After consideration on the merits, the Committee recommends the following:

HB19-1333 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1. Amend printed bill, page 14, line 17, strike "MARCH 1," and substitute "JANUARY 1,"

2. Page 19, strike lines 22 through 27.

3. Page 20, strike line 1 and substitute:

39-28.6-110. Taxation by cities and towns. This article 28.6 does not prevent a statutory or home rule municipality, county, or city and county from imposing, levying, and collecting any special sales tax upon sales of cigarettes, tobacco products, or nicotine products, as that term is defined in section 18-13-121 (5), or upon the occupation or privilege of selling cigarettes, tobacco products, or nicotine products. This article 28.6 does not affect any existing authority of local governments to impose a special sales tax on cigarettes, tobacco products, or nicotine products, in accordance with section 39-28-112, to be used for local and governmental purposes.

4. Page 20, lines 2 and 3, strike "MARCH 1," and substitute "JANUARY 1,"

5. Page 22, line 24, strike "FIVE" and substitute "SIX".

6. Page 22, line 25, after "WHO" insert "RESIDES WITHIN THE STATE AND".
Page 22, lines 26 and 27, strike "STATE OR ANY THREE OR FOUR YEAR OLD" and substitute "STATE, OR A PERSON WHO IS AT LEAST THREE YEARS OLD BUT LESS THAN SIX YEARS OLD AND".

Page 23, line 8, after "ANY" insert "EVIDENCE-BASED".

Page 23, line 19, after "ARTS," insert "SPORTS, PHYSICAL EDUCATION,".

Page 23, strike line 26 and substitute "NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM, AS DEFINED IN SECTION 22-33-104.5;".

Page 24, strike lines 23 through 27.

Page 25, strike lines 1 through 12 and substitute:

"(2) (a) The agency is governed and administered by a board of directors that consists of eight members appointed by the governor. The speaker or minority leader of the house of representatives, whomever is not affiliated with the same political party as the governor, shall present the governor with a list of eight candidates, which includes at least two candidates from the western slope and two candidates from the eastern plains. The governor shall select four members from the list of candidates. For the board as a whole, the governor shall ensure that the board includes at least two members from the western slope and two members from the eastern plains. Initial appointments must be made by February 1, 2020. Members serve for two-year terms; except the four members appointed to the first board who were not from the list of candidates serve for three years. Members serve at the pleasure of the governor and may serve up to three consecutive terms. If there is a vacancy of a member who was selected from the list of candidates, the speaker or minority leader of the house of representatives, whomever is not affiliated with the same political party as the governor, shall present the governor with two candidates from which to select a replacement."

Page 25, line 18, after "ORGANIZATIONS," insert "ENTITIES,".

Page 25, line 20, after the period add "NO PERSON WHO HAS AN"
OWNERSHIP INTEREST OR OTHER FINANCIAL INTEREST IN A PROVIDER OF
AN OUT-OF-SCHOOL LEARNING EXPERIENCE IN THE PROGRAM MAY SERVE
ON THE BOARD.

Page 25, line 22, strike "SHALL:" and substitute "SHALL, BY RULE:".

Page 25, line 26, after "ORGANIZATION" insert "MUST".

Page 26, line 10, strike "EXPENSES;" and substitute "EXPENSES, WHICH
AMOUNT MAXIMIZES THE FUNDING AVAILABLE TO BE USED TO PAY FOR
OUT-OF-SCHOOL LEARNING EXPERIENCES;".

Page 26, line 12, after "PROVIDERS" insert "OR EMPLOYEES OF
PROVIDERS".

Page 26, line 13, strike "STUDENTS;" and substitute "ELIGIBLE STUDENTS,
WHICH STANDARDS ARE BASED ON THOSE SET FORTH IN SECTION
22-32-109.8;".

Page 26, line 18, strike "AND".

Page 26, line 22, strike "PROGRAM." and substitute "PROGRAM, AS
DEFINED IN SECTION 22-33-104.5;
(j) DEFINE THE TERM "EVIDENCE-BASED" FOR THE PURPOSE OF
MEETING THE DEFINITION OF "OUT-OF-SCHOOL LEARNING EXPERIENCE";
AND
(k) ESTABLISH GUIDELINES FOR THE AMOUNT THAT MAY BE
ALLOCATED TO TRANSPORTATION TO AN OUT-OF-SCHOOL LEARNING
EXPERIENCE.".

Page 27, lines 11 and 12, strike "ARE INSUFFICIENT FUNDS" and substitute
"IS INSUFFICIENT MONEY".

Page 27, strike lines 22 and 23.

Renumber succeeding subsection accordingly.

Page 28, line 1, after "EXPERIENCES," insert "PARTICIPATION AND OTHER".

Page 28, strike line 14 and substitute "2020, AND THE ADMINISTERING
NONPROFIT ORGANIZATION SHALL IMPLEMENT THE PROGRAM SO THAT
ELIGIBLE STUDENTS ARE PARTICIPATING IN OUT-OF-SCHOOL LEARNING EXPERIENCES BY JANUARY 1, 2021. THE DUTIES OF THE ORGANIZATION.

