementation of the system.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**H.B. 13-1325** Driving under the influence of alcohol or marijuana - permissible inferences established - appropriations. In any DUI prosecution, and in any prosecution for vehicular homicide or vehicular assault, if at the time of driving, or within a reasonable time thereafter, the driver's blood contains 5 nanograms or more of delta 9-tetrahydrocannabinol per milliliter in whole blood, as shown by analysis of the defendant's blood, such fact gives rise to a permissible inference that the defendant was under the influence of one or more drugs.

Prior to the act, in any prosecution for vehicular homicide or vehicular assault, if at the time of the commission of the alleged offense, or within a reasonable time thereafter, as shown by analysis of the defendant's blood or breath, there was 0.08 or more grams of alcohol per 100 milliliters of blood, or if there was at such time 0.08 or more grams of alcohol per 210 liters of breath, it is presumed that the defendant was under the influence of alcohol. The act removes this presumption and states instead that such fact gives rise to a permissible inference that the defendant was under the influence of alcohol.

The act removes instances of the term "habitual user" from the traffic code.

For the 2013-14 fiscal year, the act appropriates \$12,000 to the judicial department. The act appropriates \$20,816 to the department of corrections for fiscal year 2014-15 and \$5,551 for fiscal year 2015-16.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

## NATURAL RESOURCES

**S.B. 13-67** Public lands - off-road vehicles - penalties. Current law, which is scheduled to repeal on July 1, 2013, prohibits a person from operating a motor vehicle on any federal public land unless the land is authorized for such use by the controlling land management agency. Sections 1 and 2 of the act move the law from the wildlife statutes to the parks statutes, make the law permanent, repeal a reporting requirement, and increase the penalty for altering a travel restriction sign from \$100 to \$150. Section 3 increases the penalty for failing to have a spark arrester on an off-highway vehicle from \$50 to \$150.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** April 4, 2013

**S.B. 13-169** Endangered species - reintroduction - black-footed ferret - safe harbor agreements. Current law, enacted in 2000, requires legislative approval for the introduction or reintroduction of a threatened or endangered species that is not present in Colorado. The general assembly required the reintroduction of black-footed ferrets to occur only pursuant to a management plan dating to 1995. Pursuant to that authority, some black-footed ferrets were reintroduced in Colorado in 2001.

Since then, the federal fish and wildlife service has authorized a new tool for endangered species reintroductions based on a programmatic "safe harbor" agreement between the federal government and a consenting landowner and enhancement-of-survival permits under the federal "Endangered Species Act of 1973". Under the permits and agreements:

- The reintroduction occurs on private land with landowner consent;
- An "incidental take" (that is, an unintentional injury or death) of the threatened or endangered species may result from implementation of conservation actions, specific land uses, and the landowner's exercise of an option to return the land to baseline conditions, and the landowner would not be liable for the taking; and
- Landowners have assurances that the federal government will not impose further land, water, or resource-use restrictions or additional commitments of land, water, or finances beyond that agreed to in the agreement.

The act authorizes the reintroduction of black-footed ferrets in Colorado pursuant to programmatic safe harbor agreements and enhancement-of-survival permits without further legislative approval.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-175** Wildlife habitat stamp committee - continuation under sunset law - elimination of the wildlife passport and wildlife passport fund - use of revenues from wildlife habitat stamp. The act continues the wildlife habitat stamp committee until July 1, 2027, and eliminates the Colorado wildlife passport and the Colorado wildlife passport fund.

The parks and wildlife commission is directed to use revenues from the wildlife

habitat stamp to prioritize the following:

- Conserving and protecting winter range and vital habitats, including migration corridors, for deer, elk, and other big game wildlife species;
- Improving public access for hunting, access for anglers to the waters of the state, and access for other wildlife-related recreation;
- Protecting habitat for species of concern; and
- Preserving the diversity of wildlife.

**APPROVED** by Governor May 18, 2013

**EFFECTIVE** May 18, 2013

**S.B. 13-188** Wildlife - hunting - landowner preference program - appropriation. The act replaces the current set of landowner preference programs for hunting licenses with a single program that:

- Sets standards for the land, including minimum size and wildlife carrying capacity;
- Allocates the number of licenses based upon the size of the land, from one license for the first 160 acres to a maximum of 19 licenses, in 600-acre increments;
- Sets the percentage of hunting licenses in a restricted game management unit that are allocated to the program between 10% and 25%;
- Releases unused licenses to the general public after making them available to other landowners with limits;
- Authorizes an owner to transfer vouchers for the licenses to hunters but forbids brokering and restrictions on the vouchers that don't concern access; and
- Authorizes the division to disqualify a person from the program if the person does not comply with the law of the program.

Land in the existing programs is grandfathered until July 1, 2016. The act also requires the commission to promulgate rules implementing the new program by July 1, 2014.

\$51,800 is appropriated from the wildlife cash fund to the department of natural resources for the program.

**APPROVED** by Governor May 18, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-202** Oil and gas - inspections - risk-based strategy - appropriation. The act requires the Colorado oil and gas conservation commission, by July 1, 2014, to use a risk-based strategy for inspecting oil and gas locations that targets the operational phases that are most likely to experience spills, excess emissions, and other types of violations and that prioritizes more in-depth inspections. The commission may use a pilot project to test the risk-based strategy and must submit a report to the general assembly's committees with jurisdiction over energy by February 1, 2014.



\$100,000 is appropriated from the oil and gas conservation and environmental response fund to the commission to implement the act.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**S.B. 13-269** Wildfire risk reduction grant program - advisory committee - cash fund - reports - transfer from general fund - repeal - continuous appropriation. The act creates the wildfire risk reduction grant program (grant program) in the department of natural resources (department). The purpose of the grant program is to provide funding opportunities for projects implementing hazardous forest fuel reduction treatments to reduce the risks associated with wildfires in Colorado.

In developing and administering the grant program, the department shall:

- Dedicate up to 25% of the grant funds for capacity-building efforts, including neighborhood slash piles and community equipment;
- Work in collaboration with an advisory committee to assess grant applications and award grants, giving priority to proposed projects that are located in areas where a high risk of catastrophic wildfire endangers homes, communities, utilities, and watersheds;
- Monitor grant recipients' compliance with the grant program; and
- Measure the grant program's effectiveness.

Eligible grant applicants are required to demonstrate that:

- The applicant has matching funds available, which may come from federal or state sources, but no more than 50% may come from state sources unless the applicant is a state agency; and
- The applicant's proposed project includes a plan for utilizing any woody material generated by the project. A grant applicant may seek technical assistance from the Colorado state forest service for development of a plan to utilize woody material generated by the proposed grant project.

The act creates an advisory committee that, in consultation with the department, shall determine eligibility criteria for grant recipients, prepare a request for grant proposals, and award grants.

The department shall annually report to the agriculture, livestock, and natural resources committee in the house of representatives and the agriculture, natural resources, and energy committee in the senate, or their successor committees, about the grant program's progress.

The act creates the wildfire risk reduction fund (fund) and transfers \$9,800,000 from the general fund to the fund, which moneys are continuously appropriated to the department for implementation of the grant program.

The act is repealed, effective July 1, 2018.

**APPROVED** by Governor May 17, 2013

**EFFECTIVE** May 17, 2013

**S.B. 13-273** Wildfire mitigation - local forest health projects - renewable energy resources - use of forest biomass. The act declares that reducing the large amount of diseased timber in Colorado by encouraging the use of forest biomass for energy generation and material for forest industry development will reduce the risk of future catastrophic wildfires, benefit the state's economy, and address Colorado communities' long-term forest health needs. The act also authorizes the state forest service to collaborate with federal agencies to facilitate the use of forest biomass as feedstock for timber mills and other industries and for renewable energy generation.

Section 3 of the act encourages a community that adopts or updates its community wildfire protection plan (CWPP) to incorporate, as part of the CWPP, a biomass utilization plan developed in consultation with the state forest service. The existing definition of a "forest health project" is expanded to include biomass utilization plans and other projects to harvest woody vegetation for the production of energy, fuels, forest products, or other applications.

The act authorizes the air quality control commission to analyze equipment fueled by biomass (e.g., wood-burning stoves,) for compliance with emissions standards and publish the results for units of less than one million BTU per hour. It also directs the Colorado public utilities commission, when evaluating proposed new sources of supply for electric utilities, to consider the potential contributions of those sources to wildfire risk mitigation specifically, in addition to environmental protection generally.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**H.B. 13-1057** Colorado avalanche information center - operation by department of natural resources. The act reverses provisions in HB12-1355 that would have transferred the duties and functions of the Colorado avalanche information center to the Colorado school of mines. The avalanche information center will operate as a program under the executive director of the department of natural resources (department). The act establishes a new statute within the department that is specific to the avalanche information center and creates a cash fund for training and materials fees received by the avalanche information center.

**APPROVED** by Governor January 31, 2013

**EFFECTIVE** January 31, 2013

**H.B. 13-1232** Fishing - licenses - warrior transition battalion. The act authorizes a person assigned to the warrior transition battalion to obtain a fishing license free of charge.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1278** Oil and gas - oil or production waste spills - reporting requirements - rules - appropriation. If one barrel or more of oil or exploration and production waste spills outside of berms or other secondary containment, the spill must be reported within 24 hours after the discovery. The report must be made to the oil and gas conservation commission and to the entity with jurisdiction over emergency response within the municipality, if the spill occurred within a municipality, or the county if the spill did not occur within a municipality. The

report of the spill must include any available information concerning the type of waste involved in the spill. The commission is authorized to promulgate rules to implement these requirements.

\$10,417 is appropriated from the oil and gas conservation and environmental response fund to the department of natural resources, for allocation to the oil and gas conservation commission for program costs.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1283** Species conservation trust fund - program eligibility list - appropriation. The act appropriates money from the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law, or are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service. The act takes \$4,000,000 from the trust fund for certain activities, programs, and species as follows:

- \$500,000 for the selenium management program;
- \$250,000 for the White river management plan;
- \$500, 000 for instream flow water acquisition;
- \$250,000 for the Fountain creek fish passage project;
- \$10,000 for native terrestrial wildlife habitat management and propagation;
- \$816,000 for native terrestrial wildlife research, monitoring, and evaluation;
- \$500,000 for native aquatic wildlife habitat and population management and propagation;
- \$324,000 for native aquatic wildlife research, monitoring, and evaluation;
- \$350,000 for wildlife disease management and landscape adaptation;
- \$500,000 for natural areas - rare plant conservation program and species conservation.

The act reduces from \$6,000,000 to \$4,000,000 an existing law's transfer from the operational account of the severance tax trust fund to the species conservation trust fund for the 2013 fiscal year.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

## PROBATE, TRUSTS, AND FIDUCIARIES

**S.B. 13-77** Probate code omnibus act. The act clarifies provisions concerning the circumstances under which each party and person in interest with a party shall be allowed to testify regarding an oral statement of a person incapable of testifying when such statement is sought to be admitted into evidence.

The act clarifies certain powers of a personal representative, a person with priority for appointment as a personal representative, and a court-appointed fiduciary:

- May ascertain the testator's probable intent or estate planning purpose on issues involving the decedent's estate; and
- Shall have standing to prosecute or defend that intent or purpose, at the expense of the estate, in probate proceedings.

Under current law, a personal representative must give certain information concerning his or her appointment to the heirs and devisees of the estate not later than 30 days after his or her appointment. The act adds a requirement that this information must include a notice that any individual who has knowledge that there is a valid, unrevoked designated beneficiary agreement in which the decedent granted the right of intestate succession should give written notice of such knowledge to the personal representative of the decedent's estate. The act also makes changes to this law to align it with a provision of the Colorado rules of probate procedure.

The act amends the probate code to grant a higher statutory priority to payment of child support claims in decedent's estates.

The act gives a trustee of an intentionally defective grantor trust the discretionary authority to reimburse the grantor for payment of the income taxes attributable to the trust. This authority does not subject the trust to the grantor's creditors or cause the trust to be included in the grantor's estate.

The act allows a trustee to acquire or retain a life insurance policy on the life of a person for whom the trustee has an insurable interest as a trust asset; however, a trust may expressly provide that this provision does not apply to the trust. Unless specified conditions are met, a trustee is not relieved of liability with respect to any life insurance policy purchased from an affiliated company, or with respect to which the trustee or any affiliated company of the trustee receives any commission.

Under current law, the court considers certain factors in determining the reasonableness of any compensation or cost sought to be paid by or recovered from an estate, fiduciary, principal, respondent, ward, or protected person. To these factors, the act adds the "special skills" of the person performing services for the estate, fiduciary, principal, respondent, ward, or protected person.

The act clarifies that, for the purposes of requiring certain persons to deliver personal property to a person claiming to be a successor of a decedent, "personal property" includes funds on deposit at any financial institution.

While a petition to establish a conservatorship or for another protective order is pending, the court may issue orders to preserve and apply the property of the respondent, and may appoint a special conservator to assist in that task.

At or before a hearing concerning the protection of property of a protected person, the court may order a professional evaluation of the respondent and shall order the evaluation if the respondent so demands. If the court orders the evaluation, the respondent must be examined by a physician, psychologist, or other individual appointed by the court who is qualified to evaluate the respondent's alleged impairment. The examiner shall promptly file a written report with the court. Unless the court directs otherwise, the report must contain certain information.

The act amends the order, in which the conservator shall distribute the estate, clarifies that the conservator may pay certain claims without a court order, and provides that the conservator may file a motion with the court seeking permission to withhold payment of allowed claims and pay only the expenses, claims, and amounts requested by the conservator regardless of the priority of the claim. The act also sets forth certain factors to be considered by the court if the conservator files such a motion.

A trustee may not acquire or hold as a trust asset a life insurance policy on the life of a person unless the trustee has an insurable interest in the person, but a trustee may continue to hold a life insurance policy on a person with an insurable interest without liability for loss.

Unless the terms of a trust created under an instrument executed before the effective date of the act expressly provide that the trust is irrevocable, the settlor may revoke or amend the trust. The act specifies the manner in which a revocable trust may be revoked and the duties of trustees and others if a trust is revoked.

