

SENATE JOURNAL  
Seventieth General Assembly  
STATE OF COLORADO  
First Regular Session

119th Legislative Day Tuesday, May 5, 2015

Prayer By the chaplain, Dan File, Capitol Commission, Lake City.

Call to Order By the President at 9:00 a.m.

Pledge By Senator Woods.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Martinez Humenik, reading of the Journal of Monday, May 4, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **HB15-1386** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB15-1377** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance After consideration on the merits, the Committee recommends that **HB15-1390** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB15-1387** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Finance After consideration on the merits, the Committee recommends that **HB15-1372** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB15-1379** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB15-1348** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. In Colorado Revised Statutes, 31-25-104, amend (2) (a) and (2) (b); and add (2.5) as follows:  
31-25-104. Urban renewal authority. (2) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (2.5) OF THIS SECTION, an authority shall consist

CONSISTS of ~~any odd number of~~ THIRTEEN commissioners, ~~which shall be~~  
~~not less than five nor more than eleven each~~ NOT FEWER THAN TEN of  
whom ~~shall~~ MUST be appointed by the mayor, who shall designate the  
~~chairman~~ CHAIRPERSON for the first year. ~~Such~~ IN ORDER TO REPRESENT  
THE COLLECTIVE INTERESTS OF THE COUNTY AND ALL TAXING BODIES  
LEVYING A MILL LEVY IN ONE OR MORE URBAN RENEWAL AREAS  
MANAGED BY THE AUTHORITY, REFERRED TO IN THIS PART 1 AS AN URBAN  
RENEWAL AUTHORITY AREA, OTHER THAN THE MUNICIPALITY, ONE SUCH  
COMMISSIONER ON THE AUTHORITY MUST BE APPOINTED BY THE BOARD  
OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE TERRITORIAL  
BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA ARE LOCATED,  
ONE SUCH COMMISSIONER MUST ALSO BE A BOARD MEMBER OF A SPECIAL  
DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING  
A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL  
AUTHORITY AREA, AND ONE COMMISSIONER MUST ALSO BE AN ELECTED  
MEMBER OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT LEVYING A  
MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY  
AREA. IF THE URBAN RENEWAL AUTHORITY AREA IS LOCATED WITHIN THE  
BOUNDARIES OF MORE THAN ONE COUNTY, THE APPOINTMENT IS MADE BY  
AGREEMENT OF ALL OF THE COUNTIES IN WHICH THE BOUNDARIES OF THE  
URBAN RENEWAL AUTHORITY AREA ARE LOCATED.

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

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

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

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

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

(2.5) WHEN THE GOVERNING BODY OF A MUNICIPALITY  
DESIGNATES ITSELF AS THE AUTHORITY OR TRANSFERS AN EXISTING  
AUTHORITY TO THE GOVERNING BODY PURSUANT TO SECTION 31-25-115

(1), AN AUTHORITY CONSISTS OF THE SAME NUMBER OF COMMISSIONERS AS THE NUMBER OF MEMBERS OF THE GOVERNING BODY. IN ADDITION, IN ORDER TO REPRESENT THE COLLECTIVE INTERESTS OF THE COUNTY AND ALL TAXING BODIES LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA OTHER THAN THE MUNICIPALITY, ONE ADDITIONAL COMMISSIONER ON THE AUTHORITY MUST BE APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE TERRITORIAL BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA ARE LOCATED, ONE ADDITIONAL COMMISSIONER MUST ALSO BE A BOARD MEMBER OF A SPECIAL DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA, AND ONE ADDITIONAL COMMISSIONER MUST ALSO BE AN ELECTED MEMBER OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA. IF THE NUMBER OF MEMBERS OF THE GOVERNING BODY CAUSES THE AUTHORITY TO HAVE AN EVEN NUMBER OF COMMISSIONERS, THE MAYOR SHALL APPOINT AN ADDITIONAL COMMISSIONER TO RESTORE AN ODD NUMBER OF COMMISSIONERS TO THE AUTHORITY. AS APPLICABLE, THE APPOINTMENT OF THE COUNTY, SPECIAL DISTRICT, AND SCHOOL DISTRICT REPRESENTATIVES ON THE AUTHORITY PURSUANT TO THIS SUBSECTION (2.5) MUST BE MADE IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 31-25-104 (2).

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

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

(II) That portion of said property taxes or all or any portion of said sales taxes, or both, in excess of the amount of property taxes or sales taxes paid into the funds of each such public body in accordance with the requirements of subparagraph (I) of this paragraph (a) ~~shall~~ MUST be allocated to and, when collected, paid into a special fund of the authority to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans or advances to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the authority for financing or refinancing, in whole or in part, an urban renewal project, or to make payments under an agreement executed pursuant to subsection (11) of this section. Any excess municipal sales tax OR PROPERTY TAX collections not allocated pursuant to this subparagraph (II) ~~shall~~ MUST be paid into the funds of the municipality OR OTHER TAXING ENTITY, AS APPLICABLE. Unless and until the total valuation for assessment of the taxable property in an urban renewal area exceeds the base valuation for assessment of the taxable property in such urban renewal area, as provided in subparagraph (I) of this paragraph (a), all of the taxes levied upon the taxable property in such urban renewal area ~~shall~~ MUST be paid into the funds of the respective public bodies. Unless and until the total municipal sales tax collections in an urban renewal area exceed the base year municipal sales tax collections in such urban renewal area, as provided in subparagraph (I) of this paragraph (a), all such sales tax collections ~~shall~~ MUST be paid into the funds of the municipality. When such bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the taxable property or the total municipal sales tax collections, or both, in such urban renewal area ~~shall~~ MUST be paid into the funds of the respective public bodies, AND ALL MONEYS REMAINING IN THE SPECIAL FUND ESTABLISHED PURSUANT TO THIS SUBPARAGRAPH (II) THAT HAVE NOT PREVIOUSLY BEEN REBATED

AND THAT ORIGINATED AS PROPERTY TAX INCREMENT GENERATED BASED ON THE MILL LEVY OF A TAXING BODY, OTHER THAN THE MUNICIPALITY, WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AREA MUST BE REPAID TO EACH TAXING BODY BASED ON THE PRO RATA SHARE OF THE PRIOR YEAR'S PROPERTY TAX INCREMENT ATTRIBUTABLE TO EACH TAXING BODY'S CURRENT MILL LEVY IN WHICH PROPERTY TAXES WERE DIVIDED PURSUANT TO THIS SUBSECTION (9). ANY MONEYS REMAINING IN THE SPECIAL FUND NOT GENERATED BY PROPERTY TAX INCREMENT ARE EXCLUDED FROM ANY SUCH REPAYMENT REQUIREMENT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY ADDITIONAL REVENUES THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT RECEIVES EITHER BECAUSE THE VOTERS HAVE AUTHORIZED THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT TO RETAIN AND SPEND SAID MONEYS PURSUANT TO SECTION 20 (7) (d) OF ARTICLE X OF THE STATE CONSTITUTION SUBSEQUENT TO THE CREATION OF THE SPECIAL FUND PURSUANT TO THIS SUBPARAGRAPH (II) OR AS A RESULT OF AN INCREASE IN THE PROPERTY TAX MILL LEVY APPROVED BY THE VOTERS OF THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT SUBSEQUENT TO THE CREATION OF THE SPECIAL FUND, TO THE EXTENT THE TOTAL MILL LEVY OF THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT EXCEEDS THE RESPECTIVE MILL LEVY IN EFFECT AT THE TIME OF APPROVAL OR SUBSTANTIAL MODIFICATION OF THE URBAN RENEWAL PLAN, ARE NOT INCLUDED IN THE AMOUNT OF THE INCREMENT THAT IS ALLOCATED TO AND, WHEN COLLECTED, PAID INTO THE SPECIAL FUND OF THE AUTHORITY.

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

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

(b) THE AGREEMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9.5) MAY PROVIDE FOR A WAIVER OF ANY PROVISION OF THIS PART 1 THAT PROVIDES FOR NOTICE TO THE PUBLIC BODY, REQUIRES ANY FILING WITH OR BY THE PUBLIC BODY, REQUIRES OR PERMITS CONSENT FROM THE PUBLIC BODY, OR PROVIDES ANY ENFORCEMENT RIGHT TO THE

PUBLIC BODY. THE MUNICIPALITY MAY DELEGATE TO THE AUTHORITY THE RESPONSIBILITY FOR NEGOTIATING THE AGREEMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9.5) AS LONG AS FINAL APPROVAL OF THE PLAN OR ANY MODIFICATION OF THE PLAN IS MADE BY THE GOVERNING BODY OF THE MUNICIPALITY IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

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

(d) IN AN ABSENCE OF AN AGREEMENT BETWEEN THE MUNICIPALITY AND ANY TAXING ENTITY AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9.5), THE PARTIES MUST SUBMIT TO A NEUTRAL THIRD-PARTY EXPERT SELECTED BY AGREEMENT OF THE PARTIES A REQUEST FOR AN APPROPRIATE ALLOCATION OF URBAN RENEWAL PROJECT COSTS AMONG THE MUNICIPALITY AND ALL OTHER TAXING ENTITIES WHOSE TAXES WILL BE ALLOCATED PURSUANT TO AN URBAN RENEWAL PLAN. IN MAKING A DETERMINATION OF THE APPROPRIATE ALLOCATION, THE THIRD PARTY EXPERT MUST CONSIDER THE NATURE OF THE PROJECT, THE NATURE AND RELATIVE SIZE OF THE REVENUE AND OTHER BENEFITS THAT ARE EXPECTED TO ACCRUE TO THE MUNICIPALITY AND OTHER TAXING ENTITIES AS A RESULT OF THE PROJECT, ANY LEGAL LIMITATIONS ON THE USE OF REVENUES BELONGING TO THE MUNICIPALITY OR ANY TAXING ENTITY, AND ANY CAPITAL OR OPERATING COSTS THAT ARE EXPECTED TO RESULT FROM THE PROJECT. WITHIN NINETY DAYS, THE THIRD-PARTY EXPERT MUST ISSUE HIS OR HER FINDINGS OF FACT AS TO THE APPROPRIATE ALLOCATION OF COSTS AND SHALL PROMPTLY TRANSMIT SUCH INFORMATION TO THE PARTIES. THE MUNICIPALITY MAY AGREE TO THE THIRD PARTY EXPERT'S FINDINGS BY INCLUDING IN THE URBAN RENEWAL PLAN PROVISIONS THAT ALLOCATE MUNICIPAL AND INCREMENTAL PROPERTY TAX REVENUES OF TAXING BODIES IN ACCORDANCE WITH THE COST ALLOCATIONS DETERMINED BY THE THIRD-PARTY EXPERT OR BY ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE TAXING ENTITY PROVIDING AN ALTERNATIVE COST ALLOCATION METHODOLOGY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PAYMENTS MAY BE MADE INTO THE SPECIAL FUND OF THE AUTHORITY IN ACCORDANCE WITH SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION UNLESS THE MUNICIPALITY OR THE AUTHORITY HAS SATISFIED THE REQUIREMENTS OF THIS SUBSECTION (9.5).