Page 28, line 19, strike "APPROVED" and substitute "CERTIFIED".

Page 28, line 25, after "COMPENSATING" insert "CERTIFIED".

Page 29, strike line 5 and substitute "ADMINISTRATION AND ANY BOOKS AND RECORDS.".

Page 29, line 6, strike "WITH" and substitute "TO".

Page 29, lines 9 and 10, strike "THE ELIGIBLE STUDENT" and substitute "ALL ELIGIBLE STUDENTS IN THE AREA".

Page 29, strike lines 21 through 23 and substitute "IF A PERSON NO LONGER QUALIFIES AS AN ELIGIBLE STUDENT AND THERE WAS AN AMOUNT REMAINING THAT WAS SET ASIDE FOR THAT PERSON, THE ORGANIZATION MAY USE THAT AMOUNT FOR ANY PURPOSE OF THE PROGRAM.".

Page 29, lines 25 and 26, strike "BOARD BY RULE OR OTHERWISE." and substitute "BOARD.".

Page 31, line 8, after "FAMILY" insert "PARTICIPATION AND OTHER".

Page 31, line 9, after "OUTCOMES," insert "INCLUDING EDUCATIONAL AND SOCIAL-EMOTIONAL OUTCOMES,".

Page 31, after line 11 insert:

"(10) THE POWER AND DUTIES OF THE AGENCY, BOARD, AND ADMINISTERING NONPROFIT ORGANIZATION ARE LIMITED TO THOSE POWERS AND DUTIES SET FORTH IN THIS ARTICLE 86.5 FOR OUT-OF-SCHOOL LEARNING EXPERIENCES THAT OCCUR OUTSIDE OF THE SCHOOL DAY AND THAT ARE NOT PART OF THE NORMAL COURSE OF STUDY FOR STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE ENROLLED IN PUBLIC OR PRIVATE SCHOOL OR A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM.".

Page 31, line 24, strike "REPORT" and substitute "INDEPENDENT EVALUATION".
Page 31, line 25, strike "22-86.5-106 (9)." and substitute "22-86.5-105 (9).".

Page 32, line 9, after "AN" insert "ANNUAL".

Page 32, line 15, strike "PRIVATE INFORMATION." and substitute "PERSONAL INFORMATION, AS DEFINED IN SECTION 24-73-103 (1)(g).".

Page 36, line 20, strike "(2)(c)" and substitute "(3)(c)".

Page 38, lines 19 and 20, strike "AND THE DEPARTMENT OF HUMAN SERVICES".

Page 39, line 18, strike "CARE" and substitute "EDUCATION".

Page 39, line 19, strike "AND EDUCATION".

Page 40, after line 18 insert:

"SECTION 17. In Colorado Revised Statutes, 39-26-623, amend as amended by House Bill 19-1240 (1)(a)(II)(A) as follows:

39-22-623. Disposition of collections - definition. (1) The proceeds of all money collected under this article 22, less the reserve retained for refunds, shall be credited as follows:

(a) (II) (A) Effective July 1, 1987, an amount equal to twenty-seven percent of the gross state cigarette tax shall be apportioned to incorporated cities and incorporated towns that levy taxes and adopt formal budgets and to counties. For the purposes of this section, a city and county is considered a city. The city or town share shall be apportioned according to the percentage of state sales tax revenues collected by the department of revenue in an incorporated city or town as compared to the total state sales tax collections that may be allocated to all political subdivisions in the state; the county share shall be the same as that which the percentage of state sales tax revenues collected in the unincorporated area of the county bears to total state sales tax revenues that may be allocated to all political subdivisions in the state. The department of revenue shall certify to the state treasurer, at least annually, the percentage for allocation to each city, town, and county, and the department shall apply the percentage for allocation certified shall be applied by said department in all distributions to cities, towns, and counties until changed by certification to the state treasurer. In order to qualify for distributions of state income tax money, units of local
government are prohibited from imposing taxes on any person as a condition for engaging in the business of selling cigarettes. For purposes of this subsection (1)(a)(II), the "gross state cigarette tax" means the total tax FROM TEN MILLS ON EACH CIGARETTE before the discount provided for in section 39-28-104 (1), PLUS AN AMOUNT EQUAL TO THE AMOUNT DEPOSITED IN THE GENERAL FUND FOR THE STATE FISCAL YEAR UNDER SECTION 24-22-118 (3)(c)(II). For any city, town, or county that was previously disqualified from the apportionment set forth in this subsection (1)(a)(II)(A) by reason of imposing a fee or license related to the sale of cigarettes, the city, town, or county is eligible for any allocation of money that is based on an apportionment made on or after the effective date of this subsection (1)(a)(II)(A), as amended, but not for an allocation of money that is based on an apportionment made before the effective date of this subsection (1)(a)(II)(A), as amended.".

Renumber succeeding section accordingly.