

# MEMORANDUM

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**TO:** Joint Budget Committee Members

**FROM:** JBC Staff

**SUBJECT:** Bill Drafts for Discussion on January 25, 2016

**DATE:** January 25, 2016

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This memo includes the following bill drafts for the Committees consideration.

- LLS 16-0910: "Concerning Appropriations from the Noxious Weed Management Fund." (Tom Dermody)
- LLS 16-0923: "Concerning High Cost Support Mechanisms Funds, and in Connection Therewith, Transferring a Portion of the Funds to the Broadband Fund on July 1 of Each Year." (Tom Dermody)
- LLS 16-0911: "Concerning the Five-year Appropriations requirement for Bills that Change the Periods of Incarceration in State Correctional Facilities." (Steve Allen)
- LLS 16-913\_01: "Concerning Modification of the Means of Repayment for Certain Ongoing Financial Obligations Incurred by the State in Order to Fund Capital Construction Projects for State-Supported Institutions of Higher Education." (Amanda Bickel)
- LLS 16-913\_02: "Concerning Modification of the Means of Repayment for Certain Ongoing Financial Obligations Incurred by the State in Order to Fund Capital Construction Projects for State-Supported Institutions of Higher Education." (Amanda Bickel)
- LLS 16-914: "Concerning Transfer of the Oversight of Independent Living Services from the Department of Human Services to the Department of Labor and Employment." (Megan Davisson)
- LLS 16-922: "Concerning the Authorization of the State to Act Pursuant to the Federal "Oil Pollution Act of 1990"." (Megan Davisson)
- LLS 15-942: "Concerning the Ability of the Department of Public Health and Environment to Collect Data on Marijuana Health Effects at a Regional Level." (Megan Davisson)
- LLS 16-915: "Concerning Timing of the Statewide Discovery Sharing System." (Carolyn Kampman)
- LLS 16-924: "Concerning the Manner in which the State Funds Driver and Vehicle Services by the Division of Motor Vehicles in the Department of Revenue." (Scott Thompson)

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- LLS 16-925: "Concerning the Establishment of an Alternative Maximum Reserve for the Department of State Cash Fund." (Carly Jacobs)
- LLS 16-926: "Concerning the Allocation of Certain Money that Exceeds the Total Amount of All Warrants Issued by the State Treasurer to Reimburse Local Governmental Entities for Property Tax Revenues Lost as a Result of the Application of a Certain Property Tax Exemption." (Robin Smart)
- LLS 16-0929: "Concerning the Evaluation of State Tax Expenditures." (Kevin Neimond)

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
1.20.16

DRAFT

LLS NO. 16-0910.01 Ed DeCecco x4216

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Appropriations From Noxious Weed Management Fund"

**A BILL FOR AN ACT**

101 CONCERNING APPROPRIATIONS FROM THE NOXIOUS WEED  
102 MANAGEMENT FUND.

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Joint Budget Committee.** The bill specifies that all state moneys in the noxious weed management fund are subject to annual appropriation and that any unexpended and unencumbered moneys from an appropriation from the fund remain available for expenditure by the department of agriculture in the next fiscal year without further appropriation.

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

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

2           **SECTION 1.** In Colorado Revised Statutes, 35-5.5-116, **amend**  
3 (1) as follows:

4           **35-5.5-116. Noxious weed management fund - creation -**  
5 **allocation of funds.** (1) There is hereby created in the office of the state  
6 treasurer the noxious weed management fund. The fund ~~shall consist~~  
7 ~~CONSISTS~~ of any civil penalties collected pursuant to section 35-5.5-118;  
8 any gifts, donations, and grants received pursuant to section 35-1-104 (1)  
9 (cc); and any moneys ~~approved~~ APPROPRIATED OR TRANSFERRED THERETO  
10 by the general assembly. ~~for the purpose of funding noxious weed~~  
11 ~~management projects.~~ All interest derived from the deposit and  
12 investment of moneys in the fund shall be credited to the fund. The  
13 general assembly shall annually appropriate STATE moneys in the fund to  
14 the department of agriculture for the purposes specified in ~~subsection (2)~~  
15 ~~of this section.~~ ANY UNEXPENDED AND UNENCUMBERED MONEYS FROM AN  
16 APPROPRIATION FROM THE FUND REMAIN AVAILABLE FOR EXPENDITURE BY  
17 THE DEPARTMENT IN THE NEXT FISCAL YEAR WITHOUT FURTHER  
18 APPROPRIATION.

19           **SECTION 2. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety.

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
1.22.16

DRAFT

LLS NO. 16-0923.01 Jennifer Berman x3286

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC: "High Cost Support Mechanism Funds"**

**A BILL FOR AN ACT**

101 CONCERNING HIGH COST SUPPORT MECHANISM FUNDS, AND, IN  
102 CONNECTION THEREWITH, TRANSFERRING A PORTION OF THE  
103 FUNDS TO THE BROADBAND FUND ON JULY 1 OF EACH YEAR.

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Joint Budget Committee.** The public utilities commission provides financial assistance to telecommunications companies that provide basic telephone service or broadband service in areas that lack effective competition by assessing a surcharge on all telecommunications companies in the state and allocating those contributions to the high cost

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support mechanism (HCSM). A portion of the HCSM is transferred to the broadband fund, which fund is administered by the broadband deployment board (board). The board awards grants for projects aimed at deploying broadband service in unserved areas of the state. From 2016 to 2023, the HCSM surcharge is statutorily reduced by a percentage of the amount of contributions that were allocated to the broadband fund in the previous year.

**Section 1** of the bill provides that if, in a given year, the amount of contributions to the HCSM from all telecommunications companies is reduced from the amount of contributions in the previous year by an amount equal to or greater than the statutory reduction percentage, the statutory reduction percentage need not be applied.

**Section 2** requires that HCSM funds allocated to the broadband fund be transferred on July 1 of each year and that HCSM money in the broadband fund be continuously appropriated.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-15-208, **add** (2)

3 (a) (IV) as follows:

4 **40-15-208. High cost support mechanism - Colorado high cost**  
5 **administration fund - creation - purpose - operation - rules - report**  
6 **- repeal.** (2) (a) (IV) IF, BASED ON THE SURCHARGE AND SURCHARGE  
7 RATE ESTABLISHED BY THE COMMISSION AT ONE OF ITS REGULARLY  
8 SCHEDULED MEETINGS, THE TOTAL AMOUNT OF CONTRIBUTIONS TO THE  
9 HIGH COST SUPPORT MECHANISM IN A GIVEN YEAR IS LESS THAN THE  
10 TOTAL AMOUNT OF CONTRIBUTIONS IN THE PREVIOUS YEAR BY AN AMOUNT  
11 EQUAL TO OR GREATER THAN THE AMOUNT REFLECTED IN THE SCHEDULED  
12 PERCENTAGE REDUCTION FOR THAT YEAR, AS SET FORTH IN  
13 SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), THE SCHEDULED  
14 PERCENTAGE REDUCTION NEED NOT BE APPLIED.

15 **SECTION 2.** In Colorado Revised Statutes, 40-15-509.5, **amend**

16 (4) (a) as follows:

17 **40-15-509.5. Broadband service - report - broadband**

1 **deployment board - broadband fund - creation - repeal.** (4) (a) There  
2 is hereby created in the state treasury the broadband fund, referred to in  
3 this section as the "fund". The fund consists of all ~~moneys~~ MONEY  
4 allocated from the HCSM to provide access to broadband services  
5 through broadband networks in unserved areas pursuant to section  
6 40-15-208 (2) (a) (I) (B), which ~~moneys~~ MONEY shall be transferred to the  
7 fund ~~upon allocation~~ ON JULY 1 OF EACH YEAR AND CONTINUOUSLY  
8 APPROPRIATED, and all ~~moneys~~ MONEY that the general assembly may  
9 appropriate to the fund. The ~~moneys~~ MONEY in the fund ~~are~~ is  
10 appropriated to the broadband deployment board, created in subsection  
11 (5) of this section, for the purposes set forth in this section. All interest  
12 earned from the investment of ~~moneys~~ MONEY in the fund is credited to  
13 the fund. All ~~moneys~~ MONEY not expended at the end of the fiscal year  
14 ~~remain~~ REMAINS in the fund and ~~do~~ DOES not revert to the general fund or  
15 any other fund.

16 **SECTION 3. Applicability.** This act applies to contributions  
17 calculated on or after the effective date of this act.

18 **SECTION 4. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

REDRAFT

1.22.16

Double underlining  
denotes changes from  
prior draft

DRAFT

LLS NO. 16-0911.01 Michael Dohr x4347

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC: "5 Year DOC Appropriations For Crimes Fixes"**

**A BILL FOR AN ACT**

101 CONCERNING THE FIVE-YEAR APPROPRIATIONS REQUIREMENT FOR  
102 BILLS THAT CHANGE THE PERIODS OF INCARCERATION IN STATE  
103 CORRECTIONAL FACILITIES.

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Joint Budget Committee.** Under current law, the fiscal note for a bill that results in a net increase or decrease in incarceration periods in state correctional facilities must include the long-term costs of the bill including capital construction and operating costs for the 5 years following the passage of the bill. Current law also requires any bill that

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results in a net increase or decrease in incarceration periods in state correctional facilities include appropriations for the first 5 years there is a fiscal impact to the bill. The bill changes the timing in both instances to 5 years following the effective date of the bill. The bill clarifies that the capital construction and operating costs that are subject to the 5-year appropriation clause are limited to department of corrections costs. The bill also requires that the fiscal note and appropriations clause account for the parole costs associated with the bill. The bill clarifies that state correctional facilities include private prisons.

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

2           **SECTION 1.** In Colorado Revised Statutes, 2-2-701, **amend** (3);  
3 and **add** (4) as follows:

4           **2-2-701. General assembly - bills regarding the sentencing of**  
5 **criminal offenders - legislative intent - definitions.** (3) On and after  
6 July 1, 1994, any bill which is introduced at any session of the general  
7 assembly which affects criminal sentencing and which may result in a net  
8 increase or a net decrease in periods of imprisonment in state correctional  
9 facilities shall be reviewed by the director of research of the legislative  
10 council for the purpose of providing information to the general assembly  
11 on the long-term fiscal impact which may result from the passage of the  
12 bill, including the increased capital construction costs, ~~and~~ increased  
13 operating costs, AND INCREASED PAROLE COSTS FOR THE DEPARTMENT OF  
14 CORRECTIONS for the first five fiscal years following ~~passage~~ THE  
15 EFFECTIVE DATE OF THE BILL. THE DIVISION OF CRIMINAL JUSTICE IN THE  
16 DEPARTMENT OF PUBLIC SAFETY AND THE DEPARTMENT OF CORRECTIONS  
17 SHALL ASSIST THE LEGISLATIVE COUNCIL IN CALCULATING INCREASED  
18 PAROLE COSTS.

19           (4) FOR PURPOSES OF THIS PART 7, "STATE CORRECTIONAL  
20 FACILITIES" MEANS ANY FACILITY UNDER THE SUPERVISION OF THE

1 DEPARTMENT OF CORRECTIONS IN WHICH PERSONS ARE OR MAY BE  
2 LAWFULLY HELD IN CUSTODY AS A RESULT OF CONVICTION OF A CRIME  
3 AND ANY PRISON FACILITY OPERATED BY A COUNTY, CITY AND COUNTY,  
4 OR PRIVATE CORPORATION LOCATED IN THIS STATE OR ANOTHER STATE;  
5 EXCEPT THAT IT DOES NOT INCLUDE ANY LOCAL JAIL,  
6 MULTIJURISDICTIONAL JAIL, OR COMMUNITY CORRECTIONS CENTER.