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

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

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

**SECTION 4. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the

general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to:

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

(b) Municipalities, urban renewal authorities considering urban renewal plan amendments or modifications on or after January 1, 2016, including, without limitation, any addition of an urban renewal project; an alteration in the boundaries of an urban renewal area; any change in the structure of the tax increment financing components of any such plan, including, without limitation, any change in the mill levy or the sales tax component of any such plan or any modifications of the percentages of sales tax increment revenue used in any such plan; or an extension of an urban renewal plan or the duration of a specific urban renewal project regardless of whether such extension or related changes in duration require actual alteration of the terms of the urban renewal plan."

- Finance After consideration on the merits, the Committee recommends that **HB15-1260** be **referred** to the Committee on Appropriations with favorable recommendation.
- Finance After consideration on the merits, the Committee recommends that **HB15-1309** be **referred** to the Committee on Appropriations with favorable recommendation.
- Finance After consideration on the merits, the Committee recommends that **HB15-1332** be **referred** to the Committee on Appropriations with favorable recommendation.
- Finance After consideration on the merits, the Committee recommends that **HB15-1388** be **postponed indefinitely**.

SENATE SERVICES REPORT

**Correctly Printed:** SB15-290.

**Correctly Engrossed:** SB15-001, 056, 210, 274, 282, 286, 288, 289 and 290.

**Correctly Reengrossed:** SB15-135, 269, 271 and 283.

**Correctly Rerevised:** HB15-1102, 1228, 1303, 1305, 1317, 1327, 1333, 1341, 1343, 1345, 1352, 1353 and 1368.

MESSAGE FROM THE HOUSE

May 4, 2015

Mr. President:

The House has postponed indefinitely SB15-021. The bill is returned herewith.

May 5, 2015

Mr. President:

The Speaker has appointed Representatives Pabon, chairman, Garnett, and Klingenschmitt as House conferees on the First Conference Committee on SB15-115.

THIRD READING OF BILLS -- FINAL PASSAGE

On third reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

**SB15-282** by Senator(s) Scott and Johnston, Cadman, Scheffel; also Representative(s) Duran and Willett, DelGrosso--Concerning the establishment of a rural jump-start program in highly distressed counties of the state for new businesses that bring new jobs to the state, and, in connection therewith, making an appropriation.

A majority of those elected to the Senate having voted in the affirmative, Senator Johnston was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.012), by Senator Johnston.

Amend engrossed bill, page 5, line 7, after "BUSINESS" insert "OR NEW HIRE".

Page 9, lines 7 and 8, strike "39-30.5-106 (1) (a)." and substitute "39-30.5-106.".

Page 9, line 13, after "BUSINESS" insert "AND THE NEW HIRES".

Page 11, strike lines 12 and 13 and substitute "39-30.5-103 (7) AND THAT THE NEW HIRES WILL".

Page 11, line 15, strike "(9)." and substitute "(8).".

Page 12, line 7, after "NUMBER OF" insert "NEW HIRES".

Page 14, strike lines 5 and 6 and substitute "SPECIFIED IN SECTION 39-30.5-103 (7), THAT THE NEW".

Page 14, line 8, strike "(9)," and substitute "(8).".

Page 15, lines 9 and 10, strike "BUSINESS, NEW EMPLOYEE," and substitute "BUSINESS".

Page 19, line 6, strike "HIRE," and substitute "HIRE".

Page 21, line 17, after "FOR THE" insert "NEW HIRES".

The amendment was **passed** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:



YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	N	Lambert	N	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	N	Sonnenberg	Y
Carroll	N	Hodge	Y	Marble	N	Steadman	N
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	N	Merrifield	Y	Ulibarri	N
Donovan	Y	Johnston	Y	Neville T.	N	Woods	Y
Garcia	Y	Jones	N	Newell	Y	President	Y
Grantham	Y	Kefalas	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **passed**.

Co-sponsor(s) added: Crowder, Donovan, Garcia and Grantham.

**SB15-056** by Senator(s) Kerr, Todd, Johnston, Crowder, Merrifield, Roberts; also Representative(s) Kraft-Tharp--Concerning reducing the frequency of administering the statewide assessment in social studies.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	N	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	N	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

**SB15-274** by Senator(s) Balmer; also Representative(s) Thurlow--Concerning the reinstatement of the state sales and use tax exemption for soft drinks.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kerr	N	Scheffel	Y
Balmer	Y	Heath	N	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	N	Hodge	N	Marble	Y	Steadman	N
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	N	Merrifield	N	Ulibarri	N
Donovan	N	Johnston	N	Neville T.	Y	Woods	Y
Garcia	N	Jones	N	Newell	N	President	Y
Grantham	Y	Kefalas	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor(s) added: Baumgardner, Cadman, Cooke, Grantham, Holbert, Lambert, Lundberg, Marble, Neville T., Scheffel, Scott, Sonnenberg and Woods.



**SB15-210** by Senator(s) Woods, Baumgardner, Holbert, Martinez Humenik; also Representative(s) Arndt--Concerning creation of the title insurance commission.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	5	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	N	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	N	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	N	Jahn	Y	Merrifield	Y	Ulibarri	N
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	N	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor(s) added: Grantham, Jahn, Marble and Scott.

**SB15-001** by Senator(s) Cadman, Scheffel; also Representative(s) Lundeen--Concerning the refunding of state revenues in excess of the state fiscal year spending limit, and, in connection therewith, simplifying the refund mechanism that allows a state sales tax refund, eliminating the refund mechanism that provides for a temporary income tax rate reduction, and reducing sales tax revenues, and excess state revenues, during any fiscal year for which excess state revenues are anticipated through a temporary sales tax rebate, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kerr	N	Scheffel	Y
Balmer	Y	Heath	N	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	N	Hodge	N	Marble	Y	Steadman	N
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	N	Merrifield	N	Ulibarri	N
Donovan	N	Johnston	N	Neville T.	Y	Woods	Y
Garcia	N	Jones	N	Newell	N	President	Y
Grantham	Y	Kefalas	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor(s) added: Baumgardner, Cooke, Crowder, Grantham, Hill, Holbert, Lambert, Lundberg, Marble, Neville T., Roberts, Scott, Sonnenberg and Woods.

**SB15-289** by Senator(s) Crowder; also Representative(s) Primavera--Concerning a limitation on the amount of an increase in fees assessed against assisted living residences by the department of public health and environment, and, in connection therewith, reducing an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	Y	Kerr	N	Scheffel	Y
Balmer	Y	Heath	N	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	N	Hodge	N	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	N	Merrifield	N	Ulibarri	N
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	N	Jones	N	Newell	N	President	Y
Grantham	Y	Kefalas	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor(s) added: Baumgardner, Cooke, Grantham, Hill, Lambert, Lundberg, Neville T., Scheffel and Scott.

**SB15-286** by Senator(s) Sonnenberg; also Representative(s) Saine and Melton--Concerning the training required to receive a motorcycle endorsement, and , in connection therewith, repealing the motorcycle operator safety training program and requiring the department of revenue to issue an endorsement to an applicant who completes certain motorcycle safety training programs.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	29	NO	6	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	N	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	N	Marble	Y	Steadman	N
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	N	Jones	Y	Newell	N	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor(s) added: Baumgardner, Cooke, Crowder, Holbert, Jahn, Lundberg, Marble, Neville T. and Woods.

**SB15-288** by Senator(s) Baumgardner and Hodge, Cadman, Lundberg, Marble, Scheffel, Steadman, Grantham, Aguilar, Guzman, Heath, Jahn, Kerr, Lambert, Newell; also Representative(s) Hamner and Rankin, DelGrosso, Hullinghorst, Rosenthal, Lebsock--Concerning the compensation paid to certain public officials.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	21	NO	14	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	N	Heath	Y	Lambert	Y	Scott	N
Baumgardner	Y	Hill	N	Lundberg	Y	Sonnenberg	N
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	N	Martinez Humenik	Y	Todd	N
Crowder	N	Jahn	Y	Merrifield	N	Ulibarri	N
Donovan	N	Johnston	N	Neville T.	N	Woods	Y
Garcia	N	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor(s) added: Roberts.

**SB15-290** by Senator(s) Todd, Holbert, Kerr; also Representative(s) Wilson--Concerning creation of the Colorado student leaders institute, and, in connection therewith, making an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	11	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	Y	Lambert	N	Scott	Y
Baumgardner	N	Hill	Y	Lundberg	N	Sonnenberg	N
Carroll	Y	Hodge	Y	Marble	N	Steadman	Y
Cooke	N	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	N	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	N	Woods	N
Garcia	Y	Jones	Y	Newell	Y	President	N
Grantham	Y	Kefalas	Y	Roberts	N		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Co-sponsor(s) added: Carroll, Heath, Johnston, Jones and Merrifield.

**RECONSIDERATION OF SB15-289**

**SB15-289** by Senator(s) Crowder; also Representative(s) Primavera--Concerning a limitation on the amount of an increase in fees assessed against assisted living residences by the department of public health and environment, and, in connection therewith, reducing an appropriation.

Having voted on the prevailing side, Majority Leader Scheffel moved for reconsideration of the last Senate action, Third Reading of Bills -- Final Passage, on SB15-289.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

**THIRD READING OF BILLS -- FINAL PASSAGE (cont'd)**

On third reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

**SB15-289** by Senator(s) Crowder; also Representative(s) Primavera--Concerning a limitation on the amount of an increase in fees assessed against assisted living residences by the department of public health and environment, and, in connection therewith, reducing an appropriation.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	19	NO	16	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kerr	N	Scheffel	Y
Balmer	Y	Heath	N	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	N	Hodge	N	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	N	Merrifield	N	Ulibarri	N
Donovan	N	Johnston	N	Neville T.	Y	Woods	Y
Garcia	N	Jones	N	Newell	N	President	Y
Grantham	Y	Kefalas	N	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was **passed**.

Upon request of Majority Leader Scheffel, **HB15-1063** was removed from the General Orders--Second Reading of Bills Consent Calendar of Tuesday, May 5 and was placed on the General Orders--Second Reading of Bills Calendar of Tuesday, May 5.

Committee of the Whole
On motion of Senator Grantham, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills, and Senator Grantham was called to the chair to act as Chairman.

GENERAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**HB15-1063** by Representative(s) Pabon; also Senator(s) Balmer--Concerning prohibited communication concerning patents, and, in connection therewith, making an appropriation.

Amendment No. 1(L.006), by Senator Balmer.

Amend reengrossed bill, page 6, strike lines 9 through 11 and substitute:

"(c) NOTIFY ANOTHER THAT THE CLAIM FOR INFRINGEMENT OF THE PATENT IS PURSUANT TO 35 U.S.C. SEC. 271 (e) (2) OR 42 U.S.C. SEC. 262; OR".

As amended, ordered revised and placed on the calendar for third reading and final passage.

**HB15-1043** by Representative(s) Saine and McCann; also Senator(s) Cooke and Johnston--Concerning penalties for DUI offenders, and, in connection therewith, making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar of Tuesday, May 5 (HB15-1115, HB15-1316, HB15-1340, HB15-1226, HB15-1371, HB15-1370, HB15-1358, HB15-1360, HB15-1367, HB15-1178, HB15-1318, HB15-1321, HB15-1281, HB15-1230, HB15-1276, HB15-1158) was laid over until later in the day, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Grantham, the report of the Committee of the Whole was adopted on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB15-1063 as amended, HB15-1043.  
Laid over until later in the day: HB15-1115, HB15-1316, HB15-1340, HB15-1226, HB15-1371, HB15-1370, HB15-1358, HB15-1360, HB15-1367, HB15-1178, HB15-1318, HB15-1321, HB15-1281, HB15-1230, HB15-1276, HB15-1158.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB15-1013 by Representative(s) Coram, Mitsch Bush, Vigil; also Senator(s) Sonnenberg and Hodge-- Concerning the implementation of recommendation number one set forth in the study of the South Platte river alluvial aquifer prepared by the Colorado water institute pursuant to House Bill 12-1278.

