

SENATE JOURNAL
Seventieth General Assembly
STATE OF COLORADO
First Regular Session

107th Legislative Day Thursday, April 23, 2015

Prayer By the chaplain, Dr. Gene Selander, Crystal Clear Ministries, Denver.

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

Pledge By Mia Schulz.

Roll Call Present--35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Donovan, reading of the Journal of Wednesday, April 22, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services After consideration on the merits, the Committee recommends that **HB15-1248** be **referred** to the Committee on Appropriations with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB15-1344** be **referred** to the Committee on Appropriations with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB15-1310** be **referred** to the Committee on Appropriations with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB15-212** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 11, strike "THAT:" and substitute "THAT IS OPERATED SOLELY FOR STORM WATER MANAGEMENT AND:".

Page 2, strike line 14.

Page 3, strike lines 1 through 7 and substitute:

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

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

EVENT; AND".

Page 3, strike lines 19 through 27.

Page 4, strike lines 1 through 14 and substitute:

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

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

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

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

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

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

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

Reletter succeeding paragraph accordingly.

Page 4 of the bill, after line 19 insert:

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

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

Judiciary

After consideration on the merits, the Committee recommends that **SB15-264** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 15, after line 16 insert:

"SECTION 26. In Colorado Revised Statutes, 12-61-111.5, **amend** (2) (a) (II) as follows:
12-61-111.5. Fee adjustments. (2) (a) (II) The costs of the HOA information and resource center, created in section 12-61-406.5, shall be paid from the HOA information and resource center cash fund created in section 12-61-406.5. The division of real estate shall estimate the direct and indirect costs of operating the HOA information and resource center and shall establish the amount of the annual registration fee to be collected under section 38-33.3-401, C.R.S. The amount of the registration fee shall be sufficient to recover such costs, subject to a maximum limit of fifty dollars and subject to adjustment to reflect the actual direct and indirect costs of operating the HOA information and resource center pursuant to the general directive to adjust fees to avoid exceeding the statutory limit on uncommitted reserves in administrative agency cash funds as set forth in section ~~24-75-401 (3)~~ 24-75-402 (3), C.R.S."

Renumber succeeding sections accordingly.

Page 21, after line 15 insert:

"SECTION 40. In Colorado Revised Statutes, 18-6.5-102, **amend** (11) (f) as follows:
18-6.5-102. Definitions. As used in this article, unless the context otherwise requires:
(11) "Person with a disability" means any person who:
(f) Is mentally impaired as the term is defined in section ~~24-34-301 (2.5) (b) (II)~~ 24-34-501 (1.3) (b) (II), C.R.S.;"

Renumber succeeding sections accordingly.

Page 31, after line 24 insert:

"SECTION 59. In Colorado Revised Statutes, 23-70-105, **amend** (1) (f) as follows:
23-70-105. General powers of the Auraria board. (1) The Auraria board is a body corporate by the name and style of the board of directors of the Auraria higher education center and, as such and by its said name, has the power to:
(f) Employ, within funds appropriated for such purpose or otherwise made available therefor, such employees as are necessary to perform the functions and carry out the duties of the Auraria board, including ~~an executive vice-president for administration who shall be the~~ A chief executive officer for operations at the Auraria campus WHO SHALL REPORT DIRECTLY TO THE AURARIA BOARD;"

Renumber succeeding sections accordingly.

Page 38, after line 15 insert:

"**SECTION 76.** In Colorado Revised Statutes, 25-17-305, **amend** (2) as follows:

25-17-305. Immunity. (2) A waste hauler, as that term is defined in section ~~30-20-1402~~ (16) 30-20-1001 (16), C.R.S., or owner or operator of a landfill or transfer station does not violate this part 3 if the hauler, owner, or operator has made a good-faith effort to comply with this part 3 by posting and maintaining, in a conspicuous location at the waste hauler's facility, transfer station, or the landfill, a sign stating that electronic devices will not be accepted at the facility, transfer station, or landfill.

SECTION 77. In Colorado Revised Statutes, **amend** 25-20.5-502 as follows:

25-20.5-502. Definitions. As used in this part 5, unless the context otherwise requires:

(1) "School-based health center" means a clinic established and operated within a public school building, including charter schools and state-sanctioned high school equivalency examination programs associated with a school district, or on public school property by the school district. School-based health centers are operated by school districts in cooperation with hospitals, public or private health care organizations, licensed medical providers, public health nurses, community health centers, and community mental health centers. The term "school-based health center" includes clinics or facilities authorized to provide clinic services pursuant to section ~~26-4-513~~ 25.5-5-301, C.R.S., or authorized to apply for and receive medical assistance payments under a contract entered into pursuant to section ~~26-4-531~~ 25.5-5-318, C.R.S..

Renumber succeeding sections accordingly.

JudiciaryAfter consideration on the merits, the Committee recommends that **SB15-268** be **referred** to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military AffairsAfter consideration on the merits, the Committee recommends that **HB15-1291** be **postponed indefinitely**.

State, Veterans, & Military AffairsAfter consideration on the merits, the Committee recommends that **HB15-1286** be **postponed indefinitely**.

State, Veterans, & Military AffairsAfter consideration on the merits, the Committee recommends that **HB15-1233** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 12 through 14 and substitute "APPOINT ONE PERSON WHO REPRESENTS A LICENSED HOSPICE".

Page 3, strike lines 21 through 23 and substitute:

"(c) THE PRESIDENT OF THE SENATE SHALL APPOINT ONE MEMBER OF AN ORGANIZATION THAT PROVIDES SERVICES,".

Page 5, strike line 9 and substitute:

"(b) THE TASK FORCE".

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB15-1033 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	1 2 3 4 5 6 7
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB15-1030 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	8 9 10 11 12 13
State, Veterans, & Military Affairs	The Committee on <u>State, Veterans, & Military Affairs</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be placed on the consent calendar and confirmed:	14 15 16 17 18
<p style="text-align: center;"><u>MEMBER OF THE COLORADO BOARD OF VETERANS AFFAIRS</u></p>		19 20 21 22
for a term expiring June 30, 2017:		23 24
Bennie Jack Rudder of Alamosa, Colorado, to serve as a veteran and as an Unaffiliated, and to fill the vacancy occasioned by the resignation of Wendy Sue Chiado, PhD, of Colorado Springs, Colorado, appointed.		25 26 27 28
Business, Labor, & Technology	The Committee on <u>Business, Labor, & Technology</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	29 30 31 32 33 34
<p style="text-align: center;"><u>MEMBER OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO</u></p>		35 36 37 38 39
for a term expiring the Monday preceding the second Tuesday in January, 2017:		40 41
Glenn Vaad of Mead, Colorado, a Republican, reappointed.		42 43 44
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB15-1157 be postponed indefinitely .	45 46 47 48 49
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB15-1298 be postponed indefinitely .	50 51 52 53 54
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that HB15-1063 be referred to the Committee on <u>Finance</u> with favorable recommendation.	55 56 57 58 59
Business, Labor, & Technology	After consideration on the merits, the Committee recommends that SB15-210 be amended as follows, and as so amended, be referred to the Committee on <u>Finance</u> with favorable recommendation.	60 61 62 63 64
Amend printed bill, page 2, after line 1 insert:		65 66
"SECTION 1. In Colorado Revised Statutes, 10-11-102, add		67

(1.3), (3.6), and (3.9) as follows:
10-11-102. Definitions. As used in this article, unless the context otherwise requires:
(1.3) "AFFILIATE" OR "SUBSIDIARY" MEANS A PERSON WHO DIRECTLY OR INDIRECTLY, THROUGH ONE OR MORE INTERMEDIARIES:
(a) CONTROLS A TITLE INSURANCE AGENT OR TITLE INSURANCE COMPANY;
(b) IS CONTROLLED BY A TITLE INSURANCE COMPANY; OR
(c) IS UNDER COMMON CONTROL WITH A TITLE INSURANCE AGENT OR TITLE INSURANCE COMPANY.
(3.6) "COMMISSION" MEANS THE TITLE INSURANCE COMMISSION ESTABLISHED IN PART 2 OF THIS ARTICLE.
(3.9) "NET ADMITTED ASSETS" MEANS THE TITLE INSURANCE COMPANY'S NET ADMITTED ASSETS AS REPORTED PURSUANT TO SECTION 10-3-208."

Renumber succeeding sections accordingly.

Page 2, strike lines 6 through 24.

Strike pages 3 through 9.

Page 10, strike lines 1 through 19 and substitute:

"10-11-201. Title insurance commission - creation - advisory body - appointment of members - meetings - repeal. (1) THERE IS HEREBY CREATED IN THE DIVISION THE TITLE INSURANCE COMMISSION. THE COMMISSION IS AN ADVISORY BODY TO THE COMMISSIONER CONCERNING MATTERS OF TITLE INSURANCE. NOTHING IN THIS SECTION DIVESTS THE COMMISSIONER OF HIS OR HER AUTHORITY TO REGULATE THE BUSINESS OF INSURANCE.
(2) (a) THE COMMISSION CONSISTS OF NINE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:
(I) THREE MEMBERS SHALL BE EMPLOYEES OF TITLE INSURANCE COMPANIES WITH THE FOLLOWING QUALIFICATIONS:
(A) EACH SHALL BE A LICENSED EMPLOYEE OF A TITLE INSURANCE COMPANY WITH NOT LESS THAN FIVE YEARS' EXPERIENCE IN TITLE INSURANCE BUSINESS;
(B) AT LEAST ONE SHALL BE A REPRESENTATIVE OF A TITLE INSURANCE COMPANY THAT HAS NET ADMITTED ASSETS OF FIVE HUNDRED MILLION DOLLARS OR MORE; AND
(C) AT LEAST ONE SHALL BE A REPRESENTATIVE OF A TITLE INSURANCE COMPANY THAT HAS NET ADMITTED ASSETS OF LESS THAN FIVE HUNDRED MILLION DOLLARS.
(II) THREE MEMBERS SHALL BE EMPLOYEES OF A TITLE INSURANCE AGENT WITH THE FOLLOWING QUALIFICATIONS:
(A) EACH SHALL BE A RESIDENT LICENSED TITLE INSURANCE AGENT WITH NOT LESS THAN FIVE YEARS' EXPERIENCE IN TITLE INSURANCE BUSINESS IN COLORADO; AND
(B) TO THE GREATEST EXTENT POSSIBLE THE COMMISSION SHALL REFLECT THE GEOGRAPHIC DIVERSITY OF THE STATE AND HAVE REPRESENTATION FROM MEMBERS WHO RESIDE OR HAVE THEIR PRINCIPAL PLACE OF BUSINESS WITHIN A STANDARD METROPOLITAN STATISTICAL AREA AND MEMBERS WHO RESIDE OR WHOSE PRINCIPAL PLACE OF BUSINESS IS OUTSIDE A STANDARD METROPOLITAN STATISTICAL AREA.
(III) THREE MEMBERS SHALL REPRESENT THE PUBLIC AT LARGE, SHALL BE RESIDENTS OF COLORADO, AND SHALL NOT BE ENGAGED IN THE BUSINESS OF TITLE INSURANCE. AT LEAST ONE OF THE THREE PUBLIC AT LARGE MEMBERS SHALL RESIDE OUTSIDE A STANDARD METROPOLITAN STATISTICAL AREA.
(b) NO MORE THAN ONE MEMBER OF THE COMMISSION MAY BE APPOINTED FROM A SINGLE COMPANY OR AN AFFILIATE OR SUBSIDIARY OF A COMPANY.
(c) (I) IN ORDER TO ENSURE STAGGERED TERMS, ONE MEMBER APPOINTED UNDER SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2), ONE MEMBER APPOINTED UNDER SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (2), AND TWO MEMBERS APPOINTED

UNDER SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE APPOINTED FOR A TERM OF TWO YEARS AND THE REMAINING APPOINTEES SHALL SERVE FOR A TERM OF FOUR YEARS. THEREAFTER, THE TERMS OF THE MEMBERS SHALL BE FOR FOUR YEARS WITH A MAXIMUM OF TWO CONSECUTIVE TERMS.

(II) IF A COMMISSION MEMBER'S EMPLOYMENT OR LICENSE STATUS CHANGES DURING THE MEMBER'S TERM SO THAT THE MEMBER IS NO LONGER QUALIFIED TO SERVE ON THE COMMISSION, OR UPON THE DEATH, RESIGNATION, REMOVAL, OR INCAPACITY OF ANY MEMBER OF THE COMMISSION, THE GOVERNOR SHALL APPOINT A MEMBER TO FILL OUT THE UNEXPIRED TERM. THE MEMBERS OF THE COMMISSION SERVE AT THE PLEASURE OF THE GOVERNOR.

(d) MEMBERS OF THE COMMISSION ARE NOT EMPLOYEES OF THE DIVISION AND SHALL NOT RECEIVE COMPENSATION FOR SERVICE ON THE COMMISSION; EXCEPT THAT A MEMBER MAY BE REIMBURSED FOR MILEAGE IN EXCESS OF FIFTY MILES FROM THEIR PRINCIPAL PLACE OF BUSINESS OR RESIDENCE TO ATTEND COMMISSION MEETINGS. PAYMENT FOR ALL TRAVEL EXPENSES SHALL BE MADE OUT OF THE GENERAL FUND.

(e) MEMBERS OF THE COMMISSION SHALL ANNUALLY SELECT ONE MEMBER TO SERVE AS CHAIR.

(f) THE CHAIR OF THE COMMISSION MAY CALL MEETINGS AS NECESSARY AND MAY CALL ADDITIONAL MEETINGS:

- (I) AT THE CHAIR'S DISCRETION;
- (II) UPON REQUEST OF THE COMMISSIONER; OR
- (III) UPON THE WRITTEN REQUEST OF THREE OR MORE MEMBERS.

(g) THE COMMISSION SHALL MEET NO LESS THAN FOUR TIMES PER YEAR AND MAY MEET NO MORE THAN EIGHT TIMES PER YEAR.

(h) SIX MEMBERS SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS. THE ACTION OF A MAJORITY OF THE MEMBERS WHEN A QUORUM IS PRESENT IS THE ACTION OF THE COMMISSION.

(i) THE DIVISION SHALL AID IN THE ADMINISTRATION OF THE COMMISSION.

(j) ALL MEETINGS OF THE COMMISSION SHALL BE OPEN TO THE PUBLIC PURSUANT TO PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S. THE RECORDS OF THE COMMISSION AND ITS MEMBERS SHALL BE SUBJECT TO THE REQUIREMENTS OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

10-11-202. Powers, duties, and functions - recommendations on rules. (1) THE COMMISSION MAY:

(a) PROPOSE, ADVISE, AND RECOMMEND RULES SUBJECT TO APPROVAL BY THE COMMISSIONER FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE BUSINESS OF TITLE INSURANCE;

(b) PROPOSE, ADVISE, AND RECOMMEND BULLETINS AND POSITION STATEMENTS RELATED TO THE BUSINESS OF TITLE INSURANCE FOR ISSUANCE UPON THE COMMISSIONER'S APPROVAL;

(c) PROPOSE, ADVISE, AND RECOMMEND THE ESTABLISHMENT OF ADDITIONAL CONSUMER PROTECTIONS IN STATUTE OR RULE RELATED TO THE MISAPPROPRIATION OF FUNDS, MISUSE OF PERSONAL INFORMATION, CLOSING AND SETTLEMENT SERVICES, OR OTHER CONCERNS;

(d) FOLLOWING ANY JUDICIAL REVIEW UNDER SECTION 24-4-106, C.R.S., OR AFTER THE EXPIRATION OF ANY PERIOD FOR REVIEW OR APPEAL OF AN ENFORCEMENT OR LICENSING ACTION TAKEN BY THE DIVISION AGAINST A TITLE INSURANCE COMPANY, TITLE INSURANCE AGENT, OR TITLE INSURANCE AGENCY, CONSULT WITH THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE REGARDING THE FINAL AGENCY ACTION TAKEN BY THE DIVISION. THE COMMISSION WILL BE PROVIDED A COPY OF THE FINAL AGENCY ACTION DOCUMENTS AT THE QUARTERLY MEETING FOLLOWING THE CONCLUSION OF THE ACTION AND ANY JUDICIAL REVIEW OR APPEAL.

(e) FOLLOWING ANY JUDICIAL REVIEW UNDER SECTION 24-4-106, C.R.S., OR AFTER THE EXPIRATION OF ANY PERIOD FOR REVIEW OR APPEAL COMMENCED AS A RESULT OF A MARKET CONDUCT ACTION TAKEN BY THE DIVISION AGAINST A TITLE INSURANCE COMPANY OR TITLE INSURANCE AGENCY, CONSULT WITH THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE REGARDING THE FINAL AGENCY ACTION TAKEN BY THE DIVISION. THE COMMISSION WILL BE PROVIDED A COPY OF THE FINAL AGENCY ORDER AND THE MARKET CONDUCT REPORT AT THE QUARTERLY MEETING FOLLOWING THE CONCLUSION OF THE ACTION AND ANY JUDICIAL

REVIEW OR APPEAL.

(2) AT EACH QUARTERLY MEETING, THE COMMISSION WILL BE PROVIDED WITH A WRITTEN SUMMARY OF THE COMPLAINTS INVESTIGATED AND CLOSED BY THE DIVISION WITHOUT ACTION. THE SUMMARY WILL INCLUDE A BRIEF DESCRIPTION OR CATEGORIZATION OF THE CONDUCT ALLEGED TO BE IN VIOLATION OF THE LAW AND WHY NO ACTION WAS TAKEN.

(3) THE COMMISSIONER SHALL RESPOND TO THE COMMISSION IF THE COMMISSIONER DETERMINES NOT TO IMPLEMENT THE PROPOSAL, ADVICE, OR RECOMMENDATION OF THE COMMISSION UNDER PARAGRAPHS (a) AND (b) OF SUBSECTION (1) OF THIS SECTION.

10-11-203. Repeal. THIS PART 2 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2025; EXCEPT THAT, PRIOR TO ITS REPEAL, THE COMMISSION SHALL BE REVIEWED PURSUANT TO SECTION 2-3-1203, C.R.S.

SECTION 3. In Colorado Revised Statutes, 2-3-1203, **add** (3) (II) as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates on which the statutory authorization for the designated advisory committees is scheduled for repeal:

(II) SEPTEMBER 1, 2025:

(I) THE TITLE INSURANCE COMMISSION, CREATED IN PART 2 OF ARTICLE 11 OF TITLE 10, C.R.S."

SENATE SERVICES REPORT

Correctly Printed: SB15-273 and 274.

Correctly Engrossed: SB15-022, 124, 196, 214 and 258.

Correctly Reengrossed: SB15-185, 213 and 265.

Correctly Revised: HB15-1225; HJR15-1022.

Correctly Rerevised: HB15-1026 and 1217.

Correctly Enrolled: SB15-004, 102, 104, 137, 183, 192 and 208.

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.

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:

SB15-258

by Senator(s) Cooke and Sonnenberg; also Representative(s) Dore--Concerning a requirement for coordinated review prior to the adoption of a state plan for the reduction of carbon dioxide emissions by Colorado electric utilities, and, in connection therewith, enacting the "Colorado Electric Consumers' Protection Act" and making an appropriation.

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	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	Y	Marble	Y	Steadman	N
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	N
Crowder	Y	Jahn	Y	Merrifield	N	Ulibarri	N
Donovan	N	Johnston	N	Neville T.	Y	Woods	Y
Garcia	Y	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, Crowder, Grantham, Hill, Holbert, Lambert, Lundberg, Marble, Neville T., Scheffel, Scott and Woods.

SB15-196 by Senator(s) Marble and Steadman, Hodge; also Representative(s) Lebsock and Saine-- Concerning measures to ensure industrial hemp remains below a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent on a dry weight basis, and, in connection therewith, making an appropriation.

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

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		

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

Co-sponsor(s) added: Aguilar, Baumgardner, Cadman, Cooke, Donovan, Grantham, Guzman, Heath, Hill, Holbert, Kefalas, Kerr, Lambert, Lundberg, Martinez Humenik, Merrifield, Neville T., Newell, Scheffel, Scott, Sonnenberg, Todd and Woods.

SB15-022 by Senator(s) Roberts; also Representative(s) Mitsch Bush and Brown--Concerning the wildfire risk reduction grant program.

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	N	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	N	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		

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

Co-sponsor(s) added: Aguilar, Cadman, Carroll, Crowder, Donovan, Guzman, Heath, Kefalas, Kerr, Lambert, Martinez Humenik, Merrifield, Newell, Todd and Ulibarri.

HB15-1225 by Representative(s) Rankin and Becker K.; also Senator(s) Roberts and Donovan-- Concerning the provision of state assistance to local governments for the purpose of improved coordination in federal land management decision-making, and, in connection therewith, making an appropriation.

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

YES	34	NO	1	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.	N	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**.

Co-sponsor(s) added: Crowder, Guzman, Heath, Hill, Johnston, Jones, Kefalas and Merrifield.

SB15-214 by Senator(s) Scheffel and Cadman; also Representative(s) Duran and Hulinghorst-- Concerning creating a legislative committee on safety in schools, and, in connection therewith, making an appropriation.

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

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		

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

Co-sponsor(s) added: Aguilar, Baumgardner, Carroll, Cooke, Crowder, Donovan, Grantham, Guzman, Heath, Hill, Hodge, Holbert, Jahn, Johnston, Jones, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Newell, Roberts, Scott, Sonnenberg, Todd, Ulibarri and Woods.

SB15-124 by Senator(s) Merrifield; also Representative(s) Lee--Concerning the use of evidence-based practices in response to technical violations of parole, and, in connection therewith, making and reducing appropriations.

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

Third Reading Amendment No. 1(L.007), by Senator Merrifield.

Amend engrossed bill, page 7, after line 11 insert:

"(a) The general fund appropriation for payments to local jails at a rate of \$53.64 per inmate per day is increased by \$798,654;"

Renumber succeeding paragraphs accordingly.

Page 7, line 14, strike "\$939,491;" and substitute "\$1,920,314;"

Page 7, line 17, strike "\$537,089;" and substitute "\$368,359;"

Page 7, line 21, strike "\$766,580" and substitute "\$780,019".

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	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		

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

Co-sponsor(s) added: Cadman, Grantham, Guzman, Heath, Hill, Jahn, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Neville T., Newell, Scheffel, Steadman, Todd and Ulibarri.

On motion of Majority Leader Scheffel, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB15-1019, SB15-261, HB15-1308, HB15-1299, HB15-1262, and HB15-1304 were made Special Orders -- Consent Calendar at 9:40 a.m.

Senate in recess. Senate reconvened.

Committee of the Whole The hour of 9:40 a.m. having arrived, Senator Roberts moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders -- Second Reading of Bills -- Consent Calendar, and Senator Roberts was called to the chair to act as Chairman.

SPECIAL ORDERS -- SECOND READING OF BILLS -- CONSENT CALENDAR

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:

HB15-1019 by Representative(s) Lundeen; also Senator(s) Woods--Concerning prostitution by a minor, and, in connection therewith, minors who are victims of human trafficking. Ordered revised and placed on the calendar for third reading and final passage.

SB15-261 by Senator(s) Sonnenberg, Baumgardner, Hodge, Scott; also Representative(s) Young--Concerning a modification to the statute that specifies the forms of public notice that a public utility may provide regarding a change in the public utility's schedule of charges to allow a request for an alternative form of notice within the same formal application that the public utility files with the public utilities commission when applying for a change in the public utility's schedule of charges. Ordered engrossed and placed on the calendar for third reading and final passage.

HB15-1308 by Representative(s) Moreno and Lawrence, DelGrosso, Duran, Hullinghorst; also Senator(s) Lundberg and Heath, Cadman, Scheffel--Concerning certain responsibilities of the legislative branch with respect to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act". Ordered revised and placed on the calendar for third reading and final passage.

HB15-1299 by Representative(s) Hamner and Nordberg; also Senator(s) Scott--Concerning use of the petroleum storage tank fund for incentives for significant operational compliance with regard to petroleum storage tanks. Ordered revised and placed on the calendar for third reading and final passage.

HB15-1262 by Representative(s) Rosenthal; also Senator(s) Balmer--Concerning separate legal entities established by a contract between two or more political subdivisions of the state, and, in connection therewith, clarifying the legal status and scope of powers of such an entity. Ordered revised and placed on the calendar for third reading and final passage.

HB15-1304 by Representative(s) Willett and Lebsock; also Senator(s) Balmer and Scott--Concerning a plan to study the available bear management tools year round to address bear-human conflicts.

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE --
CONSENT CALENDAR**

On motion of Senator Roberts, 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: SB15-261, HB15-1019, HB15-1308, HB15-1299, HB15-1262, HB15-1304.

MESSAGE FROM THE HOUSE

April 23, 2015

Mr. President:

The House has adopted and transmits herewith HJR15-1024, amended as printed in House Journal, April 23, 2015.

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 Consideration of Resolutions.

Senate in recess. Senate reconvened.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR15-1024 by Representative(s) Wilson; also Senator(s) Crowder--Concerning the designation of a portion of Highway 96 as the "U.S. Army Ranger Christopher A. Horns Memorial Highway KIA 10-22-11".

On motion of Senator Crowder, the resolution was read at length.

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

Amend reengrossed resolution, page 4, strike line 28 and substitute "Highway";".

Page 4, strike line 33 and substitute "Highway"; and".

Page 5, line 4, strike "Highway KIA 10-22-11"." and substitute "Highway".".

Page 1, strike line 103 and substitute "**HIGHWAY**".".

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		

On motion of Senator Crowder, the resolution, as amended, was **adopted** by 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		

Co-sponsor(s) added: Aguilar, Balmer, Baumgardner, Cadman, Carroll, Cooke, Donovan, Garcia, Grantham, Guzman, Heath, Hill, Hodge, Holbert, Jahn, Johnston, Jones, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Roberts, Scheffel, Scott, Sonnenberg, Steadman, Todd, Ulibarri and Woods.

Senate in recess. Senate reconvened.

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.

Committee of the Whole On motion of Senator Roberts, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills, and Senator Roberts 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:

SB15-222 by Senator(s) Scheffel, Crowder, Hodge, Holbert; also Representative(s) Williams, Lawrence, Mitsch Bush--Concerning an increase in the annual limit on the total state sales and use tax refunds for tangible personal property used in rural broadband service.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, April 8, page(s) 681 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Scheffel.

Strike the Finance Committee Report, dated April 7, 2015.

Amend printed bill, page 2, line 5, after "(5)" insert "(a)".

Page 2, lines 6 and 7, strike "TEN million dollars" and substitute "~~million dollars~~ THE AMOUNT SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (5)".

Page 2, line 10, strike "TEN million dollars," and substitute "~~million dollars~~ THE MAXIMUM ALLOWABLE AMOUNT FOR THE CALENDAR YEAR,".

Page 2, after line 11 insert:

"(b) THE TOTAL AMOUNT OF THE REFUNDS PERMITTED UNDER THIS SECTION MAY NOT EXCEED:
(I) ONE MILLION DOLLARS FOR THE CALENDAR YEAR COMMENCING JANUARY 1, 2014;
(II) TWO MILLION FIVE HUNDRED THOUSAND DOLLARS FOR THE CALENDAR YEAR COMMENCING JANUARY 1, 2015;
(III) FOUR MILLION DOLLARS FOR THE CALENDAR YEAR COMMENCING JANUARY 1, 2016; AND
(IV) FIVE MILLION DOLLARS FOR THE CALENDAR YEAR COMMENCING JANUARY 1, 2017, AND EACH CALENDAR YEAR THEREAFTER."

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

SB15-233 by Senator(s) Marble and Woods, Holbert, Neville T.; also Representative(s) Everett and Saine--Concerning revising accountability measures in public education.

A majority of all members elected to the Senate having voted in the affirmative, the bill was referred to the Committee on Legislative Council.

SB15-141	by Senator(s) Scheffel; also Representative(s) Thurlow--Concerning the expansion of eligibility for the state income tax credit to reimburse personal property taxes paid in the state.	1
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	Laid over until Friday, April 24, retaining its place on the calendar.	4
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HB15-1186	by Representative(s) Young, Hamner, Rankin; also Senator(s) Steadman, Grantham, Lambert--Concerning home- and community-based services for children with autism, and, in connection therewith, making an appropriation.	8
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	Ordered revised and placed on the calendar for third reading and final passage.	11
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HB15-1134	by Representative(s) Coram; also Senator(s) Cooke--Concerning the new vehicle exemption for emissions testing of heavier diesel vehicles with a model year that is no older than 2014, and, in connection therewith, making an appropriation.	15
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	<u>Amendment No. 1, Appropriations Committee Amendment.</u>	18
	(Printed in Senate Journal, April 17, page(s) 810 and placed in members' bill files.)	19
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	As amended, ordered revised and placed on the calendar for third reading and final passage.	21
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	Majority Leader Scheffel moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 3:00 p.m. or upon the adjournment of the committees scheduled meeting in the afternoon of Thursday, April 23, whichever occurred later. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.	28
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	Committee of the Whole in recess.	37
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	DELIVERY TO THE GOVERNOR	42
		43
	To the Governor for signature on April 23, 2015, at 8:50 a.m.:	44
	SB15-008, 046, 060, 065, 085, 106, 122, 178, 182, 193, 194, 198, 235, 236, 237, 238, 240, 241, 242, 243, 244, 245, 246, 248, 249, 251 and 255.	45
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	MESSAGE FROM THE HOUSE	51
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	April 23, 2015	53
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	Mr. President:	55
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	The House has passed on Third Reading and transmitted to the Revisor of Statutes HB15-1235, amended as printed in House Journal, April 22, 2015.	57
	HB15-1325, amended as printed in House Journal, April 22, 2015.	58
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	The House has postponed indefinitely SB15-091. The bill is returned herewith.	61
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MESSAGE FROM THE REVISOR OF STATUTES

April 23, 2015

We herewith transmit:

Without comment, as amended, HB15-1235 and 1325.

Senate in recess. Senate reconvened.

Call of the Senate. Call raised.

COMMITTEE OF REFERENCE REPORTS

- Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB15-1129** be **referred** to the Committee on Appropriations with favorable recommendation.
- Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB15-1132** be **referred** to the Committee on Finance with favorable recommendation.
- Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB15-1013** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 22 and 23 and substitute "PROVIDING NOTICE PURSUANT TO THE PROCESS SET FORTH IN PARAGRAPH (d) OF THIS SUBSECTION (10). THE COMMENTS MAY INCLUDE:".

Page 6, line 9, strike "INJURY;" and substitute "DAMAGE TO PROPERTY;".
- Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **SB15-232** be **referred** to the Committee of the Whole with favorable recommendation.
- Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB15-1267** be **referred** to the Committee of the Whole with favorable recommendation.
- Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB15-1283** be **referred** to the Committee on Appropriations with favorable recommendation.

Health &
Human
Services

After consideration on the merits, the Committee recommends that **HB15-1337** be referred to the Committee of the Whole with favorable recommendation.

Committee of the Whole reconvened.

GENERAL ORDERS -- SECOND READING OF BILLS (cont'd)

SB15-257by Senator(s) Hill and Merrifield, Holbert, Marble, Neville T., Todd, Woods; also Representative(s) Becker J. and Singer, Lebsock--Concerning accountability in public schools.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 13, page(s) 722-724 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, page(s) 810 and placed in members' bill files.)

Amendment No. 3(L.025), by Senator Hill.

Amend the Appropriations Committee Report, dated April 17, 2015, page 1, line 16, strike "\$5,574,818." and substitute "\$2,287,270."

Amendment No. 4(L.028), by Senator Holbert.

Amend printed bill, page 18, line strike lines 17 and 18 and substitute "including student academic growth; except that, for the 2014-15 AND 2015-16 academic year YEARS only,".

Page 18, line 19, strike "ACADEMIC YEAR,".

Page 18, line 23, after the period add "FOR THE 2014-15 AND 2015-16 ACADEMIC YEARS, A LOCAL BOARD SHALL NOT USE THE RESULTS OF THE STATE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 IN MEASURING STUDENT ACADEMIC GROWTH FOR PURPOSES OF DETERMINING A PERSON'S LEVEL OF EFFECTIVENESS.".

Page 18, strike line 25 and substitute "2016.

SECTION 7. In Colorado Revised Statutes, 22-9-106, **amend** (1) (e) (II) and (7) (a) as follows:

22-9-106. Local boards of education - duties - performance evaluation system - compliance - rules - repeal. (1) All school districts and boards of cooperative services that employ licensed personnel, as defined in section 22-9-103 (1.5), shall adopt a written system to evaluate the employment performance of school district and board of cooperative services licensed personnel, including all teachers, principals, and administrators, with the exception of licensed personnel employed by a board of cooperative services for a period of six weeks or less. In developing the licensed personnel performance evaluation system and any amendments thereto, the local board and board of cooperative services shall comply with the provisions of subsection (1.5) of this section and shall consult with administrators, principals, and teachers employed within the district or participating districts in a board of cooperative services, parents, and the school district licensed personnel performance evaluation council or the board of cooperative services personnel performance evaluation council created pursuant to section 22-9-107. The performance evaluation system shall address all of the performance standards established by rule of the state board and adopted by the general assembly pursuant to section 22-9-105.5, and shall contain, but need not be limited to, the following information:

(e) (II) The standards set by the local board for effective performance for licensed personnel and the criteria to be used to determine whether the performance of each licensed person meets such standards and other criteria for evaluation for each licensed personnel position evaluated. One of the standards for measuring teacher effectiveness shall be directly related to classroom instruction and shall require that at least fifty percent of the evaluation is determined by the academic growth of the teacher's students. The district accountability committee shall provide input and recommendations concerning the assessment tools used to measure student academic growth as it relates to teacher evaluations. The standards shall include multiple measures of student performance in conjunction with student growth expectations. THE LOCAL BOARD MAY USE THE RESULTS OF STATE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 AS A MEASURE OF STUDENT PERFORMANCE ONLY IF THE LOCAL BOARD RECEIVES THE RESULTS WITH SUFFICIENT TIME TO PROCESS THEM FOR USE IN EVALUATING LICENSED PERSONS. For the purposes of measuring effectiveness, expectations of student academic growth shall take into consideration diverse factors, including but not limited to special education, student mobility, and classrooms with a student population in which ninety-five percent meet the definition of high-risk student as defined in section 22-7-604.5 (1.5). The performance evaluation system shall also ensure that the standards and criteria are available in writing to all licensed personnel and are communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation. This subparagraph (II) shall take effect at such time as the performance evaluation system based on quality standards established pursuant to this section and the rules promulgated by the state board pursuant to section 22-9-105.5 has completed the initial phase of implementation and has been implemented statewide. The commissioner shall provide notice of such implementation to the revisor of statutes on or before July 1, 2014, and each July 1 thereafter until statewide implementation occurs.

(7) Every principal shall be evaluated using multiple fair, transparent, timely, rigorous, and valid methods. The recommendations developed pursuant to this subsection (7) shall require that at least fifty percent of the evaluation is determined by the academic growth of the students enrolled in the principal's school. For principals, the quality standards shall include, but need not be limited to:

(a) Achievement and academic growth for those students enrolled in the principal's school, as measured by the Colorado growth model set forth in section 22-11-202; EXCEPT THAT THE QUALITY STANDARDS MAY REQUIRE USE OF THE RESULTS OF STATE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 ONLY IF THE LOCAL BOARD RECEIVES THE RESULTS WITH SUFFICIENT TIME TO PROCESS THEM FOR USE IN EVALUATING PRINCIPALS;

SECTION 8. In Colorado Revised Statutes, 22-11-207, **amend** (4) as follows:

22-11-207. Accreditation categories - criteria - rules.

(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.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4), FOR PURPOSES OF CALCULATING WHETHER A SCHOOL DISTRICT OR THE INSTITUTE IS ACCREDITED WITH PRIORITY IMPROVEMENT PLAN OR BELOW FOR LONGER THAN A TOTAL OF FIVE CONSECUTIVE SCHOOL YEARS, THE DEPARTMENT SHALL EXCLUDE THE 2015-16 SCHOOL YEAR, DURING WHICH THE DEPARTMENT DOES NOT ASSIGN ACCREDITATION RATINGS AS PROVIDED IN SECTION 22-11-208 (1.5), FROM THE CALCULATION AND SHALL COUNT THE 2016-17 SCHOOL YEAR AS IF IT WERE CONSECUTIVE TO THE 2014-15 SCHOOL YEAR.

SECTION 9. In Colorado Revised Statutes, 22-11-208, **amend** (1.5); and **add** (1.7) as follows:

22-11-208. Accreditation - annual review - supports and interventions - rules. (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. ~~based on:~~ 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 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.~~

(1.7) AS PART OF THE PRESENTATION TO THE JOINT EDUCATION COMMITTEE REQUIRED BY SECTION 2-7-203, C.R.S., IN 2015, THE DEPARTMENT SHALL REPORT PROGRESS IN USING THE ASSESSMENT RESULTS RECEIVED PURSUANT TO SECTION 22-7-1006.3 TO CALCULATE FAIRLY AND IN A TIMELY MANNER EACH SCHOOL DISTRICT'S AND THE INSTITUTE'S ACHIEVEMENT OF THE PERFORMANCE INDICATORS. THE DEPARTMENT SHALL RECOMMEND TO THE JOINT EDUCATION COMMITTEE WHETHER THE PROVISIONS OF SUBSECTION (1.5) OF THIS SECTION SHOULD BE EXTENDED TO APPLY IN SUBSEQUENT SCHOOL YEARS.

SECTION 10. In Colorado Revised Statutes, 22-11-210, **amend** (1) (d) and (2.5); and **add** (2.7) 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), FOR PURPOSES OF CALCULATING WHETHER A PUBLIC SCHOOL IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT OR TURNAROUND PLAN FOR LONGER THAN A COMBINED TOTAL OF FIVE CONSECUTIVE SCHOOL YEARS, THE DEPARTMENT SHALL EXCLUDE THE 2015-16 SCHOOL YEAR, DURING WHICH THE DEPARTMENT DOES NOT RECOMMEND SCHOOL PLANS AS PROVIDED IN SUBSECTION (2.5) OF THIS SECTION, FROM THE CALCULATION AND SHALL COUNT THE 2016-17 SCHOOL YEAR AS IF IT WERE CONSECUTIVE TO THE 2014-15 SCHOOL YEAR.

(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.~~

(2.7) AS PART OF THE PRESENTATION TO THE JOINT EDUCATION COMMITTEE REQUIRED BY SECTION 2-7-203, C.R.S., IN 2015, THE DEPARTMENT SHALL REPORT PROGRESS IN USING THE ASSESSMENT RESULTS RECEIVED PURSUANT TO SECTION 22-7-1006.3 TO CALCULATE FAIRLY AND IN A TIMELY MANNER EACH PUBLIC SCHOOL'S ACHIEVEMENT OF THE PERFORMANCE INDICATORS. THE DEPARTMENT SHALL RECOMMEND TO THE JOINT EDUCATION COMMITTEE WHETHER THE PROVISIONS OF SUBSECTION (2.5) OF THIS SECTION SHOULD BE EXTENDED TO APPLY IN SUBSEQUENT SCHOOL YEARS."

Renumber succeeding sections accordingly.

Amendment No. 5(L.033), by Senator Hill.

Amend the Holbert floor amendment (SB257_L.028), page 1, strike lines 5 through 9.

Page 2, line 10, after "MAY" insert "BUT IS NOT REQUIRED TO".

Page 2, strike lines 12 through 14 and substitute "STUDENT PERFORMANCE. For the purposes of measuring".

As amended, ordered engrossed 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.)

SB15-267 by Senator(s) Hill, Holbert, Marble, Neville T., Woods; also Representative(s) Hamner--
Concerning the financing of public schools.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 17, page(s) 811 and placed in members' bill files.)

Amendment No. 2(L.008), by Senators Steadman, Grantham, and Lambert.

Amend the Appropriations Committee Report, dated April 17, 2015, page 1, line 3, strike "\$25,607,866" and substitute "\$25,000,000".

Amend printed bill, page 3, after line 13 insert:

"SECTION 2. In Colorado Revised Statutes, 22-54-106, **amend** (1) (b) (I), (2) (a) (II) (A), and (4) (c); and **repeal** (1) (b) (II) as follows:

22-54-106. Local and state shares of district total program.

(1) (b) (I) Except as provided in subsections (11) and (12) of this section, the state's share of a district's total program is the difference between the district's total program and the district's share of its total program. ~~except that, unless otherwise provided by subparagraph (II) of this paragraph (b), no district shall receive less in state aid than an amount established by the general assembly in the annual general appropriation act based upon the amount of school lands and mineral lease moneys received pursuant to article 41 of this title and section 34-63-102, C.R.S., multiplied by the district's funded pupil count.~~

(II) (A) ~~For the 2010-11 budget year through the 2014-15 budget year, the requirement that no district shall receive less in state aid than an amount established by the general assembly in the annual general appropriation act as specified in subparagraph (I) of this paragraph (b)~~

shall not apply to any district.

~~(B) On or before January 15, 2015, the department of education shall submit a report to the joint budget committee of the general assembly and to the education committees of the senate and the house of representatives, or any successor committees, regarding the estimated fiscal impact of and the potential number of districts that will be impacted by restoring the requirement, in the 2015-16 budget year, that no district shall receive less in state aid than an amount established by the general assembly in the annual general appropriation act as specified in subparagraph (f) of this paragraph (b).~~

(2) (a) Except as provided in paragraph (c) of this subsection (2), for reorganized districts, for the 2007 property tax year and property tax years thereafter, each district shall levy the lesser of:

(II) (A) Subject to the provisions of sub-subparagraph (B) of this subparagraph (II), the number of mills that will generate property tax revenue in an amount equal to the district's total program for the applicable budget year ~~minus the district's minimum state aid, if applicable for that budget year, and~~ minus the amount of specific ownership tax revenue paid to the district.

(4) (c) If a supplemental appropriation is not made by the general assembly to fully fund the state's share of the total program of all districts including funding for institute charter schools or a supplemental appropriation is made to reduce the state's share of the total program of all districts including funding for institute charter schools, the state aid of each district and the funding for each institute charter school shall be reduced in accordance with the provisions of this paragraph (c). The total program of each district that receives state aid shall be reduced by a percentage determined by dividing the deficit in the appropriation or the reduction in the appropriation, whichever is applicable, by the total program of all districts that receive state aid. The state aid of each district shall be reduced by the amount of the reduction in the district's total program or the amount of state aid, whichever is less. ~~even if, for the 2009-10 budget year or any budget year thereafter, the reduction would result in a district receiving less state aid than the amount of minimum state aid for each district as determined by the general assembly for the applicable budget year.~~ The funding for each institute charter school shall be reduced in proportion to the reduction in the total program of the district from which the institute charter school's funding is withheld. The department of education shall see that the reduction in state aid required by this paragraph (c) is accomplished prior to the end of the budget year.

SECTION 3. In Colorado Revised Statutes, 22-54-114, **amend** (2.3) as follows:

22-54-114. State public school fund. (2.3) Notwithstanding any provision of this article to the contrary, of the total amount appropriated by the general assembly in the annual appropriation bill for each budget year to meet the state's share of the total program of all districts and the total funding for all institute charter schools, the department of education may transfer an amount specified by the general assembly in the annual general appropriation bill for that budget year to offset the direct and indirect administrative costs incurred by the department in implementing the provisions of this article. The total program of each district that receives state aid and the total funding for each institute charter school shall be reduced by a percentage determined by dividing the amount of the transfer by the total program of all districts that receive state aid plus the total funding for all institute charter schools. The state aid of each district shall be reduced by the amount of the reduction in the district's total program or the amount of state aid, whichever is less. ~~even if, for the 2009-10 budget year or any budget year thereafter, the reduction would result in a district receiving less state aid than the amount of minimum state aid for each district as determined by the general assembly for the applicable budget year.~~ The department of education shall ensure that the reduction in state aid and institute charter school funding required by this subsection (2.3) is accomplished prior to the end of the budget year. The reductions described in this subsection (2.3) shall be in addition to any reduction that may be required pursuant to section 22-54-106 (4) (c).".

Renumber succeeding section accordingly.

As amended, ordered engrossed 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.)

HB15-1045 by Representative(s) Ryden, Duran, Mitsch Bush, Hamner; also Senator(s) Crowder-- Concerning the amount a veteran must pay to enter state parks.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 26, page(s) 344 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 17, page(s) 811 and placed in members' bill files.)

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

HB15-1284 by Representative(s) Winter and Roupe, Garnett; also Senator(s) Grantham and Hodge-- Concerning measures to enhance program efficiency for shared photovoltaic energy generation facilities.

Laid over until Friday, April 24, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB15-257 by Senator(s) Hill and Merrifield, Holbert, Marble, Neville T., Todd, Woods; also Representative(s) Becker J. and Singer, Lebsock--Concerning accountability in public schools.

Senators Holbert, Neville T., Marble, Merrifield, Woods, and Todd moved to amend the Report of the Committee of the Whole to show that the following Hill floor amendment, (L.033) to SB15-257, did not pass, and that SB15-257, as amended, did pass.

Amend the Holbert floor amendment (SB257_L.028), page 1, strike lines 5 through 9.

Page 2, line 10, after "MAY" insert "BUT IS NOT REQUIRED TO".

Page 2, strike lines 12 through 14 and substitute "STUDENT PERFORMANCE. For the purposes of measuring".

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

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

Senator Merrifield moved to amend the Report of the Committee of the Whole to show that the following Merrifield floor amendment, (L.016) to SB15-267, did pass, and that SB15-267, as amended, did pass.

Amend the Appropriations Committee Report, dated April 17, 2015, page 1, strike lines 2 through 6 and substitute:

""**SECTION 2. Appropriation.** For the 2015-16 state fiscal year, \$75,607,866 is appropriated to the department of education. This appropriation consists of \$25,607,866 from the general fund and \$50,000,000 from the state education fund created in section 17 (4) (a) of article IX of the state constitution. To implement this act, the department may use this appropriation for the state share of districts' total program funding."

Page 1 of the committee report, line 18, strike "\$3,666,850" and substitute "\$3,696,550".

Page 1 of the committee report, line 21, strike "\$6,667" and substitute "\$6,721".

Page 2 of the committee report, after line 1 insert:

"SECTION 4. Appropriation. For the 2015-16 state fiscal year, \$25,000,000 is appropriated to the department of education. This appropriation is from the state education fund created in section 17 (4) (a) of article IX of the state constitution. To implement this act, the department may use this appropriation for at-risk per pupil additional funding pursuant to section 22-54-136, C.R.S."

Amend printed bill, page 2, strike lines 22 through 24 and substitute "FACTOR, IS NOT LESS THAN SIX BILLION TWO HUNDRED EIGHTY-FOUR MILLION TWO HUNDRED NINETY-FIVE THOUSAND FOUR HUNDRED FIFTY-SIX DOLLARS (\$6,284,295,456); EXCEPT THAT THE".

Page 3, after line 13 insert:

"SECTION 2. In Colorado Revised Statutes, **add** 22-54-136 as follows:

22-54-136. At-risk per pupil additional funding - 2015-16 budget year - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "AT-RISK PER PUPIL ADDITIONAL FUNDING" MEANS AN AMOUNT EQUAL TO TWENTY-FIVE MILLION DOLLARS DIVIDED BY THE TOTAL NUMBER OF AT-RISK PUPILS ENROLLED IN THE PUBLIC SCHOOLS THROUGHOUT THE STATE FOR THE 2015-16 BUDGET YEAR.

(2) FOR THE 2015-16 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWENTY-FIVE MILLION DOLLARS TO THE DEPARTMENT OF EDUCATION FOR DISTRIBUTION AS AT-RISK PER PUPIL ADDITIONAL FUNDING TO DISTRICTS AND INSTITUTE CHARTER SCHOOLS AS PROVIDED IN THIS SECTION.

(3) (a) (I) FOR THE 2015-16 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO EACH DISTRICT AN AMOUNT EQUAL TO THE AT-RISK PER PUPIL ADDITIONAL FUNDING MULTIPLIED BY THE

NUMBER OF AT-RISK PUPILS ENROLLED IN THE DISTRICT FOR THE 2015-16 BUDGET YEAR.

(II) EACH DISTRICT THAT IS AN AUTHORIZER FOR A CHARTER SCHOOL SHALL DISTRIBUTE TO THE DISTRICT CHARTER SCHOOL AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE AT-RISK PER PUPIL ADDITIONAL FUNDING MULTIPLIED BY THE NUMBER OF AT-RISK PUPILS ENROLLED IN THE DISTRICT CHARTER SCHOOL FOR THE 2015-16 BUDGET YEAR.

(b) (I) FOR THE 2015-16 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO THE STATE CHARTER SCHOOL INSTITUTE FOR DISTRIBUTION TO THE INSTITUTE CHARTER SCHOOLS AN AMOUNT EQUAL TO THE AT-RISK PER PUPIL ADDITIONAL FUNDING MULTIPLIED BY THE TOTAL NUMBER OF AT-RISK PUPILS ENROLLED IN THE INSTITUTE CHARTER SCHOOLS FOR THE 2015-16 BUDGET YEAR.

(II) THE STATE CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE TO EACH INSTITUTE CHARTER SCHOOL AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE AT-RISK PER PUPIL ADDITIONAL FUNDING MULTIPLIED BY THE NUMBER OF AT-RISK PUPILS ENROLLED IN THE INSTITUTE CHARTER SCHOOL FOR THE 2015-16 BUDGET YEAR.

(4) THE AMOUNTS DISTRIBUTED PURSUANT TO THIS SECTION ARE IN ADDITION TO ANY AMOUNTS A DISTRICT, A DISTRICT CHARTER SCHOOL, OR AN INSTITUTE CHARTER SCHOOL MAY OTHERWISE RECEIVE FOR THE 2015-16 BUDGET YEAR.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016."

Renumber succeeding section 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	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		

Senators Merrifield and Johnston moved to amend the Report of the Committee of the Whole to show that the following Johnston floor amendment, (L.014) to SB15-267, did pass, and that SB15-267, as amended, did pass.

Amend Appropriations Committee Report, dated April 17, 2015, page 1, strike lines 2 through 6 and substitute:

"SECTION 2. Appropriation. For the 2015-16 state fiscal year, \$135,607,866 is appropriated to the department of education. This appropriation consists of \$5,607,866 from the general fund and \$130,000,000 from the state education fund created in section 17 (4) (a) of article IX of the state constitution. To implement this act, the department may use this appropriation for the state share of districts' total program funding.

SECTION 3. Appropriation. For the 2015-16 state fiscal year, \$20,000,000 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for per pupil additional funding for rural schools pursuant to section 22-54-136, C.R.S.

SECTION 4. Appropriation. For the 2015-16 state fiscal year, \$45,000,000 is appropriated to the department of education. This

appropriation is from the state education fund created in section 17 (4) (a) of article IX of the state constitution. To implement this act, the department may use this appropriation for at-risk per pupil additional funding pursuant to section 22-54-136, C.R.S."

Renumber succeeding section accordingly.

Page 1 of the committee report, line 18, strike "\$3,666,850" and substitute "\$3,732,300".

Page 1 of the committee report, line 21, strike "\$6,667" and substitute "\$6,786".

Amend printed bill, page 2, strike lines 22 through 24 and substitute "FACTOR IS NOT LESS THAN SIX BILLION THREE HUNDRED FORTY-FOUR MILLION SEVEN HUNDRED AND THREE THOUSAND ONE HUNDRED NINETEEN DOLLARS (\$6,344,703,119); EXCEPT THAT THE".

Page 3, after line 13 insert:

"SECTION 2. In Colorado Revised Statutes, add 22-54-136 as follows:

22-54-136. Additional funding - rural districts - at-risk pupils - definitions - repeal. (1) (a) AS USED IN THIS SUBSECTION (1), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "PER PUPIL ADDITIONAL FUNDING" MEANS AN AMOUNT EQUAL TO TWENTY MILLION DOLLARS DIVIDED BY THE TOTAL PUPIL ENROLLMENT OF ALL RURAL DISTRICTS FOR THE 2015-16 BUDGET YEAR.

(II) "RURAL DISTRICT" MEANS A DISTRICT IN COLORADO THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT ENROLLS FEWER THAN ONE THOUSAND STUDENTS.

(b) FOR THE 2015-16 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWENTY MILLION DOLLARS TO THE DEPARTMENT OF EDUCATION FOR DISTRIBUTION TO RURAL DISTRICTS AS PROVIDED IN THIS SUBSECTION (1).

(c) FOR THE 2015-16 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO EACH RURAL DISTRICT AN AMOUNT EQUAL TO THE PER PUPIL ADDITIONAL FUNDING MULTIPLIED BY THE RURAL DISTRICT'S FUNDED PUPIL COUNT FOR THE 2015-16 BUDGET YEAR.

(2) (a) (I) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT OTHERWISE REQUIRES, "AT-RISK PER PUPIL ADDITIONAL FUNDING" MEANS AN AMOUNT EQUAL TO FORTY-FIVE MILLION DOLLARS DIVIDED BY THE TOTAL NUMBER OF AT-RISK PUPILS ENROLLED IN THE PUBLIC SCHOOLS THROUGHOUT THE STATE FOR THE 2015-16 BUDGET YEAR.

(II) FOR THE 2015-16 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE FORTY-FIVE MILLION DOLLARS TO THE DEPARTMENT OF EDUCATION FOR DISTRIBUTION AS AT-RISK PER PUPIL ADDITIONAL FUNDING TO DISTRICTS AND INSTITUTE CHARTER SCHOOLS AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2).

(b) (I) (A) FOR THE 2015-16 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO EACH DISTRICT AN AMOUNT EQUAL TO THE AT-RISK PER PUPIL ADDITIONAL FUNDING MULTIPLIED BY THE NUMBER OF AT-RISK PUPILS ENROLLED IN THE DISTRICT FOR THE 2015-16 BUDGET YEAR.

(B) EACH DISTRICT THAT IS AN AUTHORIZER FOR A CHARTER SCHOOL SHALL DISTRIBUTE TO THE DISTRICT CHARTER SCHOOL AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE AT-RISK PER PUPIL ADDITIONAL FUNDING MULTIPLIED BY THE NUMBER OF AT-RISK PUPILS ENROLLED IN THE DISTRICT CHARTER SCHOOL FOR THE 2015-16 BUDGET YEAR.

(II) (A) FOR THE 2015-16 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO THE STATE CHARTER SCHOOL INSTITUTE FOR DISTRIBUTION TO THE INSTITUTE CHARTER SCHOOLS AN AMOUNT EQUAL TO THE AT-RISK PER PUPIL ADDITIONAL FUNDING MULTIPLIED BY THE TOTAL NUMBER OF AT-RISK PUPILS ENROLLED IN THE

INSTITUTE CHARTER SCHOOLS FOR THE 2015-16 BUDGET YEAR.

(B) THE STATE CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE TO EACH INSTITUTE CHARTER SCHOOL AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE AT-RISK PER PUPIL ADDITIONAL FUNDING MULTIPLIED BY THE NUMBER OF AT-RISK PUPILS ENROLLED IN THE INSTITUTE CHARTER SCHOOL FOR THE 2015-16 BUDGET YEAR.

(c) THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, PROVIDING AT-RISK PER PUPIL ADDITIONAL FUNDING FOR AT-RISK PUPILS ENROLLED IN PUBLIC SCHOOLS THROUGHOUT THE STATE IS AN IMPORTANT ELEMENT IN IMPLEMENTING ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(3) THE AMOUNTS DISTRIBUTED PURSUANT TO THIS SECTION ARE IN ADDITION TO ANY AMOUNTS A DISTRICT, A DISTRICT CHARTER SCHOOL, OR AN INSTITUTE CHARTER SCHOOL MAY OTHERWISE RECEIVE FOR THE 2015-16 BUDGET YEAR.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016."

Renumber succeeding section 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	16	NO	19	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	N
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		

Senators Merrifield and Johnston moved to amend the Report of the Committee of the Whole to show that the following Johnston floor amendment, (L.015) to SB15-267, did pass, and that SB15-267, as amended, did pass.

Amend Appropriations Committee Report, dated April 17, 2015, page 1, line 3, strike "\$25,607,866" and substitute "\$19,357,866".

Page 1 of the committee report, line 18, strike "\$3,666,850" and substitute "\$3,663,550".

Page 1 of the committee report, line 21, strike "\$6,667" and substitute "\$6,661".

Page 2 of the committee report, after line 1 insert:

"SECTION 4. Appropriation. For the 2015-16 state fiscal year, \$6,250,000 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for at-risk per pupil additional funding pursuant to section 22-54-136, C.R.S."

Amend printed bill, page 2, strike lines 22 through 24 and substitute "FACTOR, IS NOT LESS THAN SIX BILLION TWO HUNDRED TWENTY-SEVEN MILLION SIX HUNDRED THIRTY-THREE THOUSAND TWO HUNDRED SEVENTY-ONE DOLLARS (\$6,227,633,271); EXCEPT THAT THE".

Page 3, after line 13 insert:

"SECTION 2. In Colorado Revised Statutes, add 22-54-136 as follows:

22-54-136. At-risk per pupil additional funding - 2015-16 budget year - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "AT-RISK PER PUPIL ADDITIONAL FUNDING" MEANS AN AMOUNT EQUAL TO SIX MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS DIVIDED BY THE TOTAL NUMBER OF AT-RISK PUPILS ENROLLED IN THE PUBLIC SCHOOLS THROUGHOUT THE STATE FOR THE 2015-16 BUDGET YEAR.

(2) FOR THE 2015-16 BUDGET YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE SIX MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS TO THE DEPARTMENT OF EDUCATION FOR DISTRIBUTION AS AT-RISK PER PUPIL ADDITIONAL FUNDING TO DISTRICTS AND INSTITUTE CHARTER SCHOOLS AS PROVIDED IN THIS SECTION.

(3) (a) (I) FOR THE 2015-16 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO EACH DISTRICT AN AMOUNT EQUAL TO THE AT-RISK PER PUPIL ADDITIONAL FUNDING MULTIPLIED BY THE NUMBER OF AT-RISK PUPILS ENROLLED IN THE DISTRICT FOR THE 2015-16 BUDGET YEAR.

(II) EACH DISTRICT THAT IS AN AUTHORIZER FOR A CHARTER SCHOOL SHALL DISTRIBUTE TO THE DISTRICT CHARTER SCHOOL AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE AT-RISK PER PUPIL ADDITIONAL FUNDING MULTIPLIED BY THE NUMBER OF AT-RISK PUPILS ENROLLED IN THE DISTRICT CHARTER SCHOOL FOR THE 2015-16 BUDGET YEAR.

(b) (I) FOR THE 2015-16 BUDGET YEAR, THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO THE STATE CHARTER SCHOOL INSTITUTE FOR DISTRIBUTION TO THE INSTITUTE CHARTER SCHOOLS AN AMOUNT EQUAL TO THE AT-RISK PER PUPIL ADDITIONAL FUNDING MULTIPLIED BY THE TOTAL NUMBER OF AT-RISK PUPILS ENROLLED IN THE INSTITUTE CHARTER SCHOOLS FOR THE 2015-16 BUDGET YEAR.

(II) THE STATE CHARTER SCHOOL INSTITUTE SHALL DISTRIBUTE TO EACH INSTITUTE CHARTER SCHOOL AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE AT-RISK PER PUPIL ADDITIONAL FUNDING MULTIPLIED BY THE NUMBER OF AT-RISK PUPILS ENROLLED IN THE INSTITUTE CHARTER SCHOOL FOR THE 2015-16 BUDGET YEAR.

(4) THE AMOUNTS DISTRIBUTED PURSUANT TO THIS SECTION ARE IN ADDITION TO ANY AMOUNTS A DISTRICT, A DISTRICT CHARTER SCHOOL, OR AN INSTITUTE CHARTER SCHOOL MAY OTHERWISE RECEIVE FOR THE 2015-16 BUDGET YEAR.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016."

Renumber succeeding section 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	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		

Senator Kerr moved to amend the Report of the Committee of the Whole to show that the following Kerr floor amendment, (L.011) to SB15-267, did pass, and that SB15-267, as amended, did pass.

Amend printed bill, page 3, after line 13 insert:

"SECTION 2. In Colorado Revised Statutes, 22-54-131, amend (6) as follows:
22-54-131. Full-day kindergarten funding - guidelines - technical assistance - legislative intent - legislative declaration.
(6) Beginning in the 2009-10 2016-17 budget year and continuing through the 2013-14 2020-21 budget year, it is the intent of the general assembly to increase annually the appropriation to be used by districts to provide full-day kindergarten programs. For each budget year, the general assembly intends to appropriate the following amounts:
(a) For the 2009-10 2016-17 budget year, sixty AT LEAST EIGHTY-FOUR million dollars;
(b) For the 2010-11 2017-18 budget year, seventy AT LEAST ONE HUNDRED TWENTY-SEVEN million dollars;
(c) For the 2011-12 2018-19 budget year, eighty AT LEAST ONE HUNDRED SEVENTY million dollars;
(d) For the 2012-13 2019-20 budget year, ninety AT LEAST TWO HUNDRED THIRTEEN million dollars; and
(e) For the 2013-14 2020-21 budget year, one hundred AT LEAST TWO HUNDRED FIFTY-SEVEN million dollars."

Renumber succeeding section 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	16	NO	19	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	N
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 Roberts, 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: SB15-222 as amended, SB15-257 as amended, SB15-267 as amended, HB15-1186, HB15-1134 as amended, HB15-1045 as amended.
Laid over until Friday, April 24: SB15-141, HB15-1284.
Referred to Committee on Legislative Council: SB15-233.

CONSIDERATION OF RESOLUTIONS

SJR15-021 by Senator(s) Baumgardner and Sonnenberg, Scott; also Representative(s) Vigil and Coram, Brown--Concerning the recognition of the importance of coal to the Colorado economy.

Majority Leader Scheffel's motion to lay the resolution over until Monday, April 27 failed.

Senator Sonnenberg's motion to lay the resolution over until Monday, April 27 was adopted, and the resolution will retain its place on the calendar.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS --
CONSENT CALENDAR

On motion of Majority Leader Scheffel, the following Governor's appointment was confirmed by the following roll call vote:

MEMBER OF THE
BOARD OF MORTGAGE LOAN ORIGINATORS

for a term expiring August 10, 2018:

Charles Patterson “Buzz” Moore of Grand Junction, Colorado, a licensed mortgage loan originator, appointed.

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		

On motion of Majority Leader Scheffel, the following Governor's appointment was confirmed by the following roll call vote:

MEMBER OF THE
BOARD OF MORTGAGE LOAN ORIGINATORS

for a term expiring August 10, 2018:

Fred Joseph of Denver, Colorado, a member of the public at large, appointed.

YES	34	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	*	
Grantham	Y	Kefalas	Y	Roberts	Y			

* Abstaining from voting under Senate Rule 17(c) -- President Cadman.

INTRODUCTION OF BILLS -- FIRST READING

The following bill was read by title and referred to the committee indicated:

SB15-275

by Senator(s) Lambert and Carroll, Cadman, Scheffel, Steadman; also Representative(s) Hullinghorst and Young, DelGrosso--Concerning protections for information given to members of the general assembly in the course of official duties.
Local Government

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: HB15-1136, 1203, 1215, 1218, 1220, 1239, 1255.

COMMITTEE OF REFERENCE REPORTS

Health & Human Services

The Committee on Health & Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be placed on the consent calendar and confirmed:

MEMBERS OF THE
MEDICAL SERVICES BOARD

for terms expiring July 1, 2018:

Patricia L. Givens, DHA, EdM, BN, RN of Denver, Colorado, an Unaffiliated from the First Congressional District, with knowledge of medical assistance programs, reappointed;

Amanda Ann Moorer of Westminster, Colorado, a Republican from the Seventh Congressional District with knowledge of medical assistance programs, appointed.

Finance

After consideration on the merits, the Committee recommends that **SB15-260** be **referred** to the Committee on Appropriations with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **HB15-1249** be **amended** as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, after line 1 insert:

"SECTION 1. Legislative declaration. (1) The general

assembly hereby:

(a) Finds that:

(I) The division of administration in the department of public health and environment permits discharges from, and is responsible for compliance oversight of, approximately four thousand storm water construction sites annually under both the "Colorado Water Quality Control Act", article 8 of title 25, Colorado Revised Statutes, and the "Federal Water Pollution Control Act";

(II) The federal environmental protection agency (EPA) also performs many inspections of construction sites in Colorado under the "Federal Water Pollution Control Act" as a result of the EPA's determination that the division currently is not meeting federal oversight objectives on its own, and, specifically, the EPA will continue to conduct supplemental inspections until the division has the resources to inspect at least ten percent of its storm water permits each year, or has developed an identified program to meet comparable objectives;

(III) Concerns among the regulated community about inconsistent compliance standards between federal, state, and local governmental storm water construction site inspections, the over-reliance on penalty-based enforcement to achieve compliance, and other concerns led to the passage of H.B. 12-1119, which directed the division to collaborate with the construction industry to develop more responsive and streamlined processes for preventing violations of the "Colorado Water Quality Control Act";

(IV) According to the division's "Report to the General Assembly of the State of Colorado in accordance with Colorado House Bill 12-1119", stakeholders and the division recommended developing and implementing an alternative compliance assurance model that both allows for improved targeting of enforcement resources on chronic and recalcitrant violators while encouraging and facilitating proactive compliance; and

(V) Following up on the H.B. 12-1119 report, the division held a stakeholder process in 2014 to review fees for water quality discharge permits, and that stakeholder process further defined the compliance assurance model that could be implemented by the division if the division had additional resources;

(b) Determines that it is necessary to implement certain recommended solutions from the H.B. 12-1119 report and the subsequent stakeholder processes, including increasing division inspection resources, in order to:

(I) Create a compliance assurance model that would provide a more responsive and predictable process that would increase compliance assistance through increased inspection frequency, increased individual assistance, increased compliance assistance resources, and increased communication and follow-up after inspections, and provide consideration for first-time violators with a focus on repeat offenders; and

(II) Meet EPA oversight objectives for annual inspection rates by the division, resulting in less EPA construction site oversight in Colorado and more consistent and predictable inspection standards for permit holders; and

(c) Declares that implementation of these recommendations justifies limited fee increases as supported by the construction sector that will pay the increased fees."

Renumber succeeding sections accordingly.

Page 9, after line 20 insert:

"(H) AMUSEMENT AND RECREATION SERVICES \$1,480".

Page 10, line 5, strike "PERMITS:" and substitute "PERMITS. THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2016:".

Page 10, line 17, strike "DEWATERING" and substitute "DEWATERING. THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE JULY 1, 2016:".

Page 10, line 18, strike "CLEANUP" and substitute "CLEANUP. THIS SUB-SUBPARAGRAPH (B) IS REPEALED, EFFECTIVE JULY 1, 2016."

Page 10, line 20, strike "AREA" and substitute "AREA. THIS SUB-SUBPARAGRAPH (C) IS REPEALED, EFFECTIVE JULY 1, 2016."

Page 10, line 22, strike "AREA" and substitute "AREA. THIS SUB-SUBPARAGRAPH (D) IS REPEALED, EFFECTIVE JULY 1, 2016."

Page 11, after line 1 insert:

- "(G) LOW COMPLEXITY, EFFECTIVE ON AND AFTER JULY 1, 2016 \$820
- (H) HIGH COMPLEXITY, EFFECTIVE ON AND AFTER JULY 1, 2016 \$2,000
- (I) CONSTRUCTION - STORM WATER ONLY; LESS THAN 1 ACRE OF DISTURBED AREA, EFFECTIVE ON AND AFTER JULY 1, 2016 \$165
- (J) CONSTRUCTION - STORM WATER ONLY; FROM 1 ACRE TO LESS THAN 30 ACRES, EFFECTIVE ON AND AFTER JULY 1, 2016 \$350
- (K) CONSTRUCTION - STORM WATER ONLY; 30 ACRES OR MORE OF DISTURBED AREA, EFFECTIVE ON AND AFTER JULY 1, 2016 \$540
- (III) EFFECTIVE ON AND AFTER JULY 1, 2016, THE FEE FOR AN INDIVIDUAL PERMIT FOR CONSTRUCTION ACTIVITY IS FOUR THOUSAND FOUR HUNDRED DOLLARS; AND
- (IV) THE DIVISION SHALL USE THE REVENUE GENERATED BY THE FEES CONTAINED IN SUB-SUBPARAGRAPHS (G), (H), (I), (J), AND (K) OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c) AND SUBPARAGRAPHS (I) AND (III) OF THIS PARAGRAPH (c) TO CONTINUE TO FUND THE ADMINISTRATION AND OVERSIGHT OF THE CONSTRUCTION SECTOR AND SHALL USE THE INCREASED REVENUE, WHEN COMPARED WITH THE REVENUE GENERATED BY THE FEES CONTAINED IN SUBCATEGORIES 2, 8, 9A, AND 9B OF SUB-SUBPARAGRAPH (G) AND SUB-SUBPARAGRAPHS (H), (I), (J), AND (L) OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION AS IT EXISTED ON JUNE 30, 2016, TO FUND NEW SERVICES PROVIDED UNDER THE ALTERNATIVE COMPLIANCE ASSURANCE MODEL. THE DIVISION SHALL NOT USE THE INCREASED REVENUE TO FUND ADDITIONAL ENFORCEMENT STAFF. THE DIVISION MAY USE THE INCREASED REVENUE FOR THE FOLLOWING PURPOSES:
 - (A) INCREASING INSPECTIONS OF THE CONSTRUCTION SECTOR TO MEET COMPLIANCE OBJECTIVES IDENTIFIED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY;
 - (B) IMPLEMENTING A COMPLIANCE STRATEGY THAT RELIES ON INCREASED ASSISTANCE AND FOLLOW-UP TO OBTAIN AN OVERALL INCREASE IN COMPLIANCE INSTEAD OF INCREASED RELIANCE ON ENFORCEMENT;
 - (C) TARGETING ADDITIONAL COMPLIANCE ASSISTANCE TOWARDS PERMITTEES TO SEEK INCREASED COMPLIANCE, INCLUDING: STREAMLINED SITE VISITS THAT PROVIDE INITIAL ASSISTANCE CONSULTATIONS AND INCREASED ASSISTANCE RESOURCES SUCH AS GUIDANCE DOCUMENTS, PRESENTATIONS, AND ON-LINE RESOURCES; REVIEW AND RESPONSE TO THE INSPECTED ENTITY'S WRITTEN RESPONSE TO THE INSPECTION; FOLLOW-UP INSPECTIONS AND ADDITIONAL INSPECTIONS FOR OWNERS AND OPERATORS WITH SYSTEMIC VIOLATIONS; AND INCREASED OVERALL INSPECTION FREQUENCY;
 - (D) MAINTAINING AND INCREASING CURRENT SERVICE LEVELS OF ADMINISTRATION AND OVERSIGHT FOR THE DIVISION'S STORM WATER MANAGEMENT SYSTEM ADMINISTRATOR PROGRAM; AND
 - (E) TARGETING ENFORCEMENT TOWARDS OPERATORS THAT SHOW CHRONIC VIOLATIONS, SIGNIFICANT VIOLATIONS, OR RECALCITRANT RESPONSE ACTIONS."

Page 17, strike lines 7 through 27.

Page 18 of the bill, strike lines 1 through 8 and substitute:

"(1.2) (a) FOR THE ACTIVITIES LISTED IN THIS SUBSECTION (1.2) ASSOCIATED WITH REVIEWING REQUESTS FOR CERTIFICATIONS UNDER SECTION 401 OF THE FEDERAL ACT AND THIS ARTICLE, KNOWN AS "401 CERTIFICATES", THE DIVISION MAY ASSESS A FEE FOR THE REVIEW, AND ALL SUCH FEES MUST BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULES:

(I) THE FEE FOR A TIER 1 PROJECT IS ONE THOUSAND ONE HUNDRED DOLLARS, WHICH MUST BE SUBMITTED WITH THE CERTIFICATION APPLICATION. TIER 1 PROJECTS ARE PROJECTS THAT INCUR MINIMAL COSTS AND MINIMAL WATER QUALITY IMPACTS. TIER 1 INCLUDES CERTIFICATIONS OF CHANNEL STABILIZATION PROJECTS AND SINGLE DRAINAGE IMPROVEMENT PROJECTS. TYPICAL CHARACTERISTICS OF TIER 1 PROJECTS MAY INCLUDE ALL OR SOME OF THE FOLLOWING:

(A) THE POTENTIAL FOR MINIMAL IMPACTS TO WATER QUALITY;

(B) A LOW LEVEL OF PUBLIC PARTICIPATION;

(C) NO MORE THAN STANDARD COORDINATION WITH FEDERAL, STATE, OR LOCAL AGENCIES MAY BE REQUIRED;

(D) LIMITED TECHNICAL ASSISTANCE MAY BE NEEDED.

(II) THE FEE FOR A TIER 2 PROJECT IS THREE THOUSAND EIGHT HUNDRED DOLLARS, WHICH MUST BE SUBMITTED WITH THE CERTIFICATION APPLICATION. TIER 2 PROJECTS ARE PROJECTS THAT INCUR MODERATE COSTS AND POTENTIAL WATER QUALITY IMPACTS. TIER 2 INCLUDES CERTIFICATIONS OF PROJECTS THAT AFFECT MULTIPLE DRAINAGES. TYPICAL CHARACTERISTICS OF TIER 2 PROJECTS MAY INCLUDE ALL OR SOME OF THE FOLLOWING:

(A) THE POTENTIAL FOR MINIMAL IMPACTS TO WATER QUALITY;

(B) A BASIC TO HIGH LEVEL OF PUBLIC PARTICIPATION MAY BE REQUIRED WITH POTENTIAL FOR PARTICIPATION IN PUBLIC MEETINGS OR HEARINGS HELD BY OUTSIDE PARTIES;

(C) MORE THAN THE STANDARD LEVEL OF COORDINATION WITH MULTIPLE FEDERAL, STATE, OR LOCAL AGENCIES MAY BE REQUIRED, INCLUDING ONE OR MORE MEETINGS OR PRE-APPLICATION SITE VISITS;

(D) A MODERATE AND ONGOING LEVEL OF TECHNICAL ASSISTANCE MAY BE NEEDED;

(E) COMPENSATORY MITIGATION REVIEW MAY BE REQUIRED;

(F) REVIEW OF A FULL EVALUATION AND FINDINGS REPORT IF NEEDED; OR

(G) IF THE CERTIFICATION IS APPEALED, ADDRESSING AN APPEAL OF THE DIVISION'S WATER QUALITY CERTIFICATION TO THE COMMISSION PURSUANT TO SECTIONS 25-8-202 (1) (k), 25-8-302 (1) (f), AND 25-8-401.

(III) THE FEE FOR A TIER 3 PROJECT IS CALCULATED ON AN HOURLY RATE BASED ON THE ACTUAL COSTS OF DIVISION STAFF AND CONTRACTOR TIME. TIER 3 PROJECTS ARE PROJECTS THAT INVOLVE A LARGE WATERSHED AREA, A HIGH DEGREE OF COMPLEXITY, OR HIGH POTENTIAL FOR WATER QUALITY IMPACTS. TIER 3 INCLUDES CERTIFICATIONS OF FEDERAL ENERGY REGULATORY COMMISSION RELICENSING PROJECTS OR PROJECTS INVOLVING MORE LONG-TERM WATER QUALITY IMPACTS. TYPICAL CHARACTERISTICS OF TIER 3 PROJECTS MAY INCLUDE ALL OR SOME OF THE FOLLOWING:

(A) THE POTENTIAL FOR GREATER, PERMANENT WATER QUALITY IMPACTS IF ONE OR MORE OF THE FOLLOWING OCCURS: THE WATER BODY IS IDENTIFIED AS NOT ATTAINING WATER QUALITY STANDARDS; OR MULTIPLE STREAM OR LAKE SEGMENTS AS ESTABLISHED BY SECTION 25-8-203 ARE AFFECTED;

(B) A HIGH LEVEL OF PUBLIC PARTICIPATION, INCLUDING EXTENSIVE PUBLIC COMMENTS AND THE POTENTIAL FOR ONE OR MORE PUBLIC MEETINGS OR HEARINGS CONDUCTED BY THE DIVISION OR OUTSIDE PARTIES;

(C) SUBSTANTIALLY MORE THAN STANDARD COORDINATION WITH MULTIPLE FEDERAL, STATE, OR LOCAL AGENCIES MAY BE REQUIRED, INCLUDING ONE OR MORE MEETINGS;

(D) A HIGH LEVEL OF ITERATIVE TECHNICAL ASSISTANCE MAY BE REQUIRED OR SUBSTANTIVE PROJECT REVISIONS MAY BE RECEIVED;

(E) THE POTENTIAL FOR COMPLEX COMPENSATORY MITIGATION REVIEW;

(F) A SITE VISIT MAY BE NEEDED TO UNDERSTAND IMPACTS AND ADVISE ON POTENTIAL ALTERNATIVES;

(G) THE REVIEW OF A FULL EVALUATION AND FINDINGS REPORT
IF NEEDED; OR

(H) IF THE CERTIFICATION IS APPEALED, ADDRESSING AN APPEAL
OF THE DIVISION'S WATER QUALITY CERTIFICATION TO THE COMMISSION
PURSUANT TO SECTIONS 25-8-202 (1) (k), 25-8-302 (1) (f) AND 25-8-401.

(IV) THE FEE FOR A TIER 4 PROJECT IS CALCULATED ON AN
HOURLY RATE BASED ON THE ACTUAL COSTS OF DIVISION STAFF AND
CONTRACTOR TIME. TIER 4 PROJECTS ARE PROJECTS THAT INVOLVE
MULTIPLE OR LARGE WATERSHED AREAS, A VERY HIGH DEGREE OF
COMPLEXITY, VERY HIGH POTENTIAL FOR WATER QUALITY IMPACTS, OR
A HIGH LEVEL OF PUBLIC PARTICIPATION. TIER 4 INCLUDES
TRANSMOUNTAIN WATER SUPPLY PROJECTS. TYPICAL CHARACTERISTICS
OF TIER 4 PROJECTS MAY INCLUDE ALL OR SOME OF THE FOLLOWING:

(A) THE POTENTIAL FOR GREATER WATER QUALITY IMPACTS IF
ONE OR MORE OF THE FOLLOWING OCCURS: THE WATER BODY IS
IDENTIFIED AS NOT ATTAINING WATER QUALITY STANDARDS; OR
MULTIPLE STREAM OR LAKE SEGMENTS AS ESTABLISHED BY SECTION
25-8-203 ARE AFFECTED;

(B) A HIGH LEVEL OF PUBLIC PARTICIPATION, INCLUDING
EXTENSIVE PUBLIC COMMENTS AND THE POTENTIAL FOR ONE OR MORE
PUBLIC MEETINGS OR HEARINGS CONDUCTED BY THE DIVISION OR OUTSIDE
PARTIES;

(C) SUBSTANTIALLY MORE COORDINATION THAN IS STANDARD
WITH MULTIPLE FEDERAL, STATE, OR LOCAL AGENCIES MAY BE REQUIRED,
INCLUDING ONE OR MORE MEETINGS;

(D) A HIGH LEVEL OF ITERATIVE TECHNICAL ASSISTANCE MAY BE
REQUIRED OR SUBSTANTIVE PROJECT REVISIONS MAY BE RECEIVED;

(E) THE POTENTIAL FOR COMPLEX COMPENSATORY MITIGATION
REVIEW;

(F) A SITE VISIT MAY BE NEEDED TO UNDERSTAND IMPACTS AND
ADVISE ON POTENTIAL ALTERNATIVES;

(G) COORDINATION WITH THE GOVERNOR'S OFFICE IN
CONJUNCTION WITH OTHER STATE AGENCIES, TRIBAL NATIONS, AND THE
FEDERAL GOVERNMENT MAY BE REQUIRED;

(H) TO THE EXTENT PERTINENT, REVIEW OF ADDITIONAL
DOCUMENTS, SUCH AS FEDERAL "NATIONAL ENVIRONMENTAL POLICY
ACT" RESOURCE REPORTS, ENVIRONMENTAL ASSESSMENTS, AND
ENVIRONMENTAL IMPACT STATEMENTS;

(I) IF NEEDED, TO THE EXTENT NOT ADDRESSED IN THE
DOCUMENTS ADDRESSED IN SUB-SUBPARAGRAPH (H) OF THIS
SUBPARAGRAPH (IV) AND CONSISTENT WITH THE REQUIREMENTS OF THIS
ARTICLE AND OF THE RULES PROMULGATED PURSUANT TO THIS ARTICLE,
REVIEW AND USE OF A FULL EVALUATION AND FINDINGS REPORT; OR

(J) IF THE CERTIFICATION IS APPEALED, ADDRESSING AN APPEAL
OF THE DIVISION'S WATER QUALITY CERTIFICATION TO THE COMMISSION
PURSUANT TO SECTIONS 25-8-202 (1) (k), 25-8-302 (1) (f) AND 25-8-401.

(b) FOR TIER 3 AND TIER 4 PROJECTS, THE DIVISION MAY ASSESS
FEES FOR SERVICES PROVIDED BY THE DIVISION PRIOR TO THE APPLICANT
SUBMITTING A FORMAL WATER QUALITY CERTIFICATION APPLICATION,
WHICH FEES MUST REFLECT THE ACTUAL COST OF DIVISION STAFF AND
CONTRACTOR TIME.

(c) FOR TIER 3 AND TIER 4 PROJECTS, THE DIVISION MAY ASSESS
FEES FOR SERVICES PROVIDED BY THE DIVISION TO MONITOR THE
PROJECTS CERTIFIED WITH CONDITIONS, WHICH FEES MUST REFLECT THE
ACTUAL COST OF DIVISION STAFF AND CONTRACTOR TIME."

Senate in recess. Senate reconvened.

On motion of Majority Leader Scheffel, the Senate adjourned until 9:00 a.m., Friday, April 24, 2015.

Approved:

Bill L. Cadman
President of the Senate

Attest:

Cindi L. Markwell
Secretary of the Senate

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