7 **SECTION 2.** In Colorado Revised Statutes, **amend 2-2-703** as  
8 follows:

9 **2-2-703. General assembly - bills which result in a net increase**  
10 **in periods of imprisonment in state correctional facilities - funding**  
11 **must be provided in the bill.** On and after July 1, 1991, ~~no~~ A bill may  
12 NOT be passed by the general assembly which would result in a net  
13 increase in periods of imprisonment in state correctional facilities unless,  
14 in such bill, there is an appropriation of ~~moneys~~ MONEY which is  
15 sufficient to cover any increased capital construction costs, ~~and~~ any  
16 increased operating costs, AND INCREASED PAROLE COSTS which are the  
17 result of such bill FOR THE DEPARTMENT OF CORRECTIONS in each of the  
18 first five years ~~in which there is a fiscal impact as a result of the bill~~  
19 FOLLOWING THE EFFECTIVE DATE OF THE BILL. ~~Moneys~~ MONEY sufficient  
20 to cover such increased capital construction costs and increased operating  
21 costs for the first five fiscal years ~~in which there is a fiscal impact as a~~  
22 ~~result of the bill shall~~ FOLLOWING THE EFFECTIVE DATE OF THE BILL MUST  
23 be estimated by the appropriations committee, and after consideration of  
24 such estimate the general assembly shall make a determination as to the  
25 amount of ~~moneys~~ MONEY sufficient to cover the costs, and such ~~moneys~~  
26 ~~shall~~ MONEY MUST be appropriated in the bill in the form of a statutory  
27 appropriation from the general fund in the years affected. Any such bill

1 which is passed on or after July 1, 1991, which is silent as to whether it  
2 is intended to be an exception to this section, shall not be deemed to be  
3 such an exception. Any bill which is enacted which is intended to be an  
4 exception to this section ~~shall~~ MUST expressly state such exception in such  
5 bill.

6 <{*Do you want a safety clause or a petition clause?*}>

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
1.22.16

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LLS NO. 16-0913.01 Jason Gelender x4330

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC:** "Higher Ed Financial Obligation Repayment"  
**DEADLINES:** Finalize by: FEB 1, 2016 File by: FEB 3, 2016

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**A BILL FOR AN ACT**

101 CONCERNING MODIFICATION OF THE MEANS OF REPAYMENT FOR  
102 CERTAIN ONGOING FINANCIAL OBLIGATIONS INCURRED BY THE  
103 STATE IN ORDER TO FUND CAPITAL CONSTRUCTION PROJECTS  
104 FOR STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)*

**Joint Budget Committee.** In 2008, the state entered into lease-purchase agreements to fund capital construction projects for state-supported institutions of higher education and allocated a

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formula-based amount of federal mineral lease revenues to the ongoing repayment of certificates of participation (COPs) issued in connection with the lease-purchase agreements. But in many of the years since 2008, the amount of federal mineral lease revenues has not been sufficient to entirely cover the cost of the COP payments as intended, and the general assembly has had to appropriate money from the general fund to make up for the shortfall.

In order to address current and anticipated future federal mineral lease revenues shortfalls, the bill eliminates the higher education maintenance and reserve fund (reserve fund) and requires the balance of the reserve fund to be transferred to the higher education federal mineral lease revenues fund (revenues fund). The bill also requires federal mineral lease bonus payments that are currently required to be distributed to the reserve fund to instead be distributed to the revenues fund and prohibits the state from entering into any additional lease-purchase agreements to be funded from the revenues fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-1-106.3, **amend**  
3 (2) (a) as follows:

4 **23-1-106.3. Duties and powers of the commission - capital**  
5 **construction projects - federal mineral lease revenues fund - higher**  
6 **education institutions lease-purchase cash fund.** (2) (a) On or before  
7 August 15, 2009, and on or before August 15 OF each year thereafter  
8 THROUGH AUGUST 15, 2015, the state treasurer shall notify the  
9 commission, the office of state planning and budgeting, the capital  
10 development committee, and the joint budget committee of the amount of  
11 money in the revenues fund and whether the treasurer determines that  
12 there are sufficient moneys in the revenues fund to enter into additional  
13 lease-purchase agreements to be funded from the revenues fund. ON AND  
14 AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (a), AS AMENDED, THE  
15 STATE SHALL NOT ENTER INTO ANY ADDITIONAL LEASE-PURCHASE  
16 AGREEMENTS TO BE FUNDED FROM THE REVENUES FUND.

1           **SECTION 2.** In Colorado Revised Statutes, 23-19.9-101, **repeal**  
2 (2) as follows:

3           **23-19.9-101. Definitions.** As used in this article, unless the  
4 context otherwise requires:

5           (2) ~~"Maintenance and reserve fund" means the higher education~~  
6 ~~maintenance and reserve fund created in section 23-19.9-102 (2) (a).~~

7           **SECTION 3.** In Colorado Revised Statutes, 23-19.9-102, **amend**  
8 (1) (a); **add** (1) (a.5); and **repeal** (2) (a) and (2) (b) as follows:

9           **23-19.9-102. Higher education federal mineral lease revenues**  
10 **fund - higher education maintenance and reserve fund - creation -**  
11 **sources of revenues - use.** (1) (a) The higher education federal mineral  
12 lease revenues fund is hereby created in the state treasury. For the  
13 2008-09 fiscal year and for each succeeding fiscal year THROUGH THE  
14 QUARTERLY TRANSFER FOR THE QUARTER COMMENCING ON OCTOBER 1 OF  
15 THE 2015-16 FISCAL YEAR, the lesser of the first fifty million dollars of the  
16 total amount of moneys required to be transferred to the revenues fund  
17 and the maintenance and reserve fund pursuant to section 34-63-102  
18 (5.5), C.R.S., or all of such moneys shall be transferred to the revenues  
19 fund and the remainder of such moneys shall be transferred to the  
20 maintenance and reserve fund. FOR THE QUARTERLY TRANSFERS FOR THE  
21 QUARTERS COMMENCING ON JANUARY 1, 2016, AND APRIL 1, 2016, FOR  
22 THE 2016-17 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER,  
23 MONEY SHALL BE TRANSFERRED TO THE REVENUES FUND AS REQUIRED BY  
24 SECTION 34-63-102 (5.5), C.R.S. Interest and income derived from the  
25 deposit and investment of the revenues fund shall remain in the revenues  
26 fund and shall not be transferred to the general fund or any other fund at  
27 the end of any fiscal year. The state treasurer may invest the revenues

1 fund in any investment in which the board of trustees of the public  
2 employees' retirement association may invest the funds of the association  
3 pursuant to section 24-51-206, C.R.S.

4 (a.5) ON THE EFFECTIVE DATE OF THIS PARAGRAPH (a.5), THE  
5 TREASURER SHALL TRANSFER ALL MONEY IN THE MAINTENANCE AND  
6 RESERVE FUND TO THE REVENUES FUND.

7 ~~(2) (a) The higher education maintenance and reserve fund is~~  
8 ~~hereby created in the state treasury. The principal of the maintenance and~~  
9 ~~reserve fund shall consist of moneys transferred to the maintenance and~~  
10 ~~reserve fund pursuant to section 34-63-102 (5.3) (a) (H), C.R.S. Except~~  
11 ~~as otherwise provided in paragraph (b) of this subsection (2), the principal~~  
12 ~~of the maintenance and reserve fund shall remain in the fund and shall not~~  
13 ~~be expended for any purpose. The general assembly may annually~~  
14 ~~appropriate interest and income derived from the deposit and investment~~  
15 ~~of moneys in the maintenance and reserve fund for controlled~~  
16 ~~maintenance projects for the system of public higher education that are~~  
17 ~~selected through the process set forth in sections 24-30-1303 (1) (k.5) and~~  
18 ~~2-3-1304 (1) (b), C.R.S. The state treasurer may invest the maintenance~~  
19 ~~and reserve fund in any investment in which the board of trustees of the~~  
20 ~~public employees' retirement association may invest the funds of the~~  
21 ~~association pursuant to section 24-51-206, C.R.S.~~

22 ~~(b) (I) If the amount of moneys in the revenues fund will be~~  
23 ~~insufficient to cover the full amount of the payments due to be made~~  
24 ~~under lease-purchase agreements authorized pursuant to section~~  
25 ~~23-1-106.3 (3), the general assembly may transfer from the principal of~~  
26 ~~the maintenance and reserve fund or from any other sources to the~~  
27 ~~revenues fund sufficient moneys to make the payments.~~

1           ~~(H) If, at any time during a fiscal year, the most recent available~~  
2           ~~quarterly revenue estimate prepared by the staff of the legislative council~~  
3           ~~indicates that the amount of total general fund revenues for the fiscal year~~  
4           ~~will not be sufficient to allow the state to maintain the four percent or~~  
5           ~~higher reserve required by section 24-75-201.1 (1), C.R.S., the general~~  
6           ~~assembly may make supplemental appropriations of principal of the~~  
7           ~~maintenance and reserve fund or the state controller may allow~~  
8           ~~overexpenditures to be made from principal of the maintenance and~~  
9           ~~reserve fund pursuant to and in accordance with the requirements of~~  
10           ~~section 24-75-111, C.R.S., in order to offset any reduction in the amount~~  
11           ~~of one or more general fund appropriations for the fiscal year for~~  
12           ~~operating expenses of state-supported institutions of higher education that~~  
13           ~~resulted from the insufficiency in the amount of total general fund~~  
14           ~~revenues.~~

15           ~~(H) Notwithstanding any provision of this subsection (2) to the~~  
16           ~~contrary, on June 30, 2009, the state treasurer shall deduct thirty-three~~  
17           ~~million seven hundred thousand dollars from the higher education~~  
18           ~~maintenance and reserve fund and transfer such sum to the general fund;~~  
19           ~~except that, if the balance of moneys in the higher education maintenance~~  
20           ~~and reserve fund on June 30, 2009, is less than thirty-three million seven~~  
21           ~~hundred thousand dollars, the state treasurer shall transfer the balance of~~  
22           ~~moneys in the fund to the general fund.~~

23           ~~(IV) Notwithstanding any provision of this subsection (2) to the~~  
24           ~~contrary, on April 15, 2010, the state treasurer shall deduct two million~~  
25           ~~three hundred thousand dollars from the higher education maintenance~~  
26           ~~and reserve fund and transfer such sum to the general fund.~~

27           ~~(V) Notwithstanding any provision of this subsection (2) to the~~



1 ~~contrary, on May 5, 2011, the state treasurer shall deduct one million one~~  
2 ~~hundred twenty-eight thousand six hundred twenty-four dollars from the~~  
3 ~~higher education maintenance and reserve fund and transfer such sum to~~  
4 ~~the general fund.~~

5 **SECTION 4.** In Colorado Revised Statutes, 34-63-102, **amend**  
6 (1) (a) (II), (5.3) (a) (II), (5.5) (a), and (5.5) (b) as follows:

7 **34-63-102. Creation of mineral leasing fund - distribution -**  
8 **advisory committee - local government permanent fund created -**  
9 **definitions - transfer of moneys - repeal.** (1) (a) (II) On and after July  
10 1, 2008, all moneys, including any interest and income derived therefrom,  
11 received by the state treasurer pursuant to the provisions of the federal  
12 "Mineral Lands Leasing Act" of February 25, 1920, as amended, except  
13 those moneys described in section 34-63-104, shall be deposited by the  
14 state treasurer into the mineral leasing fund, which fund is hereby created,  
15 for use by state agencies, public schools, and political subdivisions of the  
16 state as described in subsections (5.3) and (5.4) of this section and for  
17 transfer to the higher education federal mineral lease revenues fund  
18 created in section 23-19.9-102 (1) (a), C.R.S., ~~the higher education~~  
19 ~~maintenance and reserve fund created in section 23-19.9-102 (2) (a),~~  
20 ~~C.R.S.~~, and the local government permanent fund created in  
21 sub-subparagraph (A) of subparagraph (I) of paragraph (a) of subsection  
22 (5.3) of this section, as required by this section and section 23-19.9-102,  
23 C.R.S.

24 (5.3) (a) Bonus payments credited to the mineral leasing fund  
25 created in subparagraph (II) of paragraph (a) of subsection (1) of this  
26 section shall be distributed on a quarterly basis for each quarter  
27 commencing on July 1, October 1, January 1, or April 1 of any state fiscal

1 year as follows:

2 (II) Fifty percent of the bonus payments shall be transferred to the  
3 higher education ~~maintenance and reserve~~ FEDERAL MINERAL LEASE  
4 REVENUES fund created in ~~section 23-19.9-102 (2) (a)~~, SECTION  
5 23-19.9-102 (1) (a), C.R.S.