Senator Hodge moved that the Senate conferees on the first conference committee on HB15-1013 be granted permission to go beyond the scope of the differences between the two houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was adopted.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that HB15-1057 be referred to the Committee on Appropriations with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that HB15-1391 be referred to the Committee of the Whole with favorable recommendation.

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **SCR15-002** be **postponed indefinitely**.

MESSAGE FROM THE HOUSE

May 5, 2015

Mr. President:

The House has passed on Third Reading and returns herewith SB15-281.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB15-029, amended as printed in House Journal, May 5, 2015. SB15-090, amended as printed in House Journal, May 5, 2015, and amended on Third Reading as printed in House Journal. May 5, 2015. SB15-124, amended as printed in House Journal, May 5, 2015. SB15-214, amended as printed in House Journal, May 5, 2015. SB15-260, amended as printed in House Journal, May 5, 2015, and amended on Third Reading as printed in House Journal. May 5, 2015.

The House has adopted the First Report of the First Conference Committee on SB15-219, as printed in House Journal, May 4, 2015, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB15-212, as printed in House Journal, May 4, 2015, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the Second Report of the First Conference Committee on HB15-1130, as printed in House Journal, May 4,2015, and has repassed the bill as amended.

The House has voted to concur in the Senate amendments to HB15-1343 and has repassed the bill as so amended.

The House has adopted and transmits herewith SJM15-001.

The House has voted to grant the House conferees on the First Conference Committee on HB15-1013 to consider matters not at issue between the two houses.

MESSAGE FROM THE REVISOR OF STATUTES

May 5, 2015

We herewith transmit:

Without comment, as amended, SB15-029, 090, 124, 212, 214, 219, and 260.



INTRODUCTION OF BILLS -- FIRST READING

The following bills were read by title and referred to the committees indicated:

**HB15-1347** by Representative(s) Pettersen and Young, Arndt, Buckner, Danielson, Duran, Fields, Foote, Hullinghorst, Kagan, Lontine, Melton, Moreno, Primavera, Ryden, Salazar, Singer, Vigil; also Senator(s) Merrifield and Todd--Concerning the state income tax deductions for contributions to and distributions of investment earnings from the qualified state tuition program established by collegeinvest.  
State, Veterans, & Military Affairs

**HB15-1389** by Representative(s) Hullinghorst and Court; also Senator(s) Steadman--Concerning the creation of an enterprise that is exempt from the requirements of section 20 of article X of the state constitution to administer a state hospital provider fee program.  
State, Veterans, & Military Affairs

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB15-1389** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB15-1347** be postponed indefinitely.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB15-1259** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 27, after "(j)" insert "(I)".

Page 5, line 2, after "C.R.S." add "THIS PARAGRAPH (j) DOES NOT CONFER UPON A RESIDENT OF A COMMON INTEREST COMMUNITY THE RIGHT TO PLACE A RAIN BARREL ON PROPERTY OR TO CONNECT A RAIN BARREL TO ANY PROPERTY THAT IS:  
(A) LEASED, EXCEPT WITH PERMISSION OF THE LESSOR;  
(B) A COMMON ELEMENT OR A LIMITED COMMON ELEMENT OF A COMMON INTEREST COMMUNITY;  
(C) MAINTAINED BY THE UNIT OWNERS' ASSOCIATION FOR A COMMON INTEREST COMMUNITY; OR  
(D) ATTACHED TO ONE OR MORE OTHER UNITS, EXCEPT WITH

PERMISSION OF THE OWNERS OF THE OTHER UNITS.  
 (II) A COMMON INTEREST COMMUNITY MAY IMPOSE REASONABLE  
 AESTHETIC REQUIREMENTS THAT GOVERN THE PLACEMENT OR EXTERNAL  
 APPEARANCE OF A RAIN BARREL."

Senate in recess.
 Senate reconvened.

Appropriations	After consideration on the merits, the Committee recommends that <b>HB15-1057</b> be <b>referred</b> to the Committee of the Whole with favorable recommendation.
Appropriations	After consideration on the merits, the Committee recommends that <b>HB15-1339</b> be <b>postponed indefinitely</b> .
Appropriations	After consideration on the merits, the Committee recommends that <b>HB15-1006</b> be <b>referred</b> to the Committee of the Whole with favorable recommendation.
Appropriations	After consideration on the merits, the Committee recommends that <b>HB15-1372</b> be <b>amended</b> as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
	Amend reengrossed bill, page 4, after line 6 insert:
	" <b>SECTION 3. Appropriation.</b> For the 2014-15 state fiscal year. \$22.260 is appropriated to the department of revenue for use by the information technology division. This appropriation is from the general fund. To implement this act. the division may use this appropriation for CITA annual maintenance and support."
	Page 4, strike lines 7 and 8.
	Renumber succeeding section accordingly.
	Page 1, line 105, strike "MATTERS." and substitute "MATTERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."
Appropriations	After consideration on the merits, the Committee recommends that <b>HB15-1332</b> be <b>postponed indefinitely</b> .
Appropriations	After consideration on the merits, the Committee recommends that <b>HB15-1309</b> be <b>referred</b> to the Committee of the Whole with favorable recommendation.
Appropriations	After consideration on the merits, the Committee recommends that <b>HB15-1336</b> be <b>postponed indefinitely</b> .
Appropriations	After consideration on the merits, the Committee recommends that <b>HB15-1273</b> be <b>amended</b> as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
	Amend reengrossed bill, page 14, after line 18 insert:
	" <b>SECTION 9. Appropriation - legislative intent.</b> (1) For the

2015-16 state fiscal year, \$73,457 is appropriated to the department of public safety for use by the division of criminal justice. This appropriation is from the general fund and is based on an assumption that the division will require an additional 1.0 FTE. To implement this act, the division may use this appropriation for DCJ administrative services.

(2) The appropriation made in subsection (1) of this section derives from savings generated from the implementation of the provisions of Senate Bill 15-124, enacted in 2015.

**SECTION 10. Effective date.** (1) Except as specified in subsection (2) of this section, this act takes effect upon passage.

(2) Section 5 of this act takes effect only if:

(a) The net reduction in the appropriations from the general fund made in Senate Bill 15-124 is equal to or greater than the amount of the general fund appropriation made in subsection 1 of section 9 of this act;

(b) Senate Bill 15-124 is enacted and becomes law; and

(c) The staff director of the joint budget committee files written notice with the revisor of statutes no later than July 1, 2015, that the requirement set forth in paragraph (a) of this subsection (2) has been met."

Renumber succeeding section accordingly.

Page 1, line 104, strike "ACT." and substitute "ACT AND MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that [HB15-1392](#) be **amended** as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend reengrossed bill, page 4, line 14, strike "EMPLOYEES HIRED BEFORE JULY 1, 2017, FOR".

Page 6, line 2, strike "and (2) (a) (IV)".

Page 6, line 7, strike "FOR STATE EMPLOYEES HIRED BEFORE JULY 1, 2017,".

Page 6, line 8, strike "general" and substitute "General".

Page 6, strike lines 11 through 27.

Page 7, strike line 1 through 7.

Appropriations

After consideration on the merits, the Committee recommends that [HB15-1379](#) be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the reengrossed bill, page 4, line 12, strike "ONE HUNDRED SEVENTEEN THOUSAND" and substitute "ONE HUNDRED THIRTY-EIGHT THOUSAND FOUR HUNDRED SIXTY-SIX DOLLARS."

Page 4, strike line 13.

Page 4, line 15, strike "\$127,563" and substitute "\$166,305".

Page 4, line 21, strike "\$7,790" and substitute "\$15,999".

Page 4, after line 26 insert:

"(3) For the 2015-16 state fiscal year, \$33,254 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of revenue under subsection (1) of this section and is based on an assumption that the department of law will

require an additional 0.2 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of revenue.".

Appropriations After consideration on the merits, the Committee recommends that **HB15-1323** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 57, line 24, strike "\$104,907." and substitute "\$2,369,118."

Appropriations After consideration on the merits, the Committee recommends that **HB15-1386** be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that **HB15-1260** be postponed indefinitely.

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate having voted in the affirmative, the Senate granted leave pursuant to Senate Rule 21 (c) for the Committee on Finance to meet in the well of the Senate.

Senate in recess. Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **HB15-1392** be referred to the Committee of the Whole with favorable recommendation.

Senate in recess. Senate reconvened.

On motion of Assistant Majority Leader Lundberg, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB15-1366, HB15-1158, HB15-1247, HB15-1309, HB15-1313, HB15-1318, HB15-1365, HB15-1379, HB15-1287, HB15-1006, HB15-1083, HB15-1360, and HB15-1098 were made Special Orders at 3:14 p.m.

Senate in recess. Senate reconvened.

Committee of the Whole	The hour of 3:14 p.m. having arrived, Senator Grantham moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills, and Senator Grantham was called to the chair to act as Chairman.	1 2 3 4
	<b>SPECIAL ORDERS -- SECOND READING OF BILLS</b>	5 6
	The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:	7 8 9 10
HB15-1366	by Representative(s) Pabon and Willett; also Senator(s) Balmer--Concerning the expansion of the Colorado job growth incentive tax credit to allow credits for businesses that enter into a qualified partnership with a state institution of higher education.	11 12 13 14
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, May 4, page(s) 1069-1070 and placed in members' bill files.)	15 16 17 18
	<u>Amendment No. 2(L.006), by Senator Balmer.</u>	19
	Amend reengrossed bill, page 2, line 4, after the second "portion," insert "and".	20 21 22
	Page 2, line 5, strike "portion, and (6);" and substitute "portion;".	23 24
	Page 3, line 11, strike "AND" and substitute "OR".	25 26
	Page 5, strike lines 2 through 20.	27 28 29
	As amended, ordered revised and placed on the calendar for third reading and final passage.	30 31 32 33
HB15-1247	by Representative(s) Saine, Nordberg, Primavera, Ryden; also Senator(s) Neville T., Guzman, Holbert, Jahn--Concerning the implementation of the legislative audit committee's recommendations for review of dam safety.	34 35 36 37
	Ordered revised and placed on the calendar for third reading and final passage.	38 39 40
HB15-1309	by Representative(s) Ginal; also Senator(s) Crowder--Concerning the placement of interim therapeutic restorations by dental hygienists, and, in connection therewith, ensuring medicaid and children's basic health plan reimbursement for services provided through the use of telehealth related to interim therapeutic restoration procedures and making an appropriation.	41 42 43 44 45 46
	Ordered revised and placed on the calendar for third reading and final passage.	47 48 49
HB15-1313	by Representative(s) Becker K.; also Senator(s) Baumgardner--Concerning the creation of a Rocky Mountain National Park license plate to evidence that a vehicle has been registered, and, in connection therewith, making an appropriation.	50 51 52 53
	Ordered revised and placed on the calendar for third reading and final passage.	54 55 56
HB15-1318	by Representative(s) Young, Hamner, Rankin; also Senator(s) Grantham, Lambert, Steadman--Concerning the requirements for administering a single medicaid waiver for home- and community-based services for adults with intellectual and developmental disabilities, and, in connection therewith, making an appropriation.	57 58 59 60 61
	Ordered revised and placed on the calendar for third reading and final passage.	62 63 64 65 66 67