Unless the terms of the trust expressly provide otherwise, while a trust is revocable, the rights of the beneficiaries are subject to the control of, and the duties of the trustee are owed exclusively to, the settlor.

The act establishes when a person must commence a judicial proceeding to contest the validity of a trust that was revocable at the settlor's death.

A trustee shall not be liable to any person for giving or failing to give notice.

Upon the death of the settlor of a trust that was revocable at the settlor's death, with specified exceptions, the trustee may proceed to distribute the trust property in accordance with the terms of the trust without liability.

The act specifies that a distributee or claimant is liable for the return of the property or value of the property improperly received, and its income, if any, since the distribution.

For the purposes of the Colorado probate code, "business trust" includes, but is not limited to, listed trusts.

The act clarifies the applicability of the effective date of the Colorado probate code to conform Colorado law to the Uniform Probate Code's effective date provisions.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1016** Financial institutions - accounts - distribution of proceeds - pay-on-death designations. Current law provides that a financial institution account with a pay-on-death (POD) designation naming 2 or more beneficiaries must be paid to the surviving beneficiaries in equal shares, with no ability of the account owner to designate different proportions to each beneficiary. The act changes the law to allow an account owner to specify something other than an equal division of a POD account. If one or more beneficiaries of the POD account predecease the account owner, the designation reverts to equal distribution unless the account owner amends the POD designation to dictate some other distribution.

**APPROVED** by Governor March 29, 2013

**EFFECTIVE** March 29, 2013

## PROFESSIONS AND OCCUPATIONS

**S.B. 13-26** Medical transparency - reporting by additional health care professionals - appropriation. Currently, the "Michael Skolnik Medical Transparency Act of 2010" requires most regulated health care providers who are applying for, renewing, reinstating, or reactivating a license, certification, or registration to disclose specified information about their practice history to the director of the division of professions and occupations for inclusion in a publicly available database.

The act adds the following health care providers to the list of providers required to report information to the director, with the requirement taking effect July 1, 2014:

- Athletic trainers;
- Massage therapists;
- Certified nurse aides;
- Occupational therapists;
- Respiratory therapists;
- Pharmacists;
- Psychiatric technicians; and
- Surgical assistants and surgical technologists.

The act appropriates \$146,353 and 2.0 FTE to the department of regulatory agencies for the 2013-14 fiscal year to implement the act, allocated as follows:

- \$107,545 and 2.0 FTE to the division of professions and occupations for personal services;
- \$14,272 to the division of professions and occupations for operating expenses and capital outlay;
- \$827 to the division of professions and occupations for travel;
- \$15,984 to the division of professions and occupations for computer programming; and
- \$7,725 to the executive director's office and administrative services for the purchase of legal services, which moneys are reappropriated to the department of law.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-39** Audiologists - regulation by department of regulatory agencies - license requirements - disciplinary grounds and procedures - rules - appropriation. Since 1996, Colorado has regulated audiologists practicing in the state, first requiring audiologists to register with the division of registrations (division) in the department of regulatory agencies (department), and later requiring audiologists to obtain a license from the division. The regulation of audiologists has been subject to numerous sunset reviews by the department, all of which have recommended continuing the regulation of audiologists in the state. Notwithstanding the recommendation in the 2011 sunset report to continue regulating audiologists, in the 2012 regular session, the general assembly did not enact legislation to continue regulating audiologists. As a result, the regulatory statutes expired on July 1, 2012.

The act reauthorizes the division, now known as the division of professions and occupations, to regulate audiologists. Audiologists are required to obtain a license to practice audiology in this state, and the act sets forth the requirements and qualifications for obtaining a license, which include:

- A doctoral degree in audiology; or
- A master's degree with a concentration in audiology conferred before July 1, 2007, and a certificate of competency in audiology from a nationally recognized certification agency.

An audiologist must obtain and maintain professional liability insurance coverage in the form and amount determined by the director of the division (director) by rule and must develop a plan for the storage and disposition of patient medical records. Additionally, audiologists must report and update information required by the "Michael Skolnik Medical Transparency Act of 2010". If an audiologist suffers from a physical or mental illness or condition that affects his or her ability to practice audiology with reasonable skill and safety to patients, the audiologist must alert the director of the illness or condition, and the director may enter into a confidential agreement with the audiologist to limit his or her practice.

The act establishes grounds and procedures for disciplining audiologists. Grounds for discipline include engaging in a deceptive trade practice in violation of the "Colorado Consumer Protection Act", failing to notify the director of an illness or condition that affects the ability to practice safely, or failing to comply with the terms of a confidential agreement to limit his or her practice. Upon proof that an audiologist has engaged in an act constituting grounds for discipline, the director may impose an administrative fine of up to \$2,500; issue a letter of admonition; place a licensee on probation; or deny, refuse to renew, revoke, or suspend a license. The director is also authorized to issue cease-and-desist orders if a licensee is acting in a manner that threatens health and safety or if a person is acting without the required license. The director has authority to implement and administer the act and adopt rules as necessary to accomplish those purposes.

The regulation of audiologists is subject to sunset review and repeal on September 1, 2020.

The act appropriates \$58,966 and 0.6 FTE from the division of professions and occupations cash fund to the department to implement that act, which appropriation is allocated as follows:

- \$33,342 and 0.6 FTE to the division for personal services;
- \$1,863 to the division for operating expenses and capital outlay;
- \$1,474 to the division for disciplinary actions;
- \$11,294 to the executive director's office and administrative services for legal services, which moneys are further appropriated to the department of law to provide legal services; and
- \$10,993 to the executive director's office and administrative services for computer center services, which moneys are reappropriated to the governor's office of information technology to provide computer center services.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013



**S.B. 13-42** Physicians - foreign teaching license - renewal - assistant professors. Currently, an assistant professor at a state medical school who is a distinguished foreign teaching physician may be licensed to practice medicine at the school for one year only and cannot renew the license. The act allows for renewal of this type of license.

**APPROVED** by Governor April 19, 2013

**EFFECTIVE** April 19, 2013

**S.B. 13-43** Alcohol beverages - removal from licensed premises - prohibition - protection when sign is posted at exits - exception. Current law prohibits a retail gaming licensee that is licensed to sell alcohol beverages for on-premises consumption from knowingly permitting patrons to remove an alcohol beverage from the licensed premises and protects a retail gaming licensee from prosecution if the licensee either stations personnel at each exit to prevent removal of alcohol beverages from the premises or posts a sign by each exit notifying patrons that removal of alcohol beverages is illegal.

The act extends the prohibition and protection from prosecution to all persons licensed under the "Colorado Liquor Code" to sell alcohol beverages for on-premises consumption, including:

- Limited winery licensees;
- Beer and wine licensees;
- Bed and breakfast permit holders;
- Hotel and restaurant licensees;
- Tavern licensees;
- Optional premise licensees;
- Brew pub licensees;
- Club licensees;
- Arts licensees;
- Racetrack licensees;
- Public transportation system licensees;
- Vintner's restaurant licensees; and
- Art gallery permit holders.

Additionally, instead of permitting an on-premises licensee to choose to either post a sign or station personnel at each exit, the act requires all on-premises licensees to post a sign notifying patrons that they cannot remove alcohol from the premises, regardless of whether the licensee also stations personnel at exits. Licensees other than retail gaming establishments may post a sign that is smaller than that required at retail gaming establishments. A licensee who shows reckless disregard for the prohibition against alcohol beverage removal from the licensed premises, which may include permitting removal of alcohol beverages from the licensed premises 3 times within a 12-month period, may be charged with knowingly permitting the removal, regardless of whether the licensee posts the required sign.

The act modifies the definition of "entertainment district" under the "Colorado Liquor Code" to clarify that a municipality may authorize more than one entertainment district within the municipality.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** May 10, 2013

**S.B. 13-59** Alcohol beverage licenses - prohibition for certain peace officers. Current law prohibits a peace officer from obtaining an alcohol beverage license issued under the "Colorado Liquor Code". The act repeals this prohibition for peace officers other than the following:

- The executive director of the department of revenue (department); the department's senior director of enforcement; auto industry, gaming, medical marijuana, state lottery, and racing events investigators; the director of the gaming division; the director of racing events; and the racing events supervisor; and
- The attorney general, chief deputy attorney general, solicitor general, assistant solicitors general, deputy attorneys general, assistant attorneys general of criminal enforcement, other assistant attorneys general and department of law employees designated as peace officers; and attorney general criminal investigators.

Additionally, the following peace officers are prohibited from obtaining an alcohol beverage license to operate a licensed premises located within the same jurisdiction that employs the peace officer:

- Sheriffs, undersheriffs, and deputy sheriffs;
- Police officers;
- Town marshals and deputy town marshals;
- District attorneys, assistant district attorneys, chief deputy district attorneys, deputy district attorneys, and special prosecutors; and
- City attorneys, town attorneys, senior assistant city attorneys, assistant city attorneys, chief deputy city attorneys, deputy city attorneys, and prosecuting attorneys.

**APPROVED** by Governor April 8, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-114** Racing - license or registration - application fees - racing cash fund. Currently, the Colorado racing commission sets investigation and application fees for persons applying for licenses or registrations related to racing. The act requires those fees to be credited to the racing cash fund administered by the division of racing events in the department of revenue.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-118** Real estate brokers - mortgage loan originators - licensing - exemptions. The act exempts from the "Mortgage Loan Originator Licensing and Mortgage Company Registration Act" a real estate licensee representing a person, estate, or trust that provides seller financing for no more than 3 residential properties in a 12-month period.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**S.B. 13-151** Massage therapists - licensure to replace registration - additional disciplinary grounds and actions - waiting period after revocation - limitation on practice - continuation under sunset law - appropriation. The act implements the recommendations contained in the 2012 sunset review and report on the "Massage Therapy Practice Act" (MTPA) as follows:

- Continues the regulation of massage therapists by the director of the division of professions and occupations (director) for 9 years, until 2022;
- Replaces the existing registration requirement with a requirement that massage therapists obtain a license;
- Adds the following as grounds for disciplining a massage therapist: Failure to report the surrender of a massage therapy license, certification, or registration to, or an adverse action taken against a license, certification, or registration by, a licensing agency in another state, territory, or country, a governmental agency, a law enforcement agency, or a court for acts that constitute grounds for discipline under the MTPA; commission of an act that does not meet, or failure to perform an act necessary to meet, generally accepted standards of massage therapy care; commission of a crime when the underlying act was related to the practice of massage therapy or was perpetrated against a massage therapy client during the therapeutic relationship; and failure to notify the director of a physical or mental illness or condition that affects the ability to practice, failure to act within the limitations created by the illness or condition, or failure to comply with limitations agreed to with the director;
- Authorizes the director to issue letters of admonition and confidential letters of concern to a massage therapist against whom the director determines action against the license is not warranted but a statement from the director about the conduct is appropriate;
- Permits an applicant to obtain a degree or diploma from a massage therapy program at a school located outside Colorado that is approved by the director based on standards adopted by the director by rule;
- Requires a massage therapist who has had his or her license revoked or has surrendered his or her license in lieu of discipline to wait at least 2 years before applying for a new license; and
- Authorizes the director to enter into a confidential agreement with a massage therapist who suffers from a mental or physical condition or illness under which the massage therapist agrees to limit his or her practice to ensure client safety and also agrees to monitoring and reevaluations.

The act appropriates \$149,691 and 1.9 FTE from the division of professions and occupations cash fund to the department of regulatory agencies for the implementation of the act, allocated as follows:

- \$101,025 and 1.9 FTE to the division of professions and occupations (division) for personal services;
- \$10,922 to the division for operating expenses;
- \$16,500 to the division for expert consultation services; and
- \$21,244 to the executive director's office and administrative services for the purchase of legal services, which sum is further appropriated to the department of law for the provision of legal services to the department of regulatory agencies.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** August 7, 2013

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

effective date, see page vi of this digest.

**S.B. 13-155** Real estate appraisers - continuation under sunset law - elimination of registered appraiser category - addition of licensed ad valorem appraiser category - discipline of appraisers. The act continues the board of real estate appraisers (board) until September 1, 2022.

The appraiser category "registered appraiser" is eliminated and the category "licensed ad valorem appraiser" is created. The board must adopt rules for the regulation of licensed ad valorem appraisers. The board must transfer registered appraisers from that category to the category of licensed ad valorem appraisers. Such persons who are employees of a county assessor's office or of the division of property taxation in the department of local affairs have until December 31, 2015, to meet any additional requirements imposed by the board. Licensed ad valorem appraisers licensed under Colorado's regulatory statutes are not subject to regulation under the federal "Financial Institutions Reform, Recovery, and Enforcement Act of 1989".

An appraiser may be disciplined for any conduct that could have been used to deny the issuance of a certificate or license. The board is barred from collecting or transmitting information about licensed ad valorem appraisers to the appraisal subcommittee of the federal financial institutions council.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-156** Mortgage loan originators - continuation of state board under sunset law - grounds for denial or revocation of license - eligibility to perform contract services pending licensure. The act implements the recommendations of the sunset review and report on the board of mortgage loan originators by:

- Extending the repeal date of the board for 5 years, until September 1, 2018;
- Requiring the board to deny, refuse to renew, or revoke the licenses of persons who commit specified offenses, bringing Colorado's statutes in line with federal law;
- Eliminating obsolete and self-contradictory provisions from current law; and
- Clarifying that a mortgage company may act only through individuals who are licensed or in the process of becoming licensed.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-161** Architects - professional engineers - professional land surveyors - licensing - continuation of state board under sunset law - eligibility for licensure - title protection - offers to practice - grounds for discipline - uniformity of fines and penalties - malpractice claim reporting - stamping and sealing of documents - use of improvement location certificates. The act implements the recommendations of the sunset review and report on the state board for licensure of architects, professional engineers, and professional land surveyors (board) by:

- Extending the repeal date of the board for 11 years, until September 1, 2024;
- Clarifying what constitutes an "offer" to practice one of the professions;

- Repealing the ownership requirements for performing services on behalf of an engineering or surveying firm;
- Requiring architects to report to the board any malpractice claim that is settled or reduced to judgment, under the same conditions as apply to engineers and land surveyors;
- Removing "mental incompetency" from the grounds for discipline of architects and revising references to drug and alcohol use in all 3 practice acts;
- Clarifying that an improvement location certificate is valid only for use by a specified client and reflects the condition of property only as of a specified date;
- Repealing the requirement that letters of admonition be sent by certified mail;
- Updating the requirements for stamping and sealing of documents and giving the board regulatory authority to define retention and copying requirements for sealed documents;
- Eliminating the obsolete and undefined term "survey point";
- Requiring licensees to update their contact information on file with the board within 30 days after any change;
- Extending title protection to derivatives of the word "architect"; and
- Making fining provisions consistent among the 3 practice acts.