6 (5.5) (a) (I) On and after July 1, 2008, BUT BEFORE THE EFFECTIVE  
7 DATE OF THIS PARAGRAPH (a), AS AMENDED, all moneys other than bonus  
8 payments, as defined in paragraph (b) of subsection (5.3) of this section,  
9 credited to the mineral leasing fund in excess of the amounts distributed  
10 pursuant to subsection (5.4) of this section shall be transferred on a  
11 quarterly basis for each quarter commencing on July 1, October 1,  
12 January 1, or April 1 of any state fiscal year to the higher education  
13 federal mineral lease revenues fund created in section 23-19.9-102 (1) (a),  
14 C.R.S., and the higher education maintenance and reserve fund created in  
15 section 23-19.9-102 (2) (a), C.R.S., as specified in said section AS THAT  
16 SECTION EXISTED PRIOR TO ITS REPEAL.

17 (II) ON AND AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (a),  
18 AS AMENDED, ALL MONEYS OTHER THAN BONUS PAYMENTS, AS DEFINED  
19 IN PARAGRAPH (b) OF SUBSECTION (5.3) OF THIS SECTION, CREDITED TO  
20 THE MINERAL LEASING FUND IN EXCESS OF THE AMOUNTS DISTRIBUTED  
21 PURSUANT TO SUBSECTION (5.4) OF THIS SECTION SHALL BE TRANSFERRED  
22 ON A QUARTERLY BASIS FOR EACH QUARTER COMMENCING ON JULY 1,  
23 OCTOBER 1, JANUARY 1, OR APRIL 1 OF ANY STATE FISCAL YEAR TO THE  
24 HIGHER EDUCATION FEDERAL MINERAL LEASE REVENUES FUND CREATED  
25 IN SECTION 23-19.9-102 (1) (a), C.R.S., AS SPECIFIED IN SAID SECTION.

26 (b) Notwithstanding the provisions of paragraph (a) of subsection  
27 (5.4) of this section, if the amount of moneys in the higher education

1 federal mineral lease revenues fund, established pursuant to section  
2 23-19.9-102 (1), C.R.S., ~~including any transfers pursuant to section~~  
3 ~~23-19.9-102 (2) (b), C.R.S.~~, is insufficient to cover the full amount of the  
4 payments due to be made under lease-purchase agreements authorized  
5 pursuant to section 23-1-106.3 (3), C.R.S., the general assembly may  
6 reduce the transfer to the state public school fund by the amount needed  
7 to cover the full amount of payments and transfer that amount to the  
8 higher education federal mineral lease revenues fund.

9           **SECTION 5. Effective date.** This act takes effect upon passage;  
10 except that the repeal of section 23-19.9-102 (2) (a), Colorado Revised  
11 Statutes, as contained in section 3 of this act, takes effect on the day after  
12 the remainder of this act takes effect.

13           **SECTION 6. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
1.22.16

DRAFT

LLS NO. 16-0913.02 Jason Gelender x4330

COMMITTEE BILL

Joint Budget Committee

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**BILL TOPIC:** "Higher Ed Financial Obligation Repayment"  
**DEADLINES:** Finalize by: FEB 1, 2016 File by: FEB 3, 2016

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**A BILL FOR AN ACT**

101 CONCERNING MODIFICATION OF THE MEANS OF REPAYMENT FOR  
102 CERTAIN ONGOING FINANCIAL OBLIGATIONS INCURRED BY THE  
103 STATE IN ORDER TO FUND CAPITAL CONSTRUCTION PROJECTS  
104 FOR STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)*

**Joint Budget Committee.** In 2008, the state entered into lease-purchase agreements to fund capital construction projects for state-supported institutions of higher education and allocated a

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

formula-based amount of federal mineral lease revenues to the ongoing repayment of certificates of participation (COPs) issued in connection with the lease-purchase agreements. But in many of the years since 2008, the amount of federal mineral lease revenues has not been sufficient to entirely cover the cost of the COP payments as intended, and the general assembly has had to appropriate money from the general fund to make up for the shortfall.

In order to address current and anticipated future federal mineral lease revenues shortfalls, the bill transfers all money in the higher education maintenance and reserve fund (reserve fund) to the higher education federal mineral lease revenues fund (revenues fund). Effective July 1, 2016, the bill eliminates both the revenues fund and the reserve fund, requires federal mineral lease revenue that is currently required to be credited to the fund to instead be credited to the state public school fund, identifies the general fund as the source of repayment for COPs payments made on and after July 1, 2016, and repeals existing statutory authorization, subject to specified legislative actions, for the issuance of additional COPs.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-1-106.3, **amend**  
3 (1) (a), (3) (a) (I), (3) (b) (II) (A), and (5) (a); and **repeal** (2) as follows:

4 **23-1-106.3. Duties and powers of the commission - capital**  
5 **construction projects - higher education institutions lease-purchase**  
6 **cash fund - payment of existing obligations from general fund.**

7 (1) (a) As soon as possible after May 12, 2008, the commission, after  
8 consultation with the appropriate governing boards of state-supported  
9 institutions of higher education, shall submit to the office of state  
10 planning and budgeting and to the capital development committee of the  
11 general assembly, established pursuant to section 2-3-1302, C.R.S., a  
12 prioritized list of capital construction projects at the state-supported  
13 institutions of higher education to be constructed using lease-purchase  
14 agreements funded through the higher education federal mineral lease  
15 revenues fund established pursuant to section 23-19.9-102 (1), AS THAT

1 SECTION EXISTED PRIOR TO ITS REPEAL, and referred to in this section as  
2 the "revenues fund". As soon as possible after receipt of the list from the  
3 commission, the office of state planning and budgeting shall submit to the  
4 capital development committee a prioritized list of capital construction  
5 projects at state-supported institutions of higher education to be  
6 constructed using lease-purchase agreements funded through the revenues  
7 fund.

8 ~~(2) (a) On or before August 15, 2009, and on or before August 15~~  
9 ~~each year thereafter, the state treasurer shall notify the commission, the~~  
10 ~~office of state planning and budgeting, the capital development~~  
11 ~~committee, and the joint budget committee of the amount of money in the~~  
12 ~~revenues fund and whether the treasurer determines that there are~~  
13 ~~sufficient moneys in the revenues fund to enter into additional~~  
14 ~~lease-purchase agreements to be funded from the revenues fund.~~

15 ~~(b) After the notification required by paragraph (a) of this~~  
16 ~~subsection (2) is received, and the treasurer has determined that there are~~  
17 ~~sufficient moneys in the revenues fund to enter into additional~~  
18 ~~lease-purchase agreements, the commission, the office of state planning~~  
19 ~~and budgeting, the capital development committee, and the joint budget~~  
20 ~~committee, pursuant to the procedures established in subsection (1) of this~~  
21 ~~section, may promptly consider a new prioritized list of capital~~  
22 ~~construction projects at state-supported institutions of higher education~~  
23 ~~to be constructed using lease-purchase agreements funded through the~~  
24 ~~revenues fund. A joint resolution introduced pursuant to this paragraph~~  
25 ~~(b) shall also include a statement of the maximum average anticipated~~  
26 ~~state-funded payments under all lease-purchase agreements to be~~  
27 ~~authorized through the joint resolution.~~

1           (3) (a) (I) Notwithstanding the provisions of sections 24-82-102  
2 (1) (b) and 24-82-801, C.R.S., the state of Colorado, acting by and  
3 through the state treasurer, is authorized to execute lease-purchase  
4 agreements each for no more than twenty years of annual payments on the  
5 projects listed in the joint resolution adopted and approved pursuant to  
6 paragraph (b) of subsection (1) of this section. ~~or paragraph (b) of~~  
7 ~~subsection (2) of this section.~~ The lease-purchase agreements authorized  
8 pursuant to this paragraph (a) may be for the total amount of the project  
9 cost as reflected in the joint resolution. A state-supported institution of  
10 higher education may either contribute the full amount of its share of the  
11 cost of the project at the commencement of the project or may have its  
12 share of the cost of the project included in the lease-purchase agreement.  
13 Based upon the total amount of money that one or more lease-purchase  
14 agreements is able to raise, the treasurer shall enter into lease-purchase  
15 agreements in the order of the prioritized list contained in the joint  
16 resolution; except that, if, after funding all previous projects on the list,  
17 the amount of money is insufficient to fund the entire project that is next  
18 on the list, the treasurer may enter into a lease-purchase agreement on the  
19 next project or projects on the list that may be completely funded.

20           (b) (II) (A) Any lease-purchase agreement authorized pursuant to  
21 paragraph (a) of this subsection (3) shall provide that all of the  
22 obligations of the state under the agreement shall be subject to the action  
23 of the general assembly in annually making moneys available for all  
24 payments thereunder. Payments under any lease-purchase agreement  
25 MADE BEFORE JULY 1, 2016, shall be made from the revenues fund and  
26 any money in the higher education institutions lease-purchase cash fund  
27 established in subsection (4) of this section. PAYMENTS UNDER ANY

1 LEASE-PURCHASE AGREEMENT MADE ON OR AFTER JULY 1, 2016, SHALL BE  
2 MADE FROM THE GENERAL FUND, FROM ANY MONEY IN THE HIGHER  
3 EDUCATION INSTITUTIONS LEASE-PURCHASE CASH FUND ESTABLISHED IN  
4 SUBSECTION (4) OF THIS SECTION, AND FROM ANY OTHER LEGAL SOURCE  
5 AS AUTHORIZED AND APPROPRIATED BY THE GENERAL ASSEMBLY.

6 (5) (a) Prior to executing a lease-purchase agreement pursuant to  
7 subsection (3) of this section, in order to protect against future interest  
8 rate increases, the state of Colorado, acting by and through the state  
9 treasurer and at the discretion of the state treasurer, may enter into an  
10 interest rate exchange agreement pursuant to article 59.3 of title 11,  
11 C.R.S. A lease-purchase agreement entered into pursuant to subsection  
12 (3) of this section shall be a proposed public security for the purposes of  
13 article 59.3 of title 11, C.R.S. Any payments made by the state under an  
14 agreement entered into pursuant to this subsection (5) shall be made  
15 solely from moneys made available to the state treasurer from the  
16 execution of a lease-purchase agreement or from moneys appropriated  
17 from the revenues fund FOR A PAYMENT MADE BEFORE JULY 1, 2016, THE  
18 GENERAL FUND, or the higher education institutions lease-purchase cash  
19 fund created pursuant to subsection (4) of this section.

20 **SECTION 2.** In Colorado Revised Statutes, 23-19.9-102, **add** (1)  
21 (a.5) as follows:

22 **23-19.9-102. Higher education federal mineral lease revenues**  
23 **fund - higher education maintenance and reserve fund - creation -**  
24 **sources of revenues - use.** (1) (a.5) ON THE EFFECTIVE DATE OF THIS  
25 PARAGRAPH (a.5), THE TREASURER SHALL TRANSFER ALL MONEY IN THE  
26 MAINTENANCE AND RESERVE FUND TO THE REVENUES FUND. IF ANY  
27 ADDITIONAL MONEY IS DISTRIBUTED TO THE MAINTENANCE AND RESERVE



1 FUND AFTER SAID EFFECTIVE DATE BUT BEFORE JULY 1, 2016, PURSUANT  
2 TO SECTION 34-63-102 (5.5) (a) (I), C.R.S., THE STATE TREASURER SHALL  
3 ALSO IMMEDIATELY TRANSFER THAT MONEY TO THE REVENUES FUND.

4 **SECTION 3.** In Colorado Revised Statutes, **add** 23-19.9-103 and  
5 23-19.9-104 as follows:

6 **23-19.9-103. Transfer of balance of revenues fund to state**  
7 **public school fund.** ON JUNE 30, 2016, THE STATE TREASURER SHALL  
8 TRANSFER ALL MONEY IN THE REVENUES FUND TO THE STATE PUBLIC  
9 SCHOOL FUND CREATED IN SECTION 22-54-114 (1), C.R.S.

10 **23-19.9-104. Repeal of article.** THIS ARTICLE 19.9 IS REPEALED,  
11 EFFECTIVE JULY 1, 2016.