<b>HB15-1365</b>	by Representative(s) McCann, Lee, Primavera, Singer; also Senator(s) Crowder--Concerning adding two youth members to the Tony Grampas youth services board, and, in connection therewith,f making an appropriation.	1 2 3 4
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, May 4, page(s) 1071 and placed in members' bill files.)	5 6 7
	As amended, ordered revised and placed on the calendar for third reading and final passage.	8 9 10
<b>HB15-1379</b>	by Representative(s) Pabon; also Senator(s) Hill--Concerning creation of marijuana permitted economic interest registrations, and, in connection therewith, making an appropriation.	11 12 13 14
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, May 5, page(s) 1118 and placed in members' bill files.)	15 16 17 18
	As amended, ordered revised and placed on the calendar for third reading and final passage.	19 20 21
<b>HB15-1287</b>	by Representative(s) Williams, Priola, Foote, Arndt, Becker K., Buckner, Kagan, Lontine, Melton, Moreno, Pettersen, Vigil, Winter; also Senator(s) Cooke--Concerning measures to improve peace officer training.	22 23 24 25
	<u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, April 28, page(s) 945 and placed in members' bill files.)	26 27 28 29
	As amended, ordered revised and placed on the calendar for third reading and final passage.	30 31 32
<b>HB15-1006</b>	by Representative(s) Coram and Vigil; also Senator(s) Sonnenberg, Hodge, Roberts--Concerning the establishment of a grant program for the management of invasive phreatophytes, and, in connection therewith, making an appropriation.	33 34 35 36 37
	Ordered revised and placed on the calendar for third reading and final passage.	38 39 40
<b>HB15-1083</b>	by Representative(s) Primavera, Duran, Singer; also Senator(s) Crowder--Concerning patient financial contributions for physical rehabilitation services.	41 42 43
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, May 4, page(s) 1070 and placed in members' bill files.)	44 45 46
	As amended, ordered revised and placed on the calendar for third reading and final passage.	47 48 49
<b>HB15-1360</b>	by Representative(s) Ginal, Singer; also Senator(s) Lundberg, Newell--Concerning the use of injection therapy by acupuncturists licensed pursuant to article 29.5 of title 12, Colorado Revised Statutes.	50 51 52 53
	Ordered revised and placed on the calendar for third reading and final passage.	54 55 56
<b>HB15-1098</b>	by Representative(s) Humphrey and Van Winkle, Saine, Lebsock, Salazar, Williams, Pettersen, Kraft-Tharp, Neville P., Klingenschmitt, Joshi, Nordberg, Conti, Everett, Landgraf, Tate, Thurlow; also Senator(s) Neville T., Jahn, Carroll, Marble, Scheffel, Holbert, Woods, Cadman, Baumgardner, Guzman, Lundberg, Sonnenberg--Concerning the elimination of the use of automated vehicle identification systems for traffic law enforcement.	57 58 59 60 61 62 63
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, May 4, page(s) 1075-1076 and placed in members' bill files.)	64 65 66 67



As amended, ordered revised and placed on the calendar for third reading and final passage.

(For further action, see amendments to the report of the Committee of the Whole.)

**HB15-1158** by Representative(s) DelGrosso and Pabon, Saine, Williams, Kraft-Tharp, Moreno, Joshi; also Senator(s) Holbert--Concerning a refund of the state sales and use tax paid for information technology equipment that is used in certain data centers.

Ordered revised and placed on the calendar for third reading and final passage.

Call of the Senate. Call raised.

**AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

**HB15-1098** by Representative(s) Humphrey and Van Winkle, Saine, Lebsock, Salazar, Williams, Pettersen, Kraft-Tharp, Neville P., Klingenschmitt, Joshi, Nordberg, Conti, Everett, Landgraf, Tate, Thurlow; also Senator(s) Neville T., Jahn, Carroll, Marble, Scheffel, Holbert, Woods, Cadman, Baumgardner, Guzman, Lundberg, Sonnenberg--Concerning the elimination of the use of automated vehicle identification systems for traffic law enforcement.

Senator Kerr moved to amend the Report of the Committee of the Whole to show that the following Kerr floor amendment, (L.042) to HB 15-1098, did pass, and that HB 15-1098, as amended, did pass.

Amend reengrossed bill, page 3, strike lines 21 through 27.

Page 4, strike lines 1 through 3.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole **lost** on the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	N
Balmer	N	Heath	Y	Lambert	N	Scott	N
Baumgardner	N	Hill	N	Lundberg	N	Sonnenberg	N
Carroll	Y	Hodge	Y	Marble	N	Steadman	Y
Cooke	N	Holbert	N	Martinez Humenik	N	Todd	Y
Crowder	N	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	N	Woods	N
Garcia	Y	Jones	Y	Newell	Y	President	N
Grantham	N	Kefalas	Y	Roberts	N		

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Grantham, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB15-1366 as amended, HB15-1247, HB15-1309, HB15-1313, HB15-1318, HB15-1365 as amended, HB15-1379 as amended, HB15-1287 as amended, HB15-1006, HB15-1083 as amended, HB15-1360, HB15-1098 as amended, HB15-1158.

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for an expression of personal privilege.

On motion of Majority Leader Scheffel, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB15-1335, HB15-1178, HB15-1230, HB15-1276, HB15-1301, HB15-1321, HB15-1340, HB15-1358, HB15-1370, HB15-1390, HB15-1392, HB15-1115, HB15-1285, HB15-1372, HB15-1316, HB15-1348, HB15-1323, HB15-1364, HB15-1377, and HB15-1387 were made Special Orders at 5:03 p.m.

Senate in recess. Senate reconvened.

Committee of the Whole
The hour of 5:03 p.m. having arrived, Senator Grantham moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills, and Senator Grantham was called to the chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB15-1335
by Representative(s) Sias, Priola, Saine, Wilson, Joshi, Duran, Buck, Lawrence, Lundeen, Navarro, Nordberg; also Senator(s) Woods--Concerning a requirement that legislative service agencies review the fiscal impact of legislative measures considered by committees of the general assembly that meet during the interim.

Ordered revised and placed on the calendar for third reading and final passage.

- HB15-1178** by Representative(s) Saine and Humphrey; also Senator(s) Marble and Sonnenberg--  
Concerning the state engineer's authority to allow well users to lower the water table in an  
area of Gilcrest, Colorado, that the state engineer determines is experiencing damaging  
high groundwater levels.
- Amendment No. 1, Agriculture, Natural Resources, & Energy Committee Amendment.  
(Printed in Senate Journal, April 30, page(s) 1013-1014 and placed in members' bill files.)
- Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, May 1, page(s) 1020 and placed in members' bill files.)
- As amended, ordered revised and placed on the calendar for third reading and final  
passage.
- HB15-1348** by Representative(s) Hulinghorst and Lawrence, Brown, Buck, Conti, Coram, DelGrosso,  
Dore, Ginal, Wilson, Becker J., Becker K., Kagan, Roupe, Van Winkle; also Senator(s)  
Heath and Balmer, Grantham, Kefalas, Marble, Merrifield, Sonnenberg--Concerning  
modifications to statutory provisions governing urban redevelopment to promote the  
equitable financial contribution among affected public bodies in connection with urban  
redevelopment projects allocating tax revenues.
- Amendment No. 1, Finance Committee Amendment.  
(Printed in Senate Journal, May 5, page(s) 1101-1106 and placed in members' bill files.)
- Amendment No. 2(L.011), by Senator Balmer.
- Amend the Senate Finance Committee Report, dated May 5, 2015, page  
7, line 13, strike "PROPERTY".
- Amendment No. 3(L.015), by Senator Carroll.
- Amend the Senate Finance Committee Report, dated May 5, 2015, page  
6, line 36, strike "A NEUTRAL".
- Page 6, strike line 37.
- Page 6, line 38, strike "REQUEST FOR AN" and substitute "MEDIATION ON  
THE ISSUE OF".
- Page 7, line 1, strike "THIRD PARTY EXPERT" and substitute "MEDIATOR".
- Page 7, line 8, strike "THIRD-PARTY EXPERT" and substitute "MEDIATOR".
- Page 7, line 11, strike "THIRD PARTY EXPERT'S" and substitute  
"MEDIATOR'S".
- Page 7, line 15, strike "THIRD-PARTY EXPERT" and substitute  
"MEDIATOR".
- Amendment No. 4(L.016), by Senator Johnston.
- Amend the Senate Finance Committee Report, dated May 5, 2015, page  
8 of the report, line 13, strike "and" and substitute "or".
- Page 8 of the report, strike lines 14 and 15 and substitute:
- "(b) Urban renewal plan amendments or modifications adopted  
on or after January 1, 2016,".
- Page 8 of the report, line 16, strike "including, without limitation," and  
substitute "which modifications or limitations are limited to".
- Page 8 of the report, strike lines 17 through 21 and substitute "an

alteration in the boundaries of an urban renewal area; or an extension of an".

Amendment No. 5(L.017), by Senator Johnston.

Amend the Senate Finance Committee Report, dated May 5, 2015, page 2, line 40, strike "SPECIAL" and substitute "SCHOOL".

As amended, ordered revised and placed on the calendar for third reading and final passage.

**HB15-1230** by Representative(s) Lee and Foote; also Senator(s) Heath and Cooke--Concerning the creation of the innovative industries workforce development program, and, in connection therewith, making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.

**HB15-1276** by Representative(s) Pabon and Williams, Wilson, Arndt, Buckner, Conti, Esgar, Fields, Garnett, Kraft-Tharp, Lawrence, Lebsock, Lontine, Melton, Mitsch Bush, Navarro, Priola, Rosenthal, Roupe, Salazar, Tate, Tyler, Windholz, Young; also Senator(s) Cooke and Heath, Cadman, Scheffel, Holbert--Concerning the creation of a matching grant program to facilitate recruitment for skilled worker training programs, and, in connection therewith, making an appropriation.

Amendment No. 1(L.003), by Senator Balmer.

Amend reengrossed bill, page 15, after line 25 insert:

"**SECTION 2.** In Colorado Revised Statutes, 8-83-103, **amend** (2) as follows:  
**8-83-103. Powers, duties, and functions - acceptance of moneys.** (2) The division may accept and expend moneys from INTERGOVERNMENTAL PARTNERSHIPS, gifts, grants, donations, and other ~~nongovernmental~~ contributions for the purposes for which the division is authorized.".

Renumber succeeding sections accordingly.

As amended, ordered revised and placed on the calendar for third reading and final passage.

**HB15-1301** by Representative(s) Williams, Kagan, Melton, Pabon; also Senator(s) Grantham and Hill-- Concerning the creation of a credit for tobacco products that a distributor ships or transports to an out-of-state consumer, and, in connection therewith, creating the "Cigar On-line Sales Equalization Act" and making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.