The act clarifies that landscape architects, practicing within their field, are exempt from the regulations that apply to architects and engineers. The act also makes technical amendments to update the governing statutes.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-162 Plumbers - continuation of regulation under sunset law - change name of board - fuel gas code - inspectors - authority of board to conduct inspections - experience levels for testing - appropriation.** The act continues the examining board of plumbers and the statutory article governing the regulation of plumbers until September 1, 2024, pursuant to the provisions of the sunset law. The name of the board is changed to the "state plumbing board".

The board is directed to adopt a fuel gas code for the inspection of gas piping installations. The definition of "plumbing" is amended to include all water conditioning appliances connected to the potable water system.

The board may hire inspectors who are journeyman or master plumbers as state plumbing inspectors in jurisdictions that do not conduct inspections. Beginning July 1, 2014, a person licensed or certified as a residential plumbing inspector by a nationally recognized model code organization is authorized to inspect residential plumbing and a person licensed or certified as a commercial plumbing inspector by a nationally recognized model code organization is authorized to inspect commercial plumbing.

The board is given authority to conduct inspections in local jurisdictions. The board may make a finding that a local jurisdiction has failed to meet the minimum requirements of state law.

The act establishes the maximum number of hours of experience the board may require before a person may take a test for the various levels of licensure.

The act repeals existing provisions requiring dual certification of fire sprinkler

inspectors and allowing plumbing work to continue if an inspection is not completed within 5 days.

A total of \$259,175 is appropriated as follows: \$190,338 to the division of professions and occupations for personal services; \$7,848 to the division of professions and occupations for operating expenses and capital outlay; \$55,195 to the executive director's office and administrative services and to the division of professions and occupations for travel expenses including vehicle lease payments, expenses, and mileage; and \$5,794 to the executive director's office and administrative services for the purchase of legal services.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**S.B. 13-171** Money transmitters - regulation - continuation under sunset law. The act implements the recommendations of the sunset review and report on the licensing of money transmitters by the banking board and the state bank commissioner by:

- Specifying that the board may investigate any person believed to be engaging in money transmission without a license (section 3);
- Extending the amount of time money transmitters have to notify the board of any increase in the number of locations at which they conduct business from 10 days to the next regularly scheduled periodic report (section 4);
- Adopting some language from the "Uniform Money Services Act" to:
  - Provide enhanced oversight of substantive changes in the business or financial operations of money transmitters (section 5); and
  - Require a money transmitter to inform the board of, and get permission for, a change of control of the money transmitter (sections 6 and 7);
- Requiring securities that are used in lieu of a surety bond to be rated in one of the highest grades as defined by a nationally recognized organization that rates securities (section 8);
- Requiring money transmitters to notify, and obtain written approval from, the commissioner to exchange securities used in lieu of a surety bond (section 8);
- Requiring applicants to pay for prelicense on-site investigations (section 9);
- Expanding the deadline to post a surety bond and pay the licensing fee from 90 days after approval of the application to 6 months after approval (section 9); and
- Directing the board to hold a hearing after denial of a license application only if the applicant requests it (section 9).

The automatic termination date of the regulation of money transmitters is extended until September 1, 2024, pursuant to the provisions of the sunset law.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-172** Acupuncturists - unauthorized practices - reapplication for license - discipline - continuation under sunset law - appropriation. The act continues the regulation of acupuncturists by the division of professions and occupations in the department of regulatory agencies until 2022. The act clarifies that a licensed acupuncturist is not authorized to practice medicine; surgery; spinal adjustment, manipulation, or mobilization; or any other form of healing except as authorized in the "Acupuncture Practice Act". An acupuncturist who has had his or her license revoked, or who has surrendered his or her license in lieu of

discipline, must wait at least 2 years before reapplying for licensure. The act revises the grounds for discipline by removing the reference to "addicted to or dependent on alcohol or upon any habit-forming drug".

An acupuncturist may be disciplined if he or she fails to notify the director of the division of professions and occupations (director) of a physical or mental condition that impacts his or her ability to perform acupuncture or if he or she fails to comply with a confidential agreement with the director.

The act requires letters of admonition be sent by first-class mail.

The act appropriates \$5,021 from the division of professions and occupations cash fund to the department of regulatory agencies, then reappropriates it to the department of law for the provision of legal services for the department of regulatory agencies.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-173** Limited gaming - division of gaming - continuation under sunset law - associated equipment supplier license - permitting electronic versions of games - rules - appropriation. The act implements the recommendations of the department of regulatory agencies' review of the division of gaming (division) within the department of revenue by continuing the division for 9 years, until 2022. The act also implements the following recommendations set forth in the review:

- Amending certain definitions to make it clear that electronic versions of games and gaming equipment are permitted;
- Creating a new type of license to be issued to suppliers of equipment used remotely or directly in connection with gaming, including equipment used to monitor, collect, or report gaming transactions data or to calculate adjusted gross proceeds and gaming taxes, and defining terms related to the new type of license;
- Redefining "vintage slot machine" to exclude slot machines introduced on the market before 1984 but fitted with component parts manufactured in 1984 or thereafter;
- Requiring the Colorado limited gaming control commission (commission) to promulgate rules concerning the conditions under which the division may authorize a retail gaming license applicant to own or possess slot machines;
- Permitting the commission to promulgate rules regarding procedures for depositing and accounting for tips or gratuities; and
- Clarifying that the statute concerning possession of slot machines includes retailers among the persons who may legally possess slot machines.

The act makes other changes to portions of the "Colorado Limited Gaming Act", including:

- Allowing a licensee to offer a new game or technology without the commission's prior approval if offering the game or technology in compliance with the commission's rules regarding field trials of new games or technology;
- Authorizing the commission to promulgate rules concerning the redemption of chips; and
- Updating the provision concerning limited gaming events sponsored by

charitable organizations to reflect the vote at local elections held in the cities of Central, Black Hawk, and Cripple Creek in November 2008 to expand the hours of operation for limited gaming.

The act continues the gambling addiction account of the local government limited gaming impact fund for 9 years, until 2022.

\$70,000 is appropriated to the department of human resources for gambling addiction counseling services from the division of local government in the department of local affairs.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-179** Greyhound racing - simulcast facilities - out-of-state races. The act extends the ability of the Colorado racing commission to approve in-state simulcast facilities to receive out-of-state simulcasts of greyhound races through an in-state facility that is located on the premises of a licensed class B horse track from June 30, 2014, to June 30, 2016.

Current law requires that, when there are no in-state races, purse funds must be given to greyhound welfare or adoption organizations or to entities that promote or participate in greyhound racing or promote the welfare of racing greyhounds. The act narrows the list to include only greyhound welfare or adoption organizations.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-180** Occupational therapists - continuation under sunset law - convert registration to licensure requirement - regulate occupational therapy assistants - disciplinary grounds and procedures - supervision requirements - continuing professional competency - patient records - limitations on practice - liability insurance - appropriation. The act continues the "Occupational Therapy Practice Act" (OTPA) for 7 years and requires occupational therapists (OTs) to obtain a license, rather than a registration, from the division of professions and occupations (division) in the department of regulatory agencies.

Additionally, the act modifies the OTPA as follows:

- Includes in the definition of "occupational therapy" the use of telehealth;
- Starting June 1, 2014, requires occupational therapy assistants (OTAs) to obtain a license;
- Requires an OT to supervise an OTA to ensure that the OTA does not initiate or alter a treatment program without prior evaluation and approval by the supervising OT and does not interpret data beyond the scope of the OTA's education and training;
- Adds authority for the director of the division, under the director's disciplinary authority, to place a licensee on probation or issue a letter of admonition to a licensee;
- Adds the following as grounds for discipline: Failure to notify the director of a physical or mental condition or illness that impacts the licensee's practice; failure to practice within the limitations created by a physical or mental



condition or illness; failure to comply with the limitations agreed to under a confidential agreement with the director; ordering or performing demonstrably unnecessary laboratory tests or studies; administering demonstrably unnecessary treatment; acting contrary to generally accepted standards of practice; or failing to properly supervise an OTA, aide, or other unlicensed person;

- Permits the director to issue a confidential letter of concern to a licensee whose conduct does not warrant formal disciplinary action but could lead to serious consequences if not corrected;
- Imposes a 2-year waiting period on a person whose license is revoked or who surrenders his or her license to avoid discipline;
- Requires OTs and OTAs to maintain continuing professional competency by complying with a program established by the director;
- Obligates OTs and OTAs to develop a written plan to address the storage, disposal, and disposition of patient records;
- Permits the director to enter into a confidential agreement with a licensee who has a physical or mental condition or illness, permitting the licensee to continue a limited practice; and
- Requires persons practicing occupational therapy to maintain professional liability insurance in an amount determined by the director.

The act appropriates \$37,737 and 0.2 FTE to the department of regulatory agencies to implement the act, which is allocated as follows:

- \$8,174 and 0.2 FTE to the division for personal services;
- \$8,924 to the division for temporary and contract personnel;
- \$789 to the division for printing and imaging;
- \$12,746 to the executive director's office and administrative services to purchase legal services, which funds are reappropriated to the department of law; and
- \$7,104 to the executive director's office and administrative services to purchase computer center services, which funds are reappropriated to the office of information technology in the governor's office.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 30, 2013

**S.B. 13-204** Chiropractors - state board of chiropractic examiners - additional members - appropriation. The act increases the number of members on the Colorado state board of chiropractic examiners to 7 by adding one more chiropractor and one more member of the public at large.

The act appropriates \$2,100 from the division of professions and occupations cash fund to the department of regulatory agencies for the fiscal year beginning July 1, 2013, for allocation to the division of professions and occupations for board member expenses.

**APPROVED** by Governor May 24, 2013

**EFFECTIVE** May 24, 2013

**S.B. 13-207** Mental health professionals - auricular detox - appropriation. The act allows a licensed or certified mental health care professional with appropriate training to perform auricular acudetox. The auricular acudetox must be performed within the health care

professional's current scope of practice.

From the division of professions and occupations cash fund, the act appropriates \$3,840 to the division of professions and occupations for expert consulting and \$6,180 to the executive director of the department of regulatory agencies, then reappropriates it to the department of law for the provision of legal services.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-238** Hearing aid providers - regulation - fees - licensure by endorsement - grounds for discipline - appropriation. The act authorizes the division of professions and occupations within the department of regulatory agencies (division) to regulate hearing aid providers.

The act defines the scope of practice of hearing aid providers. The act requires hearing aid providers to obtain a license to practice as hearing aid providers in this state and sets forth the requirements for obtaining a license. An applicant for an initial license, a renewed license, or for the reinstatement of an expired license is required to pay a fee to the division. The director of the division (director) is required to issue a license to an applicant from another state in good standing who meets qualifications that are substantially equivalent to this act for licensing. A person who is training to be a licensed hearing aid provider must obtain an apprentice license from the division and pay a fee. All fees collected for licensure are used for the costs associated the implementation of the act.

The act requires each licensee who sells a hearing aid or provides goods or services to develop a written plan to ensure the maintenance of customer records.

The director is authorized to conduct investigations and inspections as necessary to determine if an applicant or licensee has violated this act or rule promulgated by the director. The act establishes grounds and procedures for disciplining hearing aid providers.

The act appropriates \$5,794 from the division of professions and occupations cash fund to the department of regulatory agencies for legal services and reappropriates the moneys to the department of law.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-262** Debt management services - enrolled agents - practices excluded from definition. The act excludes representative services provided before the internal revenue service, the department of revenue, and department of labor and employment for tax purposes by an enrolled agent who is authorized by and in good standing with the United States department of treasury from the definition of debt-management services.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**S.B. 13-265** Motor vehicle dealers - powersports dealers - sales, service, and parts agreements - applicable law - requirement to file typical agreements. The act clarifies that motor vehicle franchise statutes apply to a sales, service, and parts agreement (agreement) regardless of when it was adopted, and that each amendment to an agreement creates a new agreement under the statutes.

Currently, a manufacturer or distributor must file a copy of a typical agreement with the executive director of the department of revenue. The act requires that any material changes to the agreement also be filed.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1034** Farm products - commodity marketing - regulation. Sections 1 and 4 of the act amend the definition of "credit sale contract" by changing the date on which the sale price is to be paid from at least 60 days after delivery of farm products or commodities to at least 30 days after delivery. Similarly, sections 3 and 5 require dealers and commodity handlers to provide a credit sale contract within 30 days rather than 60 days after the receipt of farm products or commodities. These sections also repeal a requirement that credit sale contracts specifically state that they are an extension of credit and substitute a requirement that the contract include one or more statements specified by the commissioner of agriculture by rule, including one that warns a producer that entering into a credit sale contract entails a risk that the bond may not completely protect the producer from loss in the event of a failure of the dealer or commodity handler.

Sections 2 and 8:

- Repeal the law specifying that credit sale contracts do not require a bond; and
- Authorize producers or dealers protected by a letter of credit or surety bond to ask the department of agriculture to recover damages covered by the letter or bond. An action to recover damages must be filed within 180 days, rather than 24 months, after the date of the transaction or loss.

Section 9 repeals a requirement that state agencies determine whether a financial institution upon which an irrevocable letter of credit is drawn will be able to make payment on the letter before accepting an irrevocable letter of credit.

Sections 6 and 7 authorize commodity warehouses to issue electronic receipts in addition to paper receipts.

**APPROVED** by Governor February 27, 2013

**EFFECTIVE** September 1, 2013

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

**H.B. 13-1061** Medical marijuana - responsible vendor program - program standards - curriculum - designation. A person who wants to operate a responsible medical marijuana vendor server and seller training program (program) must submit an application to the medical marijuana state licensing authority (authority). The authority shall approve a program if the program contains, at a minimum, the following components:

- Program standards that specify, at a minimum, who must attend, the time frame for new staff to attend, recertification requirements, record-keeping, testing and assessment protocols, and effectiveness evaluations; and

- A core curriculum of pertinent statutory and regulatory provisions, which curriculum includes:
  - Information on required licenses, age requirements, patient registry cards issued by the department of public health and environment, maintenance of records, privacy issues, and unlawful acts;
  - Administrative and criminal liability and license and court sanctions;
  - Statutory and regulatory requirements for employees and owners;
  - Acceptable forms of identification, including patient registry cards and associated documents and procedures; and
  - Local and state licensing and enforcement, which may include, but need not be limited to, key statutes and rules affecting patients, owners, managers, and employees.

A responsible medical marijuana vendor may issue a licensed medical marijuana business (business) a responsible vendor designation (designation). A business receives the designation if all employees who sell or handle medical marijuana, all managers, and all resident on-site owners successfully complete a program that the authority has approved. A designation is valid for 2 years from the date of issuance. If the authority brings an administrative action against a business that has received the designation, the authority shall consider the designation as mitigation.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1101** Bingo and raffles - conduct of games - progressive raffles - appropriation. Effective January 1, 2014, the act authorizes bingo-raffle licensees to offer progressive raffles in which a jackpot may be carried over and increased from one drawing to another until the jackpot is awarded. It also authorizes bingo-raffle licensees to award consolation prizes.

The licensing authority may establish the following by rule:

- The maximum jackpot, not less than \$15,000, that a bingo-raffle licensee may award for a progressive raffle;
- The maximum number of progressive raffles that a bingo-raffle licensee may conduct simultaneously;
- The number of drawings, not less than 30, that a bingo-raffle licensee may conduct before a jackpot must be awarded; and
- The permitted methods of conducting a progressive raffle, but the licensing authority cannot prohibit methods in which a participant wins both a prize for a winning ticket number and a chance to win the jackpot.

\$25,160 is appropriated from the department of state cash fund to the department of state for contract programming services for the implementation of the act.

**APPROVED** by Governor May 3, 2013

**EFFECTIVE** January 1, 2014

**H.B. 13-1104** Mental health professionals - disclosures to clients - peer health assistance program - continuation of professional competency programs - requirements applicable to nonlicensed mental health professionals. Section 1 of the act eliminates the requirement that mental health professionals disclose specified information to clients during the initial client contact orally and now only requires it to be disclosed in writing.

Section 2 of the act modifies the mental health professional peer health assistance program as follows:

- Requires the director of the division of professions and occupations (director) to annually review the fee amount and adjust the fee as necessary to reflect program usage, but not to exceed \$25;
- Requires a designated provider that is chosen to provide the program to take into consideration, when referring a mental health professional for treatment, the cost of the treatment and whether it poses a financial hardship on the professional, and, if so, requires the designated provider to consider alternative treatment or referral to a treatment program that offers a sliding-scale fee;
- Requires the director to select a designated provider by January 1, 2014, after obtaining input from each mental health board and from mental health professionals;
- Requires a designated provider to notify the applicable board when a mental health professional successfully completes the program, and requires the board to reinstate the professional's license, registration, or certification upon successful completion of the program; and
- Specifies that, in selecting a nonprofit organization to administer the program, the director may, but is no longer required to, select a nonprofit whose charitable purposes relate to mental health education, research and science, and other mental health purposes.

Section 3 of the act deletes the automatic repeal of the continuing professional competency programs for social workers, marriage and family therapists, licensed professional counselors, and addiction counselors. Sections 4 to 7 clarify that persons who are otherwise exempt from licensure or registration laws regulating mental health professions but who provide mental health services, including candidates for licensure as psychologists, marriage and family therapists, or licensed professional counselors, are subject to:

- Restrictions on testifying in court without the client's consent; and
- Requirements to report child abuse or neglect and to cooperate with a coroner's investigation of a death.

**APPROVED** by Governor March 29, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1111** Naturopathic doctors - regulation by department of regulatory agencies - qualifications - scope of practice - prohibited acts - exclusions - discipline - sunset review - appropriation. The act requires naturopathic doctors to obtain a registration to practice in Colorado on or after June 1, 2014.

The director of the division of professions and occupations (director) in the

department of regulatory agencies (department) is tasked with all functions necessary to regulate naturopathic doctors, including adopting rules, establishing application procedures, approving education and training, disciplining naturopathic doctors, and appointing an advisory committee, consisting of 3 naturopathic doctors, 3 doctors of medicine or osteopathy, one pharmacist, and 2 Colorado residents, to assist and provide advice to the director in regulating the practice of naturopathic medicine by naturopathic doctors.

To be registered by the state, a naturopathic doctor must:

- Be at least 21 years of age;
- Have a bachelor's degree or documented experience that provides the same kind, amount, and level of knowledge as a bachelor's degree, as determined by the director, and a doctor of naturopathy degree from an approved naturopathic medical college;
- Pass a director-approved examination or a competency-based naturopathic licensing examination; and
- Not have had a license to practice as a naturopathic doctor or other health care license, registration, or certification refused, revoked, or suspended by Colorado or another jurisdiction.

The practice of naturopathic medicine by a naturopathic doctor includes:

- Preventing and treating human injury, disease, or conditions through education or dietary or nutritional advice and promoting healthy ways of living;
- Using physical examinations and ordering clinical, laboratory, and radiological diagnostic procedures to diagnose and evaluate injuries, diseases, and conditions of the human body;
- Dispensing, administering, ordering, and prescribing medicines on the naturopathic formulary determined by the director; or
- Performing minor office procedures, such as repair, care, and suturing or superficial lacerations and abrasions, removing foreign bodies located in superficial tissue, and applying antiseptics and local anesthesia when performing those procedures.

A naturopathic doctor cannot engage in the following acts:

- Prescribe, dispense, administer, or inject a controlled substance or device;
- Perform surgical procedures;
- Use general or spinal anesthetics;
- Administer ionizing radioactive substances for therapeutic purposes;
- Treat a child who is less than 2 years of age, or treat a child who is 2 years of age or older but less than 8 years of age unless the naturopathic doctor: Provides the parent or legal guardian a copy of, and recommends the parent or legal guardian follow, the child immunization schedule recommended by the advisory committee on immunization practices; demonstrates completion of at least 3 hours per year of education or training solely related to pediatrics; and obtains informed consent from the child's parent;
- Engage in the practice of medicine, surgery, or any other healing art except as permitted by the act;
- Practice obstetrics;
- Perform spinal adjustment, manipulation, or mobilization; or
- Recommend a patient discontinue a course of care prescribed by another

licensed health care practitioner unless the naturopathic doctor consults with the practitioner who recommended the course of care.

A naturopathic doctor must:

- Before an initial examination, obtain the patient's written, informed consent, signed by the patient and the naturopathic doctor, disclosing that the naturopathic doctor is not a medical doctor, recommending that the patient have a relationship with a licensed physician, and indicating that the naturopathic doctor will attempt to maintain a relationship with the patient's physician, if any; and
- Make written disclosures regarding the naturopathic doctor's contact information, the nature of the services to be provided, the level of state regulation, the activities an naturopathic doctor is prohibited from performing, the other states in which the naturopathic doctor is licensed or registered; and the manner in which person can file a complaint against the naturopathic doctor;
- Obtain a written acknowledgment from the patient that he or she has received the disclosures; and
- Maintain the patient's acknowledgment for 7 years after services are rendered to the patient.

Naturopathic doctors must refer patients whose needs are beyond the naturopathic doctor's scope of knowledge and practice to another health care professional.

The act exempts a person who:

- Is licensed, certified, or registered to practice another profession or occupation;
- Practices natural health care or provides natural health care services;
- Sells and provides information about vitamins, health foods, dietary supplements, herbs, or other natural products;
- Is employed by the federal government and is engaged in the practice of naturopathic medicine in the performance of his or her duties;
- Is authorized to practice naturopathic medicine in another jurisdiction and is consulting with a naturopathic doctor in this state;
- Is a student enrolled in an approved naturopathic medical college and practicing naturopathic medicine pursuant to a course of instruction and under the supervision of a licensed professional;
- Administers a domestic or family remedy to oneself or to family members; or
- Renders uncompensated aid in an emergency.

The act grants title protection to registered naturopathic doctors and creates penalties for unauthorized practice as a naturopathic doctor. The act also establishes grounds for disciplining a registered naturopathic doctor and sets forth the methods of and procedures for disciplining a registrant.

Naturopathic doctors are required to:

- Obtain professional liability insurance and are responsible for their acts and omissions in the practice of naturopathic medicine;
- Maintain continuing professional competency;
- Develop a written plan to ensure the security of patient medical records;

- Submit to mental or physical examinations if required by the director;
- Notify the director of any condition that affects their ability to safely practice their profession; and
- Report and update information required under the "Michael Skolnik Medical Transparency Act of 2010".

The registering of naturopathic doctors is subject to sunset review by the department and is set to repeal on September 1, 2017.

The act appropriates \$90,489 and 0.9 FTE from the division of professions and occupations cash fund to the department of regulatory agencies to implement the bill and allocates the appropriation as follows:

- \$62,397 and 0.9 FTE to the division of professions and occupations (division) for personal services and temporary contract personnel;
- \$5,088 to the division for operating expenses and capital outlay;
- \$829 to the division for printing and imaging;
- \$16,995 to the executive director's office and administrative services for the purchase of legal services, which amount is reappropriated to the department of law for the provision of legal services; and
- \$5,180 to the executive director's office and administrative services for the purchase of computer center services, which amount is reappropriated to the office of information technology in the governor's office for the provision of computer center services.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1260** Bingo and raffles - rules of licensing authority - number of games per occasion - repeal of statutory limit. The act specifies that, under rules of the secretary of state, the number of bingo-raffle games that may be played at a single gathering or session is no longer limited to 35.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1310** Pharmacy interns - definition. Under the pharmacy practice act, an intern is permitted to practice a limited scope of pharmacy under the supervision of a licensed pharmacist while progressing toward full licensure. An intern is defined to include a person who is licensed as a pharmacist in this or another state and in good standing, and is making the clinical rotations of the nontraditional pharmacy program at the university of Colorado or other board-approved program. The act deletes this portion from the definition of "intern".

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013



**H.B. 13-1311** Veterinarians - veterinary premises - definition. Current law defines veterinary premises as a veterinary office or other location in which veterinary medicine is practiced by, or under the direct or immediate supervision of, a licensed veterinarian. The act expands this definition to include a place where veterinary medicine is practiced under the direction and supervision of a licensed veterinarian, though not necessarily in the veterinarian's physical presence.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

## PROPERTY

**S.B. 13-126** Landlord and tenant - common interest communities - rights of residents - electric vehicle charging stations. The act prohibits a landlord or the unit owners' association of a common interest community from preventing a tenant or unit owner, respectively, from installing an electric vehicle charging system on property owned or exclusively controlled by the tenant or unit owner for his or her own use, at the tenant's or unit owner's expense, and subject to safety and insurance requirements. Landlords and unit owners' associations may require reimbursement for the cost of electricity used by the charging station and for any increase in their insurance premiums directly attributable to the presence of the charging station.

The act also allows grants to be made from the electric vehicle grant fund to landlords of multi-family apartment buildings and the unit owners' associations of common interest communities to install recharging stations for electric vehicles.

**APPROVED** by Governor May 3, 2013

**EFFECTIVE** May 3, 2013

**S.B. 13-183** Common interest communities - water conservation - xeriscaping - use of drought tolerant landscapes - design guidelines - local regulation. The act amends current law to specify that restrictive covenants or declarations, bylaws, and rules and regulations of common interest communities that prohibit or limit xeriscape or drought-tolerant vegetation or require ground covering vegetation to consist of any amount of turf grass are contrary to public policy and unenforceable. The act adds a definition of "xeriscape" to the "Colorado Common Interest Ownership Act".

A unit owners' association (association) may not prohibit the use of xeriscape or other drought-tolerant vegetative landscapes to provide ground covering and may not levy fines against unit owners for violations of declarations, bylaws, or rules and regulations of the association for failure to adequately water when water restrictions are in place and the unit owner waters in compliance with those restrictions.

Associations may adopt and enforce design or aesthetic guidelines or rules that require drought-tolerant vegetative landscapes or regulate the type, number, and placement of drought-tolerant plantings and hardscapes that may be installed on the unit owner's property or property for which the unit owner is responsible.

The act specifies that these provisions do not supersede any subdivision regulation of a county, city and county, or other municipality.

**APPROVED** by Governor May 10, 2013

**EFFECTIVE** May 10, 2013

**H.B. 13-1017** Mortgages - default - modification of loan terms - duty of servicer to honor modifications previously offered - right of borrower to enforce. The act addresses situations in which a homeowner has been offered and accepted a modified payment schedule or other loan modifications by one loan servicer, but the loan is then transferred to another loan servicer that enforces the loan according to its original terms without regard to the accepted modification offer.

Section 1 of the act requires a loan servicer that has made a loan modification offer

that has been accepted to notify a successor loan servicer of the terms of the loan modification upon transfer of the servicing rights, and states that the successor servicer is subject to, and shall honor the homeowner's acceptance of, the loan modification offer.

Section 2 adds a violation of these requirements to the existing list of violations for which a homeowner may sue for actual damages plus a \$1,000 additional penalty, attorney fees, and costs.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** March 15, 2013

**H.B. 13-1072** Public trustees - crime insurance. Current law requires public trustees to execute surety bonds covering the faithful execution of their offices. This act authorizes counties to purchase crime insurance coverage for public trustees in lieu of purchasing surety bonds for these public officials.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1134** Common interest communities - unit owners' associations - HOA information and resource center - functions and duties - study - HOA registration. The act empowers the HOA information and resource center to perform certain information gathering and disseminating, including:

- Compiling a database about registered unit owners' associations;
- Coordinating and assisting in the preparation of educational and reference materials;
- Providing information on the division of real estate's web site, including information about changes to federal and state laws concerning common interest communities and a "frequently asked questions" resource; and
- Requesting certain records from unit owners' associations as necessary.

The act also directs the director of the division of real estate to conduct a study of the regulatory, investigative, and enforcement functions and duties of other states' HOA offices, including mediation, HOA-specific administrative hearings, and elections monitoring, and to assess the structure, costs, funding, and success of those functions and duties. The director must provide a report on the study to the general assembly by December 31, 2013.

The act also amends the annual registration provisions by:

- Adding information that a unit owners' association is required to provide along with its annual registration;
- Clarifying the consequences of failing to register; and
- Clarifying the means by which a unit owners' association may prove that it has validly registered.

Finally, the act amends the registration provisions of the act to apply to common interest communities created before July 1, 1992, the effective date of the "Colorado

Common Interest Ownership Act", as well as to those created after that date.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1276** Common interest communities - unit owners' associations - debt collection practices. Effective January 1, 2014, the act requires the unit owners' association of a common interest community (HOA) or a holder or assignee of the HOA's debt to adopt, and comply with, a policy regarding the collection of delinquent assessments and other past-due amounts from unit owners. The HOA or a holder or assignee of the HOA's debt may not refer a unit owner's account to a collection agency or attorney without first giving the unit owner notice of the total amount due and how it was determined, offering the unit owner a one-time opportunity to enter into a 6-month payment plan, and listing the legal remedies, including foreclosure, that are available to the HOA.

The act also prohibits an HOA or a holder or assignee of the HOA's lien from foreclosing its lien for past-due assessments unless the total amount is at least equal to 6 months of regular assessments and unless the executive board of the HOA or the holder or assignee of the HOA's lien has formally approved the foreclosure action on an individual basis.

The act also specifies the terms and conditions of the repayment plan that must be offered. The plan must permit the unit owner to pay off the deficiency in equal installments over a period of at least 6 months; however, the plan requires the unit owner to remain current on regular assessments as they come due during the period and allows the HOA or a holder or assignee of the HOA's debt to pursue collection if the unit owner fails to comply with the plan, has previously been subject to a payment plan, or is a bank that has acquired the unit as a result of default by a borrower. The HOA or the holder or assignee of the HOA's debt need not offer a repayment plan if the unit owner does not occupy the unit and has required the property as a result of either a default of a security interest encumbering the unit or a foreclosure of the association's lien. For purposes of section 3, "assessments" include fees, charges, late charges, attorney fees, fines, and interest on common expense assessments.

Finally, the act applies to common interest communities created before July 1, 1992, the effective date of the "Colorado Common Interest Ownership Act", as well as to those created after that date.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** January 1, 2014

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

**H.B. 13-1277** Common interest communities - unit owners' associations - professional managers - licensing - qualifications - rules. Under current law, common interest communities and their unit owners' associations (HOAs) are not subject to regulation by any state agency. The act requires any person who manages the affairs of a common interest community on behalf of an HOA for compensation, on or after July 1, 2015, to meet minimum qualifications and obtain a license from the director of the division of real estate

in the department of regulatory agencies (director). Licensees are identified as "community association managers".

The licensing requirement does not apply to persons who perform clerical, ministerial, accounting, or maintenance functions, not requiring substantially specialized knowledge, judgment, or managerial skill, under the supervision of a licensed community manager or directly for an HOA's governing board. Licensing examinations will be developed and administered by the director or by a person or entity under contract with the director.

The act grants the director powers and duties similar to, but less detailed than, the powers and duties of the real estate commission under existing statutes governing the licensing and supervision of real estate brokers. The director is to monitor the operation of the licensing program during its first year and make recommendations for improvements to the general assembly on or before January 1, 2016. The regulatory scheme is also subject to review after 5 years under the existing sunset law.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** January 1, 2015

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

**H.B. 13-1307** Conveyances - documents affecting title to real property - property description - absence of legal description - effect. Current law states that the absence of a street address, assessor's schedule number, or parcel number in a document of title to real property does not render the document ineffective if a legal description is included. A recent Colorado Supreme Court opinion found that the reverse is not true, that is, that the absence of a legal description makes the document ineffective and cannot be remedied by the fact that a street address and other information may be referenced to describe the property.

The act specifies that the absence of a legal description, in and of itself, does not necessarily invalidate the document or its recording in the county clerk and recorder's office, nor determine the validity of the document as against a person obtaining rights in the property.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** August 7, 2013

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

## PUBLIC UTILITIES

**S.B. 13-186** Solar photovoltaic installations - building-integrated installations - supervision. Current law requires that a photovoltaic energy practitioner certified by the North American board of certified energy practitioners (NABCEP) supervise a photovoltaic installation. Because new photovoltaic technologies such as "solar shingles" are integrated into building materials, they are designed to be installed by trained roofing contractors and other trained building professionals and subsequently wired by electricians.

The act permits a licensed master electrician, licensed journeyman electrician, or licensed residential wireman to supervise a photovoltaic installation. It also permits practitioners certified by NABCEP or roof integrated solar energy (RISE) to supervise an installation if the type of solar photovoltaic technology installed or the scope of installation involved need not be performed by a licensed master electrician, journeyman electrician, or residential wireman and the installation work concerns the installation of roofing materials. However, a licensed master electrician, journeyman electrician, or residential wireman must perform any installation work after the installation materials penetrate the roof, a structural wall, or another part of the building, or the building-integrated photovoltaic material transitions to a surface-mounted junction box and utilizes types of conduit and building wire that are approved by the national electrical code.

The state electrical board is given regulatory authority over master electricians, journeyman electricians, and residential wiremen who supervise solar photovoltaic installations.

**APPROVED** by Governor May 3, 2013

**EFFECTIVE** May 3, 2013

**S.B. 13-189** Motor carriers - civil penalties - enforcement - cancellation, revocation, or denial of permit for nonpayment - consumer education - outreach fund - appropriation. Currently, all civil penalties collected by the public utilities commission (commission) are credited to the general fund. The act allocates half the civil penalties collected from movers of household goods to an outreach fund, which is to be used to educate consumers about their rights and the responsibilities of movers.

Currently, the commission may deny or cancel a motor carrier's registration if the carrier fails to pay a second or subsequent civil penalty. The act allows for denial, revocation, and a period of ineligibility to apply for a new permit upon failure to pay any civil penalty. The ineligibility applies not only to the carrier itself but to any of its owners, principals, officer, member, partners, directors, and affiliated entities.

\$5,000 is appropriated to the executive director's office and administrative services for consumer outreach and education.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** June 5, 2013

**S.B. 13-194** Telephone services - assistance program - repeal - appropriation. Currently a telephone assistance program gives a state subsidy to low-income individuals for local telephone services; it is funded by a monthly charge on telephone lines and eligible wireless handsets. The act repeals the program and the monthly fee.

The appropriation for the department of human services is reduced by \$118,272 and the appropriation for the public utilities commission is reduced by \$725,548. A wind-up period is established.

**APPROVED** by Governor April 1, 2013

**EFFECTIVE** April 1, 2013

**S.B. 13-252** Electric utilities - renewable energy standard - percentage to be attained by cooperative electric associations - application to wholesale providers - removal of in-state preferences for renewable energy generation - availability of coal mine methane and municipal solid waste as potential sources. In the statute creating Colorado's renewable energy standard, the act removes in-state preferences with respect to:

- Wholesale distributed generation;
- The 1.25 kilowatt-hour multiplier for each kilowatt-hour of electricity generated from eligible energy resources other than retail distributed generation;
- The 1.5 kilowatt-hour multiplier for community-based projects; and
- Policies the Colorado public utilities commission (PUC) must implement by rule to provide incentives to qualifying retail utilities to invest in eligible energy resources.

The act also raises the percentage of retail electricity sales that must be achieved from eligible energy resources by cooperative electric associations that provide service to 100,000 meters or more from 10% to 20%, starting in 2020, and increases the allowable retail rate impact for cooperative electric associations from 1% to 2%.

The act expands the definition of "eligible energy resources" that can be used to meet the standards to include coal mine methane and synthetic gas produced by pyrolysis of municipal solid waste, subject to a determination by the PUC that the production and use of these gases does not cause a net increase in greenhouse gas emissions.

The act also implements a new eligible energy standard of 20% for generation and transmission cooperative electric associations that directly provide electricity at wholesale to cooperative electric associations in Colorado that are its members. The standard applies only to sales by these wholesale providers to their members in Colorado. The wholesale providers are required to make public reports of their annual progress toward meeting the standard by 2020. The PUC is granted no additional regulatory authority over these providers in the implementation of this standard.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-282** Tiered electricity rates - medical exemption - medical conditions - eligibility using the low-income energy assistance program. The act requires the public utilities commission to adopt rules by January 31, 2014, to exempt customers with certain medical conditions from tiered electricity rates. The rules must implement the medical exemption by June 1, 2014. The public utilities commission may determine by rule what medical conditions may make a customer eligible for this exemption, but the rules must include multiple sclerosis, epilepsy, quadriplegia, paraplegia as medical conditions that may make a customer eligible for the exemption.

If the commission determines that a means test is necessary for the medical exemption, the commission shall use no less than 250% of the federal poverty level as the maximum income a customer may have to be eligible for the medical exemption. If the low-income energy assistance program is used to certify eligibility for the exemption, the medical exemption must be distinguishable from the heat assistance benefits offered under the low-income energy assistance program.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1027** Public utilities commission - director - duties - annual report to general assembly - energy rate cases - effects on consumers. The director of the public utilities commission (PUC), or the director's designee, is required to report annually to the joint house and senate transportation committees and business committees regarding energy rate cases that came before the PUC during the immediately preceding 2 years.

For all rate cases included in the report, the PUC must estimate the economic impact of the rates involved, including the average increase or decrease in ratepayers' monthly bills. A plain-language synopsis of the issues and outcomes of rate cases must accompany the report and be published on the PUC's web site.

**APPROVED** by Governor March 29, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1103** Public utilities commission - rail fixed guideway system safety oversight - authority to establish program - report to department of revenue - calculation and assessment of fees. The public utilities commission (commission) is required to provide the executive director of the department of revenue with a list of the public utilities subject to its jurisdiction. The act exempts certain rail fixed guideway systems from inclusion on the list after the director of the commission provides written notice to the revisor of statutes that the federal grant moneys made available under the "Moving Ahead for Progress in the 21st Century Act" (new federal law) have been awarded to the state.

The commission is authorized to establish an oversight program for the safety and security of rail fixed guideway systems pursuant to the new federal law.

To comply with the new federal law, the act eliminates the authority of the commission to assess fees to cover administrative expenses and eliminates the requirement that all fees collected be remitted to the state treasurer and credited to the public utilities commission fixed utility fund. In addition, the act clarifies that the commission may still expend moneys from the public utilities commission fixed utility fund to cover administrative expenses. The changes necessary to comply with the new federal law take effect after the director of the commission provides written notice to the revisor of statutes that the federal grant moneys made available under the new federal law have been awarded to the state.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** August 7, 2013

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



## STATUTES

**H.B. 13-1029** Authority verbs. The act defines the word "must", as it is used generally in the Colorado Revised Statutes, to mean that a person or thing is required to meet a condition for a consequence to apply. "Shall" means that a person has a duty.

**APPROVED** by Governor February 27, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1070** Colorado Revised Statutes - enactment of 2012 statutes. The act enacts the softbound volumes of Colorado Revised Statutes 2012 and the 2012 special supplement as the positive and statutory law of the state of Colorado and establishes the effective date of said publications.

**APPROVED** by Governor February 19, 2013

**EFFECTIVE** February 19, 2013

**H.B. 13-1300** Revisor's Bill. This act amends or repeals various statutory provisions that are obsolete, inconsistent, or in conflict with other law, clarifies the language to more accurately reflect the legislative intent of the laws, and reconstructs provisions to follow standard drafting format. The specific reasons for each amendment or repeal are set forth in the appendix to this act.

The amendments made by this act are nonsubstantive in nature and, as such, are not intended to change the meaning or intent of the statutes, as amended.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

## TAXATION

**S.B. 13-1** Income tax - Colorado earned income tax credit - child tax credit - triggers - appropriation. The act creates a Colorado earned income tax credit and a child tax credit, which are contingent on separate triggers occurring. Both credits are refundable and will not be used to determine eligibility for state benefits.

The Colorado earned income tax credit will be available for all income tax years after there is a refund of excess state revenues required by the taxpayer's bill of rights (TABOR) through an earned income tax credit. The new credit will then replace this TABOR refund mechanism, and there will be a corresponding reduction in the threshold necessary to trigger the income tax rate reduction TABOR refund mechanism. The credit is equal to 10% of a resident individual's federal earned income tax credit.

The child tax credit will be available for all income tax years after the United States congress has enacted the "Marketplace Fairness Act of 2013", or any other act with substantially similar requirements, and the general assembly has enacted a law to implement the minimum simplification requirements in the congressional act. A resident individual who claims a federal child tax credit for a child who is under 6 years of age may claim the state child tax credit. The credit is equal to a percentage of the federal credit that is dependent on the individual's federal adjusted gross income and whether it is claimed in a single or joint return.

\$60,000 is appropriated to the department of revenue for contract programming services related to the new credits.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-29** Income tax - return form - voluntary contributions - Habitat for Humanity of Colorado fund - creation - placement in queue - repeal. The act creates the Habitat for Humanity of Colorado fund (fund) in the state treasury. A voluntary contribution designation line for the fund will appear on the state individual income tax return form (form) for the 5 income tax years following the year that the executive director of the department of revenue (department) certifies to the revisor of statutes that:

- There is a space available on the form; and
- The fund is next in the queue.

Once the fund is placed on the form, the department is directed to determine annually the total amount contributed to the fund and report that amount to the state treasurer and the general assembly. The state treasurer is required to credit that amount to the fund, and the general assembly appropriates from the fund to the department the costs of administering moneys designated for the fund. After that amount is deducted, the moneys remaining in the fund at the end of a fiscal year are transferred to Habitat for Humanity of Colorado, a nonprofit organization.

Following the statutory 2-year grace period for new tax checkoffs, the fund is required

to achieve the minimum contribution amount of \$75,000 per year to remain on the form.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-134** Sales taxes - collection and remittance - motor vehicles sold at auction. Previously, vendors and retailers (including auctioneers for auction sales) collected and remitted state and local sales tax. For motor vehicles sold at auction, unless the auctioneer is a licensed automobile dealer, the act shifts the responsibility to collect sales tax from the auctioneer to the county clerk for the county in which the motor vehicle is to be registered.

**APPROVED** by Governor March 29, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-146** Property tax - board of assessment appeals - appointments - procedures for rendering decisions on appeal - creation of cash fund to finance board operations - requirements governing written decisions - appropriation. Appointments to the board of assessment appeals (board) in the department of local affairs shall be as follows: one member shall be appointed for a term of 2 years, and 2 members shall be appointed for terms of 4 years. Thereafter, appointments to the board shall be for terms of 4 years each. To allow for appeals to be heard timely, up to 6 additional members may be appointed to the board by the governor with the consent of the senate. Such additional members shall be appointed for terms of one state fiscal year each.

The act eliminates provisions requiring decisions on appeals from decisions of county boards of equalization to be rendered within 30 days after the earlier of the date of hearing on the appeal or by the last day of the same calendar year. The act eliminates provisions requiring the general assembly to provide by appropriation for the appointment of additional board members and the hiring of additional personnel to assist the board in meeting its caseload, as well as authorization for the board to schedule hearings for an extended period in the event that, as the result of an extraordinary work load, the board is unable to complete all its hearings before the last day of the same calendar year. Fees collected by the board are transmitted to the board of assessment appeals cash fund (cash fund). In making the annual appropriation to the board under the annual general appropriation act, the general assembly is required to consider available revenues and reserve balances in the cash fund.

The board is required to issue a written decision for each appeal it hears. Each such written decision must either be a summary decision or a full decision; however, a summary decision may only be issued upon request for a summary decision made by both parties before the board. A full decision must contain specific findings of fact and conclusions of law. A summary decision need not contain specific findings of fact and conclusions of law. If the board has issued a summary decision, a party dissatisfied with the summary decision may file a written request with the board for a full decision. The act specifies requirements applicable to the submission of the request. Timely filing of the written request with the board is a prerequisite to review of the board's decision by the court of appeals. Upon timely request for a full decision, the board is required to issue a full decision and enter it as the

final decision in the appeal subject to judicial review by the court of appeals.

The act eliminates the requirement that any order to ascertain facts or to carry out the board's decisions directed to a county assessor or a county board of equalization is enforceable upon application of the property tax administrator.

Appropriations made in the annual general appropriation act to the department of local affairs (department) for the fiscal year beginning July 1, 2013, are adjusted as follows:

- The general fund appropriation to the property taxation division for the board is decreased by \$150,000.
- In addition to any other appropriation, the act also appropriates, out of any moneys in the board cash fund, not otherwise appropriated, to the department, for the fiscal year beginning July 1, 2013, \$150,000, or so much thereof as may be necessary, to be allocated to the property taxation division for the board related to the act's implementation.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** July 1, 2013

**S.B. 13-206** Income tax - return form - designation of account into which refund is deposited - collegeinvest savings account added. The act directs the state department of revenue, in collaboration with the state department of higher education, to modify the individual state income tax return form so that individual taxpayers have the option of having their state income tax refunds directly deposited in a college savings account administered by collegeinvest, a division of the Colorado department of higher education. This option is available to taxpayers beginning with returns filed for tax year 2013.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**S.B. 13-221** Income tax - conservation easement credit - pre-approval of credits. For tax years commencing on or after January 1, 2014, the act requires a landowner to file an application for a conservation easement tax credit certificate with the division of real estate (division) and have certain aspects of the underlying easement donation reviewed and approved by the division director and the conservation easement oversight commission (commission) before claiming a state income tax credit for the donation. The executive director of the department of revenue (department) has the authority, in consultation with the division and the commission, to review and accept or reject the appraised value of the conservation easement, the amount of the tax credit being claimed, and the validity of the tax credit.

The act sets forth provisions governing the following:

- The authority and responsibilities of the division, the division director, the commission, and the department in the tax credit certificate application review process, including the authority of the commission to delegate its authority to the division director;
- The required documentation to be included with an application for a tax credit certificate;
- The payment of a fee to cover the costs of administering the tax credit certificate application review process;

- The process for identifying potential deficiencies with a conservation easement donation for which a landowner is applying for a tax credit certificate, notifying the landowner of the potential deficiencies, and obtaining additional information from the landowner to address the potential deficiencies; and
- The process for approving an application or, if an application is denied, conducting settlement negotiations and appealing the denial.

A landowner may also request an optional preliminary advisory opinion from the division director and the commission regarding a proposed conservation easement donation. The opinion would be advisory only and would not constitute approval of a tax credit certificate application or a tax credit claim.

**APPROVED** by Governor May 23, 2013

**PORTIONS EFFECTIVE** August 7, 2013

**PORTIONS EFFECTIVE** January 1, 2014

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

**S.B. 13-286** Urban and Rural Enterprise Zone Act - investment tax credits - extension of carryover periods for taxpayers that earned credits for renewable energy investments. The act extends the carryover periods for enterprise zone investment tax credits that taxpayers have earned for renewable energy investments in any income tax years commencing before January 1, 2018. The act defines a renewable energy investment as an investment that qualifies for the investment tax credit for investments in solar thermal electric, photovoltaic, landfill gas, wind, biomass, hydroelectric, geothermal electric, recycled energy, anaerobic digestion, or renewable fuel cell projects. The act also requires the Colorado economic development commission to annually post on its web site or on the Colorado office of economic development's web site whether an investment tax credit was for a renewable energy investment.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**NOTE:** Certain sections of the act are contingent on House Bill 13-1142 becoming law. House Bill 13-1142 was signed by the governor May 15, 2013.

**H.B. 13-1009** Sales and use tax - refund - deadline. A person who overpays the state sales and use tax must apply for a refund by the appropriate deadline. The deadline for a sales tax refund or refund of any use tax collected by a vendor is 3 years after the twentieth day of the month following the date of purchase, and the deadline for any other use tax refund is 3 years after the twentieth day of the month following the initial date of the storage, use, or consumption in the state by the person applying for the refund.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1024** Military family relief fund grants - subtraction from federal taxable income when determining state income tax liability. The military family relief fund (fund) provides

grants to members of the Colorado National Guard or reservists, active duty military personnel stationed in Colorado, and their families in order to partly mitigate financial hardships that often occur when a Colorado National Guard member or reservist is called to active duty or an active duty member of the military is deployed to a zone in which he or she will encounter hostile fire. For income tax years commencing on or after January 1, 2014, any amount of a grant received by a Colorado taxpayer from the fund that is included in the taxpayer's federal taxable income is subtracted from the federal taxable income of the taxpayer, for purposes of determining the taxpayer's Colorado income tax liability.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1042** State income tax - deduction - licensee - "Colorado Medical Marijuana Code" - section 280E of the internal revenue code - appropriation. Section 280E of the internal revenue code (section 280E) prohibits a trade or business that is illegally trafficking controlled substances under federal or state law from claiming federal income tax credits or deductions. The act permits a licensee under the "Colorado Medical Marijuana Code" to claim a state income tax deduction for an expenditure that is eligible to be claimed as a federal income tax deduction but is disallowed by section 280E because marijuana is a controlled substance under federal law.

\$280,000 is appropriated to the department of revenue for computer programming costs related to the new deduction.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1080** Income tax - credits - aviation development zones - new aircraft manufacturer employees credit - eligibility - allowable income tax years. Pursuant to the "Aviation Development Zone Act", an aircraft manufacturer located in an aviation development zone qualifies for a state income tax credit of \$1,200 for each new employee that it hires. The definition of "aircraft manufacturer" is modified to include a business or any portion of a business that is involved in the maintenance and repair, completion, or modification of aircraft. For any income tax year commencing on or after January 1, 2013, these businesses are eligible to claim the state income tax credit for hiring new employees pursuant to the "Aviation Development Zone Act".

In addition, the period during which any aircraft manufacturer may claim the credit is extended to income tax years commencing prior to January 1, 2023, rather than prior to January 1, 2017.

**APPROVED** by Governor May 13, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1110** Special fuel tax - natural gas - liquefied petroleum gas - eliminate decal exemption - phased-in rate reduction - report - division of oil and public safety - rules - natural gas fee - plug-in electric motor vehicle fee. The act makes the following changes to the special fuel tax:

- Modifies the definition of "distributor" to include persons who sell natural gas, certain fleet operators, and in limited circumstances, public utilities;
- Establishes a definition of "gallon" for compressed natural gas;
- Lowers the tax rates for compressed natural gas, liquefied natural gas, and liquefied petroleum gas, which rates are phased-in over 6 years;
- Repeals the annual fee that is charged in lieu of the special fuel tax and the related decal system, so that all liquefied petroleum gas and natural gas used to propel a motor vehicle on the state highways is subject to the special fuel tax, with the exception of natural gas supplied to a user at a residential home; and
- Requires the department of transportation, the department of revenue, the division of oil and public safety in the department of labor and employment (division), and the Colorado energy office to jointly prepare and submit a report to the transportation legislation review committee concerning related alternative fuels and the public roads and highways.

The act establishes the following fees:

- A natural gas fee that is collected by the department of revenue and deposited in the liquefied petroleum gas and natural gas inspection fund; and
- A \$50 fee collected at the time of registration on every plug-in electric motor vehicle. Of this fee, \$30 is credited to the highway users tax fund and \$20 is deposited in the electric vehicle grant fund. Upon payment of this fee, a person will receive a decal that the department of revenue creates, and this decal must be attached to the upper right-hand corner of the front windshield on the motor vehicle for which it was issued.

The director of the division is required to promulgate rules related to natural gas used as a special fuel and to the accurate measurement of liquefied petroleum gas and natural gas.

**APPROVED** by Governor May 15, 2013      **PORTIONS EFFECTIVE** August 15, 2013  
**PORTIONS EFFECTIVE** January 1, 2014

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

**H.B. 13-1113** Real and personal property - notice of valuation - pilot alternate valuation protest and appeal procedure - city and county of Denver - objection and protest - preservation of right to protest - notice. The act creates a pilot program that authorizes the governing body of the city and county of Denver, at the request of the assessor, to elect to use an alternate protest and appeal procedure that combines the multiple steps in the annual valuation dispute process through the county board of equalization into a single hearing and appeal process conducted by the board of county commissioners. The filing deadlines for tax petitions and for resolving valuation disputes are specified for the city and county of Denver if it uses the alternate protest and appeal procedure.

The act also authorizes the city and county of Denver board of equalization and the board of county commissioners to request that the taxpayer that filed a petition, or the taxpayer's representative, be present at the hearing and requires each board to dismiss the petition with no right to appeal if the taxpayer or the taxpayer's representative fails to be present at the hearing absent good cause.

**APPROVED** by Governor March 8, 2013

**EFFECTIVE** March 8, 2013

**H.B. 13-1142** Urban and Rural Enterprise Zone Act - updated review of zone designations - new limit on investment tax credit - appeal of limit - posting of information regarding certified investment tax credits - increases amount of certain income tax credits available for activity in the enterprise zones. The act:

- Repeals the enterprise zone review task force.
- Commencing January 1, 2014, requires the director of the Colorado office of economic development and the Colorado economic development commission (commission) to review the enterprise zone designations at least once every 10 years to ensure that the existing zones continue to meet the statutory criteria to qualify as an enterprise zone.
- Clarifies that if enterprise zone modifications are necessary but are not undertaken because the state is in a high unemployment period, that those modifications must be reviewed again as soon as the state is no longer in a high unemployment period.
- For credits certified on or after January 1, 2014, limits the amount of an income tax credit that may be claimed in an income tax year for qualified investments in an enterprise zone to the lesser of:
  - The sum of up to \$5,000 of the taxpayer's actual tax liability for the income tax year plus 50% of any portion of the tax liability for the income tax year that exceeds \$5,000; or
  - \$750,000 plus any investment tax credit carryovers of any excess credit allowed or any previously allowed investment tax credit carryovers.
- Specifies that the limitation on the amount a taxpayer may claim for the income tax year in which the total qualified investment is made does not limit the total amount of the credit allowed, nor does it limit the ability of a taxpayer to carryover a credit to subsequent tax years as allowed in the bill or as previously allowed by law.
- Allows a taxpayer to appeal to the commission for a credit in excess of the \$750,000 limit.
- Requires the commission to annually post information regarding certified investment tax credits on its web site or the Colorado office of economic development's web site.
- Increases the income tax credit for investments made in a qualified job training program in an enterprise zone for income tax years commencing on and after January 1, 2014, from 10% of the total investment to 12%.
- Increases the income tax credit for establishing a new business facility in an enterprise zone for income tax years commencing on and after January 1, 2014, from \$500 for each new business facility employee to \$1,100.
- Increases the income tax credit for each new business facility employee in an enterprise zone who is insured under a health insurance plan or program provided through his or her employer for income tax years commencing on and



after January 1, 2014, from \$200 per such employee to \$1,000.

**APPROVED** by Governor May 15, 2013

**EFFECTIVE** May 15, 2013

**H.B. 13-1144** Sales and use tax - cigarettes - exemption - repeal. The act repeals the state sales and use tax exemption for cigarettes that was to otherwise begin on July 1, 2013. As a result, cigarettes will continue to be subject to the state sales and use tax. Local exemptions for cigarettes are unchanged.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** July 1, 2013

**H.B. 13-1145** Senior property tax exemption - notice and application filing requirements. The act modifies the administration of the property tax exemption for qualifying seniors for property tax years commencing on or after January 1, 2013, as follows:

- Requires the county treasurer, rather than the county assessor, to mail or electronically send notice of the exemption as soon as practicable in January of each year;
- Requires the county assessor to mail notice of the exemption on or before May 1 of each year in which an assessor sends a notice of valuation that is not included with the tax bill; and
- Eliminates the good cause requirement for filing a late application for the exemption for qualifying seniors by September 15 of the property tax year for which the exemption is claimed and clarifies that an assessor may not accept any application filed after September 15 for the current property tax year.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** April 4, 2013

**H.B. 13-1164** Income tax - return form - voluntary contribution to unwanted horse fund - extension. The act extends by 5 years the period during which state income tax return forms include a line that allows an individual taxpayer to make a voluntary contribution to the unwanted horse fund.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1183** Income tax - conservation easement tax credit - extension of cap on amount of credit. Taxpayers are allowed to claim a state income tax credit for donating a conservation easement. Current law caps the total amount of credits that may be claimed each year by all taxpayers for a 3-year period. The amount of the cap is \$22 million for 2011 and 2012 and \$34 million for 2013. Credits that exceed the amount allowed for each year are placed on a wait list for a future year.

The act extends the cap for 2014 and later years and increases the annual amount of the cap for these years to \$45 million. Credits on the wait list are limited to \$15 million.

Clarifying amendments on the process of administering the cap are made.

**APPROVED** by Governor May 23, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1185** Severance tax - operational account - low-income energy assistance program - timing of transfers. Current statute provides a schedule that determines when transfers to 3 funds are made in a fiscal year from the operational account of the severance tax trust fund to provide energy-related assistance to low-income households. The act repeals that statutory section on July 1, 2013. The effect of this repeal is that the transfers for providing energy-related assistance to low-income households will then be made to all 3 funds 3 times in a fiscal year rather than each fund getting only one transfer in a fiscal year. This will help ensure that any proportional reductions that might need to occur as allowed by law are borne equally by the 3 funds throughout the fiscal year.

The act also provides a mechanism for the state treasurer to equalize the distributions for the 2012-13 state fiscal year.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** March 22, 2013

**H.B. 13-1190** Enterprise zones - income tax credit for contributions to zone administrators for economic development - allow donations to be made through intermediary nonprofit organizations. Currently, the enterprise zone income tax credit allows a taxpayer to claim a credit for a monetary or in-kind donation that helps implement the economic development plan for an enterprise zone when the donation is made to an enterprise zone administrator, or directly to a certified program, project, or organization that meets statutory criteria. The act allows taxpayers to make the donation to an intermediary nonprofit organization if such organization is obligated to disburse the contribution as directed by the taxpayer to a recipient nonprofit organization, or to such recipient nonprofit organization's program or project, so long as either the recipient organization, program, or project is certified by the enterprise zone administrator.

**APPROVED** by Governor May 3, 2013

**EFFECTIVE** May 3, 2013

**H.B. 13-1237** Income tax - return form - voluntary contribution to Special Olympics Colorado fund - queue - department of revenue to provide notification prior to sunset of voluntary contribution programs. The Special Olympics Colorado voluntary contribution program was established in 1997 to allow individual taxpayers to contribute to the Special Olympics Colorado program through the state income tax return form. Pursuant to its sunset clause, that voluntary contribution program repealed on January 1, 2013.

Section 1 of the act recreates and reenacts the Special Olympics Colorado voluntary contribution program and places it in the tax checkoff program queue in accordance with current queuing procedure. For the 5 income tax years following the year in which the executive director of the department of revenue certifies to the revisor of statutes that there is a space on the income tax return form and that the Special Olympics Colorado fund voluntary contribution is next in the queue, the act requires a voluntary contribution

designation line for that fund to appear on state individual income tax return forms.

Section 2 requires the department of revenue to electronically notify an organization to which voluntary contribution moneys are transferred one year prior to the date on which the organization's voluntary contribution program is scheduled to repeal.

**APPROVED** by Governor April 19, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1246** Property tax - exemptions - nonprofit organizations - property acquired by nonprofit housing provider for low-income housing - report from owners of tax-exempt property - waiver of filing deadline - public official error - exemption effective date. The property tax exemption for real property acquired by a nonprofit housing provider upon which the provider intends to construct or rehabilitate housing to be sold to a low-income applicant applies to real property acquired by a nonprofit housing provider that the provider intends to sell to a low-income applicant for the purpose of constructing or rehabilitating housing for the low-income applicant's residential use. An individual or family whose total median income is no greater than 80% of the area median income qualifies as a low-income applicant.

The state board of equalization (state board) may waive the filing deadline for the annual report required to be filed by an owner of tax-exempt property under certain circumstances. The state board may determine a deadline for the property owner to file the report when granting the waiver, and the waiver is invalid after the date established by the state board.

The state board may authorize the property tax administrator to make a property tax exemption effective earlier than January 1 of the year preceding the year in which an application was filed when the property has been added back to the tax roll as omitted property and would otherwise have met all criteria for exemption during the time that it was omitted.

**APPROVED** by Governor May 11, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1247** Income tax - tax credit for innovative motor vehicles - plug-in electric motor vehicles - calculation of the credit - extension of the credit. The act:

- Allows a taxpayer to claim the credit for a plug-in electric motor vehicle that is equipped with a gasoline-powered internal combustion engine;
- Allows a person to claim a credit for the purchase or lease of a liquified petroleum gas motor vehicle commencing January 1, 2013, instead of January 1, 2014;
- Clarifies the way the credit is calculated for the purchase or lease of a plug-in electric motor vehicle, compressed natural gas motor vehicle, and liquified petroleum gas motor vehicle in order to simplify it for administrative purposes;

- and  
Extends the credit for an additional 6 years.

**APPROVED** by Governor May 15, 2013

**EFFECTIVE** May 15, 2013

**H.B. 13-1265** Enterprise zones - new business facility income tax credits - removal of requirements to meet the definition of a new business facility. The act stops the availability of new business facility income tax credits currently authorized by the "Urban and Rural Enterprise Zone Act" and instead creates new income tax credits for business facility employees. The credits remain the same but do not include the requirements to meet the definition of a "new business facility".

**APPROVED** by Governor May 3, 2013

**EFFECTIVE** May 3, 2013

**NOTE:** Certain sections of the act are contingent on House Bill 13-1142 becoming law. House Bill 13-1142 was signed by the governor May 15, 2013.

**H.B. 13-1272** Sales and use tax - scientific and cultural facilities district - regional transportation district - exemptions - eliminate - create. The act eliminates the scientific and cultural facilities' and regional transportation district's sales and use tax exemptions for items that are not exempt from the state sales and use tax and creates district exemptions for other items that are exempt from the state tax.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** January 1, 2014

**H.B. 13-1287** Income tax - Colorado job growth incentive tax credit - extension. The Colorado job growth incentive tax credit is extended by an additional 5 income tax years.

**APPROVED** by Governor May 13, 2013

**EFFECTIVE** May 13, 2013

**H.B. 13-1288** Sales and use tax - establishment of a revenue neutral uniform base for state and local taxing jurisdictions - department of revenue and representatives of local taxing jurisdictions. The act requires the department of revenue, in consultation with representatives of the Colorado municipal league and Colorado counties, incorporated, to make recommendations on establishing a revenue neutral uniform sales and use tax base throughout the state. The representatives from the Colorado municipal league and Colorado counties, incorporated, must have experience in writing sales and use tax policy and must represent constituents of local taxing jurisdictions. The recommendations must include:

- A uniform definition of tangible personal property;
- A uniform list of items that are exempt from taxation by the state and local taxing jurisdictions;
- Uniform definitions of the tax-exempt items;
- Rate changes, including consideration of rates of 0% that would be necessary to achieve revenue neutrality for the state and any local taxing jurisdiction; and
- Any other recommendations deemed appropriate by the department of revenue regarding the establishment of a revenue neutral uniform sales and use tax base.

The act specifies that the recommendations be included in a report from the department of revenue to the general assembly that must be submitted no later than December 31, 2013, and made available to the public on a web site maintained by the department. The act specifies that the members of the general assembly are then encouraged to consider the recommendations and, if viewed favorably, introduce legislation and, if appropriate, a house or senate concurrent resolution, during the 2014 legislative session to establish a revenue neutral uniform statewide sales and use tax base.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1295** Sales and use tax - remote sellers - marketplace fairness act - minimum simplification requirements to allow the state to require remote sellers to collect sales tax. The 113th Congress is considering legislation, cited as the "Marketplace Fairness Act of 2013" (federal act) that, if enacted, grants states the authority to compel certain out-of-state retailers with gross annual receipts in total remote sales of more than \$1,000,000 (remote sellers) to collect and remit sales tax on behalf of the state and local taxing jurisdictions at the time of a transaction when the item purchased will be delivered in the state. Local retailers are already required to collect sales tax on behalf of the state and local taxing jurisdictions at the time of a local transaction. The federal act specifies that states are only granted this authority after certain minimum simplification requirements are met. The act meets those minimum simplification requirements by:

- Establishing remote sales as a part of existing sales tax law;
- Specifying that only the state's sales tax base, not a local sales tax base, will apply to all remote sales;
- Requiring that the department of revenue be responsible for all state and local sales tax administration and return processing, including the establishment of a single form for returns;
- Specifying that a central audit bureau is the sole entity within the state that is responsible for auditing remote sellers and specifying that the central audit bureau be developed by the department of revenue in coordination with local taxing jurisdictions;
- Establishing the sourcing definition provided in the federal act in order to properly source all interstate sales to the state;
- Requiring the department of revenue to provide information to remote sellers that indicates the taxability of products and services along with any product and service exemptions from sales tax in the state;
- Requiring the department of revenue to provide remote sellers a sales tax rate database and a database of local taxing jurisdiction boundaries;
- Requiring the department to make available free of charge software that calculates sales taxes due on each transaction at the time the transaction is completed, files sales tax returns, and updates to reflect any tax rate changes for the state or any local taxing jurisdiction;
- Allowing the department of revenue to contract with one or more certified software providers without regard to the procurement code, to provide the software or provide access to the software;
- Allowing a retailer to elect to collect and remit sales tax on its own, without using the services of a certified software provider, or allowing a retailer to elect to use the services of a certified software provider;
- Specifying that, in providing the software free of charge, the contract negotiated between the department of revenue and the certified software

providers must provide that all or a portion of the vendor fee may not be retained by the retailer electing to utilize the services of a certified software provider but will instead be retained by the certified software provider as payment for its services;

- Requiring the department of revenue to establish certification procedures for persons to be approved as certified software providers; and
- Providing the required relief of liability to remote sellers and other retailers utilizing the software for errors.

The act allows local taxing jurisdictions governed by a home rule charter to opt in by passing an ordinance or resolution accepting the state's administration and distribution of its local sales tax on remote sales that is collected and remitted by remote sellers in conformance with the provisions of the act.

**APPROVED** by Governor May 28, 2013

**PORTIONS EFFECTIVE** May 28, 2013  
**PORTIONS EFFECTIVE** July 1, 2014

**NOTE:** Certain sections of the act are contingent on the proposed federal legislation, "Marketplace Fairness Act of 2013" becoming law. As of publication date, the federal legislation had not become law.

**H.B. 13-1318** Retail marijuana taxes - sales tax in addition to state and local sales tax - excise tax at first sale or transfer of unprocessed retail marijuana - tax rates - disposition of collections - revenues collected and spent as voter-approved revenue changes - submission of ballot question - appropriation. Subject to voter approval at the statewide election in November 2013, the act imposes a sales tax and an excise tax on the sale of retail marijuana.

Beginning January 1, 2014, the act imposes a tax of 10% on the sale of retail marijuana or retail marijuana products to a consumer by a retail marijuana store. The tax imposed is in addition to the 2.9% state sales tax and any local government sales tax that is imposed on the sale of all property and services pursuant to current law.

On or after January 1, 2014, the general assembly is authorized to establish a rate that is lower than 10% by a bill that is enacted by the general assembly and becomes law. After establishing a tax rate that is lower than 10% the general assembly may increase the rate by a bill that is enacted by the general assembly and becomes law, so long as the rate does not exceed 15%. An increase in the rate does not require additional voter approval.

Of the revenues collected pursuant to the 10% sales tax, 15% will be distributed to each local government in the state that has one or more retail marijuana stores within its boundaries. Each local government's share of the revenues collected shall be apportioned according to the percentage of retail marijuana and retail marijuana products sales tax revenues collected by the department of revenue (department) in the local government as compared to the total retail marijuana and retail marijuana products sales tax collections in the state. The remaining revenues shall be deposited in the marijuana cash fund for the enforcement of regulations on the retail marijuana industry and for the other purposes of the fund as determined by the general assembly.

Beginning January 1, 2014, the act imposes a tax on the sale or transfer of unprocessed retail marijuana by a retail marijuana cultivation facility to a retail marijuana

store, retail marijuana product manufacturing facility, or another retail marijuana cultivation facility. The amount of the tax is 15% of the average market rate of unprocessed retail marijuana statewide on the date that it is sold or transferred, as determined by the department, and the tax is imposed when a retail marijuana cultivation facility sells or transfers unprocessed retail marijuana to a retail marijuana store, a retail marijuana product manufacturing facility, or another retail marijuana cultivation facility.

On or after January 1, 2014, the general assembly is authorized to establish a rate that is lower than 15% of the average market rate by a bill that is enacted by the general assembly and becomes law. After establishing a tax rate that is lower than 15% the general assembly may increase the rate by a bill that is enacted by the general assembly and becomes law, so long as the rate does not exceed 15%. An increase in the rate does not require additional voter approval.

As required by section 16 of article XVIII of the state constitution, the first \$40 million received and collected in payment of the excise tax on unprocessed retail marijuana shall be transferred to the public school capital construction assistance fund. Any amount remaining after the transfer shall be transferred to the marijuana cash fund.

The state is authorized to collect and spend any revenues generated by the retail marijuana sales tax and retail marijuana excise tax as voter approved revenue changes.

The secretary of state is required to submit a ballot question, to be treated as a proposition, at the statewide election to be held in November 2013 asking the voters to:

- Allow the general assembly to impose a retail marijuana sales tax at a rate beginning at 10% and not to exceed 15% of the sale of retail marijuana and retail marijuana products;
- Allow the general assembly to impose a retail marijuana excise tax at a rate beginning at 15% and not to exceed 15% of the average market rate of unprocessed retail marijuana on unprocessed retail marijuana at the time when a retail marijuana cultivation facility sells or transfers retail marijuana to a retail marijuana product manufacturing facility, a retail marijuana store, or another retail marijuana cultivation facility;
- Allow the general assembly to decrease or increase the rate of either tax without further voter approval so long as the rate does not exceed 15% for either tax; and
- Allow any additional tax revenue to be collected and spent notwithstanding any limitations in TABOR or any other law.

The name of the existing medical marijuana license cash fund is changed to the marijuana cash fund.

The sale of marijuana or marijuana products by a medical marijuana center to a consumer and the sale or transfer of unprocessed marijuana by a marijuana cultivation facility to a medical marijuana center are not subject to either tax. The department is required to promulgate rules for the implementation of both taxes.

The act makes an appropriation from the general fund to the department of corrections to comply with the statutory requirement that the general assembly include an appropriation in any bill that it passes to cover the costs of any net increase in periods of imprisonment in state correctional facilities that will occur as a result of the bill. In addition the act makes an

appropriation from the marijuana cash fund to the department of revenue for the implementation of the act.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013

**H.B. 13-1319** Property tax - ratio of valuation for assessment - residential real property. The act sets the ratio of valuation for assessment for residential real property for the 2013 and 2014 property tax years at 7.96%.

**APPROVED** by Governor May 28, 2013

**EFFECTIVE** May 28, 2013



## TRANSPORTATION

**S.B. 13-48** Highway users tax fund - use of county and municipal allocations for transit-related projects. The act authorizes a county or a municipality to expend up to 15 % of its allocation of highway users tax fund moneys on transit-related projects.

**APPROVED** by Governor April 26, 2013

**EFFECTIVE** July 1, 2013

**H.B. 13-1083** Motorcycle operator safety training program - administration. The office of transportation safety (office) is directed to set standards for the motorcycle operator safety training program (program), both for students and instructors. Meeting the standards qualifies a student to get a motorcycle endorsement on the student's driver's license. The office will also establish a system to record program data, including accidents, injuries, and fatalities.

A person who is eligible for a driver's license with a motorcycle endorsement from another state is eligible for the program. The act repeals a requirement that a program course charge be the same for all students.

The act prohibits expending program moneys on program vendor operating expenses or motorcycles, helmets, textbooks, and other capital expenses, except for travel expenses.

The motorcycle operator safety advisory board (board) is recreated, consisting of 12 members who represent:

- The office of transportation safety's director;
- The department of revenue's executive director;
- The chief of the Colorado state patrol;
- Program vendors;
- Retail motorcycle dealers;
- Third-party testers;
- Program instructor training specialists;
- The motorcycle riding community;
- Motorcycle training providers not affiliated with the program;
- Law enforcement agencies; and
- Motorcycle insurance providers.

The board's duties are to recommend training methods to increase safety and program effectiveness, recommend improvements to the program and training, and make recommendations on expenditures of motorcycle operator safety training fund moneys. The board is required to meet quarterly.

By September 1 of each year, the department of transportation will make an annual report to the legislative audit committee, house transportation committee, and senate transportation committee. The report must comment on the effectiveness of the program, annual motorcycle deaths, availability of training throughout the state, historic and current training costs, and other performance measures.

The program will be reviewed by the department of regulatory agencies, and is set for

repeal on September 1, 2017, unless extended pursuant to the sunset law.

**APPROVED** by Governor March 29, 2013

**EFFECTIVE** August 7, 2013

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

## WATER AND IRRIGATION

**S.B. 13-19** Water rights - historic consumptive use analysis - participation in government-sponsored water conservation program. Section 1 of the act declares that decreasing water consumption by appropriators who participate in government-sponsored water conservation programs promotes the maximum utilization of Colorado's water resources and is in the public interest.

The amount of water that currently can be changed to a new type or place of use is limited by the amount of water that was historically consumed by the original type and place of use, giving a water user no incentive to reduce the amount of water diverted. Although current law encourages the conservation of water in some contexts by eliminating from the determination of abandonment the period during which water is conserved under a variety of government-sponsored programs, in these contexts, water conservation results in a reduction of consumptive use. Section 2 directs the water judges in water divisions 4, 5, and 6 to disregard the decrease in use of water resulting from such programs in its determinations of historical consumptive use in change of water right cases. This applies only for a maximum of 5 years in any consecutive 10-year period unless the program is a federal land conservation program.

**APPROVED** by Governor May 18, 2013

**EFFECTIVE** May 18, 2013

**S.B. 13-41** Conditional storage rights - required showing to make decree absolute. In the case of *Upper Yampa Water Conservancy Dist. v. Wolfe*, 255 P.3d 1108 (Colo. 2011), the Colorado supreme court held that storage of water is not a beneficial use, at least where flood control and fire or drought protection are not the stated uses of the water, and that to perfect a conditional storage right, the water must be released from storage and put to beneficial use. Further, an applicant must show that it has exhausted its absolute storage rights before its conditional storage rights can be perfected.

The act reverses these holdings by:

- Expanding the definition of "beneficial use" to include the impoundment of water for firefighting or storage for any lawful purpose (section 2 of the act); and
- Specifying in section 3 that:
  - An applicant doesn't have to demonstrate that all existing absolute decreed water rights that are part of an integrated system have been utilized to their full extent to make a conditional water storage right absolute, in whole or in part;
  - When conditional water storage rights are made absolute, the decreed volume should be the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure; and
  - Carrying water over in storage from one year to another is not grounds for a determination of abandonment.

**APPROVED** by Governor April 8, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-72** Designated groundwater - Denver basin aquifers - final permit requirement. For most water wells in designated basins, the state engineer issues a conditional permit and then issues a final permit after the water has been put to beneficial use. Under current law, the requirement for a final permit does not apply to wells permitted on or after July 1, 1991, that withdraw designated ground water from the Denver basin aquifers. The act deletes the requirement for a final permit for all wells withdrawing designated ground water from the Denver basin aquifers.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-74** Water rights - determinations - historical use determinations - irrigated average - method of calculation. Current law requires irrigation water right decrees to specify the acreage on which the water may be used, but some older decrees do not include an acreage limitation. For such decrees, water courts look to the original appropriator's intent in determining the lawful historical consumptive use of a decreed irrigation water right; however, it is often very difficult to determine the original appropriator's intent, which has resulted in cases that substantially decrease the acreage that has historically been irrigated by a water right.

The act creates a mechanism to determine the amount of acreage for an irrigation water right for which the original decree predates 1937 and is unclear about the amount of acreage that may be irrigated under the water right.

**APPROVED** by Governor April 4, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-75** Designated groundwater - final permit terms - reduced consumption. The act specifies that once the state engineer issues a final permit for the withdrawal of designated groundwater, a reduction in the amount of water used pursuant to the permit due to the conservation of water is not grounds, other than in a change of use case, to reduce the maximum annual volume of the appropriation, the maximum pumping rate, or the maximum number of acres that have been irrigated.

**APPROVED** by Governor March 15, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-78** Water rights - points of diversion - erroneously described - correction procedure. For a variety of reasons, some points of diversion are erroneously placed at a location that is different from the decreed location established by a water court. The reasons for these erroneous locations include advances in surveying technology and standards, typographical errors in a water rights decree, references in a decree to landmarks that do not exist any more

or have changed, and floods and other natural events affecting the diversion structure.

The act provides a process for a holder of a decreed water right with an erroneously located point of diversion to apply for a correction in the point of diversion if the point of diversion meets the definition of an "established but erroneously described point of diversion", as set forth in the act. An "established but erroneously described point of diversion" is defined as a point of diversion of either surface water or groundwater:

- That has been at the same physical location since the applicable decree or decrees confirmed the water right, unless relocated according to one of the exceptions set forth in the act;
- That is not located at the location specified in the applicable decree or decrees confirming the water right; and
- From which the holder of the decreed water right has diverted water with the intent to divert pursuant to the decree or decrees confirming the water right.

The act also establishes that a water right is deemed to be diverted at its decreed location, and the holder of the decreed water right need not apply for a correction in a point of diversion, if:

- With respect to a surface water diversion, the physical location of the point of diversion is within 500 feet of the decreed location and neither a natural surface stream that is tributary to the diverted stream nor another surface water right is located between the decreed location and its physical location; or
- With respect to a groundwater diversion, the physical location of the point of diversion is within 200 feet of the decreed location, unless the decree specifies a lesser distance for acceptable variation in location.

**APPROVED** by Governor March 22, 2013

**EFFECTIVE** August 7, 2013

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

**S.B. 13-181** Colorado water conservation board construction fund - annual project authorizations - appropriations. The act appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund for the following projects:

- \$300,000 for continuation of maintenance to the satellite monitoring system;
- \$175,000 for continuation of the weather modification program;
- \$500,000 for continuation of the Colorado floodplain map modernization program;
- \$250,000 for continuation of the watershed restoration program;
- \$215,000 for implementation of the Rio Grande forecasting development project;
- \$100,000 for the operation and maintenance of Colorado's decision support systems;
- \$75,000 for continuation of the Colorado river basin study;
- \$250,000 for continuation of the Arkansas river decision support system;
- \$225,000 for continuation of the statewide water supply initiative;
- \$250,000 for continuation of the South Platte river basin groundwater level data collection and analysis;

- \$2,000,000 for the planning, design, and construction of the Windy Gap reservoir bypass channel project;
- \$28,000,000 for implementation of the Chatfield reservoir reallocation project.

The act authorizes the CWCB to acquire instream flow rights to preserve and improve the natural environment.

The act authorizes the transfer of \$300,000 in unreserved cash from the CWCB construction fund to the flood and drought response fund to restore the balance of the flood and drought response fund.

The act authorizes the CWCB to loan an additional \$4,040,000 from the CWCB construction fund to the Tri-county Water Conservancy District for the construction of a hydropower project.

The act changes the operational account of the severance tax trust fund into a separate fund and transfers the administration of that fund and the severance tax trust fund from the state treasury to the department of natural resources. The act also changes the perpetual base account of the severance tax trust fund into a separate fund, the severance tax perpetual base fund, that is administered by the CWCB.

The act also transfers an additional \$49,000,000 from the severance tax perpetual base fund to the CWCB construction fund for the Chatfield reservoir reallocation project and \$2,000,000 for the Windy Gap reservoir bypass channel project, which is part of the Windy Gap farming project.

The act authorizes the CWCB to loan \$18,538,550 from the CWCB construction fund for the purchase of water rights for the Roxborough water and sanitation district water activity enterprise.

**APPROVED** by Governor May 13, 2013

**EFFECTIVE** May 13, 2013

**H.B. 13-1044** Graywater use authorized - definitions - water quality control commission - rules - local government must authorize use and enforce compliance - restrictions on graywater treatment works. The act clarifies when and under what conditions graywater may be used. The act defines "graywater" and "graywater treatment works" and identifies sources of graywater to include discharges from bathroom and laundry room sinks, bathtubs, showers, and laundry machines, as well as water from other sources authorized by rules promulgated by the water quality control commission (commission). Graywater does not include wastewater from toilets, urinals, kitchen sinks, nonlaundry utility sinks, and dishwashers. Graywater must be collected in a manner that minimizes household wastes, human excreta, animal or vegetable matter, and chemicals that are hazardous or toxic, as determined by the commission.

The commission may establish minimum statewide requirements, standards, and prohibitions concerning the use of graywater. Counties and municipalities have the discretion to authorize graywater use and the exclusive authority to enforce compliance with their graywater use resolutions and ordinances. The act specifies that a water user's graywater usage must comply with the local government's ordinance or resolution authorizing the use of graywater, as well as applicable decrees, well permits, and federal, state, and local water use requirements.

Additionally, the act authorizes the board of any groundwater management district to adopt rules restricting the use of graywater treatment works. Water users served by a well or by municipal or industrial water providers may use graywater but only if used in compliance with the commission's control regulations concerning graywater use and subject to any limitations on use contained in applicable decrees, well permits, or requirements under a municipality's or water district's water rights. The use of graywater by these water users is not reuse and is deemed not to cause injury.

The act encourages the examining board of plumbers to adopt appendix C of the international plumbing code, 2009 edition, concerning the installation of graywater treatment systems.

**APPROVED** by Governor May 15, 2013

**EFFECTIVE** May 15, 2013

**H.B. 13-1130** Water rights - interruptible water supply agreements - subsequent approvals. Current law allows the state engineer to approve the operation of an interruptible water supply agreement for 3 years out of a single 10-year period; once the agreement has been operated, the state engineer cannot approve the agreement for operation in any later period. The act allows the state engineer to reapprove an agreement up to 2 additional times by following similar procedures for approval of the original agreement. The subsequent approval cannot transfer or facilitate the transfer of water across the continental divide by direct diversion, exchange, or otherwise.

**APPROVED** by Governor June 5, 2013

**EFFECTIVE** August 7, 2013

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

**H.B. 13-1248** Colorado water conservation board - municipal leasing of irrigation water rights - pilot projects - approval criteria - reports. The act authorizes the Colorado water conservation board (board), in consultation with the state engineer, to administer a pilot program consisting of up to 10 pilot projects, each up to 10 years in duration, to demonstrate the practice of fallowing agricultural irrigation land and leasing the associated water rights for temporary municipal use. The board, in consultation with the state engineer and after a period of public notice and comment, will establish criteria for the approval and administration of the pilot projects and annually report to the water resources review committee on the results of the pilot projects.

**APPROVED** by Governor May 13, 2013

**EFFECTIVE** May 13, 2013

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