12 **SECTION 4.** In Colorado Revised Statutes, 34-63-102, **amend**  
13 (1) (a) (II), (5.3) (a) (II), (5.4) (a) (II), and (5.5) (a); **add** (5.4) (a) (III);  
14 and **repeal** (5.5) (b) as follows:

15 **34-63-102. Creation of mineral leasing fund - distribution -**  
16 **advisory committee - local government permanent fund created -**  
17 **definitions - transfer of moneys - repeal.** (1) (a) (II) (A) On and after  
18 July 1, 2008, BUT BEFORE JULY 1, 2016, all moneys, including any interest  
19 and income derived therefrom, received by the state treasurer pursuant to  
20 the provisions of the federal "Mineral Lands Leasing Act" of February 25,  
21 1920, as amended, except those moneys described in section 34-63-104,  
22 shall be deposited by the state treasurer into the mineral leasing fund,  
23 which fund is hereby created, for use by state agencies, public schools,  
24 and political subdivisions of the state as described in subsections (5.3)  
25 and (5.4) of this section and for transfer to the higher education federal  
26 mineral lease revenues fund created in section 23-19.9-102 (1) (a),  
27 C.R.S., AS THAT SECTION EXISTED PRIOR TO ITS REPEAL, the higher

1 education maintenance and reserve fund created in section 23-19.9-102  
2 (2) (a), C.R.S., AS THAT SECTION EXISTED PRIOR TO ITS REPEAL, and the  
3 local government permanent fund created in sub-subparagraph (A) of  
4 subparagraph (I) of paragraph (a) of subsection (5.3) of this section, as  
5 required by this section and AS WAS REQUIRED BY section 23-19.9-102,  
6 C.R.S., PRIOR TO ITS REPEAL.

7 (B) ON AND AFTER JULY 1, 2016, ALL MONEYS, INCLUDING ANY  
8 INTEREST AND INCOME DERIVED THEREFROM, RECEIVED BY THE STATE  
9 TREASURER PURSUANT TO THE PROVISIONS OF THE FEDERAL "MINERAL  
10 LANDS LEASING ACT" OF FEBRUARY 25, 1920, AS AMENDED, EXCEPT  
11 THOSE MONEYS DESCRIBED IN SECTION 34-63-104, SHALL BE DEPOSITED  
12 BY THE STATE TREASURER INTO THE MINERAL LEASING FUND, WHICH FUND  
13 IS HEREBY CREATED, FOR USE BY STATE AGENCIES, PUBLIC SCHOOLS, AND  
14 POLITICAL SUBDIVISIONS OF THE STATE AS DESCRIBED IN SUBSECTIONS  
15 (5.3) AND (5.4) OF THIS SECTION AND FOR TRANSFER TO THE LOCAL  
16 GOVERNMENT PERMANENT FUND CREATED IN SUB-SUBPARAGRAPH (A) OF  
17 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5.3) OF THIS  
18 SECTION, AS REQUIRED BY THIS SECTION.

19 (5.3) (a) Bonus payments credited to the mineral leasing fund  
20 created in subparagraph (II) of paragraph (a) of subsection (1) of this  
21 section shall be distributed on a quarterly basis for each quarter  
22 commencing on July 1, October 1, January 1, or April 1 of any state fiscal  
23 year as follows:

24 (II) Fifty percent of the bonus payments shall be transferred to the  
25 ~~higher education maintenance and reserve fund created in section~~  
26 ~~23-19.9-102 (2) (a), C.R.S.~~ STATE PUBLIC SCHOOL FUND CREATED IN  
27 SECTION 22-54-114 (1), C.R.S.

1           (5.4) Except as otherwise provided in subsection (5.5) of this  
2 section, on and after July 1, 2008, all moneys other than bonus payments,  
3 as defined in paragraph (b) of subsection (5.3) of this section, credited to  
4 the mineral leasing fund created in subparagraph (II) of paragraph (a) of  
5 subsection (1) of this section shall be distributed on a quarterly basis for  
6 quarters beginning on July 1, October 1, January 1, and April 1 of each  
7 state fiscal year as follows:

8           (a) (II) For each quarter commencing during the 2011-12 fiscal  
9 year or during any succeeding fiscal year THROUGH THE 2015-16 FISCAL  
10 YEAR, forty-eight and three-tenths percent of the moneys shall be paid  
11 into the state public school fund to be used for the support of the public  
12 schools of the state; except that the maximum amount of moneys  
13 transferred during any fiscal year shall not exceed the maximum amount  
14 of moneys allowed to be transferred during the 2010-11 fiscal year  
15 multiplied by one hundred four percent per year for each succeeding  
16 fiscal year.

17           (III) FOR EACH QUARTER COMMENCING ON OR AFTER JULY 1, 2016,  
18 FORTY-EIGHT AND THREE-TENTHS PERCENT OF THE MONEYS SHALL BE  
19 PAID INTO THE STATE PUBLIC SCHOOL FUND CREATED IN SECTION  
20 22-54-114 (1), C.R.S., TO BE USED FOR THE SUPPORT OF THE PUBLIC  
21 SCHOOLS OF THE STATE.

22           (5.5) (a) (I) On and after July 1, 2008, BUT BEFORE JULY 1, 2016,  
23 all moneys other than bonus payments, as defined in paragraph (b) of  
24 subsection (5.3) of this section, credited to the mineral leasing fund in  
25 excess of the amounts distributed pursuant to subsection (5.4) of this  
26 section shall be transferred on a quarterly basis for each quarter  
27 commencing on July 1, October 1, January 1, or April 1 of any state fiscal

1 year to the higher education federal mineral lease revenues fund created  
2 in section 23-19.9-102 (1) (a), C.R.S., AS THAT SECTION EXISTED PRIOR  
3 TO ITS REPEAL, and the higher education maintenance and reserve fund  
4 created in section 23-19.9-102 (2) (a), C.R.S., AS THAT SECTION EXISTED  
5 PRIOR TO ITS REPEAL, as specified in said section.

6 (II) ON AND AFTER JULY 1, 2016, ALL MONEYS OTHER THAN BONUS  
7 PAYMENTS, AS DEFINED IN PARAGRAPH (b) OF SUBSECTION (5.3) OF THIS  
8 SECTION, CREDITED TO THE MINERAL LEASING FUND IN EXCESS OF THE  
9 AMOUNTS DISTRIBUTED PURSUANT TO SUBSECTION (5.4) OF THIS SECTION  
10 SHALL BE TRANSFERRED ON A QUARTERLY BASIS FOR EACH QUARTER  
11 COMMENCING ON JULY 1, OCTOBER 1, JANUARY 1, OR APRIL 1 OF ANY  
12 STATE FISCAL YEAR TO THE STATE PUBLIC SCHOOL FUND CREATED IN  
13 SECTION 22-54-114 (1), C.R.S.

14 ~~(b) Notwithstanding the provisions of paragraph (a) of subsection~~  
15 ~~(5.4) of this section, if the amount of moneys in the higher education~~  
16 ~~federal mineral lease revenues fund, established pursuant to section~~  
17 ~~23-19.9-102 (1), C.R.S., including any transfers pursuant to section~~  
18 ~~23-19.9-102 (2) (b), C.R.S., is insufficient to cover the full amount of the~~  
19 ~~payments due to be made under lease-purchase agreements authorized~~  
20 ~~pursuant to section 23-1-106.3 (3), C.R.S., the general assembly may~~  
21 ~~reduce the transfer to the state public school fund by the amount needed~~  
22 ~~to cover the full amount of payments and transfer that amount to the~~  
23 ~~higher education federal mineral lease revenues fund.~~

24 **SECTION 5. Effective date.** This act takes effect upon passage;  
25 except that sections 23-19.9-104, Colorado Revised Statutes, as enacted  
26 in section 3 of this act, 34-63-102 (5.3) (a) (II), Colorado Revised  
27 Statutes, as amended in section 4 of this act, and 34-63-102 (5.5) (a),

1 Colorado Revised Statutes, as amended in section 4 of this act, take effect  
2 July 1, 2016.

3           **SECTION 6. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

REDRAFT

1.22.16

Double underlining  
denotes changes from  
prior draft

DRAFT

LLS NO. 16-0914.01 Kristen Forrestal x4217

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Transfer Independent Living Services To CDLE"

**A BILL FOR AN ACT**

101 **CONCERNING TRANSFER OF THE OVERSIGHT OF INDEPENDENT LIVING**  
102 **SERVICES FROM THE DEPARTMENT OF HUMAN SERVICES TO THE**  
103 **DEPARTMENT OF LABOR AND EMPLOYMENT.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Joint Budget Committee.** Currently, the department of human services has oversight over independent living services for persons with disabilities. The bill transfers the oversight to the department of labor and employment as of July 1, 2016, and creates an office of independent living services to oversee the duties.

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

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

2           **SECTION 1.** In Colorado Revised Statutes, **add with amended**  
3 **and relocated provisions** article 85 to title 8 as follows:

4                                           **ARTICLE 85**

5                                           **Independent Living Services**

6           **8-85-101. [Formerly 26-8.1-101] Legislative declaration.** The  
7 general assembly recognizes omissions in the delivery of independent  
8 living services to individuals with disabilities and desires to remedy such  
9 inadequacies in the delivery system through services at the community  
10 level. The general assembly finds that independent living centers pave the  
11 pathways to full participation in professional and community life for all  
12 individuals with disabilities. To advance and support the independence of  
13 individuals with disabilities and to assist those individuals to live outside  
14 of institutions, the general assembly hereby enacts this article.

15           **8-85-102. [Formerly 26-8.1-102] Definitions.** As used in this  
16 article, unless the context otherwise requires:

17           (1) "Base amount" means the equal amount of funding an  
18 independent living center would receive to provide the five independent  
19 living core services throughout its service catchment area, regardless of  
20 any other factors.

21           (2) "Cross-disability" means, with respect to an independent living  
22 center, that the center provides independent living services to individuals  
23 representing a range of disabilities.

24           (3) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND  
25 EMPLOYMENT CREATED IN SECTION 24-21-121, C.R.S.

26           (4) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF

1 THE DEPARTMENT OF LABOR AND EMPLOYMENT.

2 ~~(3)~~ (5) "Independent living center" means a consumer-controlled,  
3 community-based, cross-disability, nonresidential, private nonprofit  
4 agency that is designated as an eligible agency under Title VII, section  
5 725 of the federal "Rehabilitation Act of 1973", as amended, and that:

6 (a) Is designed and operated within a local community by  
7 individuals with disabilities; and

8 (b) Provides required independent living core services and  
9 programs and an array of expanded services.

10 ~~(4)~~ (6) "Independent living core services" means:

11 (a) Information and referral services;

12 (b) Independent living skills training;

13 (c) Peer counseling, including cross-disability peer counseling;

14 (d) Individual and systems advocacy; and

15 (e) Transition services or diversion from nursing homes and  
16 institutions to home- and community-based living, or upon leaving  
17 secondary education.

18 ~~(5)~~ (7) "Independent living services" means:

19 (a) Independent living core services; and

20 (b) Other services and assistance as defined by federal regulations.

21 ~~(6)~~ (8) "Individual with a disability" means an individual:

22 (a) With a physical or mental impairment that substantially limits  
23 one or more major life activities of such individual;

24 (b) With a record of such an impairment; or

25 (c) Regarded as having such an impairment.

26 (9) "OFFICE" MEANS THE OFFICE OF INDEPENDENT LIVING SERVICES

27 CREATED PURSUANT TO SECTION 8-85-103 WITHIN THE DEPARTMENT.



1           **8-85-103. [Formerly 26-8.1-103] Functions of office - functions**  
2 **of department - appropriations - rules - repeal.** (1) THERE IS HEREBY  
3 CREATED WITHIN THE DEPARTMENT THE OFFICE OF INDEPENDENT LIVING  
4 SERVICES. THE PURPOSE OF THE OFFICE IS TO OVERSEE THE CONTRACTS  
5 WITH INDEPENDENT LIVING CENTERS PURSUANT TO THIS ARTICLE.

6           ~~(1)~~ ~~(a)~~ (2) (a) Subject to available appropriations, the ~~state~~  
7 ~~department~~ OFFICE may contract with independent living centers for  
8 independent living core services.

9           (b) The executive director shall review expenditures in accordance  
10 with the standards for independent living services set by the ~~state~~  
11 ~~department~~ OFFICE pursuant to section ~~26-8.1-105~~ 8-85-105 and the  
12 evaluation standards prescribed in section ~~26-8.1-107~~ 8-85-107. The ~~state~~  
13 ~~department~~ OFFICE may withhold state funds if the executive director  
14 determines that the programs of such independent living centers do not  
15 comply with said standards.

16           ~~(2)~~ (3) For purposes of allocating ~~moneys~~ MONEY under this  
17 article, each independent living center shall submit TO THE OFFICE a  
18 proposed budget, ~~to the state department which shall~~ WHICH MUST include  
19 proposed expenditures, including proposed expenditures for services that  
20 the center intends to provide.