**HB15-1321** by Representative(s) Pettersen and Wilson; also Senator(s) Grantham and Donovan-- Concerning measures to support rural school districts, and, in connection therewith, making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.

- HB15-1340** by Representative(s) Winter and Buck; also Senator(s) Martinez Humenik and Newell--  
Concerning an extension of the period during which the voluntary contribution designation  
benefiting the Colorado multiple sclerosis fund will appear on the state individual income  
tax return form. 1  
2  
3  
4  
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Ordered revised and placed on the calendar for third reading and final passage. 6  
7  
8
- HB15-1358** by Representative(s) Singer; also Senator(s) Lundberg and Kefalas--Concerning creating a  
permanent differential response program for child abuse or neglect cases of low or  
moderate risk. 9  
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12  
Ordered revised and placed on the calendar for third reading and final passage. 13  
14  
15
- HB15-1370** by Representative(s) Primavera, Dore; also Senator(s) Guzman and Neville T., Cadman--  
Concerning access to certain records of a county department of human or social services  
containing personal identifying information by an auditor conducting a financial or  
performance audit of that department. 16  
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Amendment No. 1, Finance Committee Amendment. 21  
(Printed in Senate Journal, April 30, page(s) 1013 and placed in members' bill files.) 22  
23  
As amended, ordered revised and placed on the calendar for third reading and final  
passage. 24  
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- HB15-1390** by Representative(s) Melton and Tate, Nordberg; also Senator(s) Holbert and Jahn--  
Concerning an increase in the allowable finance charge for certain consumer credit  
transactions. 28  
29  
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31  
Ordered revised and placed on the calendar for third reading and final passage. 32  
33  
34
- HB15-1392** by Representative(s) Young and Tate; also Senator(s) Newell and Neville T.--Concerning  
changes to the state's payroll system to allow all state employees to be paid twice a month. 35  
36  
37  
Amendment No. 1, Appropriations Committee Amendment. 38  
(Printed in Senate Journal, May 5, page(s) 1117 and placed in members' bill files.) 39  
40  
As amended, ordered revised and placed on the calendar for third reading and final  
passage. 41  
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- HB15-1115** by Representative(s) Lawrence; also Senator(s) Newell and Lundberg--Concerning privacy  
in regard to emerging technologies. 45  
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(Amended in general orders as printed in Senate journal, May 1, page(s) 1020.) 48  
49  
As amended, laid over until Thursday, May 7, retaining its place on the calendar. 50  
51  
52
- HB15-1285** by Representative(s) Kagan and Williams, Danielson, Foote, Tate; also Senator(s) Cooke  
and Ulibarri--Concerning use of body-worn cameras by law enforcement officers, and, in  
connection therewith, establishing a grant program and a study group to recommend  
policies on the use of body-worn cameras and making an appropriation. 53  
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Ordered revised and placed on the calendar for third reading and final passage. 58  
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<b>HB15-1372</b>	by Representative(s) Tyler and Becker J.; also Senator(s) Heath and Balmer--Concerning an increase in the cap placed on the annual fee each public utility pays to defray the administrative expenses of the agencies within the department of regulatory agencies that address public utility matters.	1 2 3 4 5
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, May 5, page(s) 1116 and placed in members' bill files.)	6 7 8
	As amended, ordered revised and placed on the calendar for third reading and final passage.	9 10 11 12
<b>HB15-1364</b>	by Representative(s) Coram and Mitsch Bush; also Senator(s) Sonnenberg and Donovan--Concerning a limitation on the scope of an inspection of a small hydroelectric energy facility conducted by the state electrical board.	13 14 15 16
	Ordered revised and placed on the calendar for third reading and final passage.	17 18 19
<b>HB15-1377</b>	by Representative(s) Moreno and Becker J.; also Senator(s) Grantham and Donovan--Concerning the ability of cooperative electric associations to obtain renewable energy credits through the operation of shared retail distributed generation facilities.	20 21 22 23
	Ordered revised and placed on the calendar for third reading and final passage.	24 25 26
<b>HB15-1316</b>	by Representative(s) Lebsock and Thurlow, Priola, Brown, Carver, Conti, Dore, Moreno, Tate, Van Winkle, Windholz, Garnett, Melton, Winter, Ryden, Singer; also Senator(s) Hill and Ulibarri--Concerning a simplification of the process by which the public utilities commission may issue a certificate to provide taxicab service in certain metropolitan counties.	27 28 29 30 31 32
	<u>Amendment No. 1, Business, Labor &amp; Technology Committee Amendment.</u> (Printed in Senate Journal, April 30, page(s) 998 and placed in members' bill files.)	33 34 35
	<u>Amendment No. 2(L.024), by Senator Jahn.</u>	36 37
	Amend printed bill, page 16, after line 27 insert:	38 39
	<b>"SECTION 7.</b> In Colorado Revised Statutes, 22-11-207, <b>amend</b>	40
	(4) as follows:	41
	<b>22-11-207. Accreditation categories - criteria - rules.</b>	42
	(4) (a) The state board by rule shall specify how long a school district or the institute may remain in an accreditation category that is below accredited; except that the state board shall not allow a school district or the institute to remain at accredited with priority improvement plan or below for longer than a total of five consecutive school years before removing the school district's or the institute's accreditation as provided in section 22-11-209.	43 44 45 46 47 48 49
	(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4), THE 2015-16 SCHOOL YEAR, DURING WHICH THE DEPARTMENT DOES NOT ASSIGN ACCREDITATION RATINGS AS PROVIDED IN SECTION 22-11-208(1.5), IS NOT INCLUDED IN CALCULATING WHETHER A SCHOOL DISTRICT OR THE INSTITUTE IS ACCREDITED WITH PRIORITY IMPROVEMENT PLAN OR BELOW FOR FIVE CONSECUTIVE SCHOOL YEARS.	50 51 52 53 54 55
	<b>SECTION 8.</b> In Colorado Revised Statutes, 22-11-208, <b>amend</b>	56
	(1.5) as follows:	57
	<b>22-11-208. Accreditation - annual review - supports and interventions - rules.</b> (1.5) Notwithstanding any provision of this article, or any provision of state board rule that implements this article, to the contrary, for the 2015-16 school year, the department shall NOT assign accreditation ratings for school districts and the institute. <del>based on:</del> <b>FOR THE 2015-16 SCHOOL YEAR, EACH SCHOOL DISTRICT AND THE INSTITUTE SHALL CONTINUE TO IMPLEMENT THE PLAN TYPE THAT WAS ASSIGNED FOR THE PRECEDING SCHOOL YEAR. THE DEPARTMENT SHALL ASSIGN ACCREDITATION RATINGS FOR SCHOOL DISTRICTS AND THE INSTITUTE FOR THE 2016-17 SCHOOL YEAR AND EACH SCHOOL YEAR</b>	58 59 60 61 62 63 64 65 66 67



THEREAFTER.

- ~~(a) The accreditation rating assigned to the school district or the institute for the preceding school year;~~
- ~~(b) The school district's or the institute's compliance with the provisions of its accreditation contract;~~
- ~~(c) The level of participation on the statewide assessments by students enrolled in the schools of the school district or in the institute charter schools; and~~
- ~~(d) Valid and reliable data that meets the guidelines established by the commissioner and that the school district or the institute may submit to the department to demonstrate the school district's or the institute's progress in improving student performance with regard to the Colorado academic standards and postsecondary and workforce readiness and in attaining the statewide targets for the performance indicators and the school district's or the institute's performance targets for the preceding school year.~~

**SECTION 9.** In Colorado Revised Statutes, 22-11-210, **amend** (1) (d) and (2.5) as follows:

**22-11-210. Public schools - annual review - plans - supports and interventions - rules.** (1) (d) (I) The state board by rule shall specify how long a public school may implement an improvement, priority improvement, or turnaround plan; except that the state board shall not allow a public school to continue implementing a priority improvement or turnaround plan for longer than a combined total of five consecutive school years before requiring the school district or the institute to restructure or close the public school.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), THE 2015-16 SCHOOL YEAR, DURING WHICH THE DEPARTMENT DOES NOT RECOMMEND SCHOOL PLANS AS PROVIDED IN SUBSECTION (2.5) OF THIS SECTION, IS NOT INCLUDED IN CALCULATING WHETHER A PUBLIC SCHOOL IMPLEMENTS A PRIORITY IMPROVEMENT PLAN OR TURNAROUND PLAN FOR A COMBINED TOTAL OF FIVE CONSECUTIVE SCHOOL YEARS.

(2.5) Notwithstanding any provision of this article, or any provision of state board rule that implements this article, to the contrary, for the 2015-16 school year, the department shall NOT recommend to the state board school plan types. ~~based on:~~ FOR THE 2015-16 SCHOOL YEAR, EACH PUBLIC SCHOOL SHALL CONTINUE TO IMPLEMENT THE SCHOOL PLAN TYPE THAT WAS ASSIGNED FOR THE PRECEDING SCHOOL YEAR. THE DEPARTMENT SHALL RECOMMEND TO THE STATE BOARD SCHOOL PLAN TYPES FOR THE 2016-17 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER.

- ~~(a) The type of school plan that the public school was required to implement for the preceding school year;~~
- ~~(b) The level of participation by students enrolled in the public school in the statewide assessments; and~~
- ~~(c) Valid and reliable data that meets the guidelines established by the commissioner and that the school district of the public school or the institute may submit to the department to demonstrate the public school's progress in improving student performance with regard to the Colorado academic standards and postsecondary and workforce readiness and in attaining the statewide targets for the performance indicators, the school district's or the institute's performance targets, and the public school's performance targets for the preceding school year."~~

Renumber succeeding sections accordingly.

As amended, ordered revised and placed on the calendar for third reading and final passage.

**HB15-1387** by Representative(s) Pabon and Rankin; also Senator(s) Steadman and Lambert--  
Concerning the elimination of the authorized transfer of medical marijuana to retail  
marijuana at the time that a retail marijuana establishment license becomes effective.

Amendment No. 1(L.011), by Senator Lambert.

Amend printed bill, page 2, line 15, strike "2015," and substitute "2016,".

Page 3, line 7, strike "2015," and substitute "2016,".

As amended, ordered revised and placed on the calendar for third reading and final  
passage.

**HB15-1323** by Representative(s) Buckner and Wilson, Duran, Fields, Garnett, Hamner, Lee, Moreno,  
Pettersen, Priola, Windholz, Young; also Senator(s) Holbert and Kerr--Concerning  
assessments in public schools, and, in connection therewith, codifying the consensus  
recommendations of the standards and assessments task force created in House Bill 14-  
1202, and reducing an appropriation.

Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, May 4, page(s) 1076-1080 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, May 5, page(s) 1118 and placed in members' bill files.)

As amended, laid over until later in the day.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Grantham, the report of the Committee of the Whole was **adopted**  
on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB15-1335, HB15-1178 as amended, HB15-1348 as  
amended, HB15-1230, HB15-1276 as amended, HB15-1301, HB15-1321, HB15-1340,  
HB15-1358, HB15-1370 as amended, HB15-1390, HB15-1392 as amended, HB15-1285,  
HB15-1372 as amended, HB15-1364, HB15-1377, HB15-1316 as amended, HB15-1387  
as amended.

Laid over until Tuesday, May 5: HB15-1323 as amended.