21           ~~(3)~~ (4) On or before July 1, 2016, the ~~state~~ department shall  
22 promulgate a rule for the block distribution of state ~~moneys~~ MONEY to  
23 independent living centers. The rule must include at least:

24           (a) A base amount of not less than six hundred thousand dollars;  
25 and

26           (b) Other factors agreed to by the independent living centers,  
27 which may include a per capita adjustment, a per county adjustment, or

1 other adjustments.

2 ~~(4) The state department shall hire a facilitator to assist with the~~  
3 ~~formulation of the rule to distribute moneys to independent living centers,~~  
4 ~~as required by subsection (3) (4) of this section.~~

5 ~~(5) If a consensus is not reached on the factors described in~~  
6 ~~paragraph (b) of subsection (3) (4) of this section by January 1, 2016, then~~  
7 ~~the formula required pursuant to subsection (3) (4) of this section must~~  
8 ~~consist of the base amount alone until such time as a consensus is reached~~  
9 ~~on the other factors. If a consensus cannot be reached, the remainder of~~  
10 ~~the factor formula funding shall be returned to the general fund and the~~  
11 ~~state department shall submit a report to the joint budget committee on or~~  
12 ~~before January 1, 2016, 2017, explaining that the independent living~~  
13 ~~centers did not reach a consensus.~~

14 ~~(6) The state department shall report to the health and human~~  
15 ~~services committee of the senate and the public health care and human~~  
16 ~~services committee of the house of representatives, or any successor~~  
17 ~~committees, on or before March 1, 2016, regarding the rule promulgated~~  
18 ~~pursuant to subsection (3) (4) of this section.~~

19 **8-85-104. [Formerly 26-8.1-104] Written plan - consumer**  
20 **choice.** Each independent living center shall maintain an individual  
21 consumer service record indicating the consumer's choice of services,  
22 including an individualized independent living plan regarding the  
23 consumer's choice of services or a written waiver of such plan.

24 **8-85-105. [Formerly 26-8.1-105] Rules.** The state department  
25 shall promulgate rules setting forth standards for levels and types of core  
26 services. ~~which shall be in compliance~~ THE RULES AND STANDARDS MUST  
27 COMPLY with federal rules as defined in Title VII, section 725 of the

1 federal "Rehabilitation Act of 1973", as amended. The ~~state~~ department  
2 shall also adopt rules that set standards for certification of independent  
3 living centers and shall require that any center must be designated as an  
4 eligible agency under Title VII, section 725 of the federal "Rehabilitation  
5 Act of 1973", as amended, and must meet all federal requirements for  
6 independent living centers.

7 **8-85-106. [Formerly 26-8.1-106] State plan.** The statewide  
8 independent living council created pursuant to the federal "Rehabilitation  
9 Act of 1973", as amended, shall develop and revise the state plan for  
10 independent living to reflect the provisions of this article.

11 **8-85-107. [Formerly 26-8.1-107] Approval of independent**  
12 **living centers - evaluation standards.** (1) ~~The following requirements~~  
13 ~~shall be met by~~ Each independent living center MUST MEET THE  
14 FOLLOWING REQUIREMENTS as a condition of the approval of its program:

15 (a) The program ~~shall~~ MUST be under the control and direction of  
16 a board of directors or trustees of a nonprofit corporation. The members  
17 ~~of which shall~~ MUST be persons with a demonstrated interest in programs  
18 for persons with disabilities and fifty-one percent or more of the members  
19 of the board ~~shall~~ MUST be persons with disabilities;

20 (b) The independent living center ~~shall~~ MUST be staffed with  
21 fifty-one percent or more of persons with disabilities;

22 (c) The independent living center ~~shall~~ MUST comply with all of  
23 the provisions of this article and the rules promulgated thereunder.

24 (2) In addition to the requirements of subsection (1) of this  
25 section, each independent living center, as a condition of approval of its  
26 program by the state department, ~~shall~~ MUST agree to comply with the  
27 following evaluation standards:

1 (a) **Philosophy.** The independent living center shall promote and  
2 practice the independent living philosophy of:

3 (I) Consumer control of the center regarding decision-making,  
4 service delivery, management, and establishment of the policy and  
5 direction of the center;

6 (II) Self-help and self-advocacy;

7 (III) Development of peer relationships and peer role models;

8 (IV) Equal access of individuals with significant disabilities to all  
9 of the center's services, programs, activities, resources, and facilities,  
10 whether publicly or privately funded, without regard to the type of  
11 significant disability of the individual; and

12 (V) Promoting equal access of individuals with all types of  
13 significant disabilities to all services, programs, activities, resources, and  
14 facilities in the community, whether public or private, and regardless of  
15 funding source, on the same basis that access is provided to other  
16 individuals with disabilities and to individuals without disabilities.

17 (b) **Provision of services.** The independent living center shall  
18 provide independent living services to individuals with a range of  
19 significant disabilities. The independent living center shall provide  
20 independent living services on a cross-disability basis. The independent  
21 living center shall determine eligibility for independent living services  
22 and shall not exclude eligibility on the presence of any one specific  
23 significant disability.

24 (c) **Independent living goals.** The independent living center shall  
25 facilitate the development and achievement of independent living goals  
26 selected by individuals with significant disabilities who seek assistance  
27 in the development and achievement of independent living goals from the

1 center.

2 (d) **Community options.** The independent living center shall  
3 conduct outreach and activities to increase the availability and improve  
4 the quality of community options for independent living to facilitate the  
5 development and achievement of independent living goals by individuals  
6 with significant disabilities.

7 (e) **Independent living core services.** The independent living  
8 center shall provide independent living core services and, as appropriate,  
9 a combination of any of the other independent living services referred to  
10 in Title VII, section 725, standards and assurances, of the federal  
11 "Rehabilitation Act of 1973", as amended.

12 (f) **Activities to increase community capacity.** The independent  
13 living center shall conduct activities to increase the capacity of  
14 communities within the service area of the center to meet the needs of  
15 individuals with significant disabilities.

16 (g) **Resource development activities.** The independent living  
17 center shall conduct resource development activities to obtain funding  
18 from sources other than federal and state sources.

19 (3) The independent living center shall submit annually to the  
20 ~~state department~~ OFFICE a performance report that provides evidence that  
21 the center has met the evaluation standards set forth in subsection (2) of  
22 this section.

23 **8-85-108 [Formerly 26-8.1-108] Acceptance of federal grants.**  
24 The executive director is authorized to accept, on behalf of the state, any  
25 grants of federal funds made available for any purposes consistent with  
26 the provisions of this article. As indicated in the general appropriations  
27 act, the executive director, with the approval of the governor, has the

1 power to direct the disposition of any such grants so accepted in  
2 conformity with the terms and conditions under which given.

3 **8-84-109. Transfer of functions - transition plan - report.**

4 (1) (a) ON AND AFTER JULY 1, 2016, THE RIGHTS, POWERS, DUTIES, AND  
5 FUNCTIONS REGARDING INDEPENDENT LIVING SERVICES VESTED IN THE  
6 DEPARTMENT OF HUMAN SERVICES PRIOR TO THAT DATE ARE  
7 TRANSFERRED FROM THE DEPARTMENT OF HUMAN SERVICES TO THE  
8 DEPARTMENT OF LABOR AND EMPLOYMENT BY A **TYPE 2** TRANSFER, AS  
9 SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT  
10 OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

11 (b) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE  
12 DEPARTMENT OF LABOR AND EMPLOYMENT SHALL PREPARE TO EXECUTE,  
13 ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES,  
14 FUNCTIONS, AND OBLIGATIONS REGARDING INDEPENDENT LIVING SERVICES  
15 THAT ARE TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS  
16 ARTICLE.

17 (c) EFFECTIVE JULY 1, 2016, THE OFFICERS AND EMPLOYEES OF  
18 THE DEPARTMENT OF HUMAN SERVICES WHOSE DUTIES AND FUNCTIONS  
19 PRIOR TO THAT DATE CONCERNED THE DUTIES AND FUNCTIONS  
20 TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS ARTICLE AND  
21 WHOSE EMPLOYMENT IN THE DEPARTMENT IS DEEMED NECESSARY BY THE  
22 EXECUTIVE DIRECTOR TO CARRY OUT THE PURPOSES OF THIS ARTICLE ARE  
23 TRANSFERRED TO THE DEPARTMENT AND BECOME EMPLOYEES OF THE  
24 DEPARTMENT. THE EMPLOYEES RETAIN ALL RIGHTS TO THE PERSONNEL  
25 SYSTEM AND RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS  
26 STATE, AND THEIR SERVICES ARE DEEMED TO BE CONTINUOUS. ALL  
27 TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN THE STATE

1 PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE  
2 WITH STATE PERSONNEL SYSTEM LAWS AND REGULATIONS.

3 (d) EFFECTIVE JULY 1, 2016, ALL ITEMS OF PROPERTY, REAL AND  
4 PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,  
5 DOCUMENTS, AND RECORDS OF THE DEPARTMENT OF HUMAN SERVICES  
6 PRIOR TO THAT DATE PERTAINING TO THE DUTIES AND FUNCTIONS  
7 TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS ARTICLE ARE  
8 TRANSFERRED TO THE DEPARTMENT AND BECOME THE PROPERTY OF THE  
9 DEPARTMENT.

10 (e) (I) ON AND AFTER JULY 1, 2016, WHENEVER THE FUNCTIONS OF  
11 THE DEPARTMENT OF HUMAN SERVICES RELATING TO INDEPENDENT LIVING  
12 SERVICES IS REFERRED TO OR DESIGNATED BY A CONTRACT OR OTHER  
13 DOCUMENT IN CONNECTION WITH THE DUTIES AND FUNCTIONS  
14 TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS ARTICLE, THE  
15 REFERENCE OR DESIGNATION IS DEEMED TO APPLY TO THE DEPARTMENT.

16 (II) ALL CONTRACTS ENTERED INTO BY THE DEPARTMENT OF  
17 HUMAN SERVICES PRIOR TO JULY 1, 2016, IN CONNECTION WITH THE  
18 DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT PURSUANT TO  
19 THIS ARTICLE ARE HEREBY VALIDATED, WITH THE DEPARTMENT  
20 SUCCEEDING TO ALL THE RIGHTS AND OBLIGATIONS OF THE CONTRACTS.  
21 ANY APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS OPEN TO  
22 SATISFY OBLIGATIONS INCURRED PURSUANT TO THOSE CONTRACTS ARE  
23 TRANSFERRED AND APPROPRIATED TO THE DEPARTMENT FOR THE  
24 PAYMENT OF THOSE OBLIGATIONS.

25 (III) ALL RULES ADOPTED BY THE DEPARTMENT OF HUMAN  
26 SERVICES PRIOR TO JULY 1, 2016, CONCERNING INDEPENDENT LIVING  
27 SERVICES CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED, OR

1 NULLIFIED PURSUANT TO LAW.

2 **SECTION 2.** In Colorado Revised Statutes, 24-1-121, **add** (3) (i)  
3 as follows:

4 **24-1-121. Department of labor and employment - creation.** (3)  
5 The department of labor and employment consists of the following  
6 divisions and programs:

7 (i) THE POWERS, DUTIES, AND FUNCTIONS RELATING TO THE  
8 OVERSIGHT OF INDEPENDENT LIVING SERVICES PURSUANT TO ARTICLE 85  
9 OF TITLE 8, C.R.S., ARE TRANSFERRED BY A **TYPE 2** TRANSFER.

10 **SECTION 3. Repeal of relocated and nonrelocated provisions**  
11 **in this act.** In Colorado Revised Statutes, **repeal** article 8.1 of title 26.

12 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-303, **amend**  
13 (21) as follows:

14 **25.5-6-303. Definitions.** As used in this part 3 and part 5 of this  
15 article, unless the context otherwise requires:

16 (21) "Transition coordination service agency" means an agency  
17 that is certified by the state department, as specified in rule by the state  
18 board, and provides independent living core services as defined in section  
19 ~~26-8.1-102 (4), C.R.S.~~ 8-85-102 (6), C.R.S., and community transition  
20 services.

21 **SECTION 5.** In Colorado Revised Statutes, 25.5-6-1202, **amend**  
22 (5) as follows:

23 **25.5-6-1202. Definitions.** As used in this part 12, unless the  
24 context otherwise requires:

25 (5) "In-home support service agency" means an agency that is  
26 certified by the state department and provides independent living core  
27 services as defined in section ~~26-8.1-102 (4), C.R.S.~~ 8-85-102 (6), C.R.S.,



1 and in-home support services.

2           **SECTION 6. Effective date.** This act takes effect upon passage;  
3 except that sections 3, 4, and 5 take effect July 1, 2016.

4           **SECTION 7. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety.

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
1.20.16

DRAFT

LLS NO. 16-0922.01 Thomas Morris x4218

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "State Authority Under Federal Oil Pollution Act"

**DEADLINES:** Finalize by: FEB 1, 2016 File by: FEB 3, 2016

**A BILL FOR AN ACT**

101 CONCERNING THE AUTHORIZATION OF THE STATE TO ACT PURSUANT  
102 TO THE FEDERAL "OIL POLLUTION ACT OF 1990".

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Joint Budget Committee.** Current law authorizes the department of public health and environment and the attorney general to act as trustees under the federal "Comprehensive Environmental Response, Compensation, and Liability Act" (aka Superfund) for the receipt of natural resource damages and to conduct and expend money for response actions. The bill adds the federal "Oil Pollution Act of 1990" as a source

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

of natural resource damages and as authority for response actions that the department and attorney general may conduct and expend money on.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-16-102, **amend**  
3 (5) and (9); and **add** (5.3) and (5.6) as follows:

4 **25-16-102. Definitions.** As used in this article, unless the context  
5 otherwise requires:

6 (5) "National contingency plan" has the same meaning as that  
7 ascribed to it in the federal act AND THE OPA.

8 (5.3) "OIL" HAS THE SAME MEANING AS THAT ASCRIBED TO IT IN  
9 THE OPA.

10 (5.6) "OPA" MEANS THE FEDERAL "OIL POLLUTION ACT OF 1990",  
11 33 U.S.C. SEC. 2701 ET SEQ., AS AMENDED.

12 (9) "Responsible party" has the same meaning as that ascribed to  
13 it in the federal act AND THE OPA.

14 **SECTION 2.** In Colorado Revised Statutes, 25-16-103, **amend**  
15 (1) introductory portion as follows:

16 **25-16-103. Authorization to participate - implementation.**

17 (1) The general assembly hereby authorizes the department of public  
18 health and environment to participate in federal implementation of the  
19 federal act AND THE OPA and, for such purpose, the department has the  
20 authority to participate in the selection and performance of responses and  
21 remedial actions and to enter into cooperative agreements with the federal  
22 government providing for remedial actions and responses. The  
23 department, with the consent of the governor, has the authority to decline  
24 to participate with the federal government on remedial actions which the  
25 department determines are not in the interest of the state. Any cooperative

1 agreements entered into under this article may provide assurances  
2 acceptable to the federal government that:

3 **SECTION 3.** In Colorado Revised Statutes, 25-16-104.5, **amend**  
4 (1.7) (a) (II), (1.7) (a) (III), and (1.7) (b) (II) as follows:

5 **25-16-104.5. Solid waste user fee - imposed - rate - direction**  
6 **- legislative declaration - repeal.** (1.7) (a) On or after July 1, 2010, the  
7 commission shall promulgate rules that establish a solid waste user fee  
8 upon each person disposing of solid waste at an attended solid waste  
9 disposal site. The operator of the site at the time of disposal shall collect  
10 the fee from waste producers or other persons disposing of solid waste.  
11 The effective date and amount of the fee shall be set by rule of the  
12 commission, and the amount shall be sufficient to offset:

13 (II) The department's direct and indirect costs for the  
14 implementation of its responsibilities under the federal act AND THE OPA,  
15 as described in this part 1, and to provide matching funds and cover  
16 future maintenance costs pursuant to section 25-16-103; and

17 (III) The anticipated payments to the department of law, pursuant  
18 to subparagraph (II) of paragraph (b) of this subsection (1.7), for the  
19 direct and indirect costs of the department of law for the implementation  
20 of its responsibilities under the federal act AND THE OPA, as described in  
21 this part 1, which costs are distinct from those described in subparagraph  
22 (II) of this paragraph (a).

23 (b) (II) The portions of the fee imposed under this subsection (1.7)  
24 that are collected for the costs described in subparagraphs (II) and (III) of  
25 paragraph (a) of this subsection (1.7) shall be transmitted to the  
26 department for deposit into the hazardous substance response fund  
27 created in section 25-16-104.6. The department may expend moneys

1 MONEY from the portion of the fee collected under subparagraph (III) of  
2 paragraph (a) of this subsection (1.7) to compensate the department of  
3 law for all or a portion of the expenses incurred for services rendered  
4 under the federal act AND THE OPA, as billed to the department by the  
5 department of law.

6 **SECTION 4.** In Colorado Revised Statutes, 25-16-104.6, **amend**  
7 (1) (a), (2.5) introductory portion, and (2.5) (a) as follows:

8 **25-16-104.6. Fund established - administration - revenue**  
9 **sources - use.** (1) (a) There is hereby established in the state treasury the  
10 hazardous substance response fund. The fund ~~shall be~~ IS composed of ~~any~~  
11 ~~moneys~~ MONEY that the general assembly may choose to appropriate from  
12 the general fund, ~~and any moneys~~ MONEY derived from the fee imposed  
13 pursuant to section 25-16-104.5, and any interest derived therefrom; ~~any~~  
14 ~~moneys~~ MONEY recovered from responsible parties pursuant to the federal  
15 act OR THE OPA that are not generated by the state litigating as trustee for  
16 natural resources pursuant to section 25-16-104.7; ~~any moneys~~ MONEY  
17 recovered through litigation by the state pursuant to the federal act OR THE  
18 OPA that are designated for future response cost; and any other ~~moneys~~  
19 MONEY derived from public or private sources that may be credited to the  
20 fund. ~~Moneys~~ MONEY in the fund shall be annually appropriated by the  
21 general assembly, subject to ~~the provisions of~~ section 25-16-104, ~~shall~~  
22 ~~remain~~ REMAINS available for the purposes of this article, and ~~shall~~ DOES  
23 not revert ~~or be transferred~~ to the general fund of the state at the end of  
24 any fiscal year. If the fund balance exceeds ten million dollars in any state  
25 fiscal year and the fund balance is not projected to fall below ten million  
26 dollars within twenty-four months, the department shall evaluate the need  
27 to reduce fees to bring the balance of the fund below ten million dollars,

1 and shall present the evaluation to the commission.

2 (2.5) ~~Moneys~~ MONEY in the hazardous substance response fund  
3 ~~created pursuant to this section~~ may be appropriated as follows:

4 (a) To finance any litigation arising under this part 1, ~~or~~ the  
5 federal act, ~~OR THE~~ OPA on behalf of the state;

6 **SECTION 5.** In Colorado Revised Statutes, 25-16-104.7, **amend**  
7 (1) and (3) as follows:

8 **25-16-104.7. Natural resource damage recoveries - fund**  
9 **created - repeal.** (1) Except as provided in subsection (3) of this section,  
10 ~~any moneys~~ MONEY recovered through litigation by the state acting as  
11 trustee of natural resources pursuant to the federal act ~~OR THE~~ OPA, and  
12 any interest derived therefrom, are credited to the natural resource  
13 damage recovery fund, which fund is hereby created. The department may  
14 expend the custodial ~~moneys~~ MONEY in the fund without further  
15 appropriation for purposes authorized by the federal act ~~OR THE~~ OPA,  
16 including the restoration, replacement, or acquisition of the equivalent of  
17 natural resources that have been injured, destroyed, or lost as a result of  
18 a release of a hazardous substance ~~OR OIL~~. In addition, the department  
19 shall use the ~~moneys~~ MONEY in the natural resource damage recovery  
20 fund in a manner that is consistent with any judicial order, decree, or  
21 judgment governing the use of any particular recovery credited to the  
22 fund.

23 (3) To the extent authorized by law, and consistent with a final  
24 judicial order or decree in any litigation by the state acting as trustee of  
25 natural resources pursuant to the federal act ~~OR THE~~ OPA, any recovery  
26 of natural resource damage assessment or other costs, including litigation  
27 costs and fees, shall be credited to the fund from which such costs were

1 originally paid.

2           **SECTION 6. Act subject to petition - effective date -**  
3 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
4 the expiration of the ninety-day period after final adjournment of the  
5 general assembly (August 10, 2016, if adjournment sine die is on May 11,  
6 2016); except that, if a referendum petition is filed pursuant to section 1  
7 (3) of article V of the state constitution against this act or an item, section,  
8 or part of this act within such period, then the act, item, section, or part  
9 will not take effect unless approved by the people at the general election  
10 to be held in November 2016 and, in such case, will take effect on the  
11 date of the official declaration of the vote thereon by the governor.

12           (2) This act applies to conduct undertaken pursuant to the federal  
13 "Oil Pollution Act of 1990" occurring on or after the applicable effective  
14 date of this act. <{*Do you want a safety clause or a specific effective*  
15 *date?*>

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
1.22.16

DRAFT

LLS NO. 16-0942.01 Christy Chase x2008

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC: "Marijuana Health Effects Data Regional Level"**

**A BILL FOR AN ACT**

101 **CONCERNING THE ABILITY OF THE DEPARTMENT OF PUBLIC HEALTH**  
102 **AND ENVIRONMENT TO COLLECT DATA ON MARIJUANA HEALTH**  
103 **EFFECTS AT A REGIONAL LEVEL.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Joint Budget Committee.** Under current law, the department of public health and environment is directed to collect data on the health effects of marijuana use at a county level. The bill allows the department to determine whether to collect the data at a county or regional level.

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*



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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 25-1.5-110  
3 as follows:

4 **25-1.5-110. Monitor health effects of marijuana.** (1) The  
5 department shall monitor changes in drug use patterns, broken down by  
6 county OR REGION, AS DETERMINED BY THE DEPARTMENT, and race and  
7 ethnicity, and the emerging science and medical information relevant to  
8 the health effects associated with marijuana use.

9 (2) The department shall appoint a panel of health care  
10 professionals with expertise in cannabinoid physiology to monitor the  
11 relevant information. The panel shall provide a report by January 31,  
12 2015, and every two years thereafter to the state board of health, the  
13 department of revenue, and the general assembly. The department shall  
14 make the report available on its website. The panel shall establish criteria  
15 for studies to be reviewed, reviewing studies and other data, and making  
16 recommendations, as appropriate, for policies intended to protect  
17 consumers of marijuana or marijuana products and the general public.

18 (3) The department may collect Colorado-specific data that reports  
19 adverse health events involving marijuana use from the all-payer claims  
20 database, hospital discharge data, and behavioral risk factors.

21 (4) The department and panel are not required to perform the  
22 duties required by this section until the marijuana cash fund, created in  
23 section 12-43.3-501, C.R.S., has received sufficient revenue to fully fund  
24 the appropriations made to the department of revenue related to articles  
25 43.3 and 43.4 of title 12, C.R.S., and the appropriation to the division of  
26 criminal justice related to section 24-33.5-516, C.R.S., and the general

1 assembly has appropriated sufficient ~~moneys~~ MONEY from the fund to the  
2 department to pay for the monitoring required by this section.

3 **SECTION 2. Effective date.** This act takes effect July 1, 2016.

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

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
1.21.16

DRAFT

LLS NO. 16-0915.01 Jerry Barry x4341

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Delay Start Of Statewide Discovery Sharing System"

**A BILL FOR AN ACT**

101 CONCERNING TIMING OF THE STATEWIDE DISCOVERY SHARING  
102 SYSTEM.

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)*

**Joint Budget Committee.** Under current law, the Colorado district attorneys' council shall contract for a statewide discovery sharing system (system) to be operational by November 1, 2016. The bill extends this date to July 1, 2017. The bill repeals actions concerning the system that have already occurred.

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

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

2           **SECTION 1.** In Colorado Revised Statutes, 16-9-701, **amend** (4)  
3 (b); and **repeal** (2) and (3) as follows:

4           **16-9-701. Discovery project steering committee.** (2) ~~The chair~~  
5 ~~of the discovery project steering committee shall convene the first~~  
6 ~~meeting of the steering committee by June 30, 2014.~~

7           (3) ~~The discovery project steering committee shall develop a~~  
8 ~~request for proposal application and recommend a selection process to~~  
9 ~~choose a vendor to develop a statewide discovery sharing system. The~~  
10 ~~application process must be developed in a timely manner so the selection~~  
11 ~~can be made by November 1, 2014, at the latest. The steering committee~~  
12 ~~shall make a vendor recommendation to the Colorado district attorneys'~~  
13 ~~council after the application process is completed. The Colorado district~~  
14 ~~attorneys' council shall select a vendor after the application and selection~~  
15 ~~process is complete and after considering the recommendation of the~~  
16 ~~steering committee.~~

17           (4) (b) The Colorado district attorneys' council shall enter into a  
18 contract with the selected vendor to complete the system by ~~October 31,~~  
19 ~~2016~~ JUNE 30, 2017. The contract must include the benchmarks and  
20 requirements developed pursuant to paragraph (a) of this subsection (4).  
21 The executive director of the Colorado district attorneys' council shall  
22 provide periodic reports to the steering committee and the joint budget  
23 committee regarding benchmarks and requirements and the progress of  
24 the development of the system. It is not necessary for the steering  
25 committee to meet to receive the periodic reports.

26           **SECTION 2.** In Colorado Revised Statutes, 16-9-702, **amend** (1)

1 as follows:

2 **16-9-702. Statewide discovery sharing system.** (1) The  
3 Colorado district attorneys' council shall develop and maintain a statewide  
4 discovery sharing system integrated with its ACTION system. The  
5 statewide discovery sharing system must be operational by ~~November 1,~~  
6 ~~2016~~ JULY 1, 2017. The Colorado district attorneys' council shall maintain  
7 and operate the system with the assistance of the discovery project  
8 steering committee created in section 16-9-701.

9 **SECTION 3.** In Colorado Revised Statutes, 18-26-101, **repeal** (4)  
10 as follows:

11 **18-26-101. Statewide discovery sharing system surcharge.**  
12 (4) ~~By January 15, 2016, the judicial department shall report to the~~  
13 ~~judiciary committees of the house of representatives and senate, or any~~  
14 ~~successor committees, and the joint budget committee regarding the~~  
15 ~~collections made under this article.~~

16 <{*Does the committee want a safety clause or the referendum petition*  
17 *language?*>

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
1.20.16

DRAFT

LLS NO. 16-0924.01 Ed DeCecco x4216

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Funding For Driver & Motor Vehicle Services"

**A BILL FOR AN ACT**

101 **CONCERNING THE MANNER IN WHICH THE STATE FUNDS DRIVER AND**  
102 **VEHICLE SERVICES BY THE DIVISION OF MOTOR VEHICLES IN**  
103 **THE DEPARTMENT OF REVENUE.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)*

**Joint Budget Committee.** Currently, the excess reserve in the licensing services cash fund at the end of a fiscal year is transferred to the highway users tax fund (HUTF). **Section 2** of the bill eliminates this transfer, and **section 1** exempts the licensing services cash fund from the maximum reserve requirement that generally applies to cash funds.

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

**Section 3** permits the general assembly to appropriate moneys from the HUTF to the department of revenue for use by the division of motor vehicles for expenses incurred in connection with the administration of driver and vehicle services. The 6% limit on HUTF off-the-top appropriations is amended to include these appropriations.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-402, **amend**  
3 (5) (hh) and (5) (ii); and **add** (5) (jj) as follows:

4 **24-75-402. Cash funds - limit on uncommitted reserves -**  
5 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding  
6 any provision of this section to the contrary, the following cash funds are  
7 excluded from the limitations specified in this section:

8 (hh) The conveyance safety fund created in section 9-5.5-111 (2)  
9 (b), C.R.S., until this paragraph (hh) is repealed, effective July 1, 2017;  
10 **and**

11 (ii) The oil and gas conservation and environmental response fund  
12 created in section 34-60-122 (5), C.R.S.; AND

13 (jj) THE LICENSING SERVICES CASH FUND CREATED IN SECTION  
14 42-2-114.5 (1), C.R.S.

15 **SECTION 2.** In Colorado Revised Statutes, 42-2-114.5, **amend**  
16 (1) as follows:

17 **42-2-114.5. Licensing services cash fund - fee setting**  
18 **procedures - rules.** (1) The licensing services cash fund is hereby  
19 created in the state treasury. The general assembly shall appropriate  
20 moneys in the fund to the department for the cost of implementing this  
21 article. ~~At the end of each fiscal year, the state treasurer shall credit the~~  
22 ~~money in the fund, less sixteen and one-half percent of the amount~~  
23 ~~appropriated from the fund for such operation in the fiscal year, to the~~

1 ~~highway users tax fund.~~

2           **SECTION 3.** In Colorado Revised Statutes, 43-4-201, **amend** (3)  
3 (a) (I) and (3) (a) (III) (C); and **repeal** (3) (a) (I.1) as follows:

4           **43-4-201. Highway users tax fund - created.** (3) (a) (I) The  
5 general assembly shall not make any annual appropriation (whether by  
6 regular, special, or supplementary appropriation) or any statutory  
7 distribution from the highway users tax fund for any purpose or purposes  
8 in a total amount that is:

9           (A) More than twenty-three percent of the net revenue of said  
10 fund for the prior fiscal year;

11           (B) Commencing in the fiscal year 1995-96, and ending in the  
12 fiscal year 2012-13, more than a six percent increase over the  
13 appropriation to the department of public safety for the Colorado state  
14 patrol and to the department of revenue for the ports of entry division for  
15 the prior fiscal year; except in fiscal years 2009-10, 2010-11, and  
16 2011-12, more than a six percent increase over the appropriation to the  
17 department of public safety for the Colorado state patrol, to the  
18 department of revenue for the ports of entry division, and to the  
19 department of revenue for the division of motor vehicles pursuant to  
20 sub-subparagraph (C) of subparagraph (III) of this paragraph (a) for the  
21 prior fiscal year; ~~or~~

22           (C) Commencing in the fiscal year 2013-14, AND ENDING IN  
23 FISCAL YEAR 2015-16, more than a six percent increase over the  
24 appropriation to the Colorado state patrol for the prior fiscal year;

25           (D) FOR THE FISCAL YEAR 2016-17, MORE THAN A SIX PERCENT  
26 INCREASE OVER THE APPROPRIATION TO THE COLORADO STATE PATROL  
27 FOR THE FISCAL YEAR 2015-16, PLUS THE AMOUNT APPROPRIATED TO THE



1 DEPARTMENT OF REVENUE FOR USE BY THE DIVISION OF MOTOR VEHICLES  
2 PURSUANT TO SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (III) OF THIS  
3 PARAGRAPH (a) FOR THE FISCAL YEAR 2016-17; OR

4 (E) COMMENCING IN THE FISCAL YEAR 2017-18, MORE THAN A SIX  
5 PERCENT INCREASE OVER THE APPROPRIATION TO THE COLORADO STATE  
6 PATROL AND TO THE DEPARTMENT OF REVENUE FOR USE BY THE DIVISION  
7 OF MOTOR VEHICLES PURSUANT TO SUB-SUBPARAGRAPH (C) OF  
8 SUBPARAGRAPH (III) OF THIS PARAGRAPH (a) FOR THE PRIOR FISCAL YEAR.

9 ~~(I.1) Commencing with the fiscal year 1995-96, the general~~  
10 ~~assembly shall not make any annual appropriation or statutory distribution~~  
11 ~~from the highway users tax fund pursuant to this paragraph (a), except to~~  
12 ~~the department of public safety for the Colorado state patrol or, through~~  
13 ~~the fiscal year 2011-12 only, to the department of revenue for the ports of~~  
14 ~~entry section, that exceeds the annual appropriation or statutory~~  
15 ~~distribution for all purposes except the Colorado state patrol and the ports~~  
16 ~~of entry division for the fiscal year 1994-95.~~

17 (III) (C) The general assembly shall not make any annual  
18 appropriation or statutory distribution from the highway users tax fund for  
19 the fiscal year 1997-98 or for any succeeding fiscal year authorized by  
20 subparagraph (II) of this paragraph (a), excluding the annual  
21 appropriation or statutory distribution to the Colorado state patrol and,  
22 through the fiscal year 2011-12 only, the ports of entry section and  
23 excluding any appropriation to the department of revenue for the fiscal  
24 years 2008-09, 2009-10, 2010-11, and 2011-12, AND FOR ANY FISCAL  
25 YEAR AFTER FISCAL YEAR 2015-16, for expenses incurred in connection  
26 with the administration of article 2 of title 42, C.R.S., by the division of  
27 motor vehicles within the department.

1           **SECTION 4. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
1.20.16

DRAFT

LLS NO. 16-0925.01 Ed DeCecco x4216

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Dept Of State Cash Fund Alternative Max Reserve"

**A BILL FOR AN ACT**

101 **CONCERNING THE ESTABLISHMENT OF AN ALTERNATIVE MAXIMUM**  
102 **RESERVE FOR THE DEPARTMENT OF STATE CASH FUND.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)*

**Joint Budget Committee.** Currently, the maximum amount of the year-end uncommitted reserves in the department of state cash fund is equal to 16.5% of the amount expended from the cash fund during the fiscal year. The bill establishes an alternative maximum reserve for the fund that increases the existing maximum reserve by an amount equal to the amount of unexpended money from an appropriation to the

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Dashes through the words indicate deletions from existing statute.*

department of state to reimburse county clerks and recorders for election costs.

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

2           **SECTION 1.** In Colorado Revised Statutes, 24-21-104, **add** (4)  
3 as follows:

4           **24-21-104. Fees of secretary of state.** (4) FOR FISCAL YEARS  
5 BEGINNING ON OR AFTER JULY 1, 2015, AND FOR PURPOSES OF SECTION  
6 24-75-402, THE ALTERNATIVE MAXIMUM RESERVE FOR THE DEPARTMENT  
7 OF STATE CASH FUND IS EQUAL TO SIXTEEN AND FIVE-TENTHS PERCENT OF  
8 THE TOTAL AMOUNT THE DEPARTMENT OF STATE EXPENDED FROM THE  
9 FUND DURING THE FISCAL YEAR, PLUS AN AMOUNT EQUAL TO THE AMOUNT  
10 OF UNEXPENDED MONEY FROM AN APPROPRIATION TO THE DEPARTMENT  
11 OF STATE FROM THE FUND FOR THE FISCAL YEAR TO REIMBURSE COUNTY  
12 CLERKS AND RECORDERS IN ACCORDANCE WITH SECTION 24-21-104.5 FOR  
13 ELECTION COSTS.

14           **SECTION 2. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety.

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
1.20.16

DRAFT

LLS NO. 16-0926.01 Richard Sweetman x4333

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC: "Allocation Senior Property Tax Exemption Money "**

**A BILL FOR AN ACT**

101       **CONCERNING THE ALLOCATION OF CERTAIN MONEY THAT EXCEEDS**  
102               **THE TOTAL AMOUNT OF ALL WARRANTS ISSUED BY THE STATE**  
103               **TREASURER TO REIMBURSE LOCAL GOVERNMENTAL ENTITIES**  
104               **FOR PROPERTY TAX REVENUES LOST AS A RESULT OF THE**  
105               **APPLICATION OF A CERTAIN PROPERTY TAX EXEMPTION.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Joint Budget Committee.** Of the amount by which the total estimated amount specified in the annual general appropriation act for the

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Dashes through the words indicate deletions from existing statute.*

costs of providing property tax exemptions to qualifying seniors and disabled veterans exceeds the total amount of all warrants issued by the state treasurer to reimburse local governmental entities for the amount of property tax revenues lost as a result of the application of the exemption, the state treasurer shall transfer:

- 95% to the senior services account within the older Coloradans cash fund; and
- 5% to the veterans assistance grant program cash fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-3-207, **amend** (6)  
3 as follows:

4 **39-3-207. Reporting of exemptions - reimbursement to local**  
5 **governmental entities - transfer of unencumbered balances.** (6) On  
6 ~~June 30, 2013~~ JUNE 30, 2016, and on each June 30 thereafter, OF THE  
7 AMOUNT BY WHICH THE TOTAL ESTIMATED AMOUNT SPECIFIED IN THE  
8 ANNUAL GENERAL APPROPRIATION ACT FOR THE COSTS OF THIS PART 2  
9 EXCEEDS THE TOTAL AMOUNT OF ALL WARRANTS ISSUED BY THE STATE  
10 TREASURER PURSUANT TO PARAGRAPH (a) OF SUBSECTION (4) OF THIS  
11 SECTION, the state treasurer shall transfer: ~~to the senior services account~~  
12 ~~within the older Coloradans cash fund, created pursuant to section~~  
13 ~~26-11-205.5 (5) (b), C.R.S., an amount equal to the amount by which the~~  
14 ~~total estimated amount specified in the annual general appropriation act~~  
15 ~~for the costs of this part 2 exceeds the total amount of all warrants issued~~  
16 ~~by the state treasurer pursuant to paragraph (a) of subsection (4) of this~~  
17 ~~section:~~

18 (a) NINETY-FIVE PERCENT TO THE SENIOR SERVICES ACCOUNT  
19 WITHIN THE OLDER COLORADANS CASH FUND, CREATED PURSUANT TO  
20 SECTION 26-11-205.5 (5) (b), C.R.S.; AND

21 (b) FIVE PERCENT TO THE VETERANS ASSISTANCE GRANT PROGRAM

1 CASH FUND CREATED IN SECTION 28-5-712 (3), C.R.S.

2           **SECTION 2. Safety clause.** The general assembly hereby finds,  
3 determines, and declares that this act is necessary for the immediate  
4 preservation of the public peace, health, and safety.

5 <{*Safety clause is necessary to enact bill before June 30, 2016.*}>

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
1.22.16

DRAFT

LLS NO. 16-0929.01 Esther van Mourik x4215

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Evaluation Of The State's Tax Expenditures"

**A BILL FOR AN ACT**

101 **CONCERNING THE EVALUATION OF STATE TAX EXPENDITURES.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Joint Budget Committee.** The bill specifies that the joint budget committee (committee) is responsible for reviewing evaluations of the state's tax expenditures made by the state auditor as required in the bill. The committee may recommend legislation for the continuation, repeal, or modification of the evaluated tax expenditures for the following legislative session. The bill further specifies that the committee may make recommendations, or may recommend legislation, to the department of revenue, the office of state planning and budgeting, the Colorado office

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Dashes through the words indicate deletions from existing statute.*



of economic development, or any other appropriate state agency regarding improvements of tax expenditure administration.

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

2           **SECTION 1.** In Colorado Revised Statutes, 2-3-203, **add** (4) as  
3 follows:

4           **2-3-203. Powers and duties of the joint budget committee -**  
5 **definitions.** (4) (a) AS USED IN THIS SUBSECTION (4), UNLESS THE  
6 CONTEXT OTHERWISE REQUIRES:

7           (I) "STATE AUDITOR" MEANS THE STATE AUDITOR DESCRIBED IN  
8 SECTION 2-3-102.

9           (II) "TAX EXPENDITURE" HAS THE SAME MEANING AS IN SECTION  
10 39-21-302 (2), C.R.S.; EXCEPT THAT IT DOES NOT INCLUDE THE SALES AND  
11 USE TAX EXEMPTIONS FOUND IN SECTIONS 39-26-102 (20) AND (21),  
12 39-26-704 (1) AND (4), 39-26-706 (3), 39-26-707 (1) AND (2), 39-26-708,  
13 39-26-709, 39-26-713 (1) (d) AND (2) (e), AND 39-26-724, C.R.S.

14           (b) THE JOINT BUDGET COMMITTEE IS RESPONSIBLE FOR REVIEWING  
15 EVALUATIONS OF THE STATE'S TAX EXPENDITURES MADE BY THE STATE  
16 AUDITOR PURSUANT TO THE REQUIREMENTS SPECIFIED IN PARAGRAPHS (c)  
17 AND (d) OF THIS SUBSECTION (4) AND PURSUANT TO THE SCHEDULE SET  
18 FORTH IN PARAGRAPH (e) OF THIS SUBSECTION (4).

19           (c) THE STATE AUDITOR'S TAX EXPENDITURE EVALUATION MUST  
20 INCLUDE THE FOLLOWING:

21           (I) THE PURPOSE, INTENT, OR GOAL OF THE TAX EXPENDITURE;

22           (II) THE INTENDED BENEFICIARIES OF THE TAX EXPENDITURE;

23           (III) WHETHER THE TAX EXPENDITURE IS ACCOMPLISHING ITS  
24 PURPOSE, INTENT, OR GOAL;

25           (IV) THE ECONOMIC IMPACT OF THE TAX EXPENDITURE, INCLUDING

1 PAST AND ESTIMATED FUTURE IMPACTS;

2 (V) THE EXTENT TO WHICH THE DESIGN OF THE TAX EXPENDITURE  
3 IS EFFECTIVE TO ACCOMPLISH ITS PURPOSE, INTENT, OR GOAL AND  
4 WHETHER THE DESIGN OF THE TAX EXPENDITURE IS CONSISTENT WITH BEST  
5 PRACTICES;

6 (VI) WHETHER THERE ARE OTHER TAX EXPENDITURES, STATE  
7 SPENDING, OR OTHER GOVERNMENT PROGRAMS THAT HAVE THE SAME  
8 PURPOSE, INTENT, OR GOAL AS THE TAX EXPENDITURE, WHETHER THOSE  
9 ALL ARE APPROPRIATELY COORDINATED, AND, IF NOT, HOW COORDINATION  
10 COULD BE IMPROVED;

11 (VII) IF THE EVALUATION OF A PARTICULAR TAX EXPENDITURE'S  
12 ECONOMIC IMPACT IS MADE DIFFICULT BECAUSE OF DATA CONSTRAINTS,  
13 ANY SUGGESTIONS FOR CHANGES IN ADMINISTRATION OR LAW THAT  
14 WOULD FACILITATE SUCH DATA COLLECTION; AND

15 (VIII) AN EXPLANATION OF THE PERFORMANCE MEASURES USED  
16 TO DETERMINE THE EXTENT TO WHICH THE TAX EXPENDITURE IS  
17 ACCOMPLISHING ITS PURPOSE, INTENT, OR GOAL. THE PERFORMANCE  
18 MEASURES MUST BE CLEAR AND RELEVANT TO THE SPECIFIC TAX  
19 EXPENDITURE BEING EVALUATED. THE STATE AUDITOR SHALL CONSIDER  
20 THE ORIGINAL LEGISLATIVE INTENT AS WELL AS SUBSEQUENT  
21 DEVELOPMENTS IN THE STATE'S ECONOMY, THE NATIONAL ECONOMY, AND  
22 ANY CHANGES IN NATIONAL, STATE, OR LOCAL FISCAL POLICIES AND  
23 CONDITIONS.

24 (d) TO THE EXTENT IT CAN BE DETERMINED BY THE STATE  
25 AUDITOR, THE TAX EXPENDITURE EVALUATION SHOULD ALSO INCLUDE THE  
26 FOLLOWING:

27 (I) THE EXTENT TO WHICH IT IS LIKELY THAT THE DESIRED

1 BEHAVIOR MIGHT HAVE OCCURRED WITHOUT THE TAX EXPENDITURE;

2 (II) THE EXTENT TO WHICH THE TAX EXPENDITURE IS A  
3 COST-EFFECTIVE USE OF RESOURCES COMPARED TO OTHER OPTIONS FOR  
4 USING THE SAME RESOURCES OR ADDRESSING THE SAME PURPOSE, INTENT,  
5 OR GOAL; AND

6 (III) WHETHER THERE ARE ANY OPPORTUNITIES TO IMPROVE THE  
7 EFFECTIVENESS OF THE TAX EXPENDITURE IN MEETING ITS PURPOSE,  
8 INTENT, OR GOAL.

9 (e) NOTWITHSTANDING THE REQUIREMENTS IN SECTION 2-3-103  
10 (2), THE STATE AUDITOR SHALL EVALUATE TAX EXPENDITURES AND  
11 SUBMIT THE RESULTS IN AN EVALUATION REPORT TO THE JOINT BUDGET  
12 COMMITTEE AS FOLLOWS:

13 (I) NO LATER THAN SEPTEMBER 15, 2017, THE STATE AUDITOR  
14 SHALL DEVELOP AND PUBLISH A MULTI-YEAR SCHEDULE THAT LISTS ALL  
15 TAX EXPENDITURES IN LAW AS OF JULY 1, 2017, AND INDICATES THE YEAR  
16 WHEN THE EVALUATION REPORT WILL BE PUBLISHED FOR EACH TAX  
17 EXPENDITURE. IN DEVELOPING THE MULTI-YEAR SCHEDULE THE STATE  
18 AUDITOR SHALL ENDEAVOR TO REVIEW THE OLDEST TAX EXPENDITURES  
19 FIRST. THE STATE AUDITOR MAY REVISE THE SCHEDULE SO LONG AS THE  
20 STATE AUDITOR CONTINUES TO PROVIDE FOR A SYSTEMATIC EVALUATION  
21 OF ALL TAX EXPENDITURES, INCLUDING ANY NEW TAX EXPENDITURES  
22 ENACTED BY THE GENERAL ASSEMBLY SINCE THE PUBLICATION OF A  
23 PREVIOUS EVALUATION REPORT, AND SO LONG AS EACH TAX EXPENDITURE  
24 IS REVIEWED AT LEAST ONCE EVERY FIVE YEARS; AND

25 (II) NO LATER THAN SEPTEMBER 14, 2018, THE STATE AUDITOR  
26 SHALL ISSUE THE FIRST EVALUATION REPORT, AND SHALL ISSUE  
27 EVALUATION REPORTS NO LATER THAN SEPTEMBER 15 OF EACH YEAR

1       THEREAFTER.

2           (f) NO LATER THAN DECEMBER 14, 2018, AND NO LATER THAN  
3       DECEMBER 15 EVERY YEAR THEREAFTER, THE JOINT BUDGET COMMITTEE  
4       SHALL MEET TO CONSIDER THE EVALUATION REPORT SUBMITTED BY THE  
5       STATE AUDITOR. THE JOINT BUDGET COMMITTEE MUST HOLD A PUBLIC  
6       HEARING, TAKING TESTIMONY FROM THE STATE AUDITOR AND ANY  
7       INTERESTED MEMBERS OF THE PUBLIC REGARDING THE RESULTS OF THE  
8       EVALUATION REPORT. THE JOINT BUDGET COMMITTEE MAY RECOMMEND  
9       LEGISLATION FOR THE CONTINUATION, REPEAL, OR MODIFICATION OF THE  
10      EVALUATED TAX EXPENDITURES FOR THE FOLLOWING LEGISLATIVE  
11      SESSION.

12          (g)     THE JOINT BUDGET COMMITTEE MAY MAKE  
13      RECOMMENDATIONS TO THE DEPARTMENT OF REVENUE, THE OFFICE OF  
14      STATE PLANNING AND BUDGETING, THE COLORADO OFFICE OF ECONOMIC  
15      DEVELOPMENT, OR ANY OTHER APPROPRIATE STATE AGENCY, OR MAY  
16      RECOMMEND LEGISLATION, REGARDING IMPROVEMENTS OF TAX  
17      EXPENDITURE ADMINISTRATION OR REGARDING ANY DUTIES THE JOINT  
18      BUDGET COMMITTEE HAS UNDER THIS SUBSECTION (4).

19          (h) THE DEPARTMENT OF REVENUE MUST PROVIDE ANY REQUESTED  
20      INFORMATION, ANALYSIS, OR DATA, IF AVAILABLE AND UNDER THE  
21      CONTROL OF THE DEPARTMENT, AS REQUESTED BY THE JOINT BUDGET  
22      COMMITTEE OR THE STATE AUDITOR; EXCEPT THAT, IF THE REQUEST  
23      INCLUDES CONFIDENTIAL INFORMATION, SUCH INFORMATION MUST  
24      REMAIN CONFIDENTIAL IN THE HANDS OF THE JOINT BUDGET COMMITTEE  
25      OR THE STATE AUDITOR, AND THE JOINT BUDGET COMMITTEE OR STATE  
26      AUDITOR IS SUBJECT TO THE SAME LIMITATIONS SPECIFIED IN SECTION  
27      39-21-113, C.R.S. OTHER STATE AGENCIES MAY PROVIDE INFORMATION

1 OR DATA AS REQUESTED BY THE JOINT BUDGET COMMITTEE OR THE STATE  
2 AUDITOR.

3 **SECTION 2. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.