Laid over until Thursday, May 7: HB15-1115 as amended.

MESSAGE FROM THE HOUSE

May 5, 2015

Mr. President:

The House has adopted the First Report of the First Conference Committee on SB15-115, as printed in House Journal, May 5, 2015, and has repassed the bill as so amended. The bill is returned herewith.

The House has postponed indefinitely SB15-269, 274, 286, 289, 222. The bills are returned herewith.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SB15-225.

DELIVERY TO THE GOVERNOR

To the Governor for signature on Tuesday, May 5, 2015 at 4:50 p.m.: SB15-225.

MESSAGE FROM THE GOVERNOR

May 5, 2015

Colorado Senate  
Seventieth General Assembly  
State Capitol  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following Act:

SB15-225: CONCERNING THE GOVERNANCE STRUCTURE OF THE STATE HISTORICAL SOCIETY, AND, IN CONNECTION THEREWITH, CHANGING THE METHOD OF APPOINTMENT OF THE BOARD OF DIRECTORS AND CREATING A DIRECTORS COUNCIL.

Approved May 5, 2015, at 5:16 p.m.

Sincerely,  
(signed)  
John W. Hickenlooper  
Governor

On motion of Majority Leader Scheffel, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB15-1323, HB15-1057, HB15-1226, HB15-1273, HB15-1281, HB15-1367, HB15-1371, HB15-1373, HB15-1391, and HB15-1259 were made Special Orders at 8:10 p.m.

Senate in recess. Senate reconvened.

Committee of the Whole The hour of 8:10 p.m. having arrived, Senator Grantham moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills, and Senator Grantham was called to the chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB15-1057 by Representative(s) Court and DelGrosso, Arndt, Kraft-Tharp, Lawrence, Lee, Rankin, Szabo; also Senator(s) Sonnenberg and Hodge, Balmer, Cadman, Cooke--Concerning the process for a statewide initiative to be placed on a ballot, and, in connection therewith, making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.  
(For further action, see amendments to the report of the Committee of the Whole.)

HB15-1226 by Representative(s) Becker K.; also Senator(s) Hodge--Concerning annual license fees for retail food establishments.

Ordered revised and placed on the calendar for third reading and final passage.

HB15-1273 by Representative(s) Lawrence; also Senator(s) Newell--Concerning additional comprehensive reporting requirements for school discipline reports, and, in connection therewith, requiring a post-enactment review of the implementation of this act.

Amendment No. 1, Appropriations Committee Amendment.  
(Printed in Senate Journal, May 5, page(s) 1116-1117 and placed in members' bill files.)  
As amended, ordered revised and placed on the calendar for third reading and final passage.

HB15-1323 by Representative(s) Buckner and Wilson, Duran, Fields, Garnett, Hamner, Lee, Moreno, Pettersen, Priola, Windholz, Young; also Senator(s) Holbert and Kerr--Concerning assessments in public schools, and, in connection therewith, codifying the consensus recommendations of the standards and assessments task force created in House Bill 14-1202, and reducing an appropriation.

(Amended in special orders as printed in Senate journal, May 5, page(s) 1127-1128.)

Amendment No. 1(L.061), by Senator Kerr.

Amend the Education Committee Report, dated May 4, 2015, page 3, strike lines 21 through 32 and substitute:  
"22-7-1006.5. Pilot program - alternative assessment.  
(1) THERE IS CREATED A PILOT PROGRAM TO ALLOW LOCAL EDUCATION PROVIDERS TO CREATE OR SELECT ASSESSMENTS, WHICH THE LOCAL

EDUCATION PROVIDER MAY ADMINISTER TO PROVE THE VALIDITY AND RELIABILITY OF THE ASSESSMENTS AND THE COMPARABILITY OF THE ASSESSMENTS WITH THE STATE ASSESSMENTS. THE GOALS OF THE PILOT PROGRAM ARE TO PROVIDE MORE TIMELY AND RELEVANT DATA TO EDUCATORS TO INFORM INSTRUCTION THROUGHOUT THE SCHOOL YEAR, WHILE CONTINUING TO PROVIDE COMPARATIVE DATA FOR STATE ACCOUNTABILITY PURPOSES."

Page 4 of the committee report, strike lines 6 through 23 and substitute:

"(b) IF AUTHORIZED BY ITS LOCAL SCHOOL BOARD OR OTHER GOVERNING BODY, A LOCAL EDUCATION PROVIDER, INDIVIDUALLY OR IN COMBINATION WITH ONE OR MORE OTHER LOCAL EDUCATION PROVIDERS, MAY PARTICIPATE IN THE FIRST PHASE OF THE PILOT PROGRAM BY CREATING OR SELECTING ASSESSMENTS THAT MEET THE REQUIREMENTS SPECIFIED IN SUBSECTION (3) OF THIS SECTION AND ADMINISTERING THOSE ASSESSMENTS FOR TWO SCHOOL YEARS TO ALL OR A PORTION OF THE STUDENTS ENROLLED IN AT LEAST ONE ELEMENTARY GRADE, ONE MIDDLE SCHOOL GRADE, AND ONE HIGH SCHOOL GRADE. AFTER ADMINISTERING THE ASSESSMENTS FOR TWO SCHOOL YEARS, THE LOCAL EDUCATION PROVIDER MUST SUBMIT TO THE DEPARTMENT OF EDUCATION THE ASSESSMENT RESULTS FOR EACH YEAR IN WHICH THEY WERE ADMINISTERED AND THE LOCAL EDUCATION PROVIDER'S DEMONSTRATION THAT THE RESULTS ARE COMPARABLE TO THE RESULTS OBTAINED ON THE STATE ASSESSMENTS ADMINISTERED IN THE SAME SCHOOL YEARS.

(c) A LOCAL EDUCATION PROVIDER THAT IS SELECTED TO PARTICIPATE IN PHASE TWO OF THE PILOT PROGRAM PURSUANT TO SUBSECTION (4) OF THIS SECTION SHALL ADMINISTER ITS SELECTED ASSESSMENTS TO STUDENTS ENROLLED BY THE LOCAL EDUCATION PROVIDER IN GRADES THREE THROUGH ELEVEN FOR UP TO TWO YEARS. THE LOCAL EDUCATION PROVIDER SHALL SUBMIT TO THE DEPARTMENT THE ASSESSMENT RESULTS FOR EACH YEAR IN WHICH THEY WERE ADMINISTERED AND THE LOCAL EDUCATION PROVIDER'S DEMONSTRATION THAT THE RESULTS ARE COMPARABLE TO THE RESULTS OBTAINED ON THE STATE ASSESSMENTS ADMINISTERED IN THE SAME SCHOOL YEARS."

Reletter succeeding paragraphs accordingly.

Page 4 of the committee report, line 34, strike "SECTION IN ADDITION TO" and substitute "SECTION;"

Page 4 of the committee report, strike lines 35.

Page 5 of the committee report, strike line 2 and substitute:

"(a) IN PHASE ONE OF THE PILOT PROGRAM, ASSESS STUDENTS IN EACH OF THE SUBJECT AREAS REQUIRED IN SECTION 22-7-1006.3 IN AT LEAST ONE ELEMENTARY GRADE, ONE MIDDLE SCHOOL GRADE, AND ONE HIGH SCHOOL GRADE;

(b) IN PHASE TWO OF THE PILOT PROGRAM, ASSESS STUDENTS IN ALL OF THE SUBJECT AREAS AND AT ALL"

Reletter succeeding paragraphs accordingly.

Page 5 of the committee report, strike lines 13 through 41 and substitute:

"(4) (a) EACH LOCAL EDUCATION PROVIDER THAT PARTICIPATES IN PHASE ONE OF THE PILOT PROGRAM SHALL SUBMIT THE RESULTS OF THE LOCAL ASSESSMENTS TO THE DEPARTMENT OF EDUCATION FOR ANALYSIS AND EVALUATION. AFTER THE DEPARTMENT RECEIVES THE LOCAL ASSESSMENT DATA FROM ALL PARTICIPATING LOCAL EDUCATION PROVIDERS, THE DEPARTMENT SHALL REVIEW THE DATA TO ENSURE THAT EACH ASSESSMENT MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (3) OF THIS SECTION AND THAT EACH ASSESSMENT IS VALID AND RELIABLE. BASED ON THE ASSESSMENT DATA, THE DEPARTMENT SHALL RECOMMEND TO THE STATE BOARD TWO OF THE LOCAL EDUCATION PROVIDERS TO PARTICIPATE IN PHASE TWO OF THE PILOT PROGRAM. THE STATE BOARD, TAKING INTO CONSIDERATION THE DEPARTMENT'S RECOMMENDATIONS, SHALL SELECT THE TWO LOCAL EDUCATION PROVIDERS THAT MAY PARTICIPATE IN PHASE TWO OF THE PILOT

PROGRAM.

(b) EACH LOCAL EDUCATION PROVIDER THAT PARTICIPATES IN PHASE TWO OF THE PILOT PROGRAM SHALL SUBMIT THE RESULTS OF THE LOCAL ASSESSMENTS TO THE DEPARTMENT OF EDUCATION FOR ANALYSIS AND EVALUATION. AFTER THE DEPARTMENT RECEIVES THE LOCAL ASSESSMENT DATA FROM ALL PARTICIPATING LOCAL EDUCATION PROVIDERS, THE DEPARTMENT SHALL REVIEW THE DATA TO ENSURE THAT EACH ASSESSMENT MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (3) OF THIS SECTION AND THAT EACH ASSESSMENT IS VALID AND RELIABLE. BASED ON THE ASSESSMENT DATA, THE DEPARTMENT SHALL RECOMMEND TO THE STATE BOARD ONE OF THE LOCAL ASSESSMENTS FOR APPROVAL AS THE NEW STATE ASSESSMENT OR RECOMMEND THAT THE STATE CONTINUE ADMINISTERING THE EXISTING STATE ASSESSMENTS. THE STATE BOARD SHALL REVIEW THE ASSESSMENT DATA AND, TAKING INTO ACCOUNT THE DEPARTMENT'S RECOMMENDATION, SELECT THE NEW STATE ASSESSMENT OR CONTINUE ADMINISTERING THE EXISTING STATE ASSESSMENTS. THE DEPARTMENT AND THE STATE BOARD SHALL BASE THE RECOMMENDATION AND SELECTION ON THE VALIDITY, RELIABILITY, AND COMPARABILITY OF THE ASSESSMENT AND ENSURE THAT THE SELECTED ASSESSMENT, IF ANY, MEETS THE GOALS OF THE PILOT PROGRAM STATED IN SUBSECTION (1) OF THIS SECTION.

(c) IF THE STATE BOARD ADOPTS A NEW STATE ASSESSMENT, THE STATE BOARD SHALL NOTIFY THE GENERAL ASSEMBLY. IMPLEMENTATION OF A NEW STATE ASSESSMENT IS CONDITIONAL ON THE ENACTMENT OF LEGISLATION THAT APPROVES THE USE OF THE NEW ASSESSMENT.

(d) AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL APPLY TO THE FEDERAL DEPARTMENT OF EDUCATION FOR A WAIVER OF FEDERAL STATUTORY AND REGULATORY REQUIREMENTS TO THE EXTENT NECESSARY TO IMPLEMENT PHASE ONE OF THE PILOT PROGRAM, INCLUDING A WAIVER OF THE REQUIREMENT TO ADMINISTER A SINGLE STATEWIDE ASSESSMENT AS APPLIED TO THE LOCAL EDUCATION PROVIDERS THAT PARTICIPATE IN PHASE ONE AND PHASE TWO OF THE PILOT PROGRAM. BEFORE THE BEGINNING OF PHASE TWO OF THE PILOT PROGRAM, THE DEPARTMENT SHALL APPLY TO THE FEDERAL DEPARTMENT OF EDUCATION FOR A WAIVER OF FEDERAL STATUTORY AND REGULATORY REQUIREMENTS TO THE EXTENT NECESSARY TO IMPLEMENT PHASE TWO OF THE PILOT PROGRAM. IF THE STATE BOARD ADOPTS A NEW STATE ASSESSMENT, THE DEPARTMENT SHALL APPLY TO THE FEDERAL DEPARTMENT OF EDUCATION FOR A WAIVER OF FEDERAL STATUTORY AND REGULATORY REQUIREMENTS AS NECESSARY TO IMPLEMENT THE NEW STATE ASSESSMENT IF ADOPTED AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4).".

Page 6 of the committee report, strike lines 1 through 3.

Renumber succeeding paragraph accordingly.

Page 6 of the committee report, strike line 8 and substitute "RESULTS.

(f) IF THE FEDERAL DEPARTMENT OF EDUCATION REQUIRES A LOCAL EDUCATION PROVIDER TO ADMINISTER THE STATE ASSESSMENTS REQUIRED IN SECTION 22-7-1006.3 WHILE THE LOCAL EDUCATION PROVIDER IS PARTICIPATING IN THE PILOT PROGRAM, THE LOCAL EDUCATION PROVIDER SHALL:

(I) ADMINISTER THE STATE ASSESSMENTS AS REQUIRED IN SECTION 22-7-1006.3 IN ADDITION TO THE LOCAL ASSESSMENTS WHILE PARTICIPATING IN THE PILOT PROGRAM; AND

(II) SPECIFY IN THE NOTICE REQUIRED IN PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION THAT THE LOCAL EDUCATION PROVIDER IS CHOOSING TO ADMINISTER ASSESSMENTS THROUGH THE PILOT PROGRAM IN ADDITION TO THE STATE ASSESSMENTS REQUIRED IN SECTION 22-7-1006.3.".

Page 6 of the committee report, line 24, strike "PARENT." and substitute "PARENT.

(c) A LOCAL EDUCATION PROVIDER SHALL NOT IMPOSE AN UNREASONABLE BURDEN OR REQUIREMENT ON A STUDENT THAT WOULD



DISCOURAGE THE STUDENT FROM TAKING A STATE ASSESSMENT OR ENCOURAGE THE STUDENT'S PARENT TO EXCUSE THE STUDENT FROM TAKING THE STATE ASSESSMENT."."

Page 7 of the committee report, line 5, strike "AT LEAST TWO WEEKS" and substitute "BY".

Page 7 of the committee report, line 6, strike "BEFORE".

Page 7 of the committee report, line 9, strike "A LOCAL BOARD MAY USE THE RESULTS OF" and substitute "If A LOCAL BOARD DOES NOT RECEIVE THE RESULTS OF STATE ASSESSMENTS IN TIME TO USE THEM IN THE WRITTEN EVALUATION REPORT PREPARED FOR THE SCHOOL YEAR IN WHICH THE ASSESSMENTS ARE ADMINISTERED, THE LOCAL BOARD SHALL USE THE RESULTS OF THE".

Amendment No. 2(L.062), by Senator Kerr.

Amend the Education Committee Report, page 2, line 10, strike "STANDARDS AND IS A PREPARATION" and substitute "STANDARDS FOR STUDENTS ENROLLED IN TENTH GRADE. EVERY FIVE YEARS, THE DEPARTMENT SHALL REQUEST COMPETITIVE BIDS AND CONTRACT FOR THE ASSESSMENT REQUIRED IN THIS PARAGRAPH (a).".

Page 2, strike lines 11 and 12.

Page 2, line 13, strike "SUBSECTION (2).".

Page 2, line 21, after the period insert "EVERY FIVE YEARS, THE DEPARTMENT SHALL REQUEST COMPETITIVE BIDS AND CONTRACT FOR THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM.".

As amended, ordered revised and placed on the calendar for third reading and final passage.

**HB15-1281** by Representative(s) Primavera; also Senator(s) Hodge--Concerning newborn congenital heart defect screening through the use of pulse oximetry, and, in connection therewith, making an appropriation.

Ordered revised and placed on the calendar for third reading and final passage.

**HB15-1367** by Representative(s) Hamner, Young, Rankin, Hullinghorst; also Senator(s) Steadman, Grantham, Lambert, Cadman--Concerning retail marijuana taxes, and, in connection therewith, making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.  
(Printed in Senate Journal, May 1, page(s) 1117-1119 and placed in members' bill files.)

Amendment No. 2(L.009), by Senator Crowder.

Amend reengrossed bill, page 30, after line 8 insert:

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

**29-2-114. Retail marijuana excise tax - county - municipality - election.** (1) (a) IN ADDITION TO ANY SALES TAX IMPOSED PURSUANT TO SECTION 29-2-103 AND ARTICLES 26 AND 28.8 OF TITLE 39, C.R.S., AND IN ADDITION TO THE EXCISE TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., EACH COUNTY IN THE STATE IS AUTHORIZED TO LEVY, COLLECT, AND ENFORCE A COUNTY EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY AUTHORIZED BY THE COUNTY; EXCEPT THAT A COUNTY IS NOT AUTHORIZED TO LEVY, COLLECT, AND ENFORCE A COUNTY

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

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

(2) (a) IN ADDITION TO ANY SALES TAX IMPOSED PURSUANT TO SECTION 29-2-102 AND ARTICLES 26 AND 28.8 OF TITLE 39, C.R.S., AND IN ADDITION TO THE EXCISE TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., EACH MUNICIPALITY IN THE STATE IS AUTHORIZED TO LEVY, COLLECT, AND ENFORCE A MUNICIPAL EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY. THE TAX SHALL BE IMPOSED AT THE TIME WHEN THE RETAIL MARIJUANA CULTIVATION FACILITY FIRST SELLS OR TRANSFERS UNPROCESSED RETAIL MARIJUANA FROM THE RETAIL MARIJUANA CULTIVATION FACILITY TO A RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY, A RETAIL MARIJUANA STORE, OR ANOTHER RETAIL MARIJUANA CULTIVATION FACILITY. THE TAX RATE IMPOSED BY ANY STATUTORY MUNICIPALITY PURSUANT TO THIS PARAGRAPH (a) SHALL NOT EXCEED FIVE PERCENT OF THE AVERAGE MARKET RATE, AS DETERMINED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-28.8-101 (1), C.R.S., OF THE UNPROCESSED RETAIL MARIJUANA.

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

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

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

COLLECTED FROM THE TAX IMPOSED PURSUANT TO THIS SECTION FOR ANY PURPOSE AS DETERMINED BY THE GOVERNING BODY OR THE ELECTORS OF THE COUNTY OR MUNICIPALITY, AS APPLICABLE.

(5) THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO INVALIDATE THE PRESUMED LEGALITY OF ANY COUNTY OR MUNICIPAL EXCISE TAX IMPOSED ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY THAT IS CONSISTENT WITH THIS SECTION AND THAT IS IN ADDITION TO ANY EXCISE TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., AND THAT WAS APPROVED BY THE ELIGIBLE ELECTORS OF THE COUNTY OR MUNICIPALITY PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (5).

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

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

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

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

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

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

Renumber succeeding sections accordingly.

Page 34, line 15, strike "18" and substitute "19".

Page 34, line 21, strike "18" and substitute "19".

Page 35, after line 1 insert:

"(4) Section 18 of this act applies to retail marijuana excise taxes levied by a county, municipality, or metropolitan district on or after January 1, 2014."

Amendment No. 3(L.011), by Senator Steadman.

Amend reengrossed bill, page 8, line 4, after "THROUGH" insert "THE".

Page 8, strike lines 6 and 7 and substitute "JUNE 30, 2016. THE EXECUTIVE DIRECTOR SHALL ESTIMATE THE AMOUNT OF THE REFUND FOR THE TIME INCLUDED IN A DETERMINATION FOR WHICH THE ACTUAL REVENUE IS UNKNOWN."

Page 13, line 1, strike "C.R.S.;" and substitute "C.R.S."

Page 19, strike lines 23 through 27.

Page 20, strike lines 1 through 8.

Page 20, line 9, strike "(b) (I)" and substitute "(4)".

Page 20, strike lines 20 and 21.

Page 28, strike lines 18 through 27.

Page 29, strike lines 1 through 16.

Renumber succeeding sections accordingly.

Page 34, line 13, strike "subsections (2) and (3)" and substitute "subsection (2)".

Page 34, line 15, strike "18" and substitute "17".

Page 34, line 21, strike "18" and substitute "17".

Page 34, strike lines 23 through 27.

Page 35, strike line 1.

Amendment No. 4(L.006), by Senator Sonnenberg.

Amend reengrossed bill, page 30, after line 8 insert:

**"SECTION 18.** In Colorado Revised Statutes, 35-10-112.5, **amend** (1), (2) introductory portion, (2) (b), and (3) (b) as follows:  
**35-10-112.5. Statewide uniformity of pesticide control and regulation - exceptions.** (1) The general assembly hereby determines that:

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

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

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

(d) ALTHOUGH THE CULTIVATION OF MARIJUANA IS ILLEGAL

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

(e) Pesticide regulation is a matter of statewide concern.  
(2) No A local government shall NOT adopt or continue in effect any ordinance, rule, resolution, charter provision, or statute regarding the use of any pesticide by persons regulated by this article or federal law and pertaining to:

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

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

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

Renumber succeeding sections accordingly.

Page 34, line 15, strike "18" and substitute "19".

Page 34, line 21, strike "18" and substitute "19".

As amended, ordered revised and placed on the calendar for third reading and final passage.

(For further action, see amendments to the report of the Committee of the Whole.)

**HB15-1373** by Representative(s) Singer; also Senator(s) Aguilar--Concerning the creation of a provisional certification to practice speech-language pathology.

Ordered revised and placed on the calendar for third reading and final passage.

**HB15-1371** by Representative(s) Pabon and Willett; also Senator(s) Johnston--Concerning an exemption to the "Unclaimed Property Act" for funds held in certain lawyer trust accounts.

Ordered revised and placed on the calendar for third reading and final passage.

**HB15-1391** by Representative(s) Court and Wilson; also Senator(s) Steadman--Concerning an adjustment to the total employer contribution rate of the Denver public schools division of the public employees' retirement association in connection with the equalization status of the association's Denver public schools division with the association's school division as required by the merger of the Denver public schools retirement system with the association.

Ordered revised and placed on the calendar for third reading and final passage.

**HB15-1259** by Representative(s) Esgar and Danielson, Garnett, Salazar, Tyler, Vigil, Winter; also Senator(s) Merrifield--Concerning the use of rain barrels to collect precipitation from a residential rooftop for nonpotable outdoor uses.

Laid over until Thursday, May 7, retaining its place on the calendar.

## AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

**HB15-1057** by Representative(s) Court and DelGrosso, Arndt, Kraft-Tharp, Lawrence, Lee, Rankin, Szabo; also Senator(s) Sonnenberg and Hodge, Balmer, Cadman, Cooke--Concerning the process for a statewide initiative to be placed on a ballot, and, in connection therewith, making an appropriation.

Senator Jones moved to amend the Report of the Committee of the Whole to show that HB15-1057 did not pass.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole **lost** on the following roll call vote:

YES	16	NO	19	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	N
Balmer	Y	Heath	Y	Lambert	N	Scott	N
Baumgardner	N	Hill	N	Lundberg	N	Sonnenberg	N
Carroll	Y	Hodge	N	Marble	N	Steadman	Y
Cooke	Y	Holbert	N	Martinez Humenik	N	Todd	Y
Crowder	N	Jahn	N	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	N	Neville T.	N	Woods	N
Garcia	Y	Jones	Y	Newell	Y	President	N
Grantham	N	Kefalas	Y	Roberts	N		

Senator Carroll moved to amend the Report of the Committee of the Whole to show that the following amendment to HB15-1057 did pass.

Amend reengrossed bill, page 7, after line 23 insert:

"(4) TO THE EXTENT THE ABSTRACT INCLUDES ANY INFORMATION FROM THE DESIGNATED REPRESENTATIVES OF THE PROPONENTS OR ANY OTHER INTERESTED PERSON, THE ABSTRACT MUST DISCLOSE THE SOURCE OF THE INFORMATION."

Renumber succeeding subsections accordingly.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole **lost** on the following roll call vote:

YES	15	NO	20	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	N
Balmer	Y	Heath	Y	Lambert	N	Scott	N
Baumgardner	N	Hill	N	Lundberg	N	Sonnenberg	N
Carroll	Y	Hodge	N	Marble	N	Steadman	Y
Cooke	N	Holbert	N	Martinez Humenik	N	Todd	Y
Crowder	N	Jahn	N	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	N	Neville T.	N	Woods	N
Garcia	Y	Jones	Y	Newell	Y	President	N
Grantham	N	Kefalas	Y	Roberts	N		

**HB15-1367** by Representative(s) Hamner, Young, Rankin, Hullinghorst; also Senator(s) Steadman, Grantham, Lambert, Cadman--Concerning retail marijuana taxes, and, in connection therewith, making an appropriation.

Senator Hill moved to amend the Report of the Committee of the Whole to show that the following Crowder floor amendment, (L.009) to HB15-1367, did not pass.

Amend reengrossed bill, page 30, after line 8 insert:

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

**29-2-114. Retail marijuana excise tax - county - municipality - election.** (1) (a) IN ADDITION TO ANY SALES TAX IMPOSED PURSUANT TO SECTION 29-2-103 AND ARTICLES 26 AND 28.8 OF TITLE 39, C.R.S., AND IN ADDITION TO THE EXCISE TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., EACH COUNTY IN THE STATE IS AUTHORIZED TO LEVY, COLLECT, AND ENFORCE A COUNTY EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY AUTHORIZED BY THE COUNTY; EXCEPT THAT A COUNTY IS NOT AUTHORIZED TO LEVY, COLLECT, AND ENFORCE A COUNTY EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY PURSUANT TO THIS SUBSECTION (1) WITHIN ANY MUNICIPALITY THAT LEVIES SUCH AN EXCISE TAX PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE TAX SHALL BE IMPOSED AT THE TIME WHEN THE RETAIL MARIJUANA CULTIVATION FACILITY FIRST SELLS OR TRANSFERS UNPROCESSED RETAIL MARIJUANA FROM THE RETAIL MARIJUANA CULTIVATION FACILITY TO A RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY, A RETAIL MARIJUANA STORE, OR ANOTHER RETAIL MARIJUANA CULTIVATION FACILITY. THE TAX RATE IMPOSED PURSUANT TO THIS PARAGRAPH (a) SHALL NOT EXCEED FIVE PERCENT OF THE AVERAGE MARKET RATE, AS DETERMINED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-28.8-101 (1), C.R.S., OF THE UNPROCESSED RETAIL MARIJUANA.

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

(2) (a) IN ADDITION TO ANY SALES TAX IMPOSED PURSUANT TO SECTION 29-2-102 AND ARTICLES 26 AND 28.8 OF TITLE 39, C.R.S., AND IN ADDITION TO THE EXCISE TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., EACH MUNICIPALITY IN THE STATE IS AUTHORIZED TO LEVY, COLLECT, AND ENFORCE A MUNICIPAL EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY. THE TAX SHALL BE IMPOSED AT THE TIME WHEN THE RETAIL MARIJUANA CULTIVATION FACILITY FIRST SELLS OR TRANSFERS UNPROCESSED RETAIL MARIJUANA FROM THE RETAIL MARIJUANA CULTIVATION FACILITY TO A RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITY, A RETAIL MARIJUANA STORE, OR ANOTHER RETAIL MARIJUANA CULTIVATION FACILITY. THE TAX RATE IMPOSED BY ANY STATUTORY MUNICIPALITY PURSUANT TO THIS PARAGRAPH (a) SHALL NOT EXCEED FIVE PERCENT OF THE AVERAGE MARKET RATE, AS DETERMINED BY THE DEPARTMENT OF REVENUE PURSUANT TO SECTION 39-28.8-101 (1), C.R.S., OF THE UNPROCESSED RETAIL MARIJUANA.

(b) NO EXCISE TAX SHALL BE LEVIED PURSUANT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2) UNTIL THE PROPOSAL HAS BEEN REFERRED TO AND APPROVED BY THE ELIGIBLE



ELECTORS OF THE MUNICIPALITY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 10 OF TITLE 31, C.R.S. ANY PROPOSAL FOR THE LEVY OF AN EXCISE TAX IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2) MAY BE SUBMITTED TO THE ELIGIBLE ELECTORS OF THE MUNICIPALITY ON THE DATE OF THE STATE GENERAL ELECTION, ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR, OR ON THE DATE OF A MUNICIPAL BIENNIAL ELECTION. ANY ELECTION ON THE PROPOSAL SHALL BE CONDUCTED BY THE CLERK OF THE MUNICIPALITY IN ACCORDANCE WITH THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", ARTICLE 10 OF TITLE 31, C.R.S.

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

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

(5) THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO INVALIDATE THE PRESUMED LEGALITY OF ANY COUNTY OR MUNICIPAL EXCISE TAX IMPOSED ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY A RETAIL MARIJUANA CULTIVATION FACILITY THAT IS CONSISTENT WITH THIS SECTION AND THAT IS IN ADDITION TO ANY EXCISE TAX IMPOSED PURSUANT TO ARTICLE 28.8 OF TITLE 39, C.R.S., AND THAT WAS APPROVED BY THE ELIGIBLE ELECTORS OF THE COUNTY OR MUNICIPALITY PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (5).

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

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

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

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

(c) NO EXCISE TAX SHALL BE LEVIED PURSUANT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (10) UNTIL THE PROPOSAL HAS BEEN REFERRED TO AND APPROVED BY THE ELIGIBLE

ELECTORS OF THE METROPOLITAN DISTRICT. ANY PROPOSAL FOR THE LEVY OF AN EXCISE TAX IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (10) MAY BE SUBMITTED TO THE ELIGIBLE ELECTORS OF THE DISTRICT AT A REGULAR SPECIAL DISTRICT ELECTION, ON THE DATE OF THE STATE GENERAL ELECTION, OR ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR, AND ANY ELECTION ON THE PROPOSAL MUST BE CONDUCTED IN ACCORDANCE WITH THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, C.R.S.

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

Renumber succeeding sections accordingly.

Page 34, line 15, strike "18" and substitute "19".

Page 34, line 21, strike "18" and substitute "19".

Page 35, after line 1 insert:

"(4) Section 18 of this act applies to retail marijuana excise taxes levied by a county, municipality, or metropolitan district on or after January 1, 2014."

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole **lost** on the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Aguilar	N	Guzman	N	Kerr	N	Scheffel	Y
Balmer	Y	Heath	N	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	N	Hodge	N	Marble	Y	Steadman	N
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	N	Jahn	N	Merrifield	N	Ulibarri	N
Donovan	N	Johnston	N	Neville T.	Y	Woods	Y
Garcia	N	Jones	N	Newell	N	President	Y
Grantham	Y	Kefalas	N	Roberts	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Grantham, the report of the Committee of the Whole was **adopted** on the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

The Committee of the Whole took the following action:

Passed on second reading: HB15-1057, HB15-1226, HB15-1273 as amended,  
HB15-1323 as amended, HB15-1281, HB15-1367 as amended, HB15-1373, HB15-1371,  
HB15-1391.  
Laid over until Thursday, May 7: HB15-1259 as amended.

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate  
having voted in the affirmative, the Special Orders -- Second Reading of Bills Calendar  
(SB15-284, SB15-273, SB15-277) of Tuesday, May 5 was laid over until Wednesday,  
May 6, retaining its place on the calendar.

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate  
having voted in the affirmative, the Consideration of Resolutions Calendar of Tuesday,  
May 5 (SJR15-028, SJR15-030, SJR15-031, SJR15-032, HJR15-1025) was laid over until  
Wednesday, May 6, retaining its place on the calendar.

CONSIDERATION OF MEMORIALS

SJM15-002 by Senator(s) Lambert, Balmer, Cadman, Lundberg; also Representative(s) Neville P.,  
Humphrey, Joshi--Memorializing the United States congress regarding the pending  
international agreement permitting the nation of Iran to continue its efforts to develop a  
nuclear weapons capability.

Amendment No. 1(L.001), by Senator Carroll.

Amend printed memorial, page 1, strike lines 1 through 8.

Strike page 2.

Page 3, strike lines 1 through 14.

Page 3, strike lines 18 through 28 and substitute "from obtaining nuclear  
weapons; and

WHEREAS, The General Assembly supports all diplomatic  
efforts to prevent Iran from acquiring those nuclear weapons; now,  
therefore,

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

That we, the members of the Colorado General Assembly, hereby  
petition and request that the nine members of the Colorado congressional  
delegation support all diplomatic efforts to prevent Iran from acquiring  
nuclear weapons.

Be It Further Resolved, That a copy of this Senate Joint Memorial  
be sent to each member of Colorado's congressional delegation."

The amendment lost on the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Aguilar	Y	Guzman	Y	Kerr	Y	Scheffel	N
Balmer	N	Heath	Y	Lambert	N	Scott	N
Baumgardner	N	Hill	N	Lundberg	N	Sonnenberg	N
Carroll	Y	Hodge	Y	Marble	N	Steadman	Y
Cooke	N	Holbert	N	Martinez Humenik	N	Todd	Y
Crowder	N	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	N	Woods	N
Garcia	Y	Jones	Y	Newell	Y	President	N
Grantham	N	Kefalas	Y	Roberts	N		

Laid over until Wednesday, May 6, retaining its place on the calendar.

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, May 5 was laid over until Wednesday, May 6, retaining its place on the calendar.

Consideration of House Amendments to Senate Bills: SB15-029, SB15-090, SB15-124, SB15-214, SB15-260.

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Wednesday, May 6, 2015.

Approved:

Bill L. Cadman